



2018/0193(COD)

19.2.2020

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control
(COM(2018)0368 – C8-0238/2018 – 2018/0193(COD))

Committee on Fisheries

Rapporteur: Clara Aguilera

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control
(COM(2018)0368 – C8-0238/2018 – 2018/0193(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0368),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0238/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2018¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Fisheries (A9-0000/2020),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 110, 22.3.2019, p. 118.

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council²⁸. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that Regulation. Its successful implementation depends on ***the effective and up-to-date control and enforcement*** system.

²⁸ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Amendment

(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council²⁸. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that Regulation. Its successful implementation depends on ***a simple, transparent and effective control system that ensures effective, uniform and up-to-date compliance in the Member States.***

²⁸ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Or. es

Justification

The new fisheries control system must be simple, transparent, effective and ensure effective, up-to-date and uniform compliance in the EU Member States.

Amendment 2

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Recreational fisheries play an important role in the Union, both from a

PE647.060

Amendment

(30) Recreational fisheries play an important role in the Union, both from a

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biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for specific tools allowing an effective control of recreational fisheries by the Member States. A registration or licensing system should allow a precise census of physical and legal persons participating in recreational fisheries and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the impact of *such fishing* practices on stocks and provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources.

biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for specific tools allowing an effective control of recreational fisheries by the Member States. A registration or licensing system should allow a precise census of physical and legal persons participating in recreational fisheries and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the *environmental, economic and social* impact of *these* practices on stocks and provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources.

Or. es

Amendment 3

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council³², Commission Implementing Regulation (EU) No 931/2011³³ lays down certain traceability rules for the specific sector of food of animal origin, namely a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the fisheries sector, traceability is important not only for food safety purposes but also to allow controls *and* ensure the protection of consumers' interests.

Amendment

(34) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council³², Commission Implementing Regulation (EU) No 931/2011³³ lays down certain traceability rules for the specific sector of food of animal origin, namely a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the fisheries sector, traceability is important not only for food safety purposes but also to allow controls, ensure the protection of consumers' interests *and help prevent illegal, unreported and*

unregulated (IUU) fishing practices.

³² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

³³ Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin (OJ L 242, 20.9.2011, p. 2).

³² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

³³ Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin (OJ L 242, 20.9.2011, p. 2).

Or. es

Amendment 4

Proposal for a regulation Recital 75 a (new)

Text proposed by the Commission

Amendment

(75a) In order to ensure no illegal, unreported and unregulated fishing (IUU) occurs under fisheries agreements with third countries, Regulation (EC) No 1005/2008 needs to be amended to provide for possible safeguard measures for fishery products, such as being able to suspend tariff preferences until a yellow card for IUU fishing has been lifted.

Or. es

Amendment 5

Proposal for a regulation Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1224/2009
Article 4 – point 2

Text proposed by the Commission

“2. ‘rules of the common fisheries policy’ means **legally binding Union acts, including international agreements concluded by the Union**, on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;”

Amendment

“2. ‘rules of the common fisheries policy’ means Union **legislation** on the conservation, management and exploitation of marine biological resources, **including the technical measures for the conservation of fishery resources and the protection of marine ecosystems**, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;”

Or. es

Justification

In the interests of better standards, the technical measures for the conservation of marine resources and the protection of marine ecosystems need to be explicitly included in the definition.

Amendment 6

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b a (new)

Regulation (EC) No 1224/2009

Article 4 – point 3

Present text

3. ‘control’ means monitoring and surveillance;

Amendment

(ba) point 3 is replaced by the following:

3. ‘control’ means monitoring and surveillance **of fishing activities**;

Or. es

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R1224-20190814&qid=1582016726712>)

Amendment 7

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 1224/2009

Article 4 – point 14

Text proposed by the Commission

“14. ‘fishing restricted area’ means any marine area where fishing activities are temporarily or permanently restricted or prohibited;”

Amendment

“14. ‘fishing restricted area’ means any marine area where fishing activities are temporarily or permanently restricted or prohibited **by either regional, national, Union or international laws;**”.

Or. es

Justification

It must be made clear that restricted fishing areas can be established under regional, national, Union or international laws.

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e a (new)

Regulation (EC) No 1224/2009

Article 4 – point 16

Present text

16. ‘transhipment’ means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel;

Amendment

(ea) point 16 is replaced by the following:

16. ‘transhipment’ means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel **in port or at sea;**

Or. es

Justification

Transhipments may take place both at sea and in port and for reasons of legal certainty this should be specified.

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R1224-20190814&qid=1582016726712>

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point f

Regulation (EC) No 1224/2009

Article 4 – point 20

Text proposed by the Commission

“20. ‘lot’ means a **batch of units** of fishery **or** aquaculture products;”

Amendment

“20. ‘lot’ means a **specific quantity** of fishery **and** aquaculture products **of a given species which have a common origin**;”.

Or. es

Justification

The definition of ‘lot’ is ambiguous and must be altered therefore to make it clear and generic, given that Article 56a sets out the requirements with which lots of fishery and aquaculture products must comply.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point f a (new)

Regulation (EC) No 1224/2009

Article 4 – point 21

Present text

21. ‘processing’ means the process by which the presentation was prepared. It includes filleting, packing, canning, **freezing**, smoking, salting, cooking, pickling, drying or preparing **fish** for market in any other manner;

Amendment

(fa) point 21 is replaced by the following:

21. ‘processing’ means the process by which the presentation **of fisheries or aquaculture products** was prepared. It includes **gutting and any kind of cutting**, filleting, packing, canning, **refrigeration**, smoking, salting, cooking, pickling, drying or preparing **fisheries or aquaculture products** for market in any other manner;

Or. es

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R1224->

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point f b (new)

Regulation (EC) No 1224/2009

Article 4 – point 22

Present text

22. ‘landing’ means the *initial* unloading *of* any quantity of fisheries products from on board a fishing vessel to land;

Amendment

(fb) point 22 is amended as follows:

22. ‘landing’ means the *period of time required for the whole process of* unloading any quantity of fisheries products from on board a fishing vessel to land;

Or. es

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R1224-20190814&qid=1582016726712>)

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point h

Regulation (EC) No 1224/2009

Article 4 – point 23

Text proposed by the Commission

(h) point 23 is deleted.

Amendment

deleted

Or. es

Justification

Given that retail is an important link in the marketing chain, point 23 of Regulation (EC) No 1224/2009 should be retained.

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point i a (new)

Regulation (EC) No 1224/2009

Article 4 – point 28 a (new)

Text proposed by the Commission

Amendment

28a. ‘recreational fishing charter vessels’ means a skippered boat or vessel taking passengers out to sea to fish recreationally;

Or. es

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point k a (new)

Regulation (EC) No 1224/2009

Article 4 – point 34 a (new)

Text proposed by the Commission

Amendment

34a. ‘Traceability’ means the ability systematically to trace and follow all or part of the information concerning a food through all stages of its production, processing and distribution, in terms of registered identifications.

Or. es

Justification

This Regulation needs a clear definition of traceability so that control requirements can be clearly separated from labelling requirements, the purpose of the latter being simply transparency for consumers. Traceability in the fisheries sector is essential for reasons of food safety, controlling illegal, unreported and unregulated fishing, and providing transparency for consumers. The definition in the consolidated version of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law has therefore been taken and adapted for this definition.

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 1224/2009

Article 5 – paragraph 6

Text proposed by the Commission

Amendment

(2) In Article 5, paragraph 6 is deleted.

deleted

Or. es

Justification

Meeting the obligation to operate and maintain an effective control, inspection and enforcement system should be retained as a condition for the award of grants from the European Maritime and Fisheries Fund.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1224/2009

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if **it** has a valid fishing licence.

1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if **its owner or operator** has a valid fishing licence **issued by the competent authorities of the Member States**.

Or. es

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1224/2009

Article 6 – paragraph 3

Text proposed by the Commission

3. The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation **decided** by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b.

Amendment

3. The flag Member State shall suspend temporarily the fishing licence of **the owner or operator of** a vessel which is subject to temporary immobilisation **imposed** by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b, **and shall inform the European Fisheries Control Agency immediately thereof.**

Or. es

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1224/2009

Article 6 – paragraph 4

Text proposed by the Commission

4. The flag Member State shall withdraw permanently the fishing licence of a vessel which is the subject of a capacity adjustment measure referred to in Article 22 of Regulation (EU) No 1380/2013 or which has had its fishing authorisation withdrawn in accordance with Article 91b.

Amendment

4. The flag Member State shall withdraw permanently the fishing licence of **the owner or operator of** a vessel which is the subject of a capacity adjustment measure referred to in Article 22 of Regulation (EU) No 1380/2013 or which has had its fishing authorisation withdrawn in accordance with Article 91b, **and shall inform the European Fisheries Control Agency immediately thereof.**

Or. es

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting vessel position data at regular intervals.

Amendment

Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting vessel position data at regular intervals ***close to real-time or a maximum of every 10 minutes.***

Or. es

Justification

Advances in technology make it possible to equip fishing vessels with tracking devices able to transmit data on a real-time basis.

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a of the flag Member State to poll the fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection, or may use a land-based mobile network when in reach of such network.

Amendment

The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a of the flag Member State to poll the fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection, or may use a land-based mobile network when in reach of such network, ***or other technology available for data transmission and communication.***

Or. es

Justification

New technologies which may be developed in the future for vessel monitoring systems need to be included.

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 2, masters of Union fishing vessels below 12 metres' length overall may carry on board a mobile device which allows the vessel to be automatically located and identified by a vessel monitoring system through recording and transmitting vessel position data at regular intervals. In case the device is not within reach of a **mobile** network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such network and at the latest **before** entering port.

Amendment

3. By way of derogation from paragraph 2, masters of Union fishing vessels below 12 metres' length overall may carry on board a mobile device which allows the vessel to be automatically located and identified by a vessel monitoring system through recording and transmitting vessel position data at regular intervals **close to real-time or a maximum of every 10 minutes**. In case the device is not within reach of a **communications** network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such network and at the latest **upon** entering the port.

Or. es

Justification

Advances in technology make it possible to equip fishing vessels with tracking devices able to transmit data on a real-time basis. In addition, new technologies which may be developed in the future for vessel monitoring systems need to be included.

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 4

Text proposed by the Commission

4. When a Union fishing vessel is in the waters of another Member State, the flag Member State shall make available the

Amendment

4. When a Union fishing vessel is in the waters of another Member State, the flag Member State shall make available the

vessel position data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel position data shall also be made available to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing activities.

vessel position data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel position data ***of all fishing trips*** shall also be made available ***automatically*** to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing activities.

Or. es

Justification

It is important that the Member State has automatic access to the vessel position data.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 5

Text proposed by the Commission

5. If a Union fishing vessel operates in the waters of a third country or in waters where the fishing resources are managed by a regional fisheries management organisation as referred to in Article 3(1), and if the agreement with that third country or the applicable rules of that organisation so provide, vessel position data shall also be made available to that country or organisation.

Amendment

5. If a Union fishing vessel operates in the waters of a third country or in waters where the fishing resources are managed by a regional fisheries management organisation as referred to in Article 3(1), and if the agreement with that third country or the applicable rules of that organisation so provide, vessel position data ***of all fishing trips*** shall also be made available ***automatically*** to that country or organisation.

Or. es

Justification

If a regional fisheries management organisation or an agreement with a third country provide that vessel position data of Union fishing vessels operating in their waters must be provided, that data shall be made available automatically, without waiting for a request from the third country or the regional fisheries management organisation.

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Provisions under this Article shall also apply to support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, flying the flag of a Member State.

Or. es

Justification

Supporting vessels can also be involved in illegal operations, so it is important to ensure that they are equipped with vessel tracking devices.

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 1224/2009

Article 9 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”

These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
The Commission shall ensure that the provisions included are balanced and proportionate to the objectives pursued.”

Or. es

Justification

The technical specifications included in the implementing acts must be balanced and proportionate to the objectives pursued.

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 7

Regulation (EC) No 1224/2009

Article 9 a – paragraph 2

Text proposed by the Commission

2. Each flag Member State shall appoint the competent authorities responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre.

Amendment

2. Each flag Member State shall appoint, **from among** the **national or regional** competent authorities, **a lead competent authority** responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre.

Or. es

Justification

In several Member States, responsibility for monitoring lies with both national authorities and regions, and this needs to be pointed out for reasons of clarity. This amendment is part of the compromise reached between all the political groups in the last parliamentary term.

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 7

Regulation (EC) No 1224/2009

Article 9 a – paragraph 3

Text proposed by the Commission

3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and in particular as listed in Articles 109 and 110 **and operate** 7 days a week and 24 hours a day.

Amendment

3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and in particular as listed in Articles 109 and 110, **thus ensuring monitoring** 7 days a week and 24

hours a day.

Or. es

Justification

This needs to be pointed out for reasons of clarity. This amendment is part of the compromise reached between all the political groups in the last parliamentary term.

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the date ***and, where appropriate, time*** of catches;

(d) the date of catches;

Or. es

Justification

The excessive red tape involved in on-board fishing activities, such as the requirement to indicate the time of catches, with the brunt of work falling on the masters and captains of vessels, may distract their attention from such tasks as ensuring safety on board or engaging in fishing operations, etc. The administrative burden on board vessels should be kept to an acceptable minimum.

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the type of gear, technical specifications and dimensions;

(f) the type of gear, technical specifications and ***approximate*** dimensions;

Or. es

Justification

The data on the dimensions of the fishing gear should be approximate, so as not to incur liability for breaches or infringements owing to small variations.

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 2 – point h

Text proposed by the Commission

(h) estimated discards ***of live-weight equivalent in volume*** for any species not subject to the landing obligation;

Amendment

(h) estimated discards for any species not subject to the landing obligation;

Or. es

Justification

The proposal states that discards of species which fisherman are not obliged to land should still be logged. Quantifying these catches (e.g. small pelagics that are returned to the sea alive or bivalve molluscs, etc.) poses serious technical difficulties. The specifics of these data, including the choice of whether or not to record them, should be left to the discretion of masters and captains.

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 3 – point a

Text proposed by the Commission

(a) the type of lost gear;

Amendment

(a) the type ***and approximate dimensions*** of lost gear;

Or. es

Amendment 32

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 3 – point b

Text proposed by the Commission

(b) the date **and time** when the gear was lost;

Amendment

(b) the date when the gear was lost;

Or. es

Justification

For certain gears, such as longlines, it can be difficult to determine the time of loss with any exactitude, and it is doubtful how useful it would be to do so.

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 4 – subparagraph 1

Text proposed by the Commission

When compared with the quantities landed or the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per species. For species retained on board that do not exceed 50 kg live weight equivalent, the permitted margin of tolerance shall be 20 % per species.

Amendment

When compared with the quantities landed or the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per species. For ***mixed fisheries, small pelagic purse-seine vessels or*** species retained on board that do not exceed 50 kg live weight equivalent, the permitted margin of tolerance shall be 20 % per species. ***For tuna species, it shall be 25%.***

Or. es

Justification

All experts consulted agree that setting the margin of tolerance at 10% across the board is impossible would make compliance impossible for certain fisheries, and that exceptions

therefore need to be introduced. This is the case for mixed fisheries in the Mediterranean, small pelagic purse seine and tuna.

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 4 – subparagraph 2

Text proposed by the Commission

By derogation to the first subparagraph for **fisheries referred to in the first and third indents of Article 15(1)(a) of Regulation (EU) No 1380/2013 which are landed unsorted, the tolerance limitations set out in this paragraph shall not apply to catches of species which meet both of the following conditions:**

Amendment

By derogation to the first subparagraph for **small pelagic fisheries (mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, Argentinian silverside, sardine and sprat) and industrial fisheries (capelin, sandeel and Norway pout, among others) which are landed unsorted, the following exceptions shall be made:**

Or. es

Justification

A registration of all bycatch species above the threshold of 50 kg live weight with a tolerance margin of only 10 per cent per species is in practice impossible for the master of a fishing vessel fishing for pelagic or industrial species and keeping the catch on board fresh and unsorted.

(Last phrase of subparagraph 2 in the Commission text becomes point a) in Parliament's amendment, see AM 35)

Amendment 35

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 4 – subparagraph 2 – point a

Text proposed by the Commission

(a) they represent less than 1 % in weight of all species landed; and

Amendment

(a) the tolerance limitations set out in this paragraph shall not apply to catches of species which meet one of the following

conditions:

- (i) they represent less than 1% in weight of all species landed; or*
- (ii) their total weight is less than 100 kg.*

Or. es

Justification

(Point a) in Commission text becomes point a) – point i in Parliament’s amendment 35)

Amendment 36

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 1224/2009

Article 14 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) their total weight is less than 100 kg.

(b) for Member States which have adopted a risk-based sampling plan, approved by the Commission, for weighing unsorted landings, the following tolerance limitations shall apply:

(i) for small pelagics, and industrial fisheries, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % of the total volume of all species recorded in the logbook for each species;

(ii) for other non-target species, the permitted margin of tolerance in estimates – whether recorded in the logbook or not – of the quantities in kilograms of fish retained on board shall be 200 kg or 1 % of the total volume of all species recorded in the logbook for each species; and

(iii) for the total quantity of all species, the permitted margin of tolerance in estimates recorded in the logbook of the total quantity in kilograms of fish retained on board shall be 10 % of the total volume

of all species recorded in the logbook.

The permitted margin of tolerance shall not under any circumstances exceed 20 % per species.

Or. es

Justification

(Point b) in Commission text becomes point a) – point ii in Parliament's amendment 35)

Amendment 37

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 1224/2009

Article 15 – paragraph 2

Text proposed by the Commission

2. Masters of Union catching vessels of less than 12 metres' length overall shall submit by electronic means the information referred to in Article 14, to the competent authority of their flag Member State after the last fishing operation has been completed and before **entering port**.

Amendment

2. Masters of Union catching vessels of less than 12 metres' length overall shall submit by electronic means, **using a harmonised, simplified form**, the information referred to in Article 14, to the competent authority of their flag Member State after the last fishing operation has been completed and before **landing the catches**.

Or. es

Justification

For security reasons, small-scale fisheries catch data should be allowed to be transmitted in the safe haven provided by the port facilities.

Amendment 38

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 1224/2009

Article 15 a – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) the frequency of logbook data transmissions. **deleted**

Or. es

Justification

Instructions on frequency of transmission of logbook data have been set out in this Regulation.

Amendment 39

Proposal for a regulation

Article 1 – paragraph 1 – point 15 – point a

Regulation (EC) No 1224/2009

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres' length overall or more shall notify by electronic means the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information:

1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres' length overall or more **and performing fishing trips longer than 12 hours** shall notify by electronic means the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information, **except in exceptional circumstances**:

Or. es

Justification

Certain artisanal vessels spend only short times at sea on any given trip. A requirement for these vessels to make notifications four hours before arrival at port would be impossible in most cases and such notification should be permissible immediately before the landing and weighing of fish.

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point 15 – point b

Regulation (EC) No 1224/2009

Article 17 – paragraph 1 a

Text proposed by the Commission

“1a. The coastal Member State may **set a** shorter period of prior notification for vessels flying its flag which operate exclusively within its territorial waters provided that it does not impair the ability of Member States to carry out inspections.”

Amendment

“1a. The coastal Member State may **amend the** shorter period of prior notification for vessels flying its flag which operate exclusively within its territorial waters provided that it does not impair the ability of Member States to carry out inspections.”

Or. es

Amendment 41

Proposal for a regulation

Article 1 – paragraph 1 – point 15 – point c

Regulation (EC) No 1224/2009

Article 17 – paragraph 6 – point a

Text proposed by the Commission

(a) the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisheries products to be landed;

Amendment

(a) the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisheries products to be landed **and the risk of non-compliance with Common Fisheries Policy rules;**

Or. es

Justification

Prior notification is a very useful tool enabling fisheries control authorities to plan more efficiently for landing. Derogations to this rule should only be made for vessels with a low risk of non-compliance with the rules of the Common Fisheries Policy.

Amendment 42

Proposal for a regulation

Article 1 – paragraph 1 – point 17 a (new)

Regulation (EC) No 1224/2009

Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(17a) in Article 19, the following paragraph is added:

Any situation related to major engine malfunctions, medical evacuation or shelter due to serious weather conditions shall be considered ‘force majeure’. After arrival to port the captain must complete any missing information in the previously sent prior notification.

Or. es

Justification

It is necessary to define what is meant by force majeure.

Amendment 43

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EC) No 1224/2009

Article 19 a – paragraph 1

Text proposed by the Commission

Amendment

1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic means the competent authorities of their flag Member State at least **3 days** before the estimated time of arrival at port of the information listed in paragraph 3 and the flag Member State has not denied the authorisation to land within this period of time.

1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic means the competent authorities of their flag Member State at least **24 hours** before the estimated time of arrival at port of the information listed in paragraph 3 and the flag Member State has not denied the authorisation to land within this period of time.

Or. es

Justification

As notifications need to be submitted electronically and within a very short time, and given that in similar situations in EU waters the time limit is much shorter, the time limit proposed by the Commission needs to be reduced. A time limit of 24 hours before the scheduled arrival in port would seem reasonable for notification purposes.

Amendment 44

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EC) No 1224/2009

Article 19 a – paragraph 2

Text proposed by the Commission

2. The flag Member State may set a shorter period, of not less than **four** hours, for the prior notification referred to in paragraph 1 for fishing vessels flying their flag carrying out fishing activities in third country waters, taking into account the type of fishery products **and** the distance between the fishing grounds and port.

Amendment

2. The flag Member State may set a shorter period, of not less than **two** hours, for the prior notification referred to in paragraph 1 for fishing vessels flying their flag carrying out fishing activities in third country waters, taking into account the type of fishery products, the distance between the fishing grounds and port **as well as the risk of non-compliance with Common Fisheries Policy rules, or with the applicable rules in the waters of the third country where the vessels are operating. In defining the level of this risk, Member States shall take account of serious infringements committed by the vessels concerned.**

Or. es

Justification

For small vessels, such as purse-sein boats whose catch must be landed in accordance with the obligations of the Fisheries Agreement with Morocco, the four-hour time limit for prior notification by electronic means could prove excessive and should therefore be reduced to 2 hours. Furthermore, the risk of non-compliance with Common Fisheries Policy rules and any serious infringements committed by these vessels should be included in criteria for deciding whether to set shorter prior notification periods.

Amendment 45

Proposal for a regulation

Article 1 – paragraph 1 – point 19

Regulation (EC) No 1224/2009

Article 20 – paragraph 2 b

Text proposed by the Commission

2b. In order to apply for an authorisation to tranship under paragraph 2a, the masters of Union vessels shall submit electronically to their flag Member State, at least **3 days** before the planned transhipment operation, the following information:

Amendment

2b. In order to apply for an authorisation to tranship under paragraph 2a, the masters of Union vessels shall submit electronically to their flag Member State, at least **24 hours** before the planned transhipment operation, the following information:

Or. es

Justification

A 24-hour prior notification time limit is a reasonable solution and would ease the administrative burden.

Amendment 46

Proposal for a regulation

Article 1 – paragraph 1 – point 20

Regulation (EC) No 1224/2009

Article 21 – paragraph 6

Text proposed by the Commission

6. The Commission is empowered to adopt delegated acts in accordance with Article 119a to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1, taking into account the quantities and/or type of fisheries products.”

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 119a to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1, taking into account the quantities and/or type of fisheries products ***and the risk of non-compliance with Common Fisheries Policy rules, in addition to any other relevant legislation. In defining the level of this risk, serious infringements committed by the vessels concerned shall be considered.***”

Or. es

Justification

Trans-shipment operations entail the risk that items may illegally enter the food chain, and the risk of non-compliance with Common Fisheries Policy rules should therefore be considered when establishing derogations.

Amendment 47

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EC) No 1224/2009

Article 22 – paragraph 1

Text proposed by the Commission

1. Masters of Union fishing vessels of 10 metres' length overall or more shall send by electronic means the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transshipment operation.

Amendment

1. Masters of Union fishing vessels of 10 metres' length overall or more shall send, by electronic means, ***using the same form, harmonised at Union level, for all Member States***, the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transshipment operation.

Or. es

Justification

A single form, harmonised across all Member States, is needed to achieve harmonisation in monitoring of fishing activities in the EU.

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EC) No 1224/2009

Article 23 – paragraph 1

Text proposed by the Commission

1. The master of a Union fishing vessel, or its representative, shall complete ***an*** electronic landing declaration.

Amendment

1. The master of a Union fishing vessel, or its representative, shall complete ***a uniform*** electronic landing declaration ***that is the same for all Member States***.

Justification

A single declaration, harmonised across all Member States, is needed to achieve harmonisation in monitoring of fishing activities in the EU.

Amendment 49**Proposal for a regulation****Article 1 – paragraph 1 – point 21**

Regulation (EC) No 1224/2009

Article 23 – paragraph 2 – point g

Text proposed by the Commission

(g) the **registration number** of the weigher;

Amendment

(g) the **ID data** of the weigher;

Justification

If the catch is weighed at the auction, identifying the auction in question is deemed sufficient.

Amendment 50**Proposal for a regulation****Article 1 – paragraph 1 – point 23**

Regulation (EC) No1224/2009

Article 25 a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed-Circuit Television (CCTV) systems incorporating data storage.

Amendment

1. Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels, **identified as posing a high risk of non-compliance with the landing obligation in the specific oversight and inspection programmes adopted under Article 95**, fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed-Circuit Television

(CCTV) systems or other alternative discard-monitoring systems incorporating data storage.

Or. es

Justification

The presumption of innocence is a legal principle that must be maintained in all fields, including inspections in the EU fisheries sector. The obligation to install on-board cameras and other discard-monitoring equipment will thus apply only to vessels identified as having a high risk of non-compliance with the landing obligation.

Amendment 51

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 1224/2009

Article 33 – paragraph 4

Text proposed by the Commission

4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, the Member State shall provide to the Commission the corrected quantities established on the basis of that validation as soon as available and no later than 3 months after the date of landing.

Amendment

4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, ***it shall verify and cross-check data so as to correct such inconsistencies. In addition,*** the Member State shall provide to the Commission the corrected quantities established on the basis of that validation as soon as available and no later than 3 months after the date of landing.

Or. es

Justification

Whenever data inconsistencies are uncovered, Member States shall ensure that the information submitted is corrected.

Amendment 52

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 1224/2009

Article 33 – paragraph 6

Text proposed by the Commission

6. Catches taken in the framework of scientific research which are marketed and sold including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches shall be submitted to the Commission. They shall be counted against the quota applicable to the flag Member State ***insofar as they exceed 2% of the quotas*** concerned. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004 of the European Parliament and of the Council (*).

Amendment

6. Catches taken in the framework of scientific research which are marketed and sold including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches shall be submitted to the Commission. They shall be counted against the quota applicable to the flag Member State concerned. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004 of the European Parliament and of the Council (*).

Or. es

Justification

If catches resulting from scientific research are marketed and sold, they should, in any event, be counted as part of the quota of the flag Member State, as the operation is commercial and not research-based.

Amendment 53

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EC) No 1224/2009

Article 33 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Catches taken in the framework of scientific research may be donated to social projects, including providing food for homeless people.

Amendment 54**Proposal for a regulation****Article 1 – paragraph 1 – point 27**

Regulation (EC) No 1224/2009

Article 33 – paragraph 8

Text proposed by the Commission

8. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold ***insofar as they exceed 2% of the fishing effort allocated***. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004.

Amendment

8. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004.

Or. es

Justification

If catches resulting from scientific research are marketed and sold, they should, in any event, be counted as part of the quota of the flag Member State, as the operation is commercial and not research-based.

Amendment 55**Proposal for a regulation****Article 1 – paragraph 1 – point 28**

Regulation (EC) No 1224/2009

Article 34 – paragraph 1

Text proposed by the Commission

The Commission may request a Member State to submit more detailed and more frequent information than provided for in Article 33 in the case it is established that 80% of a quota for a stock or group of stocks is deemed to be exhausted.”

Amendment

1. A Member State shall inform the Commission, without delay, when it establishes that:

(a) 80% of the catches of a stock or group of stocks subject to a quota related to fishing vessels flying its flag has been exhausted; or

(b) 80% of the maximum allowable fishing effort related to a fishing gear or a specific fishery and to a corresponding geographical area and applicable to all or a part of the fishing vessels flying its flag has been reached.

In this case, the Commission may request more detailed and frequent information than provided for under the provisions of Article 33.

Or. es

Justification

In addition to quotas, fishing effort consists of mandatory limits for certain fisheries and fishing gear that need to be notified to the Commission. Additionally, Member States should be obliged to notify the Commission when a fishing quota or effort is close to exhaustion.

(Article 34 in the Commission text becomes a part of paragraph 1 a (new), see AM 56)

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – point 28

Regulation (EC) No 1224/2009

Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission may request a Member State to submit more detailed and more frequent information than provided

for in Article 33 in the case it is established that 80% of a quota for a stock or group of stocks is deemed to be exhausted, or 80% of the maximum allowable fishing effort for a fishing gear or a specific fishery and a corresponding geographical area has been reached. In that case, the Member State shall provide the Commission with the information requested.

Or. es

Justification

Increasing the power of an engine needs to be aligned with an infringement to distinguish it from any increase made in order to improve on-board safety and working conditions.

(Article 34 in the Commission text becomes a part of paragraph 1 a (new), see AM 55)

Amendment 57

Proposal for a regulation

Article 1 – paragraph 1 – point 35

Regulation (EC) No 1224/2009

Article 39 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition, Member States shall ensure that vessels having committed an offence related to the manipulation of an engine in order to increase the power of the vessel above the maximum continuous engine power indicated on the engine certificate are equipped with permanently installed devices that measure and record engine power.

Or. es

Justification

Increasing the power of an engine needs to be aligned with an infringement to distinguish it from any increase made in order to improve on-board safety and working conditions.

Amendment 58

Proposal for a regulation

Article 1 – paragraph 1 – point 37

Regulation (EC) No 1224/2009

Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall verify the accuracy and consistency of the data on engine power and tonnage, using all available information related to the technical characteristics of the vessel concerned.

Or. es

Justification

This amendment reinstates the existing obligation for Member States to verify the accuracy and consistency of the data on engine power. Additionally, tonnage is included, as recommended by the Court of Auditors in its 2017 report on fisheries control.

Amendment 59

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EC) No 1224/2009

Article 55 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries; and

(a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries, ***which sends applicants for such licences information on the EU's conservation measures to be applied in this area, including catch restrictions***; and

Or. es

Justification

While being unaware of a law does not absolve Member States from non-compliance with it, Member States should assist making recreational fishermen aware that there are

conservation measures that they have to respect and catch restrictions with which they have to comply.

Amendment 60

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EC) No 1224/2009

Article 55 – paragraph 1 – point b

Text proposed by the Commission

(b) collect data on catches from such fisheries through ***catch reporting or other data collection mechanisms based on a methodology which shall be notified*** to the Commission.

Amendment

(b) collect data on catches from such fisheries through ***a single, free and simple electronic declaration that is the same for all Member States, who will send this data*** to the Commission.

Or. es

Justification

In order to achieve real harmonisation and an efficient data collection, there should be a single, free and simple electronic declaration of catches for recreational fisheries that is the same for all Member States.

Amendment 61

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EC) No 1224/2009

Article 55 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Commission may, by way of ***implementing*** acts, adopt detailed rules concerning:

Amendment

The Commission may, by way of ***delegated*** acts, adopt detailed rules concerning:

Or. es

Justification

Since recreational fishing is a competence of the Member States and is an activity that has an impact on marine biological resources, delegated acts are more appropriate for the development of rules in this area.

Amendment 62

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EC) No 1224/2009

Article 55 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Those **implementing** acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Amendment

Those **delegated** acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Or. es

Justification

Since recreational fishing is a competence of the Member States and is an activity that has an impact on marine biological resources, delegated acts are more appropriate for the development of rules in this area.

Amendment 63

Proposal for a regulation

Article 1 – paragraph 1 – point 44

Regulation (EC) No 1224/2009

Article 55 – paragraph 6

Text proposed by the Commission

6. This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition. ”

Amendment

6. This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition, **including recreational fishing charter vessels.** ”

Or. es

Justification

The recreational fishing charter vessels sector has a high growth potential and a direct and immediate impact on the management of marine biological resources.

Amendment 64

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 56 – paragraph 1

Text proposed by the Commission

1. Each Member State shall be responsible for controlling on its territory the application of the rules of the common fisheries policy at all stages of marketing of fishery and aquaculture products, from their ***placing on the market*** to the retail sale, including transport. Member States shall in particular take measures to ensure that the use of fishery products below the applicable minimum conservation reference size that are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 is restricted to purposes other than direct human consumption.

Amendment

1. Each Member State shall be responsible for controlling on its territory the application of the rules of the common fisheries policy at all stages of marketing of fishery and aquaculture products, from their ***first sale*** to the retail sale, including ***catering and*** transport. Member States shall in particular take measures to ensure that the use of fishery products below the applicable minimum conservation reference size that are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 is restricted to purposes other than direct human consumption.

Or. es

Justification

The term 'first sale' defines and clarifies the stage during which a product is placed on the market, and is more in line with the provisions of Article 59. Catering should be included to cover all stages of the chain 'from farm to fork' – in this case 'from sea to fork'.

Amendment 65

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 56 a – paragraph 1

Text proposed by the Commission

1. Fishery and aquaculture products ***from catching or harvesting*** shall be put into lots prior to placing on the market.

Amendment

1. Fishery and aquaculture products shall be put into lots prior to placing on the market.

Or. es

Justification

The term 'placing on the market' is very broad and covers all processes that are part of the supply chain. Since the lots have to comply with the first of these processes, it is more appropriate to use the expression 'placing on the market' which, in accordance with the provisions of Article 59, occurs by means of the first sale of the products. In this case, the term 'placing on the market' should be used to cover cases in which fishery products are available in lots prior to their first sale.

Amendment 66

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 56 a – paragraph 2

Text proposed by the Commission

2. ***A lot shall only contain*** fishery or aquaculture products of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit.

Amendment

2. ***Lots of*** fishery or aquaculture products ***shall consist*** of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit.

Or. es

Justification

In line with Council Regulation (EC) No 2406/96 of 26 November 1996, for the purposes of the first sale, lots of fishery and aquaculture products should respect the size and freshness categories for species subject to these rules.

Amendment 67

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 56 a – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 2, quantities of fishery products totalling less than 30kg of fishery products

Amendment

3. By way of derogation from paragraph 2, quantities of fishery products totalling less than 30kg of fishery products

of several species and coming from the same relevant geographical area and of the same presentation, per vessel and per day, may be put into the same lot by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by **a** registered buyer, prior to the placing on the market.

of several species and coming from the same relevant geographical area and of the same presentation, per vessel and per day, may be put into the same lot by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member, **by the fisheries auction** or by **the** registered buyer, prior to the placing on the market.

Or. es

Justification

It is necessary to refer to the fisheries auction as a competent entity, along with the producer organisation and the authorised buyer, to put together the lots referred to in paragraph 3.

Amendment 68

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 56 a – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) The lots referred to in paragraph 3 shall be maintained throughout the marketing chain provided that they are not put together with another lot or are split.

Or. es

Justification

It is deemed necessary to provide this clarification so that no doubts arise as to whether the lot made up of a number of species which come from the same geographical area and of the same presentation, whose combined weight is less than 30 kilograms per vessel and per day, can be found at another level of the marketing chain before the first sale.

Amendment 69

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Text proposed by the Commission

2. Checks may take place at all stages in the supply chain including transport. In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature.

Amendment

2. Checks may take place at all stages in the supply chain, including transport **and catering**. In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature.

Or. es

Justification

Catering should be included to cover all stages of the chain 'from farm to fork' – in this case 'from sea to fork'.

Amendment 70

Proposal for a regulation

Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 58 – paragraph 6 – point d

Text proposed by the Commission

(d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;

Amendment

(d) the relevant geographical area(s) for fishery products caught at sea, **conveyed by the area/sub-area/FAO statistics division in which the catch was taken with a record of whether the catch was taken in high seas, in the regional fisheries management organisations' regulatory area or in an exclusive economic zone (EEZ)**, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;

Or. es

Justification

The new traceability requirements should enable the competent authorities to trace the origin of the products to the vessel which made the catches and, as accurately as possible, the area in which the catch was made.

Amendment 71

Proposal for a regulation

Article 1 – paragraph 1 – point 49

Regulation (EC) No 1224/2009

Article 60 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) In case of fisheries products destined for human consumption, Member States could authorise weighing of unsorted fisheries products to be market according to the exception of Article 56a(3).

Or. es

Justification

Traditionally, local fisheries auctions have jointly marketed a series of fish that individually have no commercial value, but jointly marketed as a product called 'soup fish', do. Article 56a(3) contemplates the possibility of marketing soup fish, since it allows fisheries products of several species to be marketed in the same lot. Therefore, a weighing exception should be established, complementary to the exception in the creation of lots for marketing.

Amendment 72

Proposal for a regulation

Article 1 – paragraph 1 – point 56

Regulation (EC) No 1224/2009

Article 68 – paragraph 2

Text proposed by the Commission

Amendment

2. Before the transport begins, the **transporter** shall transmit the transport document by electronic means to the competent authorities of the flag Member State, of the Member State of landing, the

2. Before the transport begins, the **operator authorised to weigh fishery products** shall transmit the transport document by electronic means to the competent authorities of the flag Member

Member State(s) of transit, the Member State of destination of the fisheries product, as appropriate.

State, of the Member State of landing, the Member State(s) of transit, the Member State of destination of the fisheries product, as appropriate.

Or. es

Justification

It is neither logical not feasible to make the transporter responsible for transmitting the transport document to the competent authority. That responsibility should lie with the operator authorised to weigh fishery products, especially as the weighing records are needed to complete that document.

Amendment 73

Proposal for a regulation

Article 1 – paragraph 1 – point 56

Regulation (EC) No 1224/2009

Article 68 – paragraph 3

Text proposed by the Commission

3. The **transporter** shall be responsible for the accuracy of the transport document.

Amendment

3. The **operator authorised to weigh fishery products** shall be responsible for the accuracy of the transport document.

Or. es

Justification

In line with the previous amendment, responsibility for the accuracy of the transport document should lie with the operator authorised to weigh fishery products, without this in any way affecting the responsibility of the transporter in the conduct of his activity.

Amendment 74

Proposal for a regulation

Article 1 – paragraph 1 – point 60

Regulation (EC) No 1224/2009

Article 76 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Officials shall draw up an inspection report after each inspection and shall forward it to

Amendment

Officials shall draw up an inspection report after each inspection, **based on an**

their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.

electronic form which contains the same information for all Member States and shall forward it to their competent authorities, ***the EFCA, and the operator or the master***. ***Member States may include information additional to that contained in the common electronic form.*** Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.

Or. es

Justification

In order to standardise controls across the EU, Member States should use a common form for inspection reports containing the same basic information on the checks conducted. Member States should also be free to include additional information. This amendment is part of the compromise reached between all the political groups in the last parliamentary term.

Amendment 75

Proposal for a regulation

Article 1 – paragraph 1 – point 60

Regulation (EC) No 1224/2009

Article 76 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected serious infringements.

Amendment

In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned, ***the EFCA, and the operator or the master***, and to the Commission in the case of detected serious infringements.

Or. es

Justification

Amendment based on the principle of good administration laid down in Article 41 of the Charter of Fundamental Rights of the European Union. This amendment is part of the compromise reached between all the political groups in the last parliamentary term.

Amendment 76

Proposal for a regulation

Article 1 – paragraph 1 – point 60

Regulation (EC) No 1224/2009

Article 76 – paragraph 1 – subparagraph 3

Text proposed by the Commission

In case of an inspection carried out in the waters or ports under the jurisdiction of another Member State than the inspecting Member State or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country.

Amendment

In case of an inspection carried out in the waters or ports under the jurisdiction of another Member State than the inspecting Member State or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country, ***and to the EFCA the operator and the master.***

Or. es

Justification

Amendment based on the principle of good administration laid down in Article 41 of the Charter of Fundamental Rights of the European Union. This amendment is part of the compromise reached between all the political groups in the last parliamentary term.

Amendment 77

Proposal for a regulation

Article 1 – paragraph 1 – point 60

Regulation (EC) No 1224/2009

Article 78 – paragraph 1

Text proposed by the Commission

1. Member States shall set up and keep up to date an electronic database where they upload all inspection reports

Amendment

1. Member States shall set up and keep up to date an electronic database where they upload all inspection reports

and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials or third country officials, as well as other inspections reports and surveillance report drawn up by their officials.

and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials or third country officials, as well as other inspections reports and surveillance report drawn up by their officials. ***The EFCA shall centralise the Member States' databases.***

Or. es

Justification

The role of the European Fisheries Control Agency should be strengthened if controls are to be harmonised and good coordination ensured. Among other things, the EFCA should be responsible for centralising the Member States' databases.

Amendment 78

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 89 a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a natural person having committed or a legal person held liable for infringements of rules of common fisheries policy is punishable by effective, proportionate and dissuasive administrative sanctions.

Amendment

1. Member States shall ensure that a natural person having committed or a legal person held liable for infringements of rules of common fisheries policy is punishable by effective, proportionate and dissuasive ***criminal-law and*** administrative sanctions.

Or. es

Amendment 79

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 89 a – paragraph 4

Text proposed by the Commission

4. Member States **may** apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement.

Amendment

4. Member States **shall** apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement.

Or. es

Amendment 80

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 90 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall publish, prior to implementation of the provisions on penalties, guidelines to ensure standard determination of the seriousness of infringements in the Union and uniform interpretation of the various penalties applicable. Those guidelines shall be published on the Commission's website and made available to the general public.

Or. es

Justification

In order to prevent unfairness and differences in treatment within the Union, the Commission needs to help Member States determine the seriousness of infringements and ensure uniform interpretation of the various penalties applicable.

Amendment 81

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 91 a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In all cases, no more than one Member State may institute proceedings or impose fines for each act of infringement.

Or. es

Justification

This amendment will help ensure no one is punished twice for the same offence.

Amendment 82

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 91 b – point 7

Text proposed by the Commission

Amendment

(7) the temporary or permanent ban on access to public assistance or subsidies;

(7) the temporary or permanent ban on access to public assistance or subsidies **from the EFCA**;

Or. es

Justification

This nuance is needed to ensure that ‘ban’ does not mean a total ban on receiving public assistance or subsidies that have nothing to do with the maritime and fisheries sector.

Amendment 83

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 91 b – point 10

Text proposed by the Commission

Amendment

(10) the temporary suspension of the economic activity or its permanent

(10) the temporary suspension of the economic activity **of fishing** or its

cessation;

permanent cessation;

Or. es

Justification

The cessation of economic activity should be limited to the economic activity of fishing per se, to prevent any other activities of the undertaking from being stopped.

Amendment 84

Proposal for a regulation

Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 92 – paragraph 3

Text proposed by the Commission

3. ***While remaining*** attached to the licence holder who sold the fishing vessel, ***points shall also*** be assigned to ***any*** new holder of the fishing licence for the fishing vessel concerned ***where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement.***

Amendment

3. ***Points shall continue to be*** attached to the licence holder who ***has committed the infringement and has subsequently*** sold the fishing vessel ***in the event of sale, transfer or any other change of ownership after the date of the infringement; in no circumstances shall they*** be assigned to ***the*** new holder of the fishing licence for the fishing vessel concerned.

Or. es

Justification

Allocating the points for an infringement to the new owner of a vessel is tantamount to duplicating the infringement and is contrary to the principle of penalties being offender-specific.

Amendment 85

Proposal for a regulation

Article 1 – paragraph 1 – point 71 a (new)

Regulation (EC) No 1224/2009

Article 101 – paragraph 4 a (new)

Present text

Amendment

(71a) in Article 101, the following paragraph is added:

5. If, after the action has been adopted, the Member State still fails to remedy the situation and act on the shortcomings in its control system, the Commission shall start an investigation with the aim to open infringement proceedings against that Member State.

Or. es

Justification

This measure aims at addressing situations where action plans have been opened for a long time, without any result. In this case, the Commission, in its role as Guardian of the Treaties, has the obligation to act and take the necessary action to remedy the situation.

(<https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:02009R1224-20190814&qid=1582016726712&from=EN>)

Amendment 86

Proposal for a regulation

Article 1 – paragraph 1 – point 73 – point a

Regulation (EC) No 1224/2009

Article 104 – paragraph 1

Text proposed by the Commission

Amendment

“1. Where a Member State does not respect its obligations for the implementation of *a multiannual plan*, and where the Commission has evidence that the failure to respect those obligations constitutes a serious threat to the conservation of a stock or group of stocks, the Commission may, by means of implementing acts, provisionally close the fisheries affected by those shortcomings for the Member State concerned.”

“1. Where a Member State does not respect its obligations for the implementation of ***Common Fisheries Policy rules, including technical measures for the conservation of fishery resources and the protection of marine ecosystems***, and where the Commission has evidence that the failure to respect those obligations constitutes a serious threat to the conservation of a stock or group of stocks, the Commission may, by means of implementing acts, provisionally close the fisheries affected by those shortcomings for the Member State concerned.”

Justification

The EU has sole competence for the conservation of marine biological resources under the Common Fisheries Policy (Article 3 TFEU). This provision should therefore apply not only to the failure of Member States to comply with their obligations under the multiannual plans, but also to any serious threat to the conservation of marine biological resources.

Amendment 87**Proposal for a regulation****Article 1 – paragraph 1 – point 77 – point a**

Regulation (EC) No 1224/2009

Article 109 – paragraph 1

Text proposed by the Commission

“1. Member States shall set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data.

Amendment

“1. Member States shall set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data. ***The set of data from the Member States’ databases shall be transferred to a single database managed by the EFCA.***

Justification

The role of the European Fisheries Control Agency should be strengthened, inter alia, by the added value that it can bring to coordination of the control activities of the Member States.

Amendment 88**Proposal for a regulation****Article 1 – paragraph 1 – point 81**

Regulation (EC) No 1224/2009

Article 112 – paragraph 3

Text proposed by the Commission

3. Personal data contained in information referred to in Article 110(1)

Amendment

3. Personal data contained in information referred to in Article 110(1)

and (2) shall not be stored for a period longer than **5 years**, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, which may be retained for 10 years. If the information listed in Article 110(1) and (2) is retained for a longer period of time, the data shall be anonymized.

and (2) shall not be stored for a period longer than **one year**, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, which may be retained for 10 years. If the information listed in Article 110(1) and (2) is retained for a longer period of time, the data shall be anonymized.

Or. es

Justification

As stated in the opinion of the European Data Protection Supervisor on the reform of fisheries control, there is no justification for a 5-year period and it clashes headlong with the principle of limiting data storage.

Amendment 89

Proposal for a regulation

Article 4 – paragraph 1 – point 9 a (new)

Regulation (EC) No 1005/2008

Article 18 – paragraph 3

Present text

3. In the event that the importation of fishery products is refused pursuant to paragraphs 1 or 2, Member States may confiscate and destroy, dispose of or sell such fishery products in accordance with national law. The profits from the sale **may** be used for charitable purposes.

Amendment

(9a) in Article 18, paragraph 3 is replaced by the following:

3. In the event that the importation of fishery products is refused pursuant to paragraphs 1 or 2, Member States may confiscate and destroy, dispose of or sell such fishery products in accordance with national law. The profits from the sale **shall** be used for charitable purposes.

Or. es

Justification

Where the Member State sells unauthorised fishery products, they should allocate those profits for charitable purposes.

(<https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:02008R1005->

Amendment 90

Proposal for a regulation

Article 4 – paragraph 1 – point 10 a (new)

Regulation (EC) No 1005/2008

Article 38 – paragraph 8

Present text

(8) the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreement with such countries which provides for termination of the agreement in case of failure to comply with undertakings made by them with regard to combating IUU fishing;

Amendment

(10a) in Article 38, paragraph 8 is replaced by the following:

(8) the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreement with such countries which provides for termination of the agreement in case of failure to comply with undertakings made by them with regard to combating IUU fishing; ***where the Commission detects IUU-related activities, it may introduce safeguard measures for fisheries products, such as the possibility of suspending preferential tariffs, until the yellow card for IUU fishing has been lifted;***

Or. es

Justification

The Commission must be able to introduce safeguard measures for fisheries products, such as the possibility of suspending preferential tariffs, until the yellow card for IUU fishing has been lifted;

(<https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:02008R1005-20110309&qid=1582024898371&from=EN>)

Amendment 91

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Articles 1, 3, 4, 5 shall apply from [**24 months** after date of entry into force].

Amendment

Articles 1, 3, 4, 5 shall apply from [**5 years** after date of entry into force].

Or. es

Justification

Sufficient time must be allowed for working out all the rules for implementing the provisions contained in this regulation, and the fishing industry needs to be given enough time to implement all these changes, some of which call for a change in the mindset of fisheries professionals.

EXPLANATORY MEMORANDUM

Background to the Commission proposal

Parliament's 2016 resolution² on how to make fisheries control in Europe uniform explicitly called on the Commission to revise Regulation (EC) No 1224/2009 on fisheries control.

Parliament's resolution called first and foremost for rules on fisheries, their control and the applicable sanctions to be uniform throughout the European Union. In particular, it called for inspection procedures and penalties for infringements to be harmonised.

With a view to achieving this goal, the resolution listed a number of proposals concerning the entire control chain, from training – including the introduction of a uniform European training curriculum for fisheries inspectors – to the use of new, identical and connected technologies for surveillance and real-time and centralised information transmission and communication.

Discussions in the Council, with the Administrative Board of the European Fisheries Control Agency (EFCA), with the Member States and with stakeholders not only served to consolidate the position of the European Parliament, but also confirmed that the EU institutions and the direct stakeholders all believe that the Fisheries Control System is not effective and does not lend itself to meeting the objectives of the common fisheries policy (CFP)³.

Firstly, the current fisheries control system was designed before the CFP reform and, despite the adoption of Regulation (EU) No 812/2015, the Omnibus Regulation, it is not fully consistent with that reform.

Secondly, its drafting leaves it very open to interpretation by Member States in their implementation of it.

The Commission's proposal

The Commission followed up on Parliament's initiative by publishing, on 30 May 2018, a proposal for a regulation to amend the Union fisheries control system.

The measures establishing a Union Fisheries Control System (FCS) for ensuring compliance with rules of the CFP are provided for in four different legal acts^(4,5,6,7).

² European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform P8_TA(2016)0407.

³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council, OJ L 354, 28.12.2013, p.22.

⁴ 1) Council Regulation (EC) No 1224/2009, on fisheries control (OJ L 343, 22.12.2009, p. 1).

⁵ 2) Council Regulation (EC) No 768/2005 establishing a European Fisheries Control Agency (EFCA) (OJ L 128, 21.5.2005, p. 1).

⁶ 3) Council Regulation (EC) No 1005/2008 establishing a system to combat illegal, unreported and unregulated fishing (IUU Regulation) (OJ L 286, 29.10.2008, p. 1).

⁷ 4) Regulation (EU) No 2017/2403 of the European Parliament and of the Council on the Sustainable Management of the External Fleets (OJ L 347, 28.12.2017, p. 1).

The proposal amends these legal acts, except for the Regulation on the sustainable management of external fishing fleets, which was revised recently and aligns two existing regulations^{8,9} with the new control system proposal.

In its explanatory memorandum, the Commission states that ‘the specific objectives of the proposal are to: 1) bridge the gaps with the CFP and with other EU policies; 2) simplify the legislative framework and reduce unnecessary administrative burden; 3) improve availability, reliability and completeness of fisheries data and information, in particular of catch data, and allow exchange and sharing of information; 4) remove obstacles that hinder the development of a culture of compliance and the equitable treatment of operators within and across Member States.’

The proposal includes the following measures:

- **clarification of the inspection process**, inspectors’ duties, and masters’ and operators’ duties during inspections as well as the mandatory use of an Electronic Inspection Report System which will allow a better use and exchange of data between relevant authorities and Member States.
- **a new list of infringements** of the CFP rules, which should be qualified as serious by nature, a new detailed and exhaustive list of criteria to qualify as serious certain other infringements of the CFP rules, as well as the introduction of mandatory administrative sanctions and minimum levels of fines for serious infringements of CFP rules in the interests of further harmonisation;
- **a more reliable and comprehensive fisheries data system** providing for the full digitalisation of transshipment and landing declarations, applicable to all EU fishing vessels (including those less than 12 metres in length), an electronic traceability system for all vessels, new weighing procedures for fishery products and strengthened rules on recording catches from recreational fisheries;
- **improved traceability of fishery and aquaculture products** be they from the EU or imported: the requirements regarding traceability information obligations have been clarified and make it possible to link a specific lot of fishery products to a particular landing by an EU fishing vessel; information is recorded electronically, making controls in the supply chain within the internal market more effective;
- **the use of remote electronic monitoring tools**, such as dynamic positioning or on-board surveillance cameras for the purpose of controlling the landing obligation, and the requirement that certain vessels with active fishing gears are fitted with a device that monitors and records engine power;
- **improved reporting of lost fishing gear** using (electronic) fishing logbooks for all categories of vessels, elimination of the existing derogation for vessels less than 12 metres in length from the obligation to carry equipment necessary for retrieval of lost gear and the setting of conditions for the laying down of Union provisions on the marking and control of fishing gear for recreational fishing;
- **revision of the European Fisheries Control Agency (EFCA)’s mission** to fully align its objectives with the common fisheries policy and extend its inspection powers.

⁸ Amendment to Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

⁹ Amendment to Regulation (EU) 2016/1139 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks

Position of the Rapporteur

The procedure started in the European Parliament with the Socialist MEP Isabelle Thomas as rapporteur and the submission of a first draft report on 18 December 2018. Following the tabling of 851 amendments, intensive discussions were held to reach compromise agreements. Despite the efforts and the magnificent work of Thomas and her team, the eighth parliamentary term of the European Parliament ended on 18 April 2019 without a comprehensive agreement on this dossier.

In the ninth parliamentary term of the European Parliament, the new Socialist rapporteur Clara Aguilera decided to start the procedure for this dossier from the beginning and give the new Members of the European Parliament the opportunity to discuss this reform in depth.

The European Parliament declared the climate emergency on 28 November 2019 and is fully committed to the objective of achieving climate neutrality by 2050 at the latest. This means a change of mind-set across society, including in the fisheries sector. To ensure that the measures included in the Common Fisheries Policy (CFP) have the expected result, the key is to have a simple, transparent and effective control system that ensures effective, uniform and up-to-date compliance in the EU Member States, without leading to an increase in the administrative burden and without necessitating additional effort by the public administrations. To this end, the rapporteur proposes to supplement and amend the proposal to achieve the necessary harmonisation of the EU fisheries control and inspection system and to avoid generating feelings of unfair treatment among fishermen in the different Member States.

The rapporteur believes that modernisation and use of new technologies should facilitate the objectives of strengthening control in relation to the new challenges faced by the fishing sector: the landing obligation, traceability throughout the food chain ('from farm to fork' or in this case, 'from sea to fork'), to include recreational fisheries, as well as data exchange between Member States, the European Commission and the European Fisheries Control Agency, but also with third countries, in all aspects and areas.

In this connection, and following the unanimous opinion of the experts consulted, the only way to carry out effective monitoring of the landing obligation is to equip a minimum percentage of fishing vessels, identified under specific control and inspection programmes as representing a high risk of non-compliance with the landing obligation and catching species subject to the landing obligation, with continuously recording CCTV systems and/or other alternative discard monitoring systems incorporating data storage devices.

Small scale fisheries play a vital role in the Union, from a biological, economic and social perspective. Considering that they account for around 80% of vessels in the Union, it is necessary to be able to assess the impact of artisanal fisheries on stocks and to this end it must be possible to monitor that the fishing activities and fishing effort of smaller vessels comply with the rules of the CFP, equipping them technologically with easy to use devices that do not endanger safety on board.

With regard to traceability, the rapporteur is convinced of the need to make available to consumers information on where and how the fish was caught. This information contributes to food security, allows controls and is essential to combat illegal fishing. We are in the digital

age, we cannot continue using paper certificates, digitisation means simplification: it allows for an immediate flow of data, requires less bureaucracy and allows inspections to be combined. In addition, it is essential that all actors in the value chain are involved and that they work together. It is equally important that the new systems should be easy to use and transfer and should not entail excessive costs for operators, especially small businesses.

Recreational fishing plays an important role in the Union and it is necessary to ensure effective control of this activity by the Member States. To this end, we need to create a uniform, if not a single, system, allowing for registration or the issuing of licences, as well as the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the environmental, economic and social impact of such fishing practices on stocks and provide Member States and the Commission with the information necessary for an effective management and control of all marine biological resources.

In order to ensure the absence of illegal, unreported and unregulated fishing (IUU), fisheries agreements with third countries must allow the Commission to establish safeguard measures for fishery products if deemed necessary, such as the possibility of suspending tariff preferences until a yellow card for IUU fishing has been lifted.