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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's first reading (Strasbourg, 16 to 19 October 2023)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on Fisheries (PECH), Pierre KARLESKIND (RE, FR), presented on behalf of PECH a compromise amendment (amendment number 345) to the abovementioned proposal for a Regulation, for which Clara AGUILERA (S&D, ES) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above.

In addition, The Left group tabled seven amendments (amendments number 346-352) and the ID group tabled one amendment (amendment number 353).

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 17 October 2023, the plenary adopted the compromise amendment (amendment number 345) to the abovementioned proposal for a Regulation. No other amendments were adopted. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

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Fisheries control

European Parliament legislative resolution of 17 October 2023 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 the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 23 June 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- 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 (A9-0016/2021),

¹ OJ C 110, 22.3.2019, p. 118.

1. Adopts its position at first reading hereinafter set out²;
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.

² This position replaces the amendments adopted on 11 March 2021 (OJ C 474, 24.11.2021, p. 218).

Position of the European Parliament adopted at first reading on 17 October 2023 with a view to the adoption of Regulation (EU) 2023/... of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations ■ (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C 110, 22.3.2019, p. 118.

² Position of the European Parliament of 17 October 2023.

Whereas:

- (1) ■ The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of ***Regulation (EU) No 1380/2013 of the European Parliament and of the Council***³. The successful implementation ***of the common fisheries policy*** depends on ***an effective, efficient, modern and transparent system of control and enforcement*** ■ .
- (2) Council Regulation (EC) No 1224/2009⁴ established a Union fisheries control system which provides ■ , inter alia, for ***fisheries*** monitoring centres, tracking of fishing vessels, catch reporting obligations, prior notifications, authorisations ***to*** tranship in third countries, publication of fisheries closures, control of fishing capacities, national control programmes, control of recreational fisheries ■ , control in the supply chain of fishery and aquaculture products, weighing of fishery products, transport documents, landing declarations, sales notes and take-over declarations, inspections and audits, sanctioning of infringements and ■ access to data.

³ 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).

⁴ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (3) Regulation (EC) No 1224/2009 was, however, ***adopted*** prior to the adoption of ***Regulation (EU) No 1380/2013, for the purpose of control and enforcement of the rules of the common fisheries policy in force at the time.*** It should therefore be amended in order to better address the requirements for the control and enforcement of the common fisheries policy in accordance with Regulation (EU) No 1380/2013, to take advantage of modern and more cost-effective control technologies ***and to take into account the latest scientific findings to ensure that fishing and aquaculture activities are environmentally sustainable in the long term.*** The amendments should also be consistent with the Union's international obligations, including those under the 2009 Food and Agriculture Organisation Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing approved by the Union by Council Decision 2011/443/EU⁵.
- (4) The *Union fisheries control system should, in addition, foster fair competition between operators across Member States while also contributing to the achievement of the other objectives of the common fisheries policy.*

⁵ Council Decision 2011/443/EU of 20 June 2011 on the approval, on behalf of the European Union, of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (OJ L 191, 22.7.2011, p. 1).

- (5) In Regulation (EC) No 1224/2009, reference should be made to the definitions in Regulation (EU) No 1380/2013 and Regulation (EU) No 1379/2013 of the European Parliament and Council⁶. In the interest of clarity and consistency, some definitions in Regulation (EC) No 1224/2009 should be deleted or amended and new definitions should be added.
- (6) The definition of ‘rules of the common fisheries policy’ should be amended to clarify that its scope covers all Union law in the ***areas of conservation, management and exploitation of marine biological resources, aquaculture, as well as processing, transport and marketing of fishery and aquaculture products. That includes*** rules on technical and conservation measures for marine biological resources, on management and control of Union fleets exploiting such resources, ***and*** on the processing, ***transport*** and marketing of fishery and aquaculture products, ***as well as*** the Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. ***That definition should also cover international obligations in those areas which are binding on the Union and the Member States, including, with regard to operators, international obligations of the Union that are enforceable on them.***

⁶ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

- (7) The **definition of** ‘vessel monitoring system data’ should be replaced by the **term** ‘vessel position data’, **which is more accurate**. The definition of ‘vessel position data’ should no longer refer to transmission by satellite-tracking devices, as **■** different technologies to track vessels and transmit vessel position data are **now** available.
- (8) The definition of ‘lot’ should be aligned **with** the definition of ‘lot’ set out in Union food law.
- (9) The **definition** of ‘multiannual plans’ should be updated to take into account the relevant provisions of Regulation (EU) No 1380/2013.
- (10) In the definitions of ‘fishing licence’, ‘fishing restricted **area**’ **and** ‘recreational fisheries’, **the term** ‘living aquatic resources’ should be replaced by **the term** ‘marine biological resources’, in order to align **those definitions with the terminology used in** Regulation (EU) No 1380/2013.
- (11) ***In order to ensure consistency with the rules on technical measures laid down in Regulation (EU) 2019/1241 of the European Parliament and of the Council⁷, a definition of ‘sensitive species’ should be introduced.***

⁷ ***Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).***

- (12) *To better understand and prevent the adverse impacts of fishing activities on sensitive species, including to reduce or eliminate the incidental catches of those species which are threatened with extinction, the collection of data on incidental catches of sensitive species needs to be enhanced. For that purpose, additional information on incidental catches of sensitive species should be recorded in the fishing logbook.*
- (13) *While most of the provisions of Regulation (EC) No 1224/2009 relate to catching vessels, an effective Union fisheries control system requires that in certain cases other vessels used for the commercial exploitation of marine biological resources are also covered. For that purpose, the definition of a 'fishing vessel' in that Regulation should be replaced by a more detailed definition which clarifies that the term covers a catching vessel as well as any other vessel used for commercial exploitation of marine biological resources, including support vessels, fish processing vessels, vessels engaged in transshipment, towing vessels, auxiliary vessels and carrier vessels used for the transportation of fishery products, but excluding container vessels and vessels used exclusively for aquaculture. In addition, a definition of 'catching vessel' should be introduced.*

- (14) *A definition of 'fishing operation' should be introduced in order to clarify the meaning of the term and to distinguish it from the term 'fishing activities', which is broader in scope.*
- (15) *Slipping is a practice whereby fish are intentionally released from fishing gear before the catch is brought on board, which could constitute an infringement of the obligation to bring and retain on board species subject to the landing obligation. Therefore, a definition of 'slipping' should be introduced.*
- (16) *The provisions on fishing licences and authorisations should be updated and clarified. To ensure comprehensive control, Union fishing vessels other than catching vessels should only be permitted to carry out fishing activities if they have been authorised to do so by their flag Member State. A new provision on fishing authorisations for Union fishing vessels other than catching vessels should therefore be introduced.*

- (17) *Abandoned, lost or otherwise discarded fishing gear, in particular those made of plastic, constitute one of the most harmful forms of marine debris, as well as of plastic waste at sea. In order to reduce the long-term and significant impact of abandoned, lost or otherwise discarded fishing gear on marine life and ecosystems, it is essential to ensure that fishing gear, at the end of its life cycle, is brought back to shore for treatment in port reception facilities established for that purpose under Directive (EU) 2019/883 of the European Parliament and the Council⁸. That would also allow Member States to report to the Commission on waste fishing gear, including gear at the end of its life cycle, which they collect each year under Directive (EU) 2019/904 of the European Parliament and of the Council⁹. For that purpose, provision should be made for the possibility of adopting procedures for ensuring that masters of Union fishing vessels notify their end-of-life fishing gear to the competent authorities and return it to port reception facilities or other equivalent collection systems.*
- (18) *In order to ensure that fishing activities are environmentally sustainable in the long term, and to prevent serious risk to marine ecosystems, biodiversity and human health posed by the illegal disposal at sea of fishing gear and other gear or craft used in fishing, in particular gear made of plastic, such disposal from fishing vessels should be considered to be a serious infringement under Regulation (EC) No 1224/2009.*

⁸ *Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).*

⁹ *Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1).*

- (19) ***Small-scale*** fisheries play an important role in the Union, from a biological, economic and social perspective. Considering the possible impacts of ***small-scale*** fisheries on stocks, it is important to ensure that fishing activities and fishing effort of smaller vessels are in compliance with the rules of the common fisheries policy. ■ Therefore, Member States should be able to track all fishing vessels, including fishing vessels of less than 12 metres in length overall, ***and to receive position data from them at regular and sufficiently short intervals. To further facilitate the use of tracking systems for small-scale vessels, the Commission should develop, at the request of one or more Member States, a tracking system for vessels of less than 12 metres in length overall. However, Member States should be able to exempt certain small-scale vessels from the tracking obligation during a limited period, in order to allow sufficient time to prepare for the use of new tools for those vessels. In any event, the implementation of those measures should be balanced and proportionate to the objectives pursued and should not entail an excessive burden for the fleet, especially the small-scale fleet, which may benefit from aid under the European Maritime Fisheries and Aquaculture Fund*** established by Regulation (EU) 2021/1139 of the European Parliament and of the Council¹⁰.

¹⁰ Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (*OJ L 247, 13.7.2021, p. 1*).

- (20) *Under Article 32(2) and Article 38(1) of Regulation (EU) 2017/2403 of the European Parliament and the Council¹¹, a third-country fishing vessel authorised to fish in Union waters is to comply with the control rules governing the fishing operations of Union vessels, including rules relating to the vessel monitoring system. To ensure comprehensive control, the obligation to have installed on board a fully functioning vessel monitoring device which allows a vessel to be automatically located and identified by a vessel monitoring system, which is part of those control rules, should apply to all third-country fishing vessels authorised to conduct fishing activities in Union waters, including those conducting fishing activities other than fishing operations and not falling within the scope of Regulation (EU) 2017/2403.*
- (21) In order to clarify the role of ■ fisheries monitoring centres, the provisions of Regulation (EC) No 1224/2009 concerning those centres should be placed in a separate Article.
- (22) *For the purposes of effective fisheries control and surveillance in the Union, fisheries monitoring centres should be required to be properly staffed and equipped and to have in place at least an automatic alerts system and/or on-call-duty during non-working hours.*

¹¹ *Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).*

(23) Rules on the use of automatic identification system (AIS) for Union fishing vessels should be specified. To take into account exceptional circumstances relating to the safety or security of the crew of a fishing vessel, a derogation from the obligation of maintaining in continuous operation the AIS referred to in Article 6a of Directive 2002/59/EC of the European Parliament and of the Council¹² should be provided for, under certain conditions.

¹² Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

- (24) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the European Parliament and *of the* Council¹³ in order to align certain of its provisions *with* the landing obligation set *out* in Regulation (EU) No 1380/2013. In order to *ensure the effectiveness of the Union fisheries control system, in particular as regards the monitoring of compliance with* the landing obligation, it is necessary to equip, on the basis of a risk assessment, **■** certain *catching* vessels *with remote electronic monitoring (REM) systems on board. Those systems should include closed-circuit television (CCTV) cameras. CCTV data should not be live-streamed. In order to safeguard the right to privacy and the protection of personal data, recording of video material through CCTV should only be allowed in relation to the gear and those* parts of the vessels where fishery products are brought on board, handled and stored *or where discarding can occur. Recording activity should be limited to those situations where gear is actively operated, such as the shooting of gear or hauling or removing gear from the water, and where catch is taken on board and handled by the crew or where discarding can occur. The possibility to identify individual persons in the recorded video material should be limited to the extent possible, and where necessary the data should be anonymised. To ensure clarity and consistency, rules on access by competent authorities to data from those REM systems should be set out. Footage from CCTV should be made available exclusively for the purposes of control and inspection set out in Regulation (EC) No 1224/2009, to the authorities specified in that Regulation.*

¹³ Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015, p. 1).

- (25) *To facilitate the use of REM systems on a voluntary basis, Member States should be allowed to provide incentives for that purpose.*
- (26) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance.
- (27) The submission of catch registration data *in* paper *format* has led to incomplete and unreliable reporting and ultimately to inadequate catch reporting, by operators to Member States and by Member States to the Commission, and has hampered the exchange of information between Member States. It is therefore considered necessary *for* masters *to* record data concerning catches in a *digitalised* way and submit them *by electronic means*, in particular the fishing logbooks, transshipment declarations and landing declarations.

- (28) *In order to facilitate the control of the implementation of multiannual plans, catches of demersal stocks subject to such plans should be stowed separately, so that the different stocks caught are easily identifiable on board the fishing vessel for inspection purposes. However, the introduction of more multiannual plans has increased the instances where, in certain circumstances, it might be difficult for masters to fulfil that obligation, due to reasons such as limited storage space on board, many species in small quantities retained on board, catches kept on board in refrigerated seawater tanks, the number of different stocks caught in a certain fishery, or out of concern for the safety of the crew. For such cases, there should be a possibility to provide for exemptions from the obligation to stow catches separately.*
- (29) The absence of catch reporting obligations *for* masters of vessels of less than 10 metres in length *overall has* led to incomplete and unreliable *catch registration* data for such vessels, as the data collection for those vessels *has mainly been* based on sampling plans. Therefore, it is important to require reporting of catches for all fishing vessels *regardless of* their size. In that way the rules will also be simplified, and compliance and control will be improved.

- (30) *With the aim of enhancing the effectiveness of control*, it is important that the information in the fishing logbook be *more detailed, and that it therefore* include, *in the case of catching vessels of 12 metres in length overall or more, data on the catches per fishing operation*. In the case of *catching* vessels *of* less than 12 metres in length *overall, the electronic fishing logbook and the transmission of information included therein should not entail a disproportionate burden on the masters of those vessels. Thus, in the case of catching vessels of less than 12 metres in length overall,* masters should only be required to submit the information contained in *the* fishing logbook, *after the last fishing operation has been completed and before the landing starts*.
- (31) *Masters of Union catching vessels of less than 12 metres in length overall should have the possibility to complete and submit the electronic fishing logbook by simplified means.*
- (32) *To facilitate the implementation and use of electronic fishing logbooks for all vessels, the Commission should develop, at the request of one or more Member States, a system for recording and reporting catches for catching vessels of less than 12 metres in length overall, adapted to the specific circumstances of smaller vessels.*
- (33) *In order to enhance control of catches of sensitive species, additional information on discards of such species should be recorded in the fishing logbook.*

- (34) The provisions on the margin of tolerance in fishing logbook estimates of quantities of fish retained on board should be amended *to address the challenges of accurately estimating on board catches by species for smaller quantities of catches, and for unsorted landings from small pelagic fisheries, industrial fisheries and tropical tuna purse seine fisheries. The same amendments should be made to the provisions on the margin of tolerance in the transshipment declaration. With regard to derogations granted for unsorted landings from small pelagic fisheries, industrial fisheries and tropical tuna purse seine fisheries, implementing powers should be conferred on the Commission to provide further details concerning uniform conditions relating to landing and weighing of fishery products in listed ports, such as the involvement of accredited independent third parties which can guarantee the accuracy of the catch reporting at landing or requirements for the sampling and weighing operations. Those conditions should ensure adequate control over such operations. The Commission should, by means of implementing acts, adopt the list of ports which fulfil those uniform conditions. The same could also apply to listing of ports in third countries, including ports designated in the framework of regional fisheries management organisations, provided that the necessary control by and cooperation with the relevant competent authorities of the third country concerned is ensured.*

- (35) When a ***catching*** vessel departs, it should immediately start an electronic fishing logbook and a unique fishing trip ***identification*** number ***should be*** assigned for that trip. The fishing logbook, transshipment declarations and landing declarations should include a reference to ***that*** unique fishing trip ***identification*** number to allow enhanced control and to improve the validation of the data by Member States and the traceability of fishery products in the supply chain.
- (36) In order to improve and simplify the transmission of information on fishing gear ***and loss of fishing gear*** to Member ***States***' competent authorities, the fishing logbook **■** should include information on ***fishing gear and lost fishing gear***. ***The Commission should publish on its website, on an annual basis, a compilation of information concerning lost fishing gear provided by Member State.***

- (37) *Regulation (EU) 2017/2403 sets out rules for third-country fishing vessels conducting fishing operations in Union waters. Under Article 38(1) of that Regulation, third-country fishing vessels authorised to fish in Union waters are to comply with the control rules governing the fishing operations of Union vessels in the fishing area in which they operate. To avoid repetition and ensure clarity, some provisions of Regulation (EC) No 1224/2009 which specifically set out rules for third-country fishing vessels should be deleted.*
- (38) Prior ■ notification *of landings* allows a better control ■ of the compliance with the rules on catch registration and fishing activities. To improve compliance with the rules on catch registration, the provisions on prior notifications should apply to all vessels of 12 metres in *length overall or more* and not only to fishing vessels targeting stocks under multiannual plans. *However, it* should be *possible for coastal Member States* to set a shorter period *for* prior notification for *certain categories of vessels*, as long as this does not impair *the ability of* their *competent authorities* to inspect vessels upon arrival.

- (39) Union fishing vessels landing fishery products in third countries ***should submit a prior notification to their flag Member States. Union fishing vessels*** transshipping fishery products in third-country waters or on the high seas should ■ obtain an authorisation from ***their*** flag Member States. Such prior notifications and authorisations are required, taking into account the responsibilities of the flag Member States relating to the prevention ***of*** fishery products ***originating*** from IUU fishing entering international markets.
- (40) Provisions on the recording of catch data and fishing effort by the Member States should be amended to include data ***contained*** in weighing records, take-over ***declarations*** and transport documents.
- (41) Rules on the submission of aggregated catch data and fishing effort to the Commission should be simplified by providing for a single date for all submissions.
- (42) ***In order to ensure that the Commission is provided with the most accurate catch data, Member States should correct aggregated data submitted to the Commission where they have previously only submitted estimates, where they detect inconsistencies after they have validated the data, or where the Commission detects inconsistencies.***

- (43) *It should be clarified that catches of a species, a stock or a group of stocks subject to a quota are only to be counted against the quota applicable to the Member State concerned when this is required under Article 15 of Regulation (EU) No 1380/2013.*
- (44) Provisions concerning the publication by the Commission of *a decision to close* fisheries *where a quota has been exhausted or the* maximum allowable fishing *effort has been reached* should be simplified, in order to allow a timely publication of such closures. Those provisions should furthermore be *harmonised with the provisions on* the landing obligation laid *down* in Regulation (EU) No 1380/2013.
- (45) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013.

- (46) *If catching vessels operate with an engine the power of which exceeds the certified engine power as stated in the fishing licence and as registered in the Union fishing fleet register*, it is impossible to ensure compliance with the capacity ceilings laid down in Regulation (EU) No 1380/2013. Therefore, *the provisions concerning the verification of engine power should be clarified. Moreover*, it is important to *provide for the possibility to* effectively control the engine power of *certain catching* vessels *which pose a high risk of non-compliance with the rules of the common fisheries policy concerning engine power or which operate in specific areas, for example by way of* devices which ■ monitor the engine power *on a continuous basis. Furthermore, the provisions concerning the verification of the tonnage of catching vessels for the purposes of capacity control should be simplified.*
- (47) In order to ensure compliance with the rules of the common fisheries policy, each Member State should be required to set up and regularly update an annual or multi-annual national control programme covering all rules of the common fisheries policy. ■ Member States should ensure that ■ control is performed *on the basis of an analysis of the risk of non-compliance.*

(48) In order to ensure transparency concerning fisheries control and inspection, each Member State should publish once a year on its website an annual report including certain minimum information as provided for in Regulation (EC) No 1224/2009, such as data on the resources available for control and inspections, performed control and inspections, detected and confirmed infringements and sanctions imposed. Each year, the Commissions should publish a compilation of the relevant information reported by Member States.

- (49) *In order to provide greater clarity, it is appropriate to amend the definition of a ‘fishing restricted area’. That definition should cover specific geographically defined marine areas within one or more sea basins, including marine protected areas, where all or certain fishing activities are temporarily or permanently restricted or prohibited in order to improve the conservation of marine biological resources or the protection of marine ecosystems under the rules of the common fisheries policy, such as those referred to in Articles 12, 17 and 21 of and Annex II, Part C of Annexes V to VIII, Part B of Annex XI and parts C and D of Annex XII to Regulation (EU) 2019/1241 and in Regulation (EU) 2023/... of the European Parliament and of the Council¹⁴⁺ and similar areas laid down in other rules of the common fisheries policy. Moreover, the rules on the control in fishing restricted areas should be improved, including by requiring the publication of the list of the fishing restricted areas and corresponding restrictions by Member States on their official websites.*

¹⁴ Regulation (EU) 2023/... of the European Parliament and of the Council of 4 October 2023 on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement Area (OJ L ...).

⁺ OJ: Please insert the number of the Regulation (2021/0248(COD)) and complete the OJ reference in the footnote.

(50) Activities which consist of the commercial exploitation of marine biological resources without the use of a catching vessel fall within the scope of the common fisheries policy. Such activities would include, for example, gathering of shellfish, underwater fishing, ice fishing and fishing from the shore, including fishing on foot. Therefore, in order to harmonise the control of such activities across the Union, a definition of 'fishing without a vessel' and specific control measures for such activities should be introduced in Regulation (EC) No 1224/2009, taking into account, where necessary, the specificities of those fisheries, including regional specificities.

- (51) Recreational fisheries play an important role in the Union, both from a biological, economic and social perspective. Considering the significant impacts of recreational fisheries on certain stocks, it is necessary to ***lay down*** specific ***provisions*** allowing ***for*** an effective control of recreational fisheries by **■** Member States, ***including an appropriate system of sanctions in the event of non-compliance. The collection of reliable catch data from certain recreational fisheries is necessary to provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources. For that purpose, Member State should have in place a system to effectively control catches in certain recreational fisheries, including non-commercial activities carried out by individual persons with fishing vessels or activities organised by commercial entities in the tourism or sport competition sectors.***

- (52) A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy, *in particular in Council regulations fixing fishing opportunities for certain fish stocks or groups of fish stocks. The specific conservation measures already applied include catch-limits, bag-limits, and prohibitions on fishing during certain periods, in certain areas or with certain gear. The conservation of particular species might require the use, in the future, of other measures than those already applied. The enforcement of conservation measures applicable to recreational fisheries requires the establishment of appropriate control* measures.
- (53) *With the exception of the prohibition on the marketing or sale of catches from recreational fisheries, which should be enforced by all Member States, rules on the control of recreational fisheries should apply to coastal Member States only.*
- (54) *The* provisions on the control in the supply chain should be clarified in order to allow Member States to perform control and inspections at all stages of marketing of fishery and aquaculture products, from the first sale to the retail sale, including transport *and catering*.

- (55) *To improve the control of the marketing* of fishery and aquaculture products, *the rules on placing those products into lots and on merging and splitting of lots should be clarified and updated.*
- (56) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council¹⁵, Commission Implementing Regulation (EU) No 931/2011¹⁶ lays down certain traceability rules for the specific sector of food of animal origin, namely *that* 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 *or aquaculture* product is supplied.
- Traceability is important not only for food safety purposes but also to allow control, ensure the protection of consumers' interests, *combat IUU fishing and contribute to ensuring fair competition.*

¹⁵ 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).

¹⁶ 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).

- (57) It is therefore appropriate to build upon the existing rules on traceability as laid down in Article 18 of Regulation (EC) No 178/2002 and Implementing Regulation (EU) No 931/2011. A specific set of information on fishery and aquaculture products should be kept on record by operators, made available to competent authorities upon request, and transferred to the operator to which the fishery *and aquaculture* products are supplied. In the case of fishery products which are not imported, that traceability information should include the unique fishing trip identification number(s) as this will allow linking a specific lot of fishery products to a particular landing by *a* Union fishing vessel or several Union fishing vessels in the same relevant geographical area. *In the case of fishing without a vessel, the information should include the unique fishing day identification number(s).*
- (58) In line with Implementing Regulation (EU) No 931/2011 the traceability information relevant for the control of fishery and aquaculture products should be available from the first sale *to* the retail stage. This will allow in particular that the information provided to the consumer concerning the species and the origin of the fishery or aquaculture product is accurate.

- (59) The same rules *as for fishery and aquaculture products originating in the Union* should apply to fishery and aquaculture products imported from third countries. In the case of imported products, the mandatory traceability information should include a reference to the catch certificate(s) *numbers submitted in accordance with* Council Regulation (EC) No 1005/2008¹⁷.
- (60) In order to ensure an effective and timely transmission of the traceability information concerning fishery and aquaculture products, *operators should make* information *on products falling under Chapter 3 of the Combined Nomenclature, established by Council Regulation (EEC) No 2658/87*¹⁸, *available in a digital way within* the supply chain and to competent authorities upon their request.
- (61) *For the purpose of ensuring efficient traceability for fishery and aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, the Commission should conduct a study including an analysis of available solutions or methods to enable effective traceability for such products. On the basis of that study, the Commission should, by means of delegated acts, adopt detailed rules on the traceability requirements for lots of such fishery and aquaculture products.*

¹⁷ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

¹⁸ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

- (62) In the case of fishery products sold directly from fishing vessels to the *final* consumers, rules pertaining to traceability, registered buyers ■ and sales notes *should* not apply to quantities below certain thresholds. ■ Those thresholds should be *harmonised* and should be *low enough to minimise* the placing on the market of fishery products which cannot be traced and, therefore, *controlled and which might contribute to illegal trade*.
- (63) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance. In particular, *the* recording of catches at the time of landing should be carried out in the most reliable way possible. For that purpose, it is necessary to strengthen the procedures concerning the weighing of fishery products upon landing, *without creating disproportionate burdens on operators*.
- (64) The weighing should be performed on systems approved by the competent authorities and by operators registered by Member States to carry out that task. All products should *as a general rule* be weighed per species upon landing *so as to ensure* accurate reporting of the catches. Furthermore, weighing records should be ■ kept for three years.

- (65) *Sample weighing, weighing on board or weighing after transport* should only be allowed *under* strict conditions. *After the adoption of sampling plans, control plans and common control programmes by the Commission, it should be possible for Member States to allow fishery products to be weighed in accordance with those sampling plans, control plans or common control programmes.*
- (66) In order to improve control and allow the rapid validation of catch registration data and the rapid exchange of information between Member States, it is necessary that all operators record data in a digital way and submit *those data by electronic means* to Member States. That concerns, in particular, landing declarations, sales notes and take-over *declarations*.
- (67) Due to the availability of adequate technological tools, the requirement to record data in a digital way and submit them electronically ■ to Member States should apply to all *registered* buyers of fishery products.
- (68) Transmission of transport documents to the relevant Member States should be simplified and should be done *before transport begins* in order to allow control and inspections by the competent authorities.

- (69) Landing declarations, sales notes, take-over declarations and transport documents should include a reference to the unique fishing trip **identification** number in order to allow enhanced control and improve the validation of the data by Member States and the traceability of fishery products in the supply chain. ***In the case of fishing without a vessel, the sales notes, take-over declarations and transport documents should include the unique fishing day identification number(s) and a number of adjustments should be made in other provisions to address the inclusion of fishing without a vessel.***
- (70) The provisions of Regulation (EC) No 1224/2009 concerning the monitoring of producer organisations and the monitoring of price and intervention arrangements are no longer relevant and should be deleted, since such monitoring is now provided for ***in*** Regulation (EU) No 1379/2013.
- (71) ***Inspections involving officials of both the flag Member State and the coastal Member State would facilitate cooperation and exchange of information and expertise. Therefore, a coastal Member State should have the possibility to invite officials of a flag Member State to participate in inspections of fishing vessels flying that Member State's flag when those vessels are operating in the waters of the coastal State or landing in its ports or at its landing sites.***

- (72) *To ensure that operators comply with the rules of the common fisheries policy, Regulation (EC) No 1224/2009 should set out how officials are to proceed in the event of possible infringements of those rules. This should include rules on how to handle detected infringements where officials have reason to believe, based on inspections or any relevant data or information, that an infringement of the rules of the common fisheries policy may have been committed and prior to a decision by a court or competent authority that will confirm whether or not such an infringement has been committed.*
- (73) In order to improve the risk assessment carried out by national authorities when planning control activities and the effectiveness of inspections, the requirements concerning the national register of infringements should be enhanced.
- (74) *Sanctions and other measures provided for in Regulations (EC) No 1224/2009 and (EC) No 1005/2008 should be applied by Member States in a manner that fully respects fundamental rights, including a person's right not to be tried or punished twice in criminal proceedings for the same offence.*

- (75) *Rules and procedures on the notification of relevant information on measures taken and sanctions imposed by Member States against nationals of, or fishing vessels flying the flag of, other Member States or third countries, including those concerning the determination of points for serious infringement of the rules of the common fisheries policy, should be strengthened in order to improve fisheries control and enforcement inside and outside Union waters.*
- (76) In order to ensure a level playing field *and consistent application* in the Member States as regards the judicial *and administrative* treatment of *those who commit infringements* of the rules of the common fisheries policy, provisions concerning *the* determination of behaviours that constitute serious infringements of *those* rules should be clarified and reinforced.
- (77) To ensure effective deterrence against the most harmful behaviours, in line with Union international obligations, it is necessary to establish an exhaustive list of infringements which are to be considered serious under *all* circumstances. ■ In addition, *there are other infringements of the rules of the common fisheries policy which should be considered serious where certain conditions are fulfilled. In order to ensure effective and proportionate enforcement, and a harmonised approach across the Union*, it is necessary to establish an exhaustive list of criteria to be used by the competent national authorities when determining the seriousness of *such* infringements.

- (78) ■ Serious infringements should be *subject to effective, proportionate and dissuasive administrative or criminal sanctions*.
- (79) *Where there are clear indications that the content of any of the criteria for considering an infringement serious is insufficient to ensure effective and proportionate enforcement of the rules of the common fisheries policy by and across Member States, the Commission should have the possibility to adapt those criteria, by means of delegated acts. When exercising the power conferred on it to amend those criteria, the Commission should take into account, in particular, the advice of the expert group on compliance referred to in Article 37 of Regulation (EU) No 1380/2013, or the findings of the report drawn up by the Commission under Article 118(2) of Regulation (EC) No 1224/2009. Any such amendment should not add any new criteria and should only repeal criteria in exceptional cases where there are clear indications that this is necessary to ensure effective and proportionate enforcement of the rules of the common fisheries policy by and across Member States.*

(80) As regards serious infringements, Member States should provide for administrative financial penalties, without prejudice to other appropriate sanctions and accompanying measures, and minimum levels for such administrative financial penalties should be set. Alternatively, Member States should be allowed to provide for standard rates of administrative financial penalties, and appropriate levels for such standard rates should be set. Those minimum levels and standard rates should be without prejudice to the discretion of competent authorities to deviate from those minimum levels in individual cases, in accordance with national law, in order to take into account the specific individual, financial and other mitigating circumstances of the case, such as of cooperation with law enforcement, the age of the offender or diminished capacity of the offender. Member States should also be allowed, alternatively, to provide for effective, proportionate and dissuasive criminal sanctions while ensuring that those sanctions have an equivalent effect to the administrative financial penalties. That should be without prejudice to the discretion of courts to determine the criminal sanctions in individual cases, in accordance with national law, and to take into account the specific individual, financial and other mitigating circumstances of the case.

- (81) *To increase levels of compliance and reduce the likelihood of serious infringements being committed, Member States should apply a point system and assign points to holders of fishing licences and masters of catching vessels concerned in the case of confirmed serious infringements. Points should not be assigned in the case of infringements with vessels having no nationality, infringements relating to making available on the market fishery or aquaculture products and conducting business directly connected to IUU fishing, and infringements concerning recreational fishing activities. Points should also not be assigned in the case of an infringement related to not fulfilling obligations to accurately record, store and report data relating to fishing activities, if the infringement concerned is not applicable to the holder of the fishing licence or to the master.*
- (82) *In order to ensure the continuous deterrent effect of the point system for holders of a fishing licence, points assigned should be transferred to the new holder of the fishing licence in the event that the vessel or the fishing licence is sold, transferred or otherwise changes ownership after the date of the infringement, including to an operator in another Member State.*

- (83) *In order to ensure a level playing field for masters, the point system for masters should be harmonised and aligned with the point system for licence holders. As such, flag Member States should assign points to masters of catching vessels flying their flag when they have committed a serious infringement under Regulation (EC) No 1224/2009. In addition, the Member State of which the master is a national should be informed of and record the points assigned to that master, in the event that those points have been assigned by another Member State.*
- (84) *With a view to better achieving a level playing field and a culture of compliance within and outside the Union, masters for which the suspension or withdrawal of the right to command a fishing vessel has been triggered by the assignment of points should be prevented from operating as a master of a Union fishing vessel, either permanently or for the duration of the suspension. Member States should cooperate with each other for that purpose.*

- (85) *Serious infringements should include using prohibited fishing gear or methods as those referred to in Article 7 of Regulation (EU) 2019/1241 or in any other equivalent rules of the common fisheries policy that contain similar general prohibitions on the use of certain fishing gear or methods.*
- (86) *With a view to ensuring compliance with the rules of the common fisheries policy on fishing capacity, certain activities consisting of the manipulation of vessel engines, for the purpose of increasing their power, or using a manipulated engine, should be considered to be serious infringements under the conditions set out in Regulation (EC) No 1224/2009.*

(87) *In order to strengthen compliance with the rules of the common fisheries policy and to improve data collection, serious infringements consisting in the violation of the rules on the margins of tolerance for fishing logbooks and transshipment declarations, as set out in Regulation (EC) No 1224/2009, should be distinguished from other serious infringements consisting of a failure to fulfil obligations to accurately record, store and report data relating to fishing activities, based on certain conditions. In particular, the failure to record and report any catches of a species subject to the landing obligation should qualify as serious under the latter category depending on the gravity of the offence, to be determined by the competent authorities of Member States according to the circumstances of each case, such as, where applicable, the specificities of the fisheries concerned. For that purpose, special consideration should be given to the nature and extent of the conduct, including overall catches, the quantity, type and proportion of non-reported catches, including in the light of the applicable margin of tolerance, and any indications of an intention to circumvent the rules on the completion of fishing logbooks or transshipment declarations.*

(88) It is appropriate to specify which activities by Member States' nationals and Union fishing vessels as regards the engagement in or support of IUU fishing should constitute a serious infringement. In addition to behaviour constituting a serious infringement of the rules on fishing activities, the conduct of business directly connected to IUU fishing, including the import of, or the trade in, fishery products stemming from IUU fishing, such as the purchase of such products carried out without all the legally required documents, should also be considered to be a serious infringement.

(89) *Article 5 of the Charter of Fundamental Rights of the European Union and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. Furthermore, all Member States are parties to the International Labour Organization (ILO) Convention No 29 on Forced Labour, which requires that the illegal exaction of forced or compulsory labour is to be punishable as a penal offence and is to be subject to penalties imposed by law that are really adequate and are strictly enforced. Moreover, conducting fishing activities with the use of forced labour is contrary to the objectives of the common fisheries policy, in particular that fishing activities are to be managed in a way that is consistent with the objectives of achieving social and employment benefit and are to contribute to a fair standard of living for those who depend on fishing activities. It also undermines a level playing field for fishery and aquaculture products marketed in the Union. Therefore, conducting fishing activities with the use of forced labour should be regarded as a serious infringement, without prejudice to any criminal sanctions for forced labour in accordance with Member States' obligations under the ILO Convention No 29 on Forced Labour.*

- (90) National entities in charge of fisheries control activities as well as any relevant judicial bodies should have access to the national register of infringements. A fully transparent exchange of information contained in national registers between Member States will also improve effectiveness and ensure a level playing field for control activities.
- (91) *Under international agreements, overfishing by a Member State may lead to a reduction of the Union's quota under that international agreement. In the event of such a reduction, the Council should, when allocating the fishing opportunities for that stock or group of stocks under Article 43(3) of the Treaty on the Functioning of the European Union (TFEU) and Article 16 of Regulation (EU) No 1380/2013, for the year for which that reduction is made and, if necessary, for the following year, adjust the quotas of the Member States in such a way that Member States which have not overfished will not suffer from the reduction of the Union quota.*

- (92) Validation is an important step in ensuring that data collected by Member States pursuant to Regulation (EC) No 1224/2009 are reliable and complete. The set of data to be validated and the obligations of Member States in the event of inconsistencies should be clarified.
- (93) In order to *fulfil* its duties under the rules of the common fisheries *policy* the Commission *needs to* have access to various data collected by Member States. It should be clarified which data should be accessible to the Commission and which tasks the Commission is to perform using those data.

- (94) The data collected by Member States are also of great value for scientific purposes. It should be clarified that *independent* scientific bodies *that are recognised at national, Union or international level* may be provided access to the data collected in accordance with Regulation (EC) No 1224/2009 ■ , in particular to vessel position data and fishing activity data. *Before transferring such data, Member States should consider whether the scientific research can be conducted on the basis of pseudonymised or anonymised data and, if so, provide those scientific bodies with data which have been de-identified in that way.* The fishing activity data collected by Member States are also of value for the *production of statistics, in particular by Eurostat, which should be able to use those data to produce* statistics on fisheries.

- (95) *In accordance with the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012, for every agency an evaluation commissioned by the Commission should take place every five years. Given that a number of fisheries and environmental challenges are strongly interlinked, the Commission, in the context of the next periodical evaluation of the European Environment Agency ('EEA'), will consider how to enhance cooperation and relevant sharing of data between the European Fisheries Control Agency (the 'Agency') and the EEA and in what format such enhanced cooperation could be formalised, including, if necessary, by submitting any relevant legislative proposal or other measures to that effect.*
- (96) As the exchange of data between Member States is paramount for controlling and enforcing obligations under the rules of the common fisheries policy, the provisions pertaining to such exchanges should be clarified. ■

- (97) *In order to allow the Commission to validate the catch data provided by the Member States and to fulfil its obligations in the context of international agreements, Member States should make available to the Commission, by means of direct electronic exchange, data concerning the activity of fishing vessels flying their flag.*
- (98) The set of data collected by the Member States to which the Commission should have access, such as fishing activity data, control data, *and data on* infringements, **■** could include personal data. As the *unique* fishing trip identification number, the name of the fishing vessel *or, in the case of fishing without a vessel, the unique fishing day identification number* could allow the identification of natural persons, such as the owner or the master of a fishing vessel, information containing such data can also, under certain circumstances, constitute personal data.

(99) Regulations (EU) 2016/679¹⁹ and (EU) 2018/1725²⁰ of the European Parliament and of the Council, and for certain processing of personal data, the national provisions transposing Directive (EU) 2016/680 of the European Parliament and of the Council²¹, are applicable when personal data are processed in the context of Regulations (EC) 1005/2008 and (EC) No 1224/2009 and Regulation (EU) No 2019/473 of the European Parliament and the Council²², and it should be ensured that the obligations relating to the protection of personal data are complied with at all times and at all levels.

¹⁹ **Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).**

²⁰ **Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).**

²¹ **Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).**

²² **Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).**

(100) Processing of personal data *contained in information collected under Regulation (EC) No 1224/2009* is necessary *to ensure effective implementation of and compliance with the rules and objectives of the common fisheries policy*. In particular, for the purpose of monitoring of fishing opportunities, including quota uptake, *ensuring compliance with other management and conservation measures, monitoring fishing activities, or performing assessment allowing for risk-based control, Member States need to process vessel position data*, fishing logbooks, landing declarations, sales notes and other fishing activity data in order to carry out validation *and cross checks. That is necessary to ensure that* data submitted by operators *are complete and accurate and that operators comply with the rules of the common fisheries policy. In order to be able to control and evaluate the application of the rules of the common fisheries policy through* verifications, *inspections or* audits and to monitor the control activities of Member States, the Commission *or the body designated by it* should have access *to and be able to* process, *in addition to fishing activity data, data contained in* inspection and control observer reports and *data pertaining to* infringements. *Moreover*, in the context of preparation *and monitoring of* compliance with international agreements and conservation measures, the Commission should *be able to* process data on the fishing activities of Union fishing vessels outside Union waters, including the vessel identification numbers, *and the names* of the owner of the vessel and the master of the vessel. *The processing of fishing activity data could also be necessary for the purpose of proving, defending or establishing fishing rights of individual fishing vessels, Member States or the Union.*

- (101) *The Member States, the Commission or the body designated by it should not store personal data for longer than is necessary to achieve the purposes for which personal data need to be processed. To that end, maximum retention periods for personal data processed in the framework of Regulation (EC) No 1224/2009 should be established.*
- (102) *In order to be able to perform tasks set out in Regulation (EC) No 1224/2009, the Commission, the body designated by it and the Member States should be able to retain, where necessary for certain purposes, personal data contained in information collected under that Regulation for a period of up to five years after obtaining the relevant data. Member States perform validation of data over preceding years in order to verify and correct data with a view to ensuring complete and accurate data. Member States also assess data from preceding years to perform risk management. The Commission has to monitor and evaluate the implementation of the common fisheries policy by Member States, and for that purpose it has to examine data collected under Regulation (EC) No 1224/2009 concerning several previous years, for instance when performing audits and verifications.*

(103) *However, in the case of the follow-up of infringements, inspections, verifications, complaints or audits, or in the case of ongoing judicial or administrative proceedings, Member States and the Commission should be able to retain certain data until the end of the administrative or judicial proceedings concerned or the time needed for the application of sanctions because of the need for those data to be used during the entire period when such proceedings are ongoing and for applying sanctions, such as the point system.*

(104) *Furthermore, in order to be able to provide evidence of fishing activities of Union vessels, for example where necessary to demonstrate compliance with the obligations of the Union and Member States under international agreements or to support claims of historic or other fishing rights, Member States should be able to keep records of fishing activities data for a period of up to ten years.*

- (105) Certain data relating to past fishing activities is necessary for the purposes of policy evaluations and impact assessments as well as scientific research and scientific advice, which underpin the management of fishing activities and conservation of marine biological resources under the common fisheries policy. Trends and patterns in the development of marine biological resources usually require a longer-term perspective and analysis of data over decades. Member States should therefore be able to retain certain personal data for a period of up to 25 years to allow the analysis of the impact of fishing activities on the marine biological resources and the environment over longer periods of time.*
- (106) In accordance with Article 25 of Regulation (EU) 2016/679, controllers are to implement appropriate technical and organisational measures ensuring data protection by design and by default. The data protection principles should be complied with when laying down the detailed rules on the requirements, technical specifications, installation and functioning of the REM systems, including CCTV. In particular, those systems should be designed and implemented in such a way as to exclude, to the extent possible, images and identification of natural persons on recorded video material obtained from remote electronic systems, and safeguards should be provided where exceptionally such identification is detected.*

- (107) *The obligations of the Member States and of the Commission in relation to information covered by professional and commercial secrecy, collected, received and transmitted within the framework of Regulation (EC) No 1224/2009 should be clarified. Such information should only be transmitted to persons other than those in the Member States, the Commission or the body designated by it whose functions require them to have such access, with the consent of the Member State or institution which has provided the information. In the event of a refusal to give such consent, the reasons for refusal should be provided.*
- (108) Regulation (EC) No 1224/2009 confers powers upon the Commission in order to implement some of the provisions of that Regulation.
- (109) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1224/2009 need to be aligned with Articles 290 and 291 TFEU.

(110) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to supplement Regulation (EC) No 1224/2009 with specific rules governing control, as regards: ■

- the rules to be applied in the event of the failure of electronic recording and reporting systems, concerning vessel monitoring, fishing logbook, prior notification, and *transhipment and* landing declarations;
- the exemption of certain categories of fishing vessels from the obligation to complete and submit a prior notification and transhipment declaration;
- *the exemption of certain stocks from the obligation to stow demersal stocks subject to multiannual plans separately;*

- the detailed rules concerning the functioning of traceability systems;
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- the rules on weighing procedures and special rules for small pelagic species;
- the rules on control observers;
- the rules on inspections for Member States competent authorities and operators;
- the *follow-up to* the suspension or withdrawal of the fishing licence *and the conditions justifying* the deletion of points;
- the minimum requirements for national control ■ programmes, *annual* reports *on control and inspections* and the setting of *benchmarks*;
- the setting of the deadline for Member States to demonstrate that stocks can be safely exploited; ■
- the *deduction of quotas for failure to comply with the rules of the common fisheries policy*.

The power to adopt acts in accordance with Article 290 TFEU should also be delegated to the Commission in order to amend *the list of criteria laid down in Annex IV to Regulation (EC) 1224/2009*.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(111) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of Regulation (EC) No 1224/2009, as regards:

- fishing licences and fishing authorisations;
- the marking and identification of fishing vessels, gear and craft;
- technical requirements and characteristics of vessel monitoring systems;

²³ OJ L 123, 12.5.2016, p. 1.

- the margin of tolerance;
- conversion factors to convert stored or processed fish weight into live fish weight;
- the content of the vessel position data and the content and format, rules concerning completion and digital recording and transmission of fishing logbooks, transshipment declarations, and landing declarations;
- requirements and *technical specifications for REM* systems, including CCTV, *determination of fleet segments and handling of data from such systems*;
- the format for the submission of catch registration data and fishing effort to the Commission;
- remedies in the event of a prejudice caused to a Member State;
- the verification of the engine power and the tonnage of catching vessels, and verification of the type, number and characteristics of fishing gear;
- technical requirements and characteristics of *systems* for the continuous monitoring of engine power;
- the certification of engine power;

- *rules on catch declarations for fishing without a vessel;*
- *for recreational fisheries, the list of species, stocks or groups of stocks to which rules on registration, recording and reporting apply, the submission of catch data and the marking of fishing gear;*
- sampling plans, *control plans and common control programmes for weighing;*
- *weighing procedures, weighing records and weighing systems;*
- *detailed rules concerning take-over declarations and transport documents;*
- surveillance reports and inspection reports;
- the operation of the database for inspection and surveillance reports;
- fixing quantities against quotas in the event of corrective measures;
- the operation of the point system for licence holders and masters;

- specific control and inspection programmes;
- **I**
- access to data and exchange of data;
- reporting by Member State; and
- mutual assistance.

Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁴.

²⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (112) As a consequence of the entry into force of the Lisbon Treaty, some provisions conferring decision-making powers upon the Council alone need to be adapted to bring them into line with the new procedures applicable to the common fisheries policy. The provisions of Regulation (EC) No 1224/2009 concerning the following elements should therefore be redrafted: the adoption in each multiannual plan of a threshold of catches above which a designated port or **landing site** has to be used and the frequency of communication of data; and the establishment of a control observer scheme.
- (113) Regulation (EC) No 1224/2009 should therefore be amended accordingly.
- (114) For reasons of consistency with the scope of Regulation (EC) No 1224/2009, the objectives of Regulation (EU) No 2019/473 should be enlarged. The **mission** of the Agency should cover the harmonisation of the application of the **rules of the common fisheries policy**. It should **comprise** research and development in the area of control and inspection techniques, **including, in cooperation with Member States, the development of pilot projects**, and provision of assistance to the Commission in specific fields.

- (115) It should be ensured that the obligations concerning personal data protection laid down in Regulation (EU) **2018/1725 are complied with** by the Agency in the framework of data processing and exchange.
- (116) *The Administrative Board of the Agency should have the possibility to **invite representatives of relevant Union institutions to take part in its meetings.***
- (117) *The provisions of Regulation (EU) 2019/473 on the composition of the Administrative Board of the Agency should be amended in order to provide for the inclusion of one representative of the European Parliament, in line with the Common Approach annexed to the Joint Statement of the European Parliament, the Council and the Commission of 19 July 2012 on decentralised agencies. Such inclusion should be without prejudice to the role of the European Parliament on discharge in respect of the implementation of the budget of the Agency. All members of the Administrative Board should be appointed on the basis of their relevant experience and expertise in the field of fisheries control and inspection, and should not have any direct or indirect conflict of interest that might be considered prejudicial to their independence. Only representatives of the Member States and the Commission should have the right to vote.*

- (118) *The Agency should contribute to the implementation of the Integrated Maritime Policy of the Union. For that purpose, the Agency should be able to conclude administrative agreements with other Union bodies which are also involved in the implementation of that policy.*
- (119) It should be clarified that *the draft single programming document prepared by the executive Director of the Agency is* to be submitted to the Administrative Board .
- (120) *For the purpose of ensuring consistent programming and to align Regulation (EU) 2019/473 with Commission Delegated Regulation (EU) 2019/715²⁵, the Agency should draw up a single programming document containing the annual and multiannual programming.*
- (121) It should be clarified that the Agency *should be allowed to* receive funds in the form of delegations agreements or ad-hoc grants, without prejudice to *other* types of income.

²⁵ *Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).*

- (122) ■ The provisions on the *periodic* evaluation of the Agency by the Commission should ■ be clarified *and aligned with the Common approach annexed to the Joint Statement of the European Parliament, the Council and the Commission of 19 July 2012 on decentralised agencies. The Member States and the Agency should provide the Commission with the information necessary to produce that evaluation. For the purposes of that evaluation, the Commission should also seek input from all relevant stakeholders. When establishing the terms of reference for the evaluation, the Commission should consult the Administrative Board of the Agency.*
- (123) Regulation (EU) 2019/473 should therefore be amended accordingly.

- (124) In order to ensure consistency between control provisions, Council Regulation (EC) No 1967/2006²⁶ and Regulation (EU) 2016/1139 of the European Parliament and Council²⁷ should be amended. In particular, the provisions concerning control of leisure fisheries, recording and reporting of transshipments and catch registrations ■ set out in Regulation (EC) No 1967/2006 and the ■ provisions concerning fishing logbooks *set out in Regulation (EU) 2016/1139 should be deleted* and the *relevant provisions of Regulation (EC) No 1224/2009 should apply instead. Furthermore, the provisions concerning the* margin of tolerance in estimates recorded in the fishing logbook set out in Regulation (EU) 2016/1139 should be *amended*.

²⁶ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

²⁷ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

- (125) The catch certification scheme, as set out in Chapter III of Regulation (EC) No 1005/2008, is paper-based and as a result not efficient and not in line with a digitalised traceability system for fishery products. In line with international commitments and to ensure effective implementation of the scheme, Regulation (EC) No 1005/2008 should be amended to establish a database for the management of catch certificates (CATCH) *and related documents* based on *TRACES referred to in Regulation (EU) 2017/625 of the European Parliament and of the Council*²⁸, allowing for risk-based control, reducing opportunities of fraudulent imports and easing the administrative burden of Member States.

²⁸ *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).*■

- (126) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1005/2008, in particular to allow for the integrated management, handling, storage and exchange of information and documents relevant for checks, verifications, control and other relevant official activities concerning importation and exportation of fishery products as ***provided for in*** Regulation (EC) No 1005/2008, implementing ■ powers should be conferred on the Commission relating to the functioning and development of CATCH based on ***TRACES***.
- (127) ***The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to supplement Regulation (EC) No 1005/2008 by laying down the conditions for any exemption from the application of CATCH.***

- (128) In order to increase traceability of fishery products destined for the Union market, specific requirements on split consignments should be introduced under the catch certification scheme. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to supplement Regulation (EC) No 1005/2008 by developing a template of a document in order to harmonise control of such requirements.*
- (129) To strengthen the measures against non-cooperating third countries in fighting IUU fishing, the ownership, including as a beneficial owner as defined in Article 3, point (6), of Directive (EU) 2015/849 of the European Parliament and of the Council²⁹, operation or management by Union operators of fishing vessels flying the flag of such third countries should be prohibited. Furthermore, the access to port services and the conduct of landing or transshipment operations in Union ports by fishing vessels flying the flag of such third countries should be prohibited.*

²⁹ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

(130) In order to ensure consistency among Union legal instruments governing fisheries control, ■ provisions on serious infringements, *immediate enforcement measures, sanctions and accompanying sanctions* set out in Regulation (EC) No 1005/2008 should be deleted and, *where* necessary, moved to Regulation (EC) No 1224/2009, which is the main legal instrument in the *field of* fisheries control ■ . In Regulation (EC) No 1005/2008, reference should consequently be made to the provisions on serious infringements, *immediate enforcement measures, sanctions and accompanying sanctions* contained in Regulation (EC) No 1224/2009.

(131) Regulation (EC) No 1005/2008 should therefore be amended accordingly.

(132) *As rules on transshipment outside Union are laid down in Regulation (EC) No 1224/2009, Chapter VI of Title II of Regulation (EU) 2017/2403, setting out rules on transshipment on the high seas and under direct authorisation, has become redundant and should be deleted. Regulation (EU) 2017/2403 should therefore be amended accordingly.*

(133) The amendments introduced by this Regulation range from minor amendments to major changes and different periods are needed to prepare for the application of the new rules. Therefore, the dates of application for those amendments should be differentiated and should be adequate to prepare for the application of those rules. Moreover, certain transitional provisions necessary to ensure a smooth transition to the new rules should be introduced.

(134) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 18 July 2018,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1224/2009

Regulation (EC) No 1224/2009 is amended as follows:

(1) Article 4 is amended as follows:

(a) The introductory *part is* replaced by the following:

"For the *purposes* of this Regulation, the definitions set out in Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council* and Article 5 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council** shall apply, unless otherwise provided for in this Regulation. *The following definitions shall also apply:*

* *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).*

** *Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).";*

(b) *the following point is inserted:*

“1a. 'fishing operation' means any activity in connection with searching for fish, the shooting, towing and hauling of active gear, the setting, soaking, removing or resetting of passive gear and the removal of any catch from the gear and keep nets, or from a transport cage to fattening and farming cages;”;

(c) point 2 ■ is replaced by the following:

"2. 'rules of the common fisheries policy' means legally binding Union acts ***and applicable*** international ***obligations of*** the Union ***relating to*** the conservation, management and exploitation of marine biological resources, ***to*** aquaculture, ***and to*** processing, transport and marketing of fishery and aquaculture products;"

(d) *points 5, 6 and 7 are replaced by the following:*

- "5. *'surveillance' means the observation of fishing activities on the basis of sightings by inspection vessels, official aircraft, official remotely piloted aircraft systems (RPAS), vehicles or other means, including technical detection and identification methods;*
6. *'official' means any person authorised by a competent authority of a Member State, the Commission or the European Fisheries Control Agency (EFCA), established under Regulation (EU) 2019/473 of the European Parliament and of the Council*, to carry out control or inspections;*
7. *'Union inspector' means an official of a Member State, of the Commission or of EFCA, whose name is contained in the list established in accordance with Article 79;*

* *Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).";*

(e) points 9 and 10 are replaced by the following:

"9. 'fishing licence' means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of marine biological resources;

10. '*fishing authorisation*' means an authorisation issued in respect of a Union fishing vessel, where relevant in addition to its fishing licence, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;"

(f) point 12 is replaced by the following:

"12. 'vessel position data' means data on the fishing vessel identification, geographical position, date, time, course and speed transmitted by tracking devices on board fishing vessels to the fisheries monitoring centre of the flag Member State;"

(g) points 14 and 15 are replaced by the following:

- "14. ■ 'fishing restricted area' means *a specific geographically defined* marine area *within one or more sea basins* where *all or certain* fishing activities are *temporarily* or permanently restricted or prohibited *in order to improve the conservation of marine biological resources or the protection of marine ecosystems under the rules of the common fisheries policy*;
15. 'fisheries monitoring centre' means *an operational centre established by a flag Member State and equipped with computer hardware and software enabling automatic data reception, processing, analysis, control, monitoring and electronic data transmission*";

(h) *the following point is inserted:*

“15a. ‘landing site’ means a location, other than a maritime port as defined in Article 2, point (16), of Regulation (EU) 2017/352 of the European Parliament and of the Council^{*}, which is officially recognised by a Member State for landing;

**** Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1).”;***

(i) points 20, 21 and 22 are replaced by the following:

"20. ‘lot’ means a batch of units of fishery or aquaculture products;

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

22. ‘landing’ means the first unloading of any quantity of fishery products from on board a fishing vessel to land;”;

(j) point 23 is deleted;

(k) point 24 is replaced by the following:

"24. 'multiannual ***plan***' means a plan as referred to in Articles 9 and 10 of Regulation (EU) ***No 1380/2013***, or another Union measure adopted on the basis of Article ***43(2) TFEU*** providing for specific management or recovery of particular fish stocks ***and covering a period of*** more than ***one*** year;"

(l) point 28 is replaced by the following:

"28. 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources for recreation, tourism or sport;"

(m) point 31 is ***replaced by the following***:

"31. ***'fishing vessel' means a catching vessel or any other vessel used for commercial exploitation of marine biological resources, including support vessels, fish processing vessels, vessels engaged in transshipment, towing vessels, auxiliary vessels and carrier vessels used for the transportation of fishery products, but excluding container vessels and vessels used exclusively for aquaculture;***"

(n) the following points *are added*:

- "33. 'catching vessel' means a ■ vessel *equipped or used for* the capture of marine biological resources *for commercial purposes*;
34. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a *catching* vessel;
35. *'fishing trip' means any voyage of a catching vessel which starts at the moment when the vessel leaves a port and ends on arrival in port;*
36. *'unique fishing trip identification number' means the specific number generated by the electronic fishing logbook for each fishing trip;*
37. *'sensitive species' means a sensitive species as defined in Article 6, point (8), of Regulation (EU) 2019/1241 of the European Parliament and of the Council*;*

38. *‘fishing without a vessel’ means an activity for the commercial exploitation of marine biological resources where those resources are caught or harvested without the use of a catching vessel, such as gathering of shellfish, underwater fishing, ice fishing and fishing from the shore, including fishing on foot;*
39. *‘unique fishing day identification number’ means the specific number generated for any continuous period of 24 hours or part thereof during which fishing without a vessel takes place.*

* *Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).”.*

(2) Article 5 is amended as follows:

- (a) in paragraph 5, the words “the Community Fisheries Control Agency established in accordance with Regulation (EC) No 768/2005” are replaced by “EFCA”;
- (b) paragraph 6 is deleted.

(3) Articles 6 and 7 are replaced by the following:

"Article 6

Fishing licence

1. A Union ***catching*** vessel may be used for commercial exploitation of marine biological resources only if it has a valid fishing licence.
2. The flag Member State shall ensure that the ***fishing licence meets the minimum information requirements concerning the identification, technical characteristics and fitting out of a catching vessel and that the*** information contained in the fishing licence is accurate and consistent with that contained in the Union fishing fleet register referred to in Article **24(3)** of Regulation (EU) No 1380/2013.

■

3. The flag Member State shall withdraw permanently the fishing licence of a ***catching*** vessel which is the subject of a ***fishing*** capacity adjustment measure referred to in Article 22 of Regulation (EU) No 1380/2013 **■** .
4. The Commission may, by means of implementing acts, lay down detailed rules on the validity of fishing licences issued by the flag Member ***States*** as well as the minimum information ***requirements concerning the identification, technical characteristics and fitting out of a catching vessel*** contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 7

Fishing authorisation for Union catching vessels

1. ***A Union catching vessel shall be authorised to carry out specific fishing activities only insofar as they are indicated in a valid fishing authorisation, when the fisheries or fishing zones where the fishing activities are authorised, or the vessel, are subject to:***
 - (a) a fishing effort regime;***
 - (b) a multiannual plan;***
 - (c) a fishing restricted area;***
 - (d) fishing for scientific purposes;***
 - (e) the obligation to use a remote electronic monitoring (REM) system, including CCTV; or***
 - (f) other cases laid down in Union legislation.***

2. Where a Member State has a specific national fishing authorisation scheme for **catching** vessels flying its flag, it shall send to the Commission at its request a summary of the information contained in the **fishing** authorisation issued and the related aggregated **data** on fishing effort.
3. *Where the flag Member State has adopted national provisions in the form of a national fishing authorisation scheme for the allocation to individual catching vessels of the fishing opportunities available to it, it shall send to the Commission at its request information on the catching vessels authorised to engage in a fishing activity in a given fishery, in particular concerning the external identification number, the name of the catching vessels concerned, and the individual fishing opportunities allocated to them.*
4. *A fishing authorisation shall not be issued for a catching vessel if that vessel does not have a fishing licence obtained in accordance with Article 6, or if its fishing licence has been suspended or withdrawn. A fishing authorisation for a catching vessel shall be automatically withdrawn where the fishing licence corresponding to that vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.*

5. The Commission *shall*, by means of implementing acts, lay down *detailed* rules on the ■ fishing authorisations issued by the flag Member State, *including conditions for the validity of the fishing authorisation and* the minimum information *to be* contained therein, *as well as conditions on access to data from REM systems*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)■ .
6. *Without prejudice to the Union's international obligations, a Member State may exempt Union catching vessels of less than 10 metres in length overall from the obligation to have a fishing authorisation if they carry out fishing activities exclusively in one or both of the following areas:*
- (a) in its territorial waters;*
- (b) in the territorial waters of another Member State which has exempted vessels flying its flag and carrying out fishing activities in the same fishery from the obligation to have a fishing authorisation.*
- Any Member State that decides to apply the exception referred to in the first subparagraph shall inform the Commission and other Member States concerned thereof within 10 working days from its decision."*

(4) *The following article is inserted:*

"Article 7a

Fishing authorisation for Union fishing vessels other than catching vessels

- 1. Union fishing vessels other than catching vessels may carry out fishing activities only if they have been authorised by their flag Member State.*
- 2. The Commission may, by means of implementing acts, lay down detailed rules on the validity of fishing authorisations for Union fishing vessels referred to in paragraph 1 of this Article and on the minimum information to be contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(5) Article 8 is amended as follows:

(a) the heading of Article 8 is replaced by the following:

"Marking and identification of Union fishing vessels and *gear*";

(b) paragraph 2 is replaced by the following:

“2. The Commission may, by means of implementing acts, lay down ***detailed*** rules on:

- (a) marking and identification of vessels;
- (b) vessel identification documents to be carried on board;
- (c) marking and identification of craft and fishing aggregating devices;
- (d) marking and identification of fishing ***gear***;
- (e) labels for the marking of ***fishing gear***;
- (f) marking of buoys and setting of cords;
- (g) *procedures for the notification and return to port of the end-of-life fishing gear.***

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

(6) Article 9 is replaced by the following:

“Article 9

Vessel monitoring systems

1. Member States shall operate vessel monitoring systems for effective monitoring of position and movement of the fishing vessels flying their flag, wherever those vessels may be, *as well as* of fishing vessels in *their* waters ■ . Each flag Member State shall *collect and analyse the vessel position data and ensure its monitoring on a continuous and systematic basis*.
2. *Each* Union fishing *vessel* shall have installed on board a fully functioning tracking device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting *automatically the* vessel position data at regular intervals.

The vessel monitoring systems shall also allow the fisheries monitoring centre ■ of the flag Member State *referred to in Article 9a* to poll a fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection or, *where possible*, a land-based mobile network *or other equivalent technology*.

3. By way of derogation from paragraph 2, ■ Union fishing vessels of less than 12 metres in length overall may carry on board a ■ device which *does not have to be installed on board and which allows the vessel to be automatically located and identified while at sea through recording and transmitting the vessel position data at regular intervals through a satellite connection or any other network* ■ .

For the purpose of applying this paragraph, Member States shall make available such an alternative vessel monitoring system. Such system may be developed at national or Union level. If one or more Member States so request by ... [four months after the date of entry into force of this amending Regulation], the Commission shall develop a vessel monitoring system for fishing vessels of less than 12 metres in length overall. A requesting Member State shall implement the system as developed by the Commission. The vessel monitoring system shall allow the fisheries monitoring centre of the flag Member State referred to in Article 9a to poll the position of the fishing vessel through a satellite connection or, where possible, any other network. In the event that the device referred to in this paragraph is not within reach of a network, the vessel position data shall be recorded during that period of time and shall be transmitted automatically as soon as the vessel is in reach of such network. Connection with the network shall be re-established at the latest before entering a port or landing site.

4. *Without prejudice to obligations under other Union legal acts, a Member State may exempt, until 31 December 2029, fishing vessels of less than 9 metres in length overall flying its flag from the requirement to be fitted with a vessel monitoring system if such vessels:*
- (a) operate exclusively:*
 - (i) in the waters under the sovereignty or jurisdiction of that Member State up to six nautical miles from the baselines from which the breadth of the territorial sea is measured and use only passive gear; or*
 - (ii) in the waters on the landward side of the baselines of that Member State;*
 - (b) never spend more than 24 hours at sea from the time of departure from port to the return to port; and*
 - (c) are not subject to restrictions applicable in any fishing restricted area in which they operate.*

5. 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 ■ of the *data received* to the *fisheries monitoring centre of the coastal Member State*.
6. If a Union fishing vessel *engages in fishing activities* 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.
7. *Without prejudice to Regulation (EU) 2017/2403 of the European Parliament and of the Council**, all third-country fishing vessels *authorised to conduct fishing activities* in Union waters shall have installed on board a fully functioning device which allows such a vessel to be automatically located and identified by a vessel monitoring system through transmitting *the* vessel position data at regular intervals in the same way as Union fishing vessels under this Article.

8. The Commission *shall*, by means of implementing acts, lay down detailed rules on:

- (a) the format and content of vessel position data;
- (b) the *minimum* requirements and *minimum* technical specifications of vessel monitoring devices;
- (c) the frequency of transmission of the data concerning the position and movement of fishing vessels, including in fishing restricted areas;
- (d) the transmission of data to coastal Member States;
- (e) *the responsibilities of the masters of fishing vessels concerning the operation of vessel monitoring devices.*

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

* *Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81)."*

(7) The following article is inserted:

“Article 9a

Fisheries monitoring centres

1. Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of *each* Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they *operate* or the port they are in, as well as fishing vessels flying the flag of other Member States and fishing vessels of third countries *authorised to conduct fishing activities* in the waters under the sovereignty or jurisdiction of that particular Member State.
2. Each ■ Member State shall appoint the competent authorities responsible for the *functioning of its* 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, *analysis, control*, electronic data transmission *and data monitoring seven days a week and 24 hours a day*. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre.

3. ■ Member States shall ensure that fisheries monitoring centres have access to all relevant data and, in particular, *data* listed in Articles 109 and 110 ■ .
4. *Fisheries monitoring centres shall support real-time monitoring of vessels so as to enable enforcement action.*
5. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by adopting detailed rules on monitoring of fishing activities and fishing effort by the fisheries monitoring centres, in particular relating to:
 - (a) the monitoring of entry into and exit from specific areas;
 - (b) the monitoring and recording of fishing *activities*;
 - (c) the rules applicable in the event of a technical or communication failure or non-functioning of the vessel monitoring device;
 - (d) measures to be taken in the event of non-receipt of data concerning the position and movement of fishing vessels."

(8) Article 10 is replaced by the following:

"Article 10

Automatic identification *systems*

1. In accordance with *Article 6a of* Directive 2002/59/EC, *Union* fishing vessels exceeding 15 metres in length overall shall be fitted with and maintain in *continuous* operation an automatic identification system (*AIS*) which meets the performance standards *referred to in that Directive*.
2. *By way of derogation from paragraph 1, the master of a Union fishing vessel may switch off the AIS in exceptional circumstances when the master considers that the safety or security of the crew is imminently at risk of being compromised. Where the AIS is switched off in accordance with this paragraph, the master shall report that action and the reason for doing so to the competent authorities of its flag Member State and, when relevant, also to the competent authorities of the coastal State. When the situation referred to in this paragraph has elapsed, the master shall restart the AIS as soon as the source of danger has disappeared.*
3. *Member States shall ensure that data from the AIS are made available to their competent authorities responsible for fisheries control for control purposes, including cross-checks of AIS data with other available data, in accordance with Article 109."*

- (9) Article 12 is replaced *by the following*:

"Article 12

Transmission of data for surveillance operations

For the purposes of maritime safety and security, border control, protection of the marine environment and general law enforcement, data from the vessel monitoring system(s) and the vessel detection system collected in the framework of this Regulation shall be made available to the Commission, Union agencies and competent authorities of the Member States engaged in surveillance operations ■ ."

- (10) Article 13 is *replaced by the following*:

"Article 13

Remote electronic monitoring

- 1. Member States shall ensure monitoring and control of fishing activities through remote electronic monitoring (REM) systems as set out in this Article.***

2. *For the purpose of monitoring and control of the landing obligation, Member States shall ensure that Union catching vessels of 18 metres in length overall or more flying their flag which pose a high risk of non-compliance with the landing obligation have installed on board an operating REM system. The assessment of the risk of non-compliance with the landing obligation shall be carried out in accordance with the implementing acts adopted under Article 95(1). The REM system shall be able to effectively monitor and control compliance with the landing obligation, shall include CCTV and may include other instruments and/or equipment. The master shall ensure that the data from the REM system are made available to competent authorities. The competent authorities of the flag and coastal Member States responsible for fisheries control shall have equal access to those data, without prejudice to the relevant rules on the protection of personal data.*

3. *For the purpose of implementing paragraph 2 of this Article, the Commission, by means of implementing acts, shall:*
- (a) determine the fleet segments of Union catching vessels to which the obligation to have installed on board the REM system shall apply, based on the assessment of the risk of non-compliance with the landing obligation;*
 - (b) set out detailed rules on requirements, technical specifications, installation, maintenance and functioning of the REM system and the period for which the REM system must be operated, taking into account the latest technological and scientific developments. Those rules shall provide that recorded video material obtained from those systems only concerns the gear and the parts of the vessel where fishery products are brought on board, handled, stored and all areas where discarding can occur, and does not, to the extent possible, allow the identification of natural persons. They shall also require that, if it is detected that natural persons can be identified on such recorded video material, the competent authorities shall ensure anonymisation of the personal data as soon as possible and shall inform the master or the operator of the REM system of this detection;*
 - (c) set out detailed rules on the storage of, the exchange of and access to the data from the REM system, without prejudice to Article 112.*

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

4. *Member States may provide that certain fleet segments of Union catching vessels of less than 18 metres in length overall flying their flag shall have on board an operating REM system, based on the risk of non-compliance with the landing obligation as assessed by the Member State concerned or by the Commission.*
5. *Member States may provide incentives for vessels not required to be equipped with an REM system under paragraphs 2 and 4 but which use such a system for control of the landing obligation on a voluntary basis.*
6. *Without prejudice to paragraph 2, Member states may provide for the use of REM systems for the control of compliance with the rules of the common fisheries policy other than the landing obligation."*

(11) Article 14 is replaced *by the following*:

“Article 14

Completion of the fishing logbook

1. The master of each Union catching vessel shall keep an electronic fishing logbook for the purpose of recording fishing activities.
2. The fishing logbook referred to in paragraph 1 shall contain *at least* the following information:
 - (a) *the* unique fishing trip identification number;
 - (b) the *common fleet register (CFR) number or, where that number is not available, another* vessel identification *number* and the name of the catching vessel;
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the date and, *for vessels of 12 metres in length overall or more, the* time of catches;

- (e) the date and time of departure from, and of arrival to, port ■ ;
- (f) the type of **fishing** gear, *its* technical specifications and dimensions;
- (g) the estimated quantities in kilograms live weight or, where appropriate, the number of individuals, of each species ***retained on board***, including, ***as a separate entry***, the quantities or individuals below the applicable minimum conservation reference size. For Union ***catching*** vessels of 12 metres in length overall or more, this information shall be provided ■ per fishing operation;
- (h) estimated ***quantities of each species discarded in kilograms live weight or, where appropriate, in number of individuals***;

■
- (i) ***where applicable***, the conversion ***factor(s)*** used;
- (j) data required in application of fisheries agreements referred to in ■ Article 3(1).

3. When compared with the quantities landed or **with** 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 **each** species.

For species retained on board the quantity of which does not exceed 100 kg of live-weight equivalent, the permitted margin of tolerance shall be 20 % per each species.

4. By way of derogation ***from paragraph 3, in the case of*** fisheries referred to in Article 15(1), point (a), first and third indents, of Regulation (EU) No 1380/2013 ***for species which are landed unsorted, and in the case of tropical tuna purse seine fisheries for species*** which are landed unsorted, the ***following margins of tolerance shall apply:***

(a) in the case of landings in listed ports and subject to additional conditions concerning the landing and the weighing of catches in order to ensure accurate catch reporting:

- (i) for species representing 2 % or more in kilograms live weight of all species landed, 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 quantity of all species recorded in the fishing logbook, per each species;***

- (ii) *for species that represent less than 2 % in kilograms live weight of all species landed, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 200 kg or 0,5 % of the total quantity of all species recorded in the fishing logbook, per each species, whichever is greater.*

In addition to the provisions set out in points (i) and (ii), in any event, for the total quantity of all species, the permitted margin of tolerance in estimates recorded in the fishing logbook of the total quantity in kilograms of fish retained on board shall be 10 % of the total quantity of all species recorded in the fishing logbook.

The conditions concerning landing and weighing shall include safeguards allowing for the accurate reporting of the catches, such as the involvement of accredited independent third parties or specific requirements for the sampling and weighing operations. Those conditions shall provide for the necessary control by, and cooperation with, the relevant competent authorities of the country concerned;

(b) in the case of landings other than those referred to in point (a):

- (i) for species representing 2 % or more in kilograms live weight of all species landed, 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 each species;*
- (ii) for species that represent less than 2 % in kilograms live weight of all species landed, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 200 kg or 20 % per each species recorded in the fishing logbook, whichever is greater.*

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- 5. For Union catching vessels engaged in the fisheries referred to in paragraph 4, the Commission may, at the request of one or more Member States, ask EFCA to develop harmonised technical guidelines on best practices for the estimation of catches on board.**

6. *The Commission shall, by means of implementing acts, by ... [six months after the date of entry into force of this amending Regulation] lay down rules on conditions pertaining in particular to the landing and weighing of catches of fisheries referred to in paragraph 4 of this Article in order to ensure the accuracy of reporting of catches. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).*

The Commission shall, by means of implementing acts, approve the ports which comply with the conditions set out in accordance with this Article and on the basis of submissions by the Member States. The initial list of ports shall be adopted by ... [six months after the date of entry into force of this amending Regulation]. The Commission may amend the list and may revoke its approval of a listed port in the event that the conditions are no longer met.

7. In the case of fishing **gear** lost at sea, the fishing logbook shall also contain *the following information*:
- (a) the type *and approximate dimensions* of the lost gear;
 - (b) the date and *estimated* time when the gear was lost;
 - (c) the position where the gear was lost;
 - (d) the measures undertaken to retrieve the lost gear.

8. *In the case of catches of sensitive species referred to in Article 10(1) and (2) and Article 11(1) of Regulation (EU) 2019/1241, the information referred in paragraph 2, point (h), of this Article shall also contain the quantities in kilograms live weight or, where appropriate, the number of individuals, of the catches which are injured, dead or released alive.*
9. In fisheries subject to a Union fishing effort regime, masters of Union catching vessels shall in their fishing logbooks record and account for the time spent in an area as follows:
- (a) with regard to towed gear:
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;

- (b) with regard to static gear:
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the date and time of setting or resetting of the static gear in these areas;
 - (iv) the date and time of the completion of fishing operations using the static gear;
 - (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.

- 10. To convert stored or processed fish weight into live fish weight for the purposes of the fishing logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 12.

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11. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.
12. The Commission may, by means of implementing acts, *establish conversion factors and lay down detailed rules on:*
 - (a) ■ the implementation of the margin of tolerance as defined in *paragraphs 3 and 4*;
 - (b) ■ the use of conversion factors.

■

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

(12) Article 15 is replaced by the following:

‘Article 15

Electronic submission of the *fishing* logbook

1. Masters of Union catching vessels ■ shall submit by electronic means the information referred to in Article 14 to the competent authority of their flag Member State:
 - (a) at least once a day; ■
 - (b) after the last fishing operation ■ and before entering *a port or a landing site*.
2. *By way of derogation from paragraph 1*, masters of Union catching vessels *of less than* 12 metres in 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 *the landing starts*.

3. *At the time of an inspection and upon request of the competent authority of their flag Member State*, masters of Union catching vessels shall *record and submit by electronic means to that authority* the information referred to in Article 14. *In the event that the vessel is not within reach of a network, the information shall be submitted as soon as the vessel is in reach of a network.*
4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1, 2 and 3.
5. Masters of third-country catching vessels operating in Union waters shall submit by electronic means the information referred to in Article 14 to the competent authority of the coastal Member State *under the same conditions as those which apply to masters of Union catching vessels.*

(13) The following *articles are* inserted:

‘Article 15a

Electronic fishing logbook and other systems for vessels of less than 12 metres in length overall

For the purposes of Articles 14 and 15, for catching vessels of less than 12 metres in length overall Member States may use a system for fishing logbooks developed at national or Union level. If one or more Member States so request by ... [four months after the date of entry into force of this amending Regulation], the Commission shall develop such a system for catching vessels of less than 12 metres in length overall. If one or more Member States so request, the system developed by the Commission shall be such as to allow the operators concerned to also fulfil their obligations under Articles 9, 19a, 20, 21, 22, 23 and 24. A requesting Member State shall implement the system as developed by the Commission.

Article 15b

Delegated and implementing acts concerning ***fishing*** logbook requirements ■

1. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation concerning:
 - (a) the rules applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for fishing logbook data;
 - (b) measures to be taken in the event of non-receipt of fishing logbook data;
 - (c) the access to fishing logbook data and measures to be taken in the event of data access failure;
 - (d) *the exemption of certain categories of Union catching vessels from the obligations laid down in Article 14(2), points (d) and (g), to record in the fishing logbook the time of the catches and the estimated quantities per fishing operation.*

2. The Commission *shall*, by means of implementing acts, lay down detailed rules on:
- (a) the format, content and *procedure for* submission of the fishing logbook;
 - (b) the completion and *electronic* recording of information in the fishing logbook;
 - (c) the functioning of the electronic recording and reporting system for *fishing* logbook data;
 - (d) the requirements for the transmission of *fishing* logbook data from a Union *catching* vessel to the competent authorities of its flag State and return messages from the authorities;
- I**
- (e) the tasks of the single authority referred to in Article 5(5) with regard to the fishing logbook;
 - (f) the frequency of *fishing* logbook data *submissions*.

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

(14) Article 16 is deleted.

(15) Article 17 is amended as follows:

(a) paragraph 1 is replaced by the following:

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

- (a) the unique **fishing** trip identification number **and, in the case of vessels other than catching vessels, the unique fishing trip identification number(s) related to the catches**;
- (b) the **CFR number or, where that number is not available, another vessel identification number** and the name of the fishing vessel;
- (c) the **port or landing site** of destination and the purposes of the call, such as landing, transhipment or access to services;
- (d) the dates of the fishing trip ■ ;
- (e) ■ the estimated date and time of arrival at port **or landing site**;

- (f) the FAO alpha-3 code of each species *and the relevant geographical areas in which the catches were taken*;
 - (g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;
 - (h) the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size.';
- (b) *the following paragraphs are* inserted:
- "1a. The coastal Member State *where the landing takes place* may set a shorter period *for the* prior notification *referred to in paragraph 1 for certain categories of Union fishing vessels, taking into account the type of fishery products and the distance between the fishing grounds and the port or landing site, and* provided that *such shorter period of prior notification* does not impair the ability of *that* Member *State* to carry out inspections. *That coastal Member State shall make such shorter period for prior notification publicly available and shall communicate it without delay to the Commission. The Commission shall make it available on its website.*

1b. Where catches are taken between the time of the prior notification and arrival at port, those additional catches shall be notified in another prior notification.";

(c) paragraph 6 is replaced by the following:

"6. The Commission is empowered to adopt delegated acts in accordance with Article 119a ***supplementing this Regulation by:*** ■

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

■ ■

(b) ***adopting*** rules to be applied in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification;

(c) ***adopting*** measures to be taken in the event of non-receipt of prior notification data;

(d) ***adopting rules on*** the access to prior notification data and measures to be taken in the event of data access failure.”.

(16) Article 18 is deleted.

(17) *Article 19 is replaced by the following:*

"Article 19

Authorisation to enter port

The competent authorities of the coastal Member State may deny access to port to fishing vessels if the information referred to in Article 17 is not complete, except in cases of force majeure or distress."

(18) *The following article ■ is inserted:*

"Article 19a

Prior notification of landing in third-country ports

1. Union fishing vessels shall ***be allowed*** to land in third-country ports ***only if their masters have submitted*** by electronic means ***to*** the competent authorities of their flag Member State ***the information referred to in paragraph 3*** at least ***48 hours*** before the estimated time of arrival at ***a third-country port, and if*** the flag Member State has not denied ***such*** authorisation to land ■ .

2. The flag Member State may set a shorter period, of not less than **two** hours, for the **submission** referred to in paragraph 1 for fishing vessels flying its flag, **taking into account the type of fishery products, the distance between the fishing grounds and port and the time needed to analyse the information referred to in paragraph 3 and to fulfil its obligations under paragraph 4. The flag Member State shall communicate such shorter period to the Commission.**
3. Masters of Union fishing vessels shall submit to the flag Member State **in particular** the following information:
 - (a) the unique **fishing** trip identification number **and, in the case of fishing vessels other than catching vessels, the unique fishing trip identification number(s) related to the catches;**
 - (b) the **CFR number or, where that number is not available, another** vessel identification number and the name of the fishing vessel;
 - (c) **■** the port of destination and the purposes of the call, such as landing or access to services;
 - (d) the **dates of the fishing trip;**
 - (e) **■** the estimated date and time of arrival at port;

- (f) the FAO alpha-3 code of each species *and the relevant geographical areas in which the catches were taken*;
 - (g) the quantities *in kilograms live weight or, where appropriate, in number of individuals* of each species recorded in the fishing logbook *or transshipment declaration, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size*;
 - (h) the quantities, *in kilograms live weight or, where appropriate, in number of individuals* of each species to be landed, *including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size*.
4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the **Union** fishing vessel is not *or has not been* complying with the rules of the common fisheries policy, the competent authorities of *its* flag Member State shall request the cooperation of ■ the third country, where the vessel intends to land, for a possible inspection. For that purpose the flag Member State may require the fishing vessel to land in a different port, or delay the time of arrival at port or of landing."

■

(19) ■ Article 20 *is amended as follows*:

(a) *in paragraph 1, the words ‘places close to the shore’ are replaced by the words ‘at landing sites’;*

(b) the following paragraphs ■ are inserted:

"2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008* and Article 43(3) of this Regulation, ■ donor *and receiving* Union *fishing* vessels shall ■ be authorised to tranship at sea outside Union waters or in ■ ports of third *countries only* subject to an authorisation received *by* their flag Member State(s).

2b. In order to apply for an authorisation to tranship under paragraph 2a, ■ masters of *donor and receiving* Union *fishing* vessels shall submit electronically to their flag Member State, at least *48 hours* before the planned transhipment operation, the following information:

(a) the unique *fishing* trip identification number(s) *and, in the case of fishing vessels other than catching vessels, the unique fishing trip identification number(s) related to the catches*;

- (b) the *CFR number or, where that number is not available, another* vessel identification *number(s)* and the name of both the donor and the receiving fishing vessels;
- (c) the FAO alpha-3 code of each species *to be transhipped* and the relevant geographical area(s) in which the catches were taken;
- (d) the estimated quantities of each species *to be transhipped* in kilograms in product weight and in live weight, broken down by type of product presentation *and state of processing*;
- (e) the port of destination of the receiving fishing vessel;
- (f) *the* date and time of the planned transshipment;
- (g) the geographical position or the specific name of the port in which the transshipment operation is planned.

2c. The Commission may, by means of implementing acts, lay down detailed rules on product presentation and the state of processing, in particular through codes and descriptions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

*** Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1)."**

(20) Article 21 is replaced by the following:

“Article 21

Completion of the transhipment declaration

1. Masters of Union fishing vessels ■ involved in a transhipment operation shall complete an electronic transhipment declaration.

2. The transshipment declaration referred to in paragraph 1 shall contain at least the following information:
- (a) the unique ***fishing*** trip identification number(s) ***and, in the case of fishing vessels other than catching vessels, the unique fishing trip identification number(s) related to the catches;***
 - (b) the ***CFR number or, where that number is not available, another*** vessel identification ***number(s)*** and the name of both the donor and the receiving fishing vessels;
 - (c) the FAO alpha-3 code of each ***transhipped*** species and ***the*** relevant geographical area(s) in which the catches were taken;
 - (d) the estimated quantities of each ***transhipped*** species in kilograms in product weight and in live weight, broken down by type of product presentation ***and state of processing***, or, where appropriate, the number of individuals, including, as a separate entry, ■ the quantities or individuals below the applicable minimum conservation reference size;
 - (e) the port ***or landing site*** of destination of the receiving fishing vessel and estimated date and time of arrival;
 - (f) date and time of transshipment;
 - (g) the geographical area or the designated port of transshipment;
 - (h) the conversion ***factor(s)*** used.

3. When compared with the quantities landed or **with** the result of an inspection, the permitted margin of tolerance in estimates recorded in the transshipment declaration of the quantities in kilograms of fish retained on board shall be **as set out in Article 14(3) and (4)**.
4. ■ Masters of both the donor and the receiving fishing **vessels** shall each be responsible for the accuracy of the data recorded in their respective transshipment declarations.
5. To convert stored or processed fish weight into live fish weight for the purposes of **the** transshipment declaration, masters of fishing vessels shall apply a conversion factor established **in accordance with** Article 14(12).
6. The Commission is empowered to adopt delegated acts in accordance with Article 119a **supplementing this Regulation by exempting** certain categories of **Union** fishing vessels from the obligation laid down in paragraph 1 **of this Article**, taking into account the quantities and/or type of **fishery** products, **distance between the fishing grounds, transshipping places and ports where the vessels concerned are registered**.”.

(21) Articles 22, 23 and 24 are replaced by the following:

"Article 22

Electronic transmission of transhipment declaration data

1. Masters of Union fishing vessels ■ shall **submit** 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 transhipment operation.

■
2. When a Union fishing vessel tranships its catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the transhipment declaration data by electronic means to the competent authorities of the Member State where the catch was transhipped and where the catch is destined.
3. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by:
 - (a) laying down the rules to be applied in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transhipment data;
 - (b) adopting measures to be taken in the event of non-receipt of transhipment data;
 - (c) adopting rules on the access to transhipment data and measures to be taken in the event of data access failure.

4. The Commission may, by means of implementing acts, lay down detailed rules on:
- (a) the format and *procedure for submission* of the transshipment declaration;
 - (b) the completion and electronic recording of *the* transshipment *declaration* data;
 - (c) the functioning of the electronic recording and reporting system for transshipment data;
 - (d) the requirements for the transmission of transshipment data from a Union fishing vessel to the competent authorities of its flag Member State and return messages from the authorities of the flag Member State.



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

Article 23

Completion of the landing declaration

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

2. The landing declaration referred to in paragraph 1 shall contain at least the following information:
- (a) the unique fishing trip identification number;
 - (b) the **CFR number or, where that number is not available, another** vessel identification **number**, and the name of the fishing vessel;
 - (c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken;
 - (d) the quantities of each species landed in kilograms of product weighed in accordance with Article 60 and in live weight, broken down by type of product presentation **and state of processing**, or, where appropriate, in number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size;
 - (e) the port of landing **or landing site**;
 - (f) date and time of **the completion of the landing or, in the event that the landing takes longer than 24 hours, the date and time of the start and of the completion of the** landing;
 - (g) **date and time of the completion of the weighing or, in the event that the weighing takes longer than 24 hours, the date and time of the start and of the completion of the weighing**;
 - (h) the **name or an identification** number of the **operator referred to in Article 60(5)**;
 - (i) the conversion factors used.

3. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.
4. ***In order*** to convert stored or processed fish weight into live fish weight for the ***purpose of the completion*** of the landing declaration, ***the master of a fishing vessel, or a representative of the master,*** shall apply a conversion factor established in accordance with Article 14(12). ■

Article 24

Electronic transmission of landing declaration data

1. The master of a Union fishing vessel or ***a representative of the master*** shall submit by electronic means the information referred to in Article 23(2) to the competent authority of their flag Member State within 24 hours after completion of the landing.
2. By way of derogation ***from paragraph 1 of this Article, for fishery products*** which are weighed in accordance with Article 60(3), ***points (c) and (d)***, the master ***or a representative of the master*** shall submit ***by electronic means*** the information referred to in Article 23 ***to the competent authority of the flag Member State within 24 hours after the completion*** of the ■ weighing.

3. **Where** a Union fishing vessel lands ■ catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State *in whose territory* the catch was landed.

■

4. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by:
- (a) laying down detailed rules on derogations concerning the submission of the landing declaration;
 - (b) laying down the rules to be applied in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for landing declaration data;
 - (c) adopting measures to be taken in the event of non-receipt of landing declaration data;
 - (d) adopting rules on the access to landing declaration data and measures to be taken in the event of data access failure.

5. The Commission may, by means of implementing acts, lay down detailed rules on:
- (a) the format and *procedure for submission* of the landing declaration;
 - (b) the completion and digital recording of landing declaration data;
 - (c) the functioning of the electronic recording and reporting *systems* for landing declaration data;
 - (d) the requirements for the transmission of landing declaration data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities.



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

(22) Article 25 is deleted.

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(23) *Article 26 is amended as follows:*

- (a) *in paragraph 1, the words 'fishing vessels' are replaced by the words 'catching vessels', and the words 'fishing vessel' are replaced by the words 'catching vessel';*
- (b) *in paragraphs 2 and 3, the words 'fishing vessel' are replaced by the words 'Union catching vessel';*
- (c) *in paragraph 4, the words 'fishing vessels' are replaced by the words 'Union catching vessels';*
- (d) *in paragraph 6, the words 'fishing vessel' are replaced by the words 'catching vessel'.*

- (24) *In Article 27(1), the words 'fishing vessel' are replaced by the words 'Union catching vessel'.*
- (25) Article 28 is deleted.
- (26) **■** *Article 29 is amended as follows:*
- (a) *in paragraph 1, the words 'fishing vessel' are replaced by the words 'Union catching vessel';*
 - (b) *in paragraph 2, the words 'fishing vessel' are replaced by the words 'Union catching vessel', and the words 'fishing vessels' are replaced by the words 'catching vessels';*
 - (c) *paragraph 3 is replaced by the following:*

“3. A Member State may choose not to count against any maximum allowable fishing effort the activity of a Union catching vessel in a geographical area subject to a fishing effort regime where that Union catching vessel has been present in that geographical area but was unable to fish because it was assisting another vessel in need of emergency aid or because it was transporting an injured person for emergency medical aid.”.
- (27) *Article 30 is amended as follows:*
- (a) *in paragraph 1, the words 'fishing vessel' are replaced by the words 'Union catching vessel';*
 - (b) *in paragraph 2, the words 'fishing vessel' are replaced by the words 'Union catching vessel'.*

(28) *Article 31 is replaced by the following:*

“Article 31

Catching vessels exempted from the application of a fishing effort regime

This Section shall not apply to Union catching vessels to the extent that they are exempted from the application of a fishing effort regime.”

(29) Article 32 is deleted.

(30) Article 33 is replaced by the following:

“Article 33

Recording of catches and fishing effort

1. Each flag Member State ***or, in the case of fishing without a vessel, each coastal Member State*** shall record all data relating to catches and fishing effort referred to in this Regulation, in particular data referred to in Articles 14, 21, 23, ***54d, 55***, 62, 66 and 68, and shall keep the originals of those data for a period of at least three years in accordance with national law.

2. Before the 15th day of each month, each flag Member State *or, in the case of fishing without a vessel, each coastal Member State* shall submit *by electronic means* to the Commission or the body designated by it, the aggregated data *on*:
- (a) ■ the quantities of each *species, if applicable by* stock or group of stocks, caught and kept on board, and ■ the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as a separate *entry*, those below the applicable minimum conservation reference size;
 - (b) ■ the fishing effort deployed during the preceding month for each fishing area subject to a fishing effort regime or, where appropriate, for each fishery subject to a fishing effort regime;
 - (c) *the quantities of each species, if applicable by stock or group of stocks, caught in the case of fishing without a vessel, and the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as a separate entry, those below the applicable minimum conservation reference size.*
3. Where the data submitted by a Member *State* in accordance with paragraph 2 are based on estimates for *a species*, a stock or *a* group of stocks, the Member State shall *submit* to the Commission the corrected *data on* quantities established on the basis of landing declarations, *sales notes or catch declarations* as soon as *possible* and no later than *three* months after the *end of the period for which the quota or fishing effort limit was set*.

4. ■ Where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 *of this Article* and the results of the validation performed in accordance with Article 109, the Member State shall **submit** to the Commission the corrected **data on** quantities established on the basis of that validation as soon as *possible* and no later than *six* months after the *end of the period for which the quota or fishing effort limit was set*.
5. *Where the Commission detects inconsistencies concerning the data submitted by a Member State to the Commission in accordance with this Article, it shall consult the Member State concerned, which shall correct the data and submit the corrected data to the Commission as soon as possible.*
6. ■ Catches of *each species*, a stock or a group of stocks subject to *a quota* shall be counted against the quotas applicable to *the Member States in accordance with Article 15 of Regulation (EU) No 1380/2013*.

7. 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. The catches shall be counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the *quota* concerned. This paragraph shall not apply to catches taken during *mandatory* research surveys at sea as referred to in Article 5(1), point (b), of Regulation (EU) 2017/1004 of the European Parliament and of the Council*.
8. Except for fishing effort deployed by *catching* vessels that are exempted from the application of a fishing effort regime, all fishing effort deployed by Union *catching* vessels when carrying on board or, where appropriate, using a fishing gear *which is* 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, fishery or geographical area **■** *which is* available to the flag Member State *concerned*.

9. Fishing effort deployed in the framework of scientific research by a ***catching*** vessel carrying a fishing gear ***which is*** 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, fishery or ***geographical area which is available to*** its flag Member State, if the catches taken during the deployment of ***that fishing*** effort are marketed and sold, insofar as they exceed 2 % of the fishing effort allocated. This paragraph shall not apply to catches taken during ***mandatory*** research surveys at sea as referred to in Article ***5(1), point (b)***, of Regulation (EU) 2017/1004.
10. The Commission may, by means of implementing acts, ***lay down rules concerning the*** formats for the transmission of the data referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

* **■** Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).".

(31) Article 34 is replaced by the following:

“Article 34

Data on exhaustion of fishing opportunities

The Commission may request a Member State to submit more detailed
■ information than *that* provided for in Article 33 *where* 80 % of a quota for a stock or *a* group of stocks is deemed to be exhausted, *or where 80 % of the maximum allowable fishing effort for a fishing gear or a specific fishery and a corresponding geographical area is deemed to have been reached.*”.

(32) ■ Article 35 *is amended as follows:*

(a) paragraphs 1, 2 and 3 are replaced by the following:

“1. Each Member State shall establish the date from which:

(a) the catches of a stock or a group of stocks subject to the quota of the Member State is to be deemed to have exhausted that quota;

(b) the maximum allowable fishing effort for a fishing gear or a fishery and a corresponding geographical area is to be deemed to have been reached.

2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing *operations, as well as fishing without a vessel*, for the stock or *the* group of stocks *for which the* quota has been exhausted, in the relevant fishery, or when carrying on board the relevant fishing gear in the geographical area where the maximum allowable fishing effort has been reached, by all or part of the *catching* vessels flying the flag of that Member State *or, as applicable, by its operators in the case of fishing without a vessel. In such a case, that Member State may fix* a date *by* which transshipments, transfers and landings or final declarations of catches *have to be completed*.
3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the Commission. ■ The Commission ■ shall *make it publicly available on its website*.”;

(b) the following paragraph is inserted:

"3a. As from the date on which the decision referred to in paragraph 2 was made public by the Member State concerned, that Member State shall ensure that no fishing operations by any catching vessel flying its flag, or fishing without a vessel by its operators, take place for the stock or group of stocks concerned."

(33) In Article 36, paragraph 2 is replaced by the following:

"2. Where the Commission finds that fishing opportunities available to the Union, a Member State or group of Member States are deemed to have been exhausted, the Commission shall inform the Member States concerned thereof and may, by means of implementing acts, prohibit fishing ***operations, as well as fishing without a vessel***, for the ***relevant*** area, ***fishing*** gear, stock, group of stocks or fleet involved in those fishing ***operations***".

(34) Article 37 is amended as follows:

(a) *paragraphs 1 and 2 are replaced by the following:*

"1. Where the Commission has prohibited fishing operations, as well as fishing without a vessel, because of the alleged exhaustion of the fishing opportunities available to a Member State or group of Member States or to the Union and it transpires that a Member State has not in fact exhausted its fishing opportunities, this Article shall apply.

2. If the prejudice suffered by the Member State for which fishing *operations have* been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall, *by means of implementing acts*, adopt measures with the aim of remedying, in an appropriate manner, the prejudice caused **■** . Those implementing acts shall, *in particular, lay down*:
- (a) the notification of a prejudice suffered;
 - (b) the identification of *the* Member States which suffered prejudice and the amount of the prejudice;
 - (c) the identification of the Member States which have overfished, and the quantities of fish caught in excess;
 - (d) the deductions to be made from the fishing opportunities of Member States which have overfished, in proportion to the exceeded fishing opportunities;
 - (e) the additions to be made to the fishing opportunities of the prejudiced Member States in proportion to the prejudice suffered;
 - (f) the dates on which the additions and deductions shall take effect.

■

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

(b) paragraph 4 is deleted.

(35) In Title IV, the heading of Chapter II is replaced by the following:

“CHAPTER II

Control of fishing capacity”.

(36) Article 38 is replaced by the following:

"Article 38

Fishing capacity

1. Member States shall be responsible for carrying out the necessary checks in order to ensure that the total capacity corresponding to the fishing licences issued by a Member State *concerned*, in GT and in kW, shall at any moment not be higher than the maximum capacity levels for that Member State established in accordance with Article 22 of Regulation (EU) No 1380/2013.
2. The Commission may **■**, by means of implementing acts, *lay down* detailed rules for the application of this Article *concerning*:
 - (a) the verification of the engine power of *catching* vessels;
 - (b) the verification of the tonnage of *catching* vessels;
 - (c) the verification of the type, number and characteristics of the fishing gear.

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

(37) In Chapter II of Title IV, the heading of Section 2 is replaced by the following:

“Section 2

Engine power and tonnage”.

(38) *Article 39 is amended as follows:*

(a) *in paragraph 1, the words "fishing vessel" are replaced by the words "catching vessel";*

(b) *the following paragraph is inserted:*

"2a. When a catching vessel exceeds the authorised engine power set out in the fishing licence, a regularisation may be carried out within a maximum period and in accordance with criteria established by the flag Member State concerned."

(c) *paragraph 3 is replaced by the following:*

"3. All costs arising from the certification and verification of engine power under this Article shall be borne by the flag Member States. In accordance with Article 39 of Regulation (EU) No 1380/2013, Member States may require the operators of the catching vessels flying their flag involved in the relevant fishery to contribute to those costs."

(39) The following article is inserted:

“Article 39a

Continuous monitoring of engine power

1. Member States shall, *based on a risk assessment, determine which vessels equipped with inboard propulsive engines with a certified engine power exceeding 221 kilowatts and using towed gear, as defined in Article 6, point (12), of Regulation (EU) 2019/1241, pose a high risk of non-compliance with the rules of the common fisheries policy concerning engine power. They shall ensure that those vessels are equipped with permanently installed systems that measure and record engine power continuously.*
2. *Member States shall also ensure that catching vessels are equipped with permanently installed systems that measure and record engine power continuously in cases where those vessels use bottom trawls or Danish seines, are equipped with inboard propulsive engines with a certified engine power between 120 and 221 kilowatts, and are operating in the area referred to in part C, point 2.1, of Annex V to Regulation (EU) 2019/1241.*

■

3. The **systems** referred to in paragraph 1 **■** shall ensure the continuous measurement of propulsive engine power in kilowatts *and the storage of those data on board*.
4. Masters of catching vessels *and holders of fishing licences* shall ensure that the **systems** referred to in paragraph 1 function at all times and that the **data** from the continuous measurement of propulsive engine power are recorded and stored on board and are accessible *on board the vessels* at all times *to officials*.
5. The Commission **shall**, by means of implementing acts, lay down detailed rules concerning the **installation**, technical requirements and characteristics of the **systems** referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
6. *The risk assessment referred to in paragraph 1 shall:*
 - (a) *establish the level of risk of non-compliance by fleet segment, based on gear, area covered, effort regime, species targeted, power reduction and speed;*
 - (b) *take into consideration confirmed infringements related to the use of an engine with an engine power exceeding that indicated on the engine certificate;*
 - (c) *include an analysis determining the likelihood and impact of non-compliance with the rules of the common fisheries policy concerning engine power, in particular as regards overfishing;*
 - (d) *take into consideration the exceeding of the capacity ceiling.*

7. *The risk assessment shall be jointly carried out by the Member States, in cooperation with EFCA.*
8. *Member States may provide that Union catching vessels flying their flag equipped with inboard propulsive engines with a certified engine power of no more than 221 kilowatts and using towed gear, as defined in Article 6, point (12), of Regulation (EU) 1241/2019, shall be equipped with permanently installed systems that measure and record engine power continuously, based on the risk of non-compliance with the rules of the common fisheries policy concerning engine power.”.*

(40) Article 40 is amended as follows:

- (a) *in paragraph 1, the words 'fishing vessels' are replaced by the words 'catching vessels';*
- (b) *in paragraph 2, the words 'fishing vessels' are replaced by the words 'catching vessels';*
- (c) *paragraph 5 is deleted;*
- (d) paragraph 6 is replaced by the following:

"6. The Commission may, by means of implementing acts, lay down detailed rules concerning the certification of propulsion engine power. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).".

(41) Article 41 is replaced by the following:

"Article 41

Verification of engine power ■

1. *In the case of catching vessels which are not equipped with a continuous monitoring system as provided in Article 39a, Member States shall, following a risk analysis, undertake data verification, in accordance with a sampling plan based on the methodology to be adopted in accordance with paragraph 5 of this Article, of the consistency of engine power using all the information available concerning the characteristics of the vessel concerned. In particular, they shall verify the information contained in:*
 - (a) *vessel position data;*
 - (b) *fishing logbook data;*
 - (c) *the Engine International Air Pollution Prevention (EIAPP) certificate issued for the engine in accordance with Annex VI to the Marpol 73/78 Convention;*
 - (d) *class certificates issued by a recognised ship inspection and survey organisation within the meaning of Directive 2009/15/EC of the European Parliament and of the Council³⁰;*

³⁰ *Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47).*

- (e) *the sea trial certificate;*
 - (f) *the Union fishing fleet register; and*
 - (g) *any other documents providing relevant information on vessel power or any related technical characteristics.*
2. *Where, following the analysis of the information referred to in paragraph 1, there are indications that the engine power of a catching vessel exceeds the power indicated in the fishing licence ■ or in the Union or national fishing fleet register, Member States shall proceed with a physical verification of the engine power or shall ensure that the catching vessel concerned is equipped with a system referred to in Article 39a(1).*
 3. *For the purpose of verifying the engine power of a catching vessel, Member States shall apply the requirements adopted by the International Organisation for Standardisation in its recommended International Standard ISO 15016:2015 or equivalent European or national recognised methods.*
 4. *The Commission is empowered to adopt delegated acts in accordance with Article 119a amending paragraph 3 of this Article in order to adapt the reference to the relevant ISO International Standard to technical progress.*
 5. *The Commission may, by means of implementing acts, lay down detailed rules concerning the verification of engine power, including the methodology for establishing the sampling plan. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(42) *The following article is inserted:*

"Article 41a

Verification of tonnage

1. *Where there is evidence that the tonnage of a catching vessel differs from the tonnage indicated in the fishing licence, the flag Member State shall proceed with a verification of the tonnage. For that purpose, the Member States shall take into consideration, in particular, changes to the enclosed volume or dimensions of the vessel.*
2. *The Commission may, by means of implementing acts, lay down detailed rules concerning the verification of tonnage. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(43) **■** *Article 42 is amended as follows:*

- (a) *in paragraph 1, the words ‘in places close to the shore’ are replaced by the words ‘at a designated landing site’;*
- (b) *in paragraph 2, the words ‘in places close to the shore’ are replaced by the words ‘at designated landing sites’, and the words ‘Articles 60 and 61’ are replaced by ‘Article 60’.*

(44) Article 43 is amended as follows:

(a) *paragraphs 1 and 2 are* replaced by the following:

"1. ***In*** a multiannual plan ***a threshold may be set***, applicable to the live weight of species subject to that plan, above which a ***Union*** fishing vessel shall be required to land **■** catches in a designated port or ***at a designated landing site***.

2. ***Where quantities retained on board exceed the threshold referred to in paragraph 1, the master of a Union fishing vessel shall ensure that the landing of catches is carried out in a designated port or at a designated landing site in the Union.***";

(b) *in paragraphs 4, 5 and 6, the words ‘places close to the shore’ are replaced by the words ‘landing sites’;*

(c) paragraph 7 is deleted.

(45) *Article 44 is replaced by the following:*

"Article 44

Separate stowage of demersal catches subject to multiannual plans

- 1. Catches of demersal stocks subject to a multiannual plan which are retained on board a Union fishing vessel of 12 metres in length overall or more, and which are not below the minimum conservation reference size, shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.*
- 2. Masters of Union fishing vessels shall keep the catches referred to in paragraph 1 according to a stowage plan that indicates the location of the different species in the holds.*
- 3. It shall be prohibited to retain on board a Union fishing vessel in any box, compartment or container any quantity of catches referred to in paragraph 1 mixed with any other fishery products.*
- 4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the exemption of certain demersal stocks from the obligation set out in this Article."*

(46) Articles 45 and 46 are deleted.

(47) Article 48 is amended as follows:

(a) *paragraph 1 is replaced by the following:*

"1. A Union catching vessel shall have equipment on board to retrieve its lost gear, including fishing gear, fishing aggregating devices and buoys.";

(b) *in paragraph 2, the words 'fishing vessel' are replaced by the words 'catching vessel';*

(c) paragraph 3 is replaced by the following:

*"3. If the lost gear cannot be retrieved, the master of the **catching** vessel shall include the information on the lost gear in the fishing logbook pursuant to Article 14(7). The competent authority of **the** flag Member State shall **without delay forward that information to** the competent authority of the coastal Member State.";*

(d) *in paragraph 4, the words 'fishing vessel' are replaced by the words 'catching vessel';*

(e) paragraph 5 is replaced by the following:

"5. Member States shall collect and record information concerning lost **gear** and provide **that** information to the Commission **or EFCA** upon request.

6. *By 31 December every year, the Commission shall make publicly available on its website a compilation of the information referred to in paragraph 5 for the preceding year. The Commission may request EFCA to assist in the compilation of such information."*

(48) Article 49 is amended as follows:

(a) in paragraph 1, the words 'fishing vessel' are replaced by the words 'catching vessel';

(b) paragraph 2 is replaced by the following:

"2. Without prejudice to Article 44, the Commission may, by means of implementing acts, lay down detailed rules on the keeping on board of a stowage plan, by species, for processed products, indicating where they are located in the hold. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(49) Article 50 is replaced by the following:

"Article 50

Control of fishing restricted areas

1. Fishing activities in fishing restricted areas located in Union waters shall be controlled by the coastal Member State. The coastal Member State shall have a system to detect and record the fishing vessels' entry into, transit through and exit from fishing restricted areas under its sovereignty or jurisdiction.
2. Fishing activities of Union fishing vessels in fishing restricted areas located in third-country waters or on the high seas shall be controlled by the flag Member States.
3. ***Union and third-country catching*** vessels that are not authorised to ***conduct fishing activities in fishing restricted areas may only transit through*** such areas subject to the following conditions:
 - (a) all ***fishing gear*** carried on board ***is*** lashed and stowed during the transit;
■
 - (b) ***the transit is continuous and expeditious and*** the speed during transit is not less than six knots, except in ***cases*** of force majeure ■. In such cases, the master ***of a Union catching vessel*** shall immediately inform the fisheries monitoring centre of its flag Member State, which shall inform the competent authorities of the coastal Member State, ***and the master of a third-country catching vessel shall immediately inform the competent authorities of the coastal Member State; and***
 - (c) the tracking device ***referred to in*** Article 9 is functioning.

4. *Paragraph 3 shall apply only insofar as the relevant restriction or prohibition of all or certain fishing activities in fishing restricted areas are in force."*

(50) *The following chapter is inserted after Article 54c:*

"CHAPTER IVa

Control of fishing without a vessel

Article 54d

Fishing without a vessel

1. *Member States shall ensure that fishing without a vessel on their territory and in Union waters is conducted in accordance with the objectives and rules of the common fisheries policy.*
2. *For the purpose referred to in paragraph 1, Member States shall:*
 - (a) *put in place a licensing or other alternative registration system for natural and legal persons conducting such activities; and*
 - (b) *ensure that the quantities of species, stocks or group of stocks caught are recorded and that those records are submitted by electronic means to the competent authorities.*

3. *Natural or legal persons conducting fishing without a vessel or their representative shall record the catches referred to in paragraph 2, point (b), and those records shall contain in particular the following information:*
- (a) a unique fishing day identification number;*
 - (b) the unique identifier in the system referred to in paragraph 2, point (a);*
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;*
 - (d) the date of catches;*
 - (e) the category of fishing gear, where applicable;*
 - (f) the quantities of each species in kilograms live weight or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;*
 - (g) where applicable, estimated quantities of each species discarded in kilograms live weight or, where appropriate, the number of individuals.*

4. *The records referred to in paragraph 2, point (b), shall be submitted to the competent authorities by electronic means at least once within 24 hours after the start of the fishing activity.*
5. *The Commission may, by means of implementing acts, lay down detailed rules on the weighing of catches, as well as the format and submission of the catch declaration referred to in paragraph 3 of this Article, taking into account, if necessary, the specificities of those fisheries. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(51) Article 55 is replaced by the following:

“Article 55

Recreational fisheries

1. Member States shall ensure that recreational fisheries on their territory and in Union waters are conducted in a manner compatible with the objectives and rules of the common fisheries policy.

For that purpose *coastal* Member States shall ***have in place an electronic system for the recording and reporting of catches from recreational fisheries.***

Coastal Member States may use an electronic system referred to in the second subparagraph developed at national or Union level. If one or more coastal Member States so request by ... [four months after the date of entry into force of this amending Regulation], the Commission shall develop such a system. A requesting Member State shall implement the system as developed by the Commission.

■

2. *Except for data for recreational fisheries recorded and reported pursuant to paragraph 3 and without prejudice to the collection of data for recreational fisheries under Regulation (EU) 2017/1004, coastal Member States shall collect data on catches by natural persons engaged in recreational fisheries for species, stocks or groups of stocks for which fishing opportunities are set by the Union, which are covered by a multiannual plan, or which are subject to the landing obligation. Those data shall be collected through data collection mechanisms based on a methodology, which shall be determined by each coastal Member State and notified to the Commission. Coastal Member States shall send those data to the Commission at least once a year referring to the preceding calendar year.*
3. *Coastal Member States shall ensure that natural persons engaged in recreational fisheries are registered and that they record and report their catches through an electronic system referred to paragraph 1 as follows:*
- (a) *For species, stocks, or groups of stocks ■ that are subject to Union conservation measures which apply specifically to recreational fisheries, such as quotas, catch-limits and bag limits, on a daily basis; and*

(b) for species, stocks or groups of stocks for which fishing opportunities are set by the Union or which are covered by a multiannual plan or which are subject to the landing obligation, and for which species scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), ICES or an equivalent scientific body indicates that recreational fisheries are having a significant impact on the fishing mortality, as from 1 January 2030.

The Commission may, by way of implementing acts, adopt the list of species, stocks or groups of stocks to which point (b) of the first subparagraph applies and to set the frequency of recording and reporting of these catches. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

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4. *The recording and reporting of catches from recreational fisheries by natural persons may be carried out by a legal person on their behalf.*

5. The **marketing or** sale of catches from recreational fisheries shall be prohibited.

■

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

■

- (a) the *submission to the Commission of catch data collected by Member States under paragraphs 2 and 3;*

■

- (b) the ■ marking of **gear** used for recreational fisheries, except hand-held gear, *in a simple and proportionate manner.*

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

7. 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 sports competition."

- (52) The heading of Title V is replaced by the following:

“TITLE V

CONTROL IN THE SUPPLY CHAIN".

(53) In Title V, Chapter I is replaced by the following:

“Chapter I

GENERAL PROVISIONS

Article 56

Principles for the control of marketing

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, *except where other rules of the common fisheries policy provide otherwise.*

2. Where a minimum size has been fixed for a given species in Union legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.

Article 56a

Composition of lots of certain fishery and aquaculture products

1. Fishery and aquaculture products from catching or harvesting shall be put into lots prior to placing on the market.
2. A lot ***of*** fishery products ***or*** a lot of aquaculture products ***falling under Chapter 3 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87* (the Combined Nomenclature) shall contain only:***
 - (a) ***fishery products of a single species, of the same product presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels; or***
 - (b) ***aquaculture products of a single species, of the same product presentation and coming from the same aquaculture production unit.***

3. By way of derogation from paragraph 2, *prior to the placing on the market*, quantities of fishery products *falling under Chapter 3 of the Combined Nomenclature* totalling less than **30 kg** of several species and coming from the same relevant geographical area and of the same *product* presentation, per *catching* vessel and per day, may be put into the same lot.
4. By way of derogation from paragraph 2, *prior to the placing on the market*, quantities of fishery products *falling under Chapter 3 of the Combined Nomenclature* of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area and the same *catching* vessel, or group of *catching* vessels, may be put into lots ■ for purposes other than direct human consumption.
5. After the placing on the market, a lot of fishery or aquaculture products *falling under Chapter 3 of the Combined Nomenclature* may only be merged with another lot or split, if the lot created by merging or the lots created by splitting meet the following conditions:

■
 - (a) the traceability information listed in Article **58(5)** is provided for the newly created lot(s);
 - (b) the operator responsible for placing the newly created lot(s) on the market *retains and* is able to provide the information concerning the composition of the newly created lot(s), in particular the information relating to each of the lots of fishery or aquaculture products which it contains and the quantities of fishery or aquaculture products coming from each of the lots forming the new lot(s).

6. *This Article shall not apply to ornamental fish, ornamental crustaceans or ornamental molluscs.*

Article 57

Common marketing standards

1. Member States shall **ensure** that products to which common marketing standards apply are made available on the market in compliance with **those** standards. **Member States shall undertake checks to ensure such compliance.**

Such checks may take place at all stages in the supply chain, including transport **and catering**.

2. Operators at all stages of the supply chain responsible for purchasing, selling, stocking or transporting lots of fishery and aquaculture products shall be able to prove that the products comply, **where applicable**, with the **common** marketing standards.

Article 58

Traceability

1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002 of the European Parliament and of the Council**, **fishery and aquaculture products shall be put into lots by operators and** shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage ■ .

■

2. Lots of fishery or aquaculture products ***made available*** on the market or likely to be ***made available*** on the market ■ shall be adequately marked ■ to ensure the traceability of each lot.
3. Member States shall check that operators have in place ■ systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom those products have been supplied. That information shall be made available to the competent authorities on demand.
4. ***Lots of fishery or aquaculture products falling under Chapter 3, Headings 1604 and 1605 of Chapter 16, and subheading 1212 21 of Chapter 12 of the Combined Nomenclature shall be accompanied by a minimum set of information in accordance with paragraphs 5, 10 and 11 of this Article respectively.***

5. ***For lots of fishery or aquaculture products falling under Chapter 3 of the Combined Nomenclature, at least the following information shall be made available:***
- (a) the identification number of the lot;
 - (b) ***in the case of products which are not imported into the Union:***
 - (i) ***for all fishery products included in the lot, the unique fishing trip identification number(s), or the unique fishing day identification number(s), or***
 - (ii) ***for all aquaculture products included in the lot, the name and registration number of the producer or aquaculture production unit;***
 - (c) ***in the case of imported products:***
 - (i) ***for all fishery products included in the lot, the IMO number or, if not applicable, other unique vessel identifier of the catching vessel(s), if applicable, and the catch certificate(s) number(s) submitted in accordance with Regulation (EC) No 1005/2008, where applicable, or***
 - (ii) ***for all aquaculture products included in the lot, the name and, where available, the registration number of the aquaculture production unit;***

- (d) the FAO alpha-3 code of the species and the scientific name;
- (e) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area *for fishery products caught in fresh water and for aquaculture products, as referred to* in Article 38(1) of Regulation (EU) No 1379/2013 ■ ;
- (f) for fishery products, the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;
- (g) the date(s) of catches for fishery products or date(s) of harvest for aquaculture products; ■
- (h) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;
- (i) *where* fishery products below the minimum conservation reference size are present in the *lot*, separate information on the quantities in kilograms expressed in net weight, or the number of individuals below the minimum conservation reference size;
- (j) for *fishery and aquaculture* products subject to common marketing standards, the *information required in order to comply with those standards*.

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6. *Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that in respect of each lot of fishery or aquaculture products falling under Chapter 3 of the Combined Nomenclature, the information listed in paragraph 5:*

(a) is kept on record; and

(b) is made available in a digital way to the operator to whom the fishery or aquaculture product is supplied, and, upon request, to the competent authorities.

7. *Member States shall cooperate with each other to ensure that the information referred to in paragraph 5 can be accessed by the competent authorities of a Member State other than the one where the fishery or aquaculture products have been put into lots or into which they have been imported, in particular when the information is provided by way of an identification tool such as a code, barcode, electronic chip or a similar device or marking system.*
8. Member States may exempt from the requirements set out in this Article small quantities of *fishery* products *which are* sold directly *to consumers from catching vessels, from operators fishing without a vessel, or from freshwater fisheries operators, provided that the products are used only for private consumption and that those quantities do not exceed 10 kg of fishery products per consumer per day. For salmon (Salmo salar) caught in the Baltic Sea, the threshold shall be two individuals per consumer per day.*

Member States may exempt from the requirements set out in this Article small quantities of aquaculture products that are sold directly to consumers from an aquaculture production unit, provided that the products are used only for private consumption and that those quantities do not exceed 10 kg of aquaculture products per consumer per day.

9. *The Commission shall conduct a study on feasible traceability systems and procedures, including minimum traceability information, for fishery and aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, with a view to defining detailed rules for such products. The study shall include an analysis of available digital solutions or methods which meet the requirements on traceability in this Regulation, while taking into account the impact on small operators.*
10. *The Commission shall adopt delegated acts in accordance with Article 119a supplementing this Regulation concerning the traceability requirements for lots of fishery or aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, including the use of digital systems, on the basis of the results of the study conducted in accordance with paragraph 9 of this Article. Those requirements shall apply from ... [five years after the date of entry into force of this amending Regulation].*

11. *The Commission shall adopt delegated acts in accordance with Article 119a supplementing this Regulation concerning the traceability requirements for lots and composition of lots of fishery and aquaculture products falling under subheading 1212 21 of Chapter 12 of the Combined nomenclature, including the use of digital systems. Those requirements shall apply from ... [five years after the date of entry into force of this amending Regulation].*
12. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:
- (a) *minimum technical requirements for the recording and transmission of the* *information referred to in paragraph 5, pursuant to paragraph 6;*
 - (b) *methods of marking lots and the physical affixing of* *traceability information on lots of fishery and aquaculture products;*
 - (c) *further* cooperation between Member States on the access to information accompanying a lot ;
 - (d) the traceability requirements for lots *of fishery or aquaculture products falling under Chapter 3 of the Combined Nomenclature containing several species as referred to in Article 56a(3) and (4), and for lots of fishery or aquaculture products falling under Chapter 3 of the Combined Nomenclature resulting from the merging or splitting of different lots as referred to in Article 56a(5);*
 - (e) the information on the relevant geographical area.
-

13. This Article shall not apply to ornamental fish, ***ornamental*** crustaceans, ***ornamental molluscs or ornamental algae***.

* Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

** 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).".

(54) In Article 59, ***paragraphs 2 and 3 are*** replaced by the following:

"2. The buyer of the fishery products at first sale shall be registered with the competent authorities of the Member State where the first sale takes place. For the purposes of registration, each buyer shall be identified according to its VAT number, tax identification number or other unique identifier in national databases.

3. *This Article shall not apply to consumers acquiring fishery products which are not thereafter placed on the market but used only for private consumption, provided that those quantities do not exceed 10 kg of fishery products per consumer per day. For salmon (Salmo salar) caught in the Baltic Sea, that threshold shall be two individuals per consumer per day."*

■

(55) Article 60 is replaced by the following:

"Article 60

Weighing of fishery products

1. *Member States* shall ensure that all quantities of fishery products are weighed per species *immediately after landing in a Member State, by operators referred to in paragraph 5 and on weighing systems approved by the competent authorities, prior to those products being held in storage, transported or placed on the market.*

Masters of third-country fishing vessels landing fishery products in the Union shall comply with rules governing weighing applicable to masters of Union fishing vessels.

2. *In the case of landings outside the Union and without prejudice to applicable specific provisions set out, in particular, in sustainable fisheries partnership agreements or in the law of third countries concerned, masters of Union fishing vessels or their representatives shall ensure that all quantities of fishery products are weighed, where possible, immediately after landing and prior to **those** products being held in storage, transported or placed on the market.*
3. *By way of derogation from paragraph 1 and subject to approval by the Commission by means of implementing acts, Member States in which the fishery products are landed may allow those products to be weighed on weighing systems approved by the competent authorities:*
 - (a) *on landing in accordance with a sampling plan adopted under paragraph 10, irrespective of whether the fishery products are sorted or unsorted;*
 - (b) *on board, in the case of sorted fishery products, provided that those products are weighed on landing in accordance with a sampling plan adopted under paragraph 10. The flag Member State shall be responsible for granting the derogation to the catching vessels flying its flag and for ensuring that the weighing systems on board are approved;*

- (c) after transport to a destination on the territory of the Member State where the landing took place, in accordance with a control plan adopted under paragraph 10, irrespective of whether the fishery products are sorted or unsorted;*
 - (d) after transport from the Member State where the fishery products were landed to a destination on the territory of another Member State, in accordance with a common control programme adopted under paragraph 10 and upon agreement between the Member States concerned, irrespective of whether the fishery products are sorted or unsorted.*
- 4. Masters shall ensure that all quantities of fishery products landed are weighed by an operator referred to in paragraph 5.*
 - 5. The weighing shall be carried out by an operator, who shall be a registered buyer, a registered auction, a producer organisation or any other natural or legal person, including the master, authorised by the competent authorities to carry out weighing activities. The operator carrying out the weighing shall be responsible for the accuracy of the weighing. Operators weighing fishery products shall complete a weighing record for each landing. They shall keep weighing records for a period of three years.*

6. *Member States shall ensure that the operators referred to in paragraph 5 are adequately equipped to carry out weighing activities.*

■ ■

7. ■ The weighing *records* shall be *immediately* transmitted to the master and, *where applicable, to the transporter. They* shall be used for the completion of the landing declaration and, *where applicable, of* the transport document.

By way of derogation from the first subparagraph of this paragraph, in the case of fishery products weighed by an official in accordance with paragraph 9, the result of such weighing shall be used for the completion of the landing declaration and, where applicable, of the transport document.

8. *Member States may require the operators referred to in paragraph 5 to submit the weighing records at regular intervals, or upon request, to their competent authorities.*

9. The competent authorities of a Member State may require that any quantity of fishery products ■ landed in that Member State is weighed by, or weighed in the presence of, *their* officials before being transported elsewhere from the place of landing.

■

10. The Commission may, by *means* of implementing acts, *adopt sampling plans, control plans and common control programmes* referred to in *paragraph 3, points (a), (b), (c) and (d), of this Article*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).".

(56) The following article is inserted:

"Article 60a

Detailed rules on weighing

1. The Commission *may, by means of implementing acts, adopt* rules *on*:
- (a) the determination of weighing procedures;
 - (b) the weighing records, *including the keeping of those records*;

- (c) the time of weighing;
- (d) the weighing systems, *including weighing systems for control purposes*;
- (e) the weighing of frozen fishery products;
- (f) the deduction of ice and water;
- (g) the access of competent authorities to the weighing systems *and weighing records*.

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

2. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by laying down special rules for the weighing of certain pelagic species. Those rules may concern:
 - (a) the weighing of catches of herring, mackerel, *blue whiting* and horse mackerel;
 - (b) the ports of weighing;
 - (c) the information *to be sent to* competent authorities before entering into port;
 - (d) discharge;
 - (e) the fishing logbook;
 - (f) publicly-operated weighing facilities;

- (g) privately-operated weighing facilities;
- (h) weighing of frozen fish;
- (i) keeping of weighing records;
- (j) sales note and take-over declaration;
- (k) cross-checks;
- (l) monitoring of weighing."

(57) Article 61 is deleted.

(58) Article 62 is replaced by the following:

"Article 62

Completion and submission of sales notes

1. Registered buyers, registered auctions or *producer organisations* authorised by Member States ■ shall record by electronic means the information referred to in Article 64(1) and shall submit by electronic means, within **48** hours after the *first sale*, a sales note containing such information to the competent authorities of the Member State in whose territory the first sale takes place. The accuracy of the sales note shall be the responsibility of *those* buyers, auctions *or producer organisations*.

2. *Where* the Member State in whose territory the *first sale takes place* is not the flag Member State of the *concerned catching vessel*, it shall ensure that a copy of the sales note, *upon receipt thereof*, is submitted *by electronic means* to the competent authorities of the flag Member State ■ .
3. Where the *first sale of fishery* products does not take place in the Member State where the products have been landed, the Member State *in whose territory the first sale takes place* shall ensure that a copy of the sales note, *upon receipt thereof, is submitted by electronic means* to the competent authorities of the ■ Member *States where the products concerned have been landed*.
4. *Where* the first sale takes place *outside the Union*, the master of the *Union catching* vessel, or *a* representative of the master, shall forward *by electronic means* a copy of the sales note, or any *other* equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale.

5. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC*, the Member State concerned shall adopt the necessary provisions to ensure that the information on the quantities and on the price, excluding tax for deliveries of goods to the purchaser, is identical to that indicated on the invoice.
6. The Commission may, by means of implementing acts, lay down detailed rules ***on:***
 - (a) *the registration of buyers;*
 - (b) *the format of sales notes;*
 - (c) *the electronic recording and the electronic submission of sales notes.*

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

* Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1”.

(59) Article 63 is deleted.

(60) Articles 64, 65 and 66 are replaced by the following:

"Article 64

Content of the sales notes

- 1.** The sales notes referred to in Article 62 shall have a unique identification number and contain the following data:
 - (a) the unique fishing trip *identification number*;
 - (b) *the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel*;
 - (c) *the port of landing or landing site and date of the completion of the landing*;
 - (d) the name of the operator or master of the *catching* vessel and, if different, the name of the seller;
 - (e) the name of the buyer and the buyer's VAT number, the buyer's tax identification number or other unique identifier;
 - (f) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;

- (g) the quantities of each species ■ in product weight, broken down by type of product presentation and *state of processing*, or, where appropriate, the number of individuals;
- (h) for all products subject to *common* marketing standards ■ , the individual size or weight, size category, *product* presentation and freshness, *as appropriate*;
- (i) *for fishery products below the minimum conservation reference size, the quantities* in kilograms expressed in net weight, or, *where appropriate*, the number of individuals;
- (j) the *name or an identification* number of the *operator referred to in Article 60(5)*;
- (k) the place and the date of the sale;
- (l) where possible, the reference number and date of invoice and, where appropriate, *of* the sales contract;
- (m) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;
- (n) the price, excluding taxes, and currency;
- (o) *where available, the intended use of fishery products, such as for human consumption or for use as animal by-products.*

2. *By way of derogation from paragraph 1, in the case of fishing without a vessel, the sales note shall contain at least the following information:*
- (a) the unique identifier in the system referred to in Article 54d(2), point (a);*
 - (b) the unique fishing day identification number(s);*
 - (c) the information referred to in paragraph 1, points (e), (f), (g), (h), (i), (k), (l), (m), (n) and (o), of this Article.*

Article 65

Exemptions from sales notes requirements

*Articles 62 and 64 shall not apply to a consumer acquiring fishery products not exceeding 10 kg per day which are not thereafter sold but used only for private consumption ■ . For salmon (*Salmo salar*) caught in the Baltic Sea, that threshold shall be two individuals per consumer per day.*

Article 66

Completion and submission of *the* take-over declaration

1. *Where* fishery products are intended for sale at a later stage, *operators* which are responsible for the storage *of fishery* products landed in a Member State shall record by electronic means the information referred to in paragraph 4 and shall submit ■ by electronic means, within 24 hours after *landing, a take-over declaration containing such information* to the competent authorities of the Member State *in whose territory* the take-over takes place. *Those operators* shall be *responsible for the accuracy of the take-over declaration*.
2. *Where* the Member State *in whose territory* the take-over takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the take-over declaration, *upon receipt thereof*, is submitted *by electronic means* to the competent authorities of the flag Member State ■ .
3. *Where the take-over takes place outside the Union, the master of the Union fishing vessel, or a representative of the master, shall forward by electronic means a copy of the take-over declaration or any other equivalent document containing the same level of information to the competent authority of the flag Member State within 48 hours after the take-over.*

4. The take-over declaration referred to in paragraph 1 shall have a unique identification number and contain at least the following information:
- (a) the unique fishing trip *identification number*;
 - (b) *the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel*;
 - (c) the port of landing *or landing site* and date of *the completion of the* landing;
 - (d) the name of the operator or master of the catching vessel;
 - (e) the FAO alpha-3 code of each species and *the* relevant geographical area in which the catches were taken;
 - (f) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation and *state of processing*, or, where appropriate, the number of individuals;
-
- (g) the *name or an identification* number of the *operator referred to in Article 60(5)*;

- (h) the name and address of the facilities where the products are stored and its unique identifier;
- (i) where applicable, reference to the transport document *referred to* in Article 68;
- (j) *for fishery products below the minimum conservation reference size*, the quantities in kilograms expressed in net weight, or, *where appropriate*, the number of individuals ■ .

5. *By way of derogation from paragraph 4, in the case of fishing without a vessel, the take-over declaration shall contain at least the following information:*

- (a) *the unique identifier in the system referred to in Article 54d(2), point (a);*
- (b) *the unique fishing day identification number(s);*
- (c) *the information referred to in paragraph 4, points (e), (f), (h), (i) and (j), of this Article.*

6. *The Commission may, by means of implementing acts, lay down detailed rules on the format and submission of the take-over declaration. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(61) Article 67 is deleted.

(62) Article 68 is replaced by the following:

"Article 68

Transport of fishery products and completion and submission of the transport document

1. *Where fishery products are transported before their first sale, including in the cases referred to in points (c) and (d) of Article 60(3), or before their first sale in a third country, they shall be accompanied by a transport document indicating the fishery products and quantities transported.*

2. Before the *transportation referred to in paragraph 1* begins, the transporter shall *submit by electronic means* the transport document ■ to the competent authorities of the flag Member State, ■ the Member State of landing, the Member State(s) of transit *and* the Member State of destination of the *fishery products*, as appropriate.
3. The transporter shall be responsible for the accuracy of the transport document.
4. The transport document *referred to in paragraph 1* shall *have a unique identification number and shall contain at least the following information*:
 - (a) the place(s) *and address(es)* of destination of the consignment(s) and the identification of the transport vehicle and of the transporter;
 - (b) the unique fishing *trip identification number(s)*;
 - (c) *the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel*;
 - (d) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (e) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation *and state of processing* or, where appropriate, the number of individuals and, where appropriate, by places of destination;

■

- (f) the *name or an identification* number of the *operator referred to in Article 60(5), if applicable*;
 - (g) the name(s), unique *identifier(s)* and address(es) of the consignee(s) ■ ;
 - (h) the place and date and time of loading;
 - (i) *for fishery products below the applicable minimum conservation reference size*, the quantities in kilograms expressed in net weight, or, *where appropriate, the number of individuals*.
5. *By way of derogation from paragraph 4, in the case of fishing without a vessel, the transport document shall contain at least the following information:*
- (a) *the unique identifier in the system referred to in Article 54d(2), point (a)*;
 - (b) *the unique fishing day identification number(s)*;
 - (c) *the information referred to in paragraph 4, points (a), (d), (e), (g), (h) and (i), of this Article*.
6. The competent authorities of Member States may grant exemptions from the obligation set out in *paragraphs 1 and 2* if the *fishery* products are transported within a port area or not more than **25** km from the place of landing.

7. Where **fishery** products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove that a sales transaction has taken place.
8. *Member States may provide that the obligations and responsibilities of a transporter under paragraphs 2, 3 and 7 shall apply to any other operator.*
9. *The transport document referred to in paragraph 1 of this Article may be replaced by a copy of the landing declaration referred to in Article 23 or any equivalent document pertaining to the quantities of fishery products being transported, provided that the document replacing the transport document contains the same information provided for in paragraph 4 or 5 of this Article, as applicable.*
10. *The Commission may, by means of implementing acts, lay down detailed rules on the format and submission of the transport document.*

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

(63) Chapter III of Title V is deleted.

(64) ■ Article 71 *is amended as follows:*

(a) *in paragraph 1, point (a) is replaced by the following:*

"(a) sightings of fishing vessels by inspection vessels, surveillance aircraft or other surveillance means;"

(b) *paragraph 3 is replaced by the following:*

"3. If the sighting or detection refers to a fishing vessel of another Member State or a third country and the information does not correspond to any other information that is available to the coastal Member State, and if that coastal Member State is not in a position to undertake further action, it shall record its findings in a surveillance report and shall transmit that report without delay, if possible by electronic means, to the flag Member State or to the third country concerned. In the case of a third-country vessel, the surveillance report shall also be sent to the Commission and to EFCA."

(c) *paragraph 5 is replaced by the following:*

*"5. The Commission may, by means of implementing acts, lay down rules on the format **and content** of the surveillance report. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(65) Article 73 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

"1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor the fishing vessel's compliance with the rules of the common fisheries policy. They shall fulfil all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.

2. Control observers shall:

- (a) be *qualified* for their tasks *and receive regular training* by Member *States or, as appropriate, by EFCA*;
- (b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member;
- (c) have no economic link with the operator;
- (d) accomplish their tasks in a non-discriminatory manner;
- (e) be equipped with a two way communication device independent from the vessel at sea."

(b) paragraph 4 is replaced by the following:

"4. In the event control observers notice a serious infringement, including the act of obstructing or otherwise preventing the performance by control observers of their duties, they shall inform without delay the competent authorities of the flag Member State.";

(c) *paragraphs 8 and 9 are replaced by the following:*

"8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States. In accordance with Article 39 of Regulation (EU) No 1380/2013, Member States may require the operators of the fishing vessels flying their flag involved in the relevant fishery to contribute to those costs, without prejudice to paragraph 2, point (b).

9. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the ***methodology to be used for identifying*** vessels for the application of a control observer scheme;
- (b) format and content of observer reports;
- (c) the communication system for control observers;

- (d) rules pertaining to the security of control observers on vessels;
- (e) measures to ensure independence of control observers, including arrangements for their remuneration;
- (f) the duties of control observers, including in the event of suspicion of a serious infringement;
- (g) ***minimum requirements relating to the qualification and training of control observers.***".

(66) In Title VII, Chapter I is replaced ***by the following***:

"CHAPTER I

GENERAL PROVISIONS

Article 74

Conduct of inspections

1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.
2. Officials shall carry out their duties in accordance with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, ***along the shoreline***, in ports ***and at landing sites***, during transport, on processing premises and along the supply chain of the fishery products.

3. Officials shall verify compliance of the activities carried out by the operators and the masters with the rules of the common fisheries policy, and in particular:
- (a) the legality of the fishery products kept on board, stored, transported, transhipped, transferred, landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them;
 - (b) the legality of fishing *gear* used for the targeted *and by-catch* species, for the catches kept on board, and the *compliance with other applicable technical measures* for the *conservation of fishery resources and the protection of marine ecosystems*;
 - (c) *the presence on board of equipment for the retrieval of the fishing gear as referred to in Article 48*;
 - (d) if *applicable*, the stowage plan and the separate stowage of species;
 - (e) the markings *and identification* of the vessels and *gear*;
 - (f) the information on the engine referred to in Article 40;
 - (g) the use *and functioning of REM systems* and other electronic monitoring devices, *if applicable*;
 - I**
 - (h) *compliance with the rules concerning control observers, if applicable.*

4. Officials **may** examine all relevant areas, decks and rooms. They **may also** examine catches, whether processed or not, ***any fishing*** gear, equipment, containers and packages containing fish or fishery products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They **may** question persons deemed to have information on the matter that is the subject of the inspection.
5. ***Officials shall receive the training necessary to perform their tasks.***
6. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.
7. ***The competent authorities of the Member States shall have procedures in place to ensure that any complaint regarding the conduct of inspections is properly investigated.***

8. *If an official carrying out an inspection has reason to believe that a fishing vessel is engaged in fishing activities with the use of forced labour, as defined in Article 2 of the International Labour Organization (ILO) Convention No 29 on Forced Labour, that official shall notify any other relevant authorities of that Member State.*
9. *Coastal Member States may, subject to appropriate arrangements with the flag Member State of a fishing vessel, invite officials of the competent authorities of that Member State to participate in inspections of fishing vessels of that Member State, whilst those vessels are operating in waters of the coastal Member State or landing in its ports or at its landing sites.*
10. *Member States shall adopt a risk-based approach for the selection of targets for inspection. For fisheries subject to specific control and inspection programmes referred to in Article 95, that approach shall be established in accordance with the harmonised methodology established by the Member States in cooperation with EFCA.*

11. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by laying down specific rules on the conduct of inspections. Those rules may concern:

(a) the authorisation and *minimum standards for the* qualification of the officials responsible for conducting *inspections* at sea or on land;

■

(b) the coordination of control, inspection and enforcement activities between Member States;

■

(c) the duties of officials authorised to conduct inspections;

■

(d) *the conduct of inspections at sea and on land.*

Article 75

Duties of the operator and the master

1. The operator and the master shall *assist and* cooperate with officials in the performance of their duties *relating to inspections*. They shall facilitate the safe access to the vessel, *including its holds*, transport *vehicles, containers or storage rooms* where fishery products are stored, processed or marketed, *or facilities where fishing gear is stored or repaired*. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

2. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by laying down rules on the duties *of* operators and masters *relating to* inspections. ■

Article 76

Inspection report

1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of an 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.

In the case of an 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. ■ In the case where a serious infringement is detected, *a copy of the inspection report shall also be sent to the Commission.*

In the case of an inspection carried out in the waters or ports under the jurisdiction of *a* Member State *other* than the inspecting Member State, *in accordance with this Regulation, or in the waters or ports* 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.

2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. *Those* comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.
3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection.
4. The Commission may, by means of implementing acts, lay down detailed rules on the minimum format and content of inspection reports, on the completion and transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 77

Admissibility of inspection and surveillance reports

Inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials or competent authorities from a third country shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts, ***inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials*** shall be treated as equivalent to inspection and surveillance reports of the Member States. ■

Article 78

Electronic database

1. ***Each Member State*** shall set up and keep ***up-to-date*** an electronic database where ***it uploads*** all inspection reports and surveillance reports concerning ***operators established in its territory and*** fishing vessels flying ***its*** flag, drawn up by ***its*** officials, ***as well as*** other ***inspection reports and surveillance reports drawn up by its officials. The Commission and EFCA shall have remote access to the Member State databases, in accordance with Article 110.***
2. ***Each Member State shall store, in an electronic format, inspection*** reports and surveillance ***reports concerning fishing vessels flying its flag*** drawn up by ■ ***officials of third countries.***

3. The Commission may, by means of implementing acts, lay down detailed rules concerning the operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 79

Union inspectors

1. Member States and Commission shall notify a list of officials to EFCA to be included in the list of Union inspectors. EFCA shall keep and update the list of Union inspectors, including officials of Member States, Commission officials and officials of EFCA. EFCA shall make that list available to the Commission and to the Member States.
2. Without prejudice to the primary responsibility of coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation on the territory of Member States and in Union waters, and on Union fishing vessels outside Union waters. ***In the case of an inspection on the territory of a Member State, Union inspectors not appointed by that Member State may only carry out such inspections in the presence of an official appointed by that Member State in charge of the inspection, or with the agreement of that Member State.***

3. Union inspectors may be assigned ■ for:
 - (a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;
 - (b) international fisheries control programmes, where the Union is under an obligation to provide for control.
4. *Union inspectors may assist in training activities related to control and inspection, including training activities involving third-country officials.*
5. For the accomplishment of their tasks and subject to paragraph 6, Union inspectors shall, to the same extent and under the same conditions as officials of the Member State in which the inspection takes place, have access without delay to:
 - (a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and
 - (b) *all relevant* information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licences, certification of engine power, *data from REM systems*, landing declarations, catch certificates, transshipment declarations and sales notes.

6. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.
7. When assigned as Union inspectors, officials of the Commission or of EFCA shall have no police and enforcement powers.
8. The Commission shall, by means of implementing acts, lay down detailed rules concerning:
 - (a) the notification of Union inspectors to EFCA;
 - (b) the adoption and maintenance of the list of Union inspectors;
 - (c) the notification of Union inspectors to regional fisheries management organisations;
 - (d) the powers and duties of Union inspectors;
 - (e) the reports of Union inspectors;
 - (f) the follow-up of reports of Union inspectors.

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

(67) In Article 80, paragraph 4 is replaced as follows:

"4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member State in waters or ports of third countries in accordance with international agreements."

(68) In Title VII, the heading of Chapter III is replaced by the following:

"Procedures in the event of an infringement".

(69) Article 82 is replaced by the following:

"Article 82

Duties of officials in the event of an infringement

1. If the information collected during an inspection or any other relevant data or information leads the official to believe that an infringement of the rules of the common fisheries policy has been committed, the official shall:
 - (a) note the detected infringement in the inspection report;
 - (b) take all necessary *actions* to ensure safekeeping of the evidence pertaining to such detected infringement;

- (c) immediately forward the inspection report to **the** competent authority;
- (d) inform the natural or legal person suspected of having committed the infringement, or **that** was caught in the act of committing the infringement, that the infringement may result in sanctions being imposed and an appropriate number of points being assigned in accordance with Article 92. **That** shall be noted in the inspection report.

2. ***Officials may remain on board a fishing vessel until the necessary steps have been taken in relation to the investigation as referred to in Article 85. The same shall apply, mutatis mutandis, to inspections carried out on any premises where fishery or aquaculture products are landed, stored, processed or marketed, as well as to inspections during the transport of those products. Where the inspection is carried out in respect of a vehicle used for transporting fishery or aquaculture products, the vehicle shall not be authorised to continue until the necessary steps have been taken in relation to the investigation as referred to in Article 85."***

(70) Article 84 is deleted.

(71) In title VII, the following words are deleted:

"CHAPTER IV

Proceedings of infringements detected in the course of inspections".

(72) Articles 85 and 86 are replaced by the following:

"Article 85

Proceedings

1. Without prejudice to Article 72, Article 83(2) and Article 86, ***the*** competent ***authorities of the*** Member ***States*** shall ***take appropriate measures in accordance with Title VIII and*** immediately ***proceed with the*** investigation where any infringement is detected in the course of an inspection carried out by their officials, officials of other Member States, Union inspectors or officials of third countries, or where any relevant data or information leads the ***competent authorities of*** Member States ■ to believe that an infringement of the rules of the common fisheries policy ■ has been committed.

2. ***In the case of a serious infringement***, Member States shall take ***appropriate*** immediate measures ***in accordance with*** Article 91. ■

Article 86

Transfer of proceedings

1. The Member State in the territory or waters of which an infringement has been detected may transfer proceedings relating to that infringement to the competent authorities of the flag Member State or the Member State of which the ***person suspected of having committed an infringement is a national, in*** agreement ***with*** the Member State concerned and on ***the*** condition that the transfer is more likely to achieve the result referred to in Article 89a(2).
2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the Member State which has detected ***that*** infringement, ***in*** agreement ***with*** the Member State concerned and on ***the*** condition that the transfer is more likely to achieve the result referred to in Article 89a(2).".

(73) Article 87 is deleted.

(74) Article 88 is replaced by the following:

"Article 88

Corrective measures in the absence of proceedings by the Member State of landing or transhipment

1. If the Member State of landing or transhipment is not the flag Member State and its competent authorities do not take appropriate measures against the natural or legal persons responsible, or do not transfer proceedings in accordance with Article 86, the quantities of fish caught, **discarded**, landed or transhipped in breach of the rules of the common fisheries policy may be counted against the quota allocated to the Member State of landing or transhipment.
2. ■ The Commission shall, by means of implementing acts, decide on the quantities of fish to be counted against the quota of the Member State of landing or transhipment after the Commission has consulted the ■ Member States concerned.
3. If the Member State of landing or transhipment no longer has a corresponding quota at its disposal, Article 37 shall apply. To that end the quantities of fish caught, **discarded**, landed, or transhipped in breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as referred to in that Article, by the flag Member State."

(75) Title VIII is replaced by the following:

"TITLE VIII

ENFORCEMENT

Article 89

Measures *and sanctions* to ensure compliance

1. *In conformity with their national law and with the provisions of this Regulation*, Member States shall lay down rules on ■ measures and sanctions *against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy, and shall systematically:*

(a) initiate proceedings in accordance with Article 85;

(b) take appropriate measures when an infringement is detected; and

(c) apply sanctions under this Title against the natural *or legal persons* having committed or ■ held liable for a breach of the rules of the common fisheries policy.

2. *The competent authorities of the Member State having jurisdiction in the event of an infringement shall, without delay and in compliance with their national law, notify the flag Member State, the Member State of which the offender is a national, or any other Member State relevant for the administrative or criminal proceedings, of such proceedings or other measures taken under this Title.*
3. Member States shall, by ... [27 months after the date of entry into force of *this* amending Regulation] ■ notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof. ■

Article 89a

Sanctions

1. Member States shall ensure that a natural person having committed, or a legal person held liable for, infringements of *the* rules of common fisheries policy is *subject to* effective, proportionate and dissuasive administrative sanctions. *Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.*

2. Member States shall ensure that the overall level of sanctions and accompanying sanctions ***applied*** in accordance with this Regulation and the relevant provisions of national law is ***proportionate to the seriousness of infringements and*** adequate in severity to ***effectively*** discourage further infringements and ■ deprive those responsible of the economic benefit derived or expected from the infringement, without prejudice to the legitimate right to exercise their profession. For ***that*** purpose, account shall be taken of immediate ***enforcement*** measures taken pursuant to Article 91.
3. When determining these sanctions the Member States shall take into account, in particular, the gravity, ***nature and extent*** of the infringement, including the ***prejudice or the level*** of the ***damage*** to the fishing resources ***and the marine environment concerned***, its duration or repetition, ***and*** the accumulation of simultaneous infringements. ***Member States may also take into account the economic situation of the offender to ensure the dissuasiveness of these sanctions.***
4. Member States may apply a system whereby a ***financial penalty*** is proportionate to the turnover of the legal person, or to the economic benefit ***derived or expected from*** the infringement. ■

Article 90

Serious infringements

1. For the purposes of this Regulation, 'serious infringement' means *an* infringement listed in paragraph 2 or considered serious pursuant to paragraph 3.
2. *Any of* the following activities shall constitute *a* serious *infringement*:
 - (a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;
 - (b) falsifying or concealing markings ■ , identity or registration of a fishing vessel; ■
 - (c) concealing, tampering with, or disposing of, evidence relating to an investigation; ■
 - (d) obstructing the work of officials or observers, in the exercise of their duties; ■
 - (e) transshipping without the required authorisation or where such transshipment is prohibited; ■

- (f) conducting transfer operations *or caging, in particular as referred to in Regulation (EU) 2023/2053 of the European Parliament and of the Council*, in breach of the rules of the common fisheries policy*; ■
- (g) transshipping from or to, ■ conducting transfer operations with, participating in joint fishing operations with, *or* supporting or supplying vessels ■ listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Regulation (EC) No 1005/2008; ■
- (h) *participating* in the operation, management, ownership of, *including as beneficial owner as set out in Article 3, point (6), of Directive (EU) 2015/849 of the European Parliament and of the Council**, or supplying services, including logistic, insurance and other financial services to operators connected to, a vessel* listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of ■ Regulation (EC) No 1005/2008;
- (i) *carrying out fishing activities in contravention of the rules applicable in a fishing restricted area*;

- (j) *fishing for, catching*, retaining on board, transshipping, *landing, storing, selling, displaying or offering for sale* species *for* which *such activities are prohibited*, subject to *the conditions set out in Articles 10 and 11 of Regulation (EU) 2019/1241*; ■
- (k) *conducting fishing activities involving species subject to catch limits for which the operator does not have a quota or does not have access to the quota of the flag Member State, species for which the quota is exhausted, or species subject to a fishing moratorium, temporary prohibition or closed season, except accidental catches, unless the activity is a serious infringement under point (j)*;
- (l) *operating, managing or owning a fishing vessel having* no nationality and therefore a stateless vessel ■ *in accordance with international law*; ■
- (m) using prohibited fishing gear *or methods, as referred to in Article 7 of Regulation (EU) 2019/1241 or any other equivalent rules of the common fisheries policy*;

■

- (n) falsifying documents, *information or data, written on paper or stored in electronic form, referred to in* the rules of the common fisheries policy;

■ ■

- (o) manipulating an engine or a continuous engine power monitoring *device* with the aim of increasing the power of the vessel to exceed the maximum continuous engine power according to the engine certificate;

- (p) *conducting fishing activities with the use of forced labour, as defined in Article 2 of the ILO Convention No 29 on Forced Labour.*

3. The following activities shall constitute *a serious* infringement *where* the competent authority of the Member State concerned *determines that at least one* of the ■ criteria defined in *Annex IV is met*:

- (a) *using falsified or invalid documents, information or data, written on paper or stored in electronic form, referred to in the rules of the common fisheries policy;*

- (b) failing to fulfil **■** obligations to accurately record, *store* and report data relating to fishing activities, including data to be transmitted by vessel monitoring *systems, as well as data with regard to* prior *notifications, catch declarations, transshipment declarations, fishing logbooks, landing declarations, weighing records, take-over declarations, transport documents or sales notes* as required under the rules of the common fisheries policy, *except for obligations relating to the margin of tolerance as referred to in point (c);*
- (c) *failing to fulfil obligations to accurately record estimates of quantities within the permitted margin of tolerance, in accordance with Article 14(3) and (4) and Article 21(3) of this Regulation and Article 13 of Regulation (EU) 2016/1139 of the European Parliament and of the Council***;*
-

- (d) failing to fulfil obligations relating to the *characteristics or* use of fishing gear, acoustic deterrent devices, selectivity or fish aggregating devices, in particular as regards marking and identification, areas, depths, periods, number of gear and mesh sizes, or of the equipment for grading, water separation or processing, or failing to comply with measures to reduce incidental catches of sensitive species as required under the rules of the common fisheries policy, *unless the activity is a serious infringement under paragraph 2*;
- (e) failing to bring and retain on board the fishing vessel, including through slipping, *or failing to land or, where applicable, tranship or transfer*, species subject to the landing obligation, *including catches below the minimum conservation reference size, in breach of* the rules of the common fisheries policy *applicable to* fisheries or fishing zones;
- (f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, *applicable* conservation and management measures of that organisation, *unless the activity is a serious infringement under paragraph 2 or under other points of this paragraph*;

- (g) making available on the market fishery *or aquaculture* products in breach of the rules of the common fisheries policy, unless the activity is a serious infringement under paragraph 2 *or under other points* of this *paragraph*; ■
- (h) conducting recreational fishing activities in breach of *the* rules of the common fisheries policy or *selling fishery products* from recreational fisheries; ■
- (i) committing multiple infringements ■ of the rules of the common fisheries policy; ■
- (j) *conducting any of the activities referred to in paragraph 2, point (g), in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation;*
- (k) *using an engine power exceeding the maximum continuous engine power certified and recorded in the Member State fishing fleet register;*

- (l) landing in ports of third countries without prior notification as referred to in Article 19a;*
 - (m) conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing;*
 - (n) illegally disposing of fishing gear or gear at sea from a fishing vessel.*
- 4. The Commission is empowered to adopt delegated acts in accordance with Article 119a to amend the criteria set out in Annex IV where there are clear indications that this is necessary to ensure effective and proportionate enforcement of the rules of the common fisheries policy by and across Member States. It shall take into account, in particular, advice of the expert group on compliance referred to in Article 37 of Regulation (EU) No 1380/2013 or the findings of the report drawn up by the Commission under Article 118(2) of this Regulation. Any such amendments shall not add any new criteria and shall repeal criteria only in exceptional cases.*

Article 91

Immediate enforcement measures for serious infringements

1. Where *any relevant data or information leads competent authorities of Member States to believe that a natural person has committed or a legal person is liable for* a serious infringement, *or where a natural person is caught in the act of committing* a serious infringement, Member States shall immediately, in addition to the investigation of the infringement in accordance with the provisions of Article 85, in conformity with their national law, take relevant and immediate measures such as:
 - (a) ordering the **■** cessation of fishing activities;
 - (b) the *rerouting of the fishing vessel* to a port;
 - (c) the rerouting of the transport vehicle to another location for inspection;
 - (d) the ordering of a bond;
 - (e) the seizure of *the fishing vessel, transport vehicle*, fishing gear, catches or fishery products or the profit earned from the sale of the catches or fishery products;

- (f) restriction to or prohibition of the placing on the market of fishery products;
 - (g) the temporary immobilisation of the fishing vessel or transport vehicle concerned;
 - (h) the suspension of the authorisation to fish;
 - (i) ordering the temporary cessation of business activities.
2. The immediate ■ measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious infringement concerned, to ***enable all the*** necessary action to ***be taken for ensuring*** safekeeping of the evidence pertaining to such ■ infringement and to allow the competent authorities to complete their investigation.

3. The Member State *concerned* shall immediately, and *in conformity* with its national law, notify the flag State of the measures referred to in paragraph 1.

Article 91a

Sanctions for serious infringements

1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, *Member States shall ensure that a serious infringement which has led to obtaining fishery or aquaculture products shall be punishable by administrative financial penalties, the minimum of which shall be at least the value of the fishery or aquaculture products obtained as a result of committing the serious infringement, and the maximum of which shall be at least five times the value of the fishery or aquaculture products obtained as a result of committing the serious infringement.*

2. In the case of *a* repeated serious infringement *within a three-year period which has led* to obtaining fishery *or aquaculture* products, *Member States shall ensure that the serious infringement is punishable by administrative financial penalties*, the minimum *of which* shall be at least *twice* the value of the fishery *or aquaculture* products obtained *as a result of* committing the serious infringement, and the maximum *of which* shall be at least eight times the value of the fishery *or aquaculture* products obtained *as a result of* committing the serious infringement.
3. *Notwithstanding paragraphs 1 and 2, Member States may in their national legal system establish standard rates for administrative financial penalties instead of minimum administrative penalties.*

The minimum standard rates shall not be lower than the average value of fishery products obtained as a result of committing a serious infringement. In the event of a repeated serious infringement as referred to in paragraph 2, the minimum standard rates shall not be lower than twice that average value.

Member States establishing such standard rates may allow courts or competent authorities to deviate from those standard rates where necessary for the sanctions to be effective, proportionate and dissuasive, and to impose administrative financial penalties up to a maximum which shall be at least five times the value of the fishery or aquaculture products obtained as a result of committing the serious infringement, or, in the case of a repeated serious infringement as referred to in paragraph 2, at least eight times that value.

4. *The minimum level or the standard rate of administrative financial penalties established in paragraphs 1, 2 and 3, is without prejudice to the application of any rules concerning mitigating circumstances and other factors, provided for under national law, when deciding on the sanctions to be applied in each individual case.*

5. ***When calculating*** the value of the ***fishery or*** aquaculture products ***obtained as a result of committing the serious*** infringement, ***Member States shall consider*** national prices ***at first sale***, prices identified on principal international markets relevant for the species and fishing area concerned ***or the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform, at the time when the infringement was committed.***
6. Where the serious infringement did not lead to obtaining fishery ***or*** aquaculture products, the ***administrative financial penalties*** shall be determined by the Member States in accordance with Article 89a, at a level ***ensuring that these are effective, proportionate and dissuasive.*** ■
7. ***Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions while ensuring that those sanctions have an equivalent effect to the administrative financial penalties referred to in this Article.***

Article 91b

Accompanying sanctions

1. The sanctions provided for in Articles 89, 89a and 91a ■ may be accompanied by other ■ sanctions ■, in particular:

■

- (a) the ■ immobilisation of the fishing vessel(s) *or vehicle(s) involved in the infringement*;
- (b) the confiscation of the vessel(s), *vehicle(s)*, prohibited fishing gear, catches or fishery products;
- (c) the suspension or withdrawal of the fishing licence or fishing authorisation;
- (d) the reduction or withdrawal of fishing rights;
- (e) the ■ exclusion from the right to obtain new fishing rights;
- (f) the ■ ban on access to public assistance or subsidies;
- (g) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3) of Regulation (EC) No 1005/2008;
- (h) the *removal* of the *fishing vessel from the national register*;
- (i) the *suspension or cessation of all or part* of the economic *activities of the operator related to the common fisheries policy*;
- (j) the *suspension or* withdrawal of the authorisation to engage in *trading activities concerning fishery and aquaculture products*. ■

2. *Member States shall determine, in accordance with their national law, the duration of the sanctions referred to in paragraph 1.*
3. *When a vessel is subject to immobilisation under of paragraph 1, point (a), decided by its flag Member State or has its fishing authorisation suspended or withdrawn in accordance with paragraph 1, point (c), the flag Member State shall suspend its fishing licence for the same duration or withdraw it.*

Article 92

Point system for serious infringements

1. Member States shall apply a point system for **serious** infringements referred to in Article 90, except for serious infringements ***which are not applicable to the holder of the fishing licence or the master.***
2. When a natural person has committed, or a legal person is held liable for, a serious infringement, a number of points calculated in accordance with Annex III shall be assigned to the holder of the fishing licence for the fishing vessel concerned.

3. *The points assigned shall be transferred to any future holder of the fishing licence for the catching vessel concerned where the vessel or the licence is sold, transferred or otherwise changes ownership after the date of the infringement, including to another Member State.*
4. Member States shall also establish a point system under which the master of a vessel is assigned the same number of points as the holder of the fishing licence *as a result of* a serious infringement *related to* the vessel *and committed during the period of* his or her command, *in accordance with Annex III. Where the master of the vessel is not a national of the flag Member State, the flag Member State shall notify the number of points assigned to the master to the Member State of which the master is a national, or, in the case of nationals of third countries, to any State concerned.*
5. When two or more serious infringements by the same natural or legal person holding the *fishing* licence *or by the master* are detected in the course of one inspection, points in respect of each serious infringement concerned shall be assigned in accordance with paragraph 2, up to a maximum of 12 points for all those infringements.

6. When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel *as a master* shall be automatically suspended for a period of at least two months. That period shall be: four months if the suspension *occurs a* second time and the points equals or exceeds 36 points; eight months if the suspension *occurs a* third time and the number of points equals or exceeds 54 points; and one year if the suspension *occurs a* fourth time and the number of points equals or exceeds 72 points. In the event that the suspension *occurs a* fifth time and the number of points equals or exceeds 90 points, the fishing licence *and the right to command a fishing vessel as a master* shall be **■** withdrawn, and the fishing vessel shall not be used **■** for commercial exploitation of marine biological resources.
7. *Member States shall ensure that a natural person for which the suspension or withdrawal of the right to command a fishing vessel has been triggered pursuant to paragraph 6 is not allowed to operate as a master on board a fishing vessel flying their flag. In the event of the suspension of the right to command, this paragraph shall apply only for the period of the suspension.*

■

8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of ■ committing ■ the last serious confirmed infringement, all points shall be deleted.
9. ***When a Member State other than the flag Member State has confirmed, under its national law, that a serious infringement has been committed within its jurisdiction, it shall notify it to the flag Member State in order for the latter to determine and to assign the number of points*** in accordance with Annex III.

■

10. Member States shall designate the competent national authorities ■ responsible for setting up the system for the assignment of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and ***to the*** master and transferring the points in accordance with paragraph 3.
11. Member States shall ensure that the application of national proceedings does not render the point system ineffective.
12. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by laying down rules on:

■

- (a) the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;

- (b) measures to be taken in the event of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right to carry out fishing activities as a master;
 - (c) conditions justifying the deletion of points;
 - (d) the registration of masters authorised to carry out fishing activities *and the recording of points assigned to masters.*
13. The Commission shall, by means of implementing acts, lay down detailed rules concerning:
- (a) the notifications of decisions on assignment of points;
 - (b) the transfer of the points *in accordance with paragraph 3;*
 - (c) the deletion from relevant lists of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements;
 - (d) the obligation to provide information on the point system for masters of fishing vessels established by the Member States.

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

Article 92a

Liability of legal persons

1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, and having a determining position within the legal person *concerned* based on *any of the following*:
 - (a) a power of representation of the legal person;
 - (b) an authority to take decisions on behalf of the legal person; or
 - (c) an authority to exercise control within the legal person.
2. A legal person may be held liable where the lack of supervision or control, by a natural person referred to in paragraph 1, has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority.
3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators of, instigators of or accessories in the infringements concerned.

Article 92b

Obligation to notify a definitive ruling

1. The competent authorities of the Member State having jurisdiction in *respect* of an infringement shall, without delay and in compliance with *the applicable* procedures under national law, notify the flag *State*, the State of which the *natural person having committed the infringement is a national or where the legal person held liable for the infringement is established, and, where appropriate, the coastal State, port State or the State in which the processing takes place*, of any definitive ruling *related* to such infringement ■ .

■ In the event of serious infringements detected in Union waters or in Union ports in relation to fishing vessels flying the flag of third countries, *the competent authorities of the Member State concerned shall also, without delay, notify the Commission of any definitive ruling related to such infringements.*

2. In the event of a notification *by* the Member State referred to in paragraph 1, the flag Member State shall assign the appropriate number of points to the holder of the fishing licence and to the master *of* the fishing vessel concerned.

■

Article 93

National register *on* infringements

1. Member States shall enter in a national register all ■ confirmed infringements of the rules of the common fisheries policy committed by ***fishing*** vessels flying their flag or ***by their nationals, and by fishing vessels flying*** the flag of a third country or by ***nationals of a third country having committed infringements within the waters under their jurisdiction or on their territory***, including all decisions and sanctions they incurred and the number of points assigned. Infringements ***by*** fishing vessels flying their flag or by their nationals subject to proceedings in other Member States shall also be entered by Member States in their national register on infringements, upon notification of the definitive ruling by the Member State having jurisdiction ■ pursuant to Article **92b**.
2. When following up an infringement of ***the*** rules of the common fisheries policy, a Member State may request other Member States to provide information contained in their national register on the fishing vessels and persons suspected ***by the requesting Member State*** of having committed the infringement in question or caught in the act of committing the infringement in question.
3. Where a Member State requests information from another Member State in relation to an infringement, that other Member State shall provide without delay the relevant information on the fishing vessels and ***natural*** or legal persons involved in the infringement.

4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purposes of this Regulation, but ***in any case*** for a minimum of five calendar years, starting from the year following that in which the information is recorded.

* Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1).

** ***Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).***

*** ***Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).***

■ ".

(76) In Title IX, the following articles are inserted:

"Article 93a

National control programmes ■

1. Member States shall establish annual or multiannual national control programmes for the inspections and the control of the rules of the common fisheries policy.

National control programmes shall be risk-based and shall be updated ■ once a year, *if necessary*, in particular taking into account newly adopted conservation and control measures *and any additional data*.

Member States shall notify their national control programmes to the Commission no later than three months from their establishment or update.

2. *The Commission may, by means of implementing acts, lay down detailed rules on national control programmes and benchmarks for control and inspections taking into account the objectives of the common fisheries policy and technical progress and scientific developments. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).*

Article 93b

Member State annual report on control and inspections

1. By 30 June of each year, Member States shall submit to the Commission *and publish on their website an annual* report on *control and inspections* performed in the previous year. *For that purpose, Member States may refer to information provided under the implementing act referred to in Article 95.*
2. *The report referred to in paragraph 1 shall contain the following information:*
 - (a) *existing resources available for control and inspections: the number of inspection vessels, official aircraft and official remotely piloted aircraft systems (RPAS); other control and inspection means; the number of employees (full-time equivalent); the budgetary allocation;*
 - (b) *the number and type of control and inspections performed;*
 - (c) *the number and type of detected and confirmed infringements, including serious infringements;*
 - (d) *the number of follow-up actions, per each type of infringement, such as administrative sanction, criminal sanction, immediate enforcement measure or number of points assigned for confirmed infringements.*

3. *By 31 December of each year, the Commission shall make publicly available on its website a compilation of information from the reports referred to in paragraph 1, covering the previous year. The Commission may request EFCA to assist in the compilation of such information.*
4. The Commission *may, by means of implementing acts, lay down detailed rules on the format and submission of reports referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."*

(77) In Article 95, paragraphs 1 *and 2 are* replaced by the following:

- "1. Certain fisheries may be made subject to specific control and inspection programmes. The Commission may, by means of implementing acts and in concert with the Member States concerned, determine which fisheries shall be subject to the specific control and inspection programmes, on the basis of the need for specific and coordinated control of the fisheries in question. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

2. *The implementing acts adopted under paragraph 1 shall state the objectives, priorities and procedures as well as benchmarks for inspection activities. Such benchmarks shall be established based on risk management and revised periodically after an analysis has been made of the results achieved."*

(78) In Article 102, paragraphs 3 and 4 are replaced by the following:

- "3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. That period may be extended by the Commission, by means of implementing acts, on a duly reasoned request from the Member State, for a reasonable delay.
4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall, by means of implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan."

(79) Article 104 is amended as follows:

(a) paragraph 1 is replaced by the following:

"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.";

(b) paragraph 4 is replaced by the following:

"4. The Commission shall, by means of implementing acts, lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited."

(80) *In Chapter III of Title XI, the heading is replaced by the following:*

"CHAPTER III

Deduction and adjustments of quotas and fishing effort".

(81) Article 105 is amended as follows:

- (a) in paragraph 2, first subparagraph, the introductory part is replaced by the following:

"2. In the case of overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year, the Commission shall, by means of implementing acts ***and after consulting the Member State concerned***, operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished, by applying a multiplying factor according to the following table:";

- (b) *the following paragraph is inserted:*

"2a. ***By way of derogation from paragraph 2, in the case of overfishing by one or more Member States of a quota, allocation or share of a stock or a group of stocks available to the Union under an international agreement, the Commission shall, by means of implementing acts and after consultation of the Member State concerned, operate deductions from the quota, allocation or share of the Member State which has overfished in the same time frame as the deduction applied under the international agreement and by applying a multiplying factor according to paragraphs 2 and 3.***"

(c) *the following paragraph is inserted:*

"3a. By way of derogation from paragraphs 2 and 3, in the event that a multiplying factor is also applicable under a relevant international agreement on the Union share, the multiplying factor to be applied on the Member State quota deduction set pursuant to paragraph 2a shall be the highest of the two applicable multiplying factors.";

(d) paragraphs 4, 5 and 6 are replaced by the following:

"4. In the case of overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission **■** may, by means of implementing acts ***and after consulting the Member State concerned***, deduct quotas from future quotas of that Member State to take account of the level of overfishing.

5. If a deduction ***cannot be operated in accordance with*** paragraphs 1 and 2 **■** on the quota, allocation or share of a stock or ***a*** group of stocks that was overfished, because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission may, by means of implementing acts ***and after consulting the Member State concerned***, deduct in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area **■** or with the same commercial value in accordance with paragraph 1.

6. The Commission may, by means of implementing acts, lay down detailed rules concerning the ■ adapted quota against which the excess of utilisation shall be calculated, ***the deductions of quotas and the time period of the deductions. Those*** implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).".

(82) Article 106 is amended as follows:

- (a) paragraph 1 is replaced by the following:

"1. When the Commission has established that a Member State has exceeded the fishing effort which has been allocated to it, the Commission shall, by means of implementing acts ***and after consulting the Member State concerned***, operate deductions from future fishing effort of that Member State.";

- (b) in paragraph 2, the introductory part is replaced by the following:

"2. If the fishing effort available to a Member State in a geographical area or in a fishery is exceeded, the Commission shall, by means of implementing acts ***and after consulting the Member State concerned***, operate deductions in the following year or years from the fishing effort available to that Member State for the geographical area or the fishery concerned by applying a multiplying factor according to the following table:";

(c) paragraphs 3 and 4 are replaced by the following:

- "3. If a deduction according to paragraph 2 cannot be operated on the maximum allowable fishing effort for a stock that was exceeded as such because such maximum allowable fishing effort for that stock is not or not sufficiently available to the Member State concerned, the Commission may, by means of implementing acts ***and after consultation of the Member State concerned***, deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2.
4. The Commission may, by means of implementing acts, lay down detailed rules concerning the ■ maximum ***allowable fishing*** effort against which the excess of utilisation shall be calculated, ***the deduction of fishing effort and the time period of the deductions***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).".

(83) Article 107 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Where there is evidence that the rules of the common fisheries policy are not being complied with by a Member State and that this may lead to a serious threat to the conservation of stocks subject to fishing opportunities *or a fishing effort regime*, the Commission may, by means of implementing acts, operate deductions in the following year or years from the annual quotas, allocations or shares of a stock or *a* group of stocks, *or from the fishing effort*, available to that Member State, applying the proportionality principle by taking into account the damage caused to the stocks *concerned*.";

(b) paragraph 4 is replaced by the following:

"4. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation concerning the deadline for Member States to demonstrate that the fisheries can be safely exploited, the material to be included by Member States in their reply and the determination of the quantities to be deducted by taking into account:

- (a) the extent and nature of non-compliance;
- (b) the gravity of the threat to *the* conservation *of stocks*;
- (c) the damage caused to the stock by non-compliance."

(84) *The following article is inserted:*

"Article 107a

Adjustment of fishing opportunities in the event of a reduction of the Union share under international agreements

Where overfishing by one or more Member States of a quota, allocation or share of a stock or a group of stocks available to the Union under an international agreement leads to a reduction of the Union share under that international agreement, the Council shall, when allocating the fishing opportunities for that stock or group of stocks under Article 43(3) TFEU and Article 16 of Regulation (EU) No 1380/2013 for the year for which that reduction is made, adjust the quotas of the Member States which have not overfished by increasing them to the quotas which those Member States would have received if the Union share under the international agreement had not been reduced. If such adjustment cannot be made in a given year due to an insufficient Union share, the remaining quantities shall be adjusted in the following year."

(85) Article 109 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

- "1. Member States shall set up *an electronic* database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded *shall include* the cross-checking, analysis and verification of the data.
2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted by operators, *masters or other persons authorised under this Regulation* within deadlines laid down in the *rules of the* common fisheries policy.";

(b) the following paragraph is inserted:

"2a. For the purposes of paragraphs 1 and 2:

- (a) Member States shall validate the following data, *including data recorded in the context of fisheries agreements referred to in Article 3(1)*, through automated computerised algorithms and mechanisms:**
 - (i) vessel position data;**
 - (ii) fishing activity data, in particular *data on entries into and exits from fishing areas*, fishing logbooks, landing declarations, transshipment declarations and prior notifications;**
 - (iii) *data on fishing effort*;**
 - (iv) data from take-over declarations, transport documents and sales notes;**
 - (v) *data from fishing licences and fishing authorisations*;**
 - (vi) *data on control of engine power*;**

(b) Member States shall ■ validate the data listed *in point (a) using in particular* the following data, where *available*:

(i) vessel detection system data;

(ii) data on sightings;

■

(iii) AIS data;

■

(iv) data from inspection reports ■ ;

■

(v) *data from* control observer reports;

(vi) data from ■ *REM* systems ■ .";

(c) paragraph 5 is replaced by the following:

"5. If an inconsistency in the data has been identified, the Member State concerned shall undertake and document the necessary investigations, analyses and cross-checks. The results of the investigations and corresponding documentation shall be transmitted to the Commission on request. If there are reasons to suspect that an infringement has been committed, the Member State shall *also* carry out investigations and take the necessary immediate measures in accordance with Articles 85 and 91.";

(d) paragraph 8 is replaced by the following:

"8. Member States shall establish and keep up to date a national plan for the implementation of the validation system covering the data listed under paragraph **2a**, points (a) and (b), and the follow-up of inconsistencies. The plan shall define the Member State priorities for the validation of data and subsequent follow-up on inconsistencies, following a risk-based approach. ***Member States shall submit that national plan to the Commission within two months from its adoption or update.***".

(86) Articles 110 and 111 are replaced by the following:

"Article 110

Access to, storage and processing of data

1. Member States shall ensure the remote access at all time and without prior notice, for the Commission or the body designated by it, of the following data in a non-aggregated form:
 - (a) fishing activity data, ***including data relating to fishing activity in the context of fisheries agreements referred to in Article 3(1)***:
 - (i) vessel position data;
 - (ii) fishing activity data, in particular ***data on entries into and exits from fishing areas***, fishing logbooks, landing declarations, transshipment declarations and prior notifications;

- (iii) data on fishing effort;
- (iv) data from take-over declarations, transport documents and sales notes;
- (b) other control data:
 - (i) data on sightings;
■
 - (ii) data from fishing licences and fishing authorisations;
 - (iii) *data from* inspection reports;
 - (iv) data on *control of* engine power;
 - (v) *data from* control observer reports;
 - (vi) national control ■ programmes;
 - (vii) list of national officials;
- (c) the electronic database for the purpose of the verification of the completeness and the quality of the data collected as referred to in Article 109.

■

2. The Commission or the body designated by it may *process the data referred to in paragraph 1, █* in order to fulfil their duties under the rules of the common fisheries policy, in particular for carrying out inspections, verifications, audits and enquiries, or under the rules of agreements with third countries or international organisations. *In addition, the Commission may use data referred in paragraph 1 for the development, production and dissemination of European statistics, in particular by Eurostat in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council* and according to its mission.*

█

3. *For the purpose of performing scientific research or provide scientific advice, data listed in paragraph 1, point (a)(i) to (iv), and data concerning catches, discards and landings listed in paragraph 1, point (b)(iii) and (v), may, where necessary, be provided to independent scientific bodies that are recognised at Union, national or international level. Before transferring such data, Member States shall consider whether the scientific research can be conducted on the basis of pseudonymised or anonymised data.*

In any advice or publication based on such data, those data shall be anonymised.

4. Member States shall establish, implement and host the relevant fisheries *databases* containing the data referred to in paragraph 1. ■
5. *Member States shall upon a reasoned request by the Commission transmit data on infringements to the Commission or the body designated by it. The data shall include, in particular, the date of the infringement, the date of the definitive decision and the applied sanctions and measures, including assigned points.*

Article 111

Exchange of data

1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other Member States *concerned*, in particular:
 - (a) vessel position data, when its *fishing* vessels are present in another Member State's waters;
 - (b) fishing logbook information, when its *fishing* vessels are fishing in another Member State's waters, or landing or transshipping in another Member State's ports;

- (c) landing declarations and transshipment declarations, *when landing or transshipment* takes place in another Member State's ports;
- (d) prior notification, when the intended port is located in another Member State;
- (e) sales notes, transport documents and take-over declarations, *when the sale, transport or take-over takes* place in another Member State;
- (f) inspection and surveillance reports *and risk analysis for its fishing vessels being inspected in the waters or ports of another Member State.*



2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States *concerned and* the Commission or the body designated by it, in particular by sending:
 - (a) sales *note* information to the flag Member State, when a first sale originates from another Member State's fishing vessel;
 - (b) take-over declaration information, when the fish is placed in storage in a Member State other than the flag Member State or the Member State of landing;

- (c) sales **note** and take-over declaration information to the Member State where the landing took place;
- (d) transport documents to the flag Member State, Member State of destination and transit of the transport;
- (e) inspection and surveillance reports.



3. *Each flag Member State shall ensure the direct electronic exchange of relevant information concerning vessels flying its flag to the Commission or the body designated by it, in particular:*

- (a) vessel position data;*
- (b) fishing logbook information;*
- (c) landing declarations and transshipment declarations;*
- (d) prior notification;*

(e) *sales notes, transport documents and take-over declarations;*

(f) *inspection and surveillance reports.*

* *Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164)."*

(87) The following article ■ is inserted:

"Article 111a

Uniform conditions for the implementation of provisions on data

For the purpose of implementing provisions of this Chapter, the Commission may, by means of implementing acts, lay down detailed rules on:

(a) data quality, compliance with deadlines for submission of data by operators, validation of the data, including cross-checks, analysis *and* verification;

- (b) exchange of data between Member States *and between the Member States and the Commission or the body-designated by it*;
- (c) access to data by the Commission or *the* body designated by it;
- (d) access to data by scientific bodies of the Union and Eurostat;
- (e) interoperability and standardisation of databases;
- (f) data listed in Article 110(1) and (2), including additional specific safeguards for processing of personal data and security rules applicable to the databases.

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

(88) Article 112 is replaced by the following:

"Article 112

Protection of personal data

1. ***Regulations (EU) 2016/679* and (EU) 2018/1725** of the European Parliament and of the Council as well as the national provisions transposing Directive (EU) 2016/680 of the European Parliament and of the Council***, apply to the processing of personal data carried out pursuant to this Regulation by Member States, the Commission and the body designated by it.***

2. ***Personal data collected under this Regulation may only be processed for the following purposes, provided that those purposes cannot be fulfilled with data that do not permit identification of data subjects:***
- (a) monitoring of fishing opportunities, including quota ***uptake***;
 - (b) validation of data;
 - (c) monitoring of fishing activities carried out by Union fishing vessels, or fishing activities of ***fishing*** vessels within Union waters;
 - (d) monitoring ***of*** Member State control of fishing activities and in the supply chain;
 - (e) inspections, verifications, audits and enquiries;
 - (f) preparation of, and compliance with, international agreements and conservation measures;
 - (g) ***risk management***, policy evaluations and impact assessments;
 - (h) scientific research and scientific advice, ***and statistical production***;

- (i) enquiries pertaining to complaints and infringements *and judicial or administrative proceedings*;
 - (j) *establishing or providing evidence of fishing rights of individual vessels, Member States or the Union.*
- 3. Personal data *collected under this Regulation* shall not be stored for a period longer than *necessary for the purposes listed in paragraph 2, and in any event for no longer than five years from the date on which the Member State or the Commission obtains the relevant data.*
- 4. *By way of derogation from paragraph 3:*
 - (a) *personal data collected under this Regulation shall not be stored for a period longer than necessary for the purposes listed in paragraph 2, points (e) and (i), and in any event for no longer than until the end of the concerned administrative or judicial proceedings or the time needed for the application of sanctions under this Regulation, such as the point system;*

- (b) personal data contained in the information listed in Article 109(2a), point (a) (i) to (v), shall not be stored for a period longer than necessary for the purposes listed in paragraph 2, points (f) and (j), of this Article, and in any event for no longer than 10 years from the date on which the Member State, the Commission or the body designated by it obtains the relevant data;*
- (c) personal data contained in the information listed in Article 109(2a), point (a) (i) to (iv), shall not be stored for a period longer than necessary for the purposes listed in paragraph 2, points (g) and (h), of this Article, and in any event for no longer than 25 years from the date on which the Member State, the Commission or the body designated by it obtains the relevant data. If that information is retained for a longer period of time, where it is necessary for the purposes listed in paragraph 2, points (g) and (h), of this Article, the personal data shall be anonymised or pseudonymised.*

5. *The authorities of the* Member States shall be regarded as a controller as defined in Article 4, *point (7)*, of Regulation (EU) 2016/679 in relation *to* the processing of personal data which they collect pursuant to this Regulation.
6. The Commission shall be regarded as a controller as defined ■ in Article 3, point *(8)*, of Regulation (EU) *2018/1725* in relation *to* the processing of personal data which it collects pursuant to ■ this Regulation.
7. The Commission or *the* body designated by it and the *authorities of the Member States* shall ensure the security of the processing of personal data that takes place *for* the application of this Regulation. The Commission or *the* body designated by it and the *authorities of the Member States* shall cooperate on security-related tasks.

8. In particular, the Commission shall adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan, in order to:
- (a) physically protect data, including by making contingency plans for the protection of critical infrastructure;
 - (b) prevent the unauthorised reading, copying, modification or removal of data media;
 - (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;
 - (d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;
 - (e) ensure that persons authorised to access the relevant fisheries databases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;
 - (f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted and what data has been processed in the relevant fisheries databases, when, by whom and for what purpose;

- (g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries databases or during the transport of data media, in particular by means of appropriate encryption techniques;
 - (h) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.
9. ***The authorities of the*** Member States shall take measures equivalent to those referred to in paragraph 8 as regards security in respect of the processing of personal data by the authorities having a right to access any of the relevant fisheries ***databases***.

* ***Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).***

**** Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).**

***** Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).”.**

(89) In Article 113, paragraphs 1, 2 and 3 are replaced by the following:

“1. Member States and the Commission shall take all necessary steps to ensure that data covered by professional and commercial secrecy that are collected, received and transmitted within the framework of this Regulation are treated in accordance with applicable rules on professional and commercial secrecy.

2. *Data referred to in paragraph 1 exchanged between Member States and the Commission may be transmitted to persons, other than those in Member States or the Commission or the body designated by it, whose functions require them to have access to such data, only with the consent of the Member State or the Commission or the body designated by it which has provided those data. In the case of a refusal, the Member State, the Commission or the body designated by it shall provide the reasons for refusal to transmit the data. The absence of a reply to a request for consent within a period of one month shall be regarded as consent.*
3. *The data referred to in paragraph 1 shall not be used for any purpose other than that provided for in this Regulation, except with the consent of the Member State, the Commission or the body designated by it which has provided those data and on condition that the provisions in force in the Member State of the authority receiving the data do not prohibit such use. In the case of a refusal, the Member State, the Commission or the body designated by it shall provide the reasons for refusal.”.*

(90) Articles 114 and 115 are replaced by the following:

"Article 114

Official *websites*

"For the purposes of this Regulation, Member States shall set up and keep up to date official *websites* for operators and the general public, containing as a minimum the information listed in Article 115.

Article 115

Content of *official* websites

On their *official* websites, Member States shall publish without delay, or provide a direct link to, the following information:

- (a) the names and addresses of the competent authorities responsible for issuing fishing licences, ■ as referred to in Article 6, and fishing authorisations, as referred to in Articles 7 and 7a;
- (b) the list of designated ports, *specifying their operating hours*, for the purpose of transshipment ■, as referred to in Article 20;

- (c) one month after ■ the entry into force of a multiannual plan, and *on* approval by the Commission, the list of designated ports, specifying their operating hours, as referred to in Article 43, and within 30 days thereafter, the associated conditions for recording and reporting the quantities of the species under the multiannual plan for each landing;
- (d) decisions establishing real-time closures, *including* clearly *defining* the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure;
- (e) the contact point details for the transmission or submission of fishing logbooks, prior notifications, transshipment declarations, landing declarations, sales notes, take-over declarations and transport documents as referred to in Articles 14, 17, 20, 23, 54d, 55, 62, 66 and 68;
- (f) maps with the coordinates of the areas of temporary real-time closures, specifying the duration of the closure and the conditions governing fisheries in those areas during the closure;
- (g) the decision to close a fishery under Article 35, *including* all necessary details;

- (h) a list of the fishing restricted areas and corresponding restrictions;
 - (i) a list of *operators who are authorised to carry out weighing under Article 60(5)* specifying the port and the weighing facility ■ ;
 - (j) *the national control programme referred to in Article 93a, with the exception of those parts the disclosure of which could undermine the effectiveness of control;*
 - (k) *the annual report on control and inspections and a link to the website of the Commission, including the compilation of information from reports referred to in Article 93b(1);*
 - (l) *the shorter period for prior notification set under Article 17(1a)."*
- (91) Article 116 is deleted.
- (92) In Article 117, paragraph 4 is replaced by the following:
- "4. The Commission may, by means of implementing acts, lay down rules on mutual assistance concerning:
- (a) administrative cooperation between Member States, third countries, the Commission and the body designated by it;

■

- (b) designation of Member States' single authority;
- (c) communication of follow-up measures taken by national authorities further to exchange of information;
- (d) **requests** for assistance, including requests for information, ■ measures and ■ administrative notifications, and establishing deadlines for replies;
- (e) information without prior request;
- (f) Member States' relations with the Commission and ■ third countries.

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

(93) In Article 118, paragraph 5 is replaced by the following:

“5. The Commission may, by means of implementing **acts**, lay down rules concerning the content and format of the reports by Member States.

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

(94) Article 119 is replaced by the following:

“ Article 119

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).”.

(95) The following article is inserted:

"Article 119a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article █ 9a(5), Article 15***b***(1), Article 17(6), Article 21(6), Article 22(3), Article 24(4), Article ***41(4)***, ***Article 44(4)***, Article 58(***10)***, (***11)*** and (***12)***), █ Article 60a(2), Article 73(9), Article 74(11), Article 75(2), Article ***90(4)***, Article 92(***12)***█ and Article 107(4) shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Articles █ 9a(5), Article 15**b**(1), Article 17(6), Article 21(6), Article 22(3), Article 24(4), Article **41(4)**, **Article 44(4)**, Article 58(**10**), (**11**) and (**12**), █ Article 60a(2), Article 73(9), Article 74(11), Article 75(2), Article **90(4)**, Article 92(**12**)█ and Article 107(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³¹.*

³¹ OJ L 123, 12.5.2016, p. 1.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article █ 9a(5), Article 15b(1), Article 17(6), Article 21(6), Article 22(3), Article 24(4), Article **41(4)**, **Article 44(4)**, Article 58(**10**), (**11**) and (**12**), █ Article 60a(2), Article 73(9), Article 74(11), Article 75(2), Article **90(4)**, Article 92(**12**)█ and Article 107(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council."

(96) Annex I is deleted.

(97) The *text* set out in Annex I to this Regulation *is* added as Annexes III and IV.

Article 2

Amendments to Regulation ■ (EU) 2019/473

Regulation (EU) 2019/473 is amended as follows:

(1) Article 1 is replaced by the following:

"Article 1

Objective

1. This Regulation *makes provision for* a European Fisheries Control Agency ('the Agency') for the purpose of ensuring a high, uniform and effective level of control, *inspection* and compliance with the rules of the Common Fisheries Policy, including its external dimension.
2. To that end, the Agency shall cooperate with the Member States and the Commission and provide them ■ assistance as regards the areas mentioned in paragraph 1 of this Article within the limits of the missions and tasks set out in Chapter II."

(2) *Article 2 is amended as follows:*

(a) *point (a) is replaced by the following:*

"(a) 'control' means control as defined in Article 4, point (3), of Regulation (EC) No 1224/2009;"

(b) *the following point is inserted:*

"(aa) 'inspection' means inspection as defined in Article 4, point (4), of Regulation (EC) No 1224/2009;"

(3) *Article 3 is amended as follows:*

(a) *point (e) is replaced by the following:*

*"(e) to assist Member States and the Commission in harmonising the application of the **rules of the** common fisheries policy, **and thereby to contribute to the achievement of its objectives, including the sustainable exploitation of marine biological resources**;"*

(b) point (f) is replaced by the following:

"(f) to contribute to, ***and participate in***, the work of Member States and the Commission on research into, and development of, control and inspection techniques and to ***develop pilot projects on*** research into, and development of, ***such*** techniques.";

(c) the following points are added:

"(k) where appropriate, to cooperate with and coordinate activities with other decentralised agencies of the Union within the scope of their tasks, missions, and areas of activity;

(l) to assist the Commission in the performance of tasks assigned to the Commission in legislative acts of the Union with regard to the objectives of the Agency."

(4) Article *17* is replaced by the following:

"Article *17*

Exchange and processing of data and information

1. The Commission, the Agency and the competent authorities of Member States shall exchange relevant data and information available to them regarding joint control and inspection activities within *the territory of Member States and* Union and international waters in accordance with Regulation (EC) No 1224/2009.
2. The Agency shall take, in accordance with the relevant Union legislation, measures to ensure appropriate protection of the confidentiality of the information collected or received pursuant to this Regulation in accordance with Article 113 of Regulation (EC) No 1224/2009.

3. Regulation (EU) **2018/1725** of the European Parliament and of the Council* shall apply to the processing of personal data carried out by the Agency.
4. In relation to the processing of personal data *collected or received by the Agency in the accomplishment of its missions and tasks set out in Chapter II of this Regulation*, the Agency shall be regarded as a controller as defined in **Article 3, point (8)**, of Regulation (EU) **2018/1725**.
5. **Personal data collected or received by the Agency may only be processed** for the purpose of *fulfilling its mission and tasks set out in Chapter II of this Regulation, provided those purposes cannot be fulfilled with data that do not permit identification of data subjects*.
6. Personal data *collected or received* shall not be stored for a period longer than *necessary for the purposes referred to in paragraph 5, and in any event for no longer than five years from the date on which the Agency receives the relevant data*.

7. *By way of derogation from paragraph 6, personal data collected or received shall not be stored for a period longer than necessary for the purposes referred to in paragraph 5 relating to:*

(a) participation in, or coordination of, control and inspections; or

(b) enquiries pertaining to complaints, infringements and judicial or administrative proceedings.

In any event, the personal data referred to in the first subparagraph shall be stored for no longer than until the end of the proceedings and enquiries referred to in the first subparagraph.

If the information is retained for a period of time *longer than that set out in paragraph 6 or in this paragraph, the personal data shall be anonymised.*

8. The transfer of personal data contained in fishing activity data to a third country or to an international organisation shall only be performed in accordance with Chapter V of Regulation (EU) **2018/1725** and in compliance with agreement with that third country or with the applicable rules of that international organisation. ■

* Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).".

(5) Article **19** is replaced by the following:

"Article **19**

Assignment of Agency officials as Union inspectors

Officials of the Agency may be assigned as Union inspectors in accordance with Article 79 of Regulation (EC) No 1224/2009.".

(6) *In Article 24, paragraph 3 is replaced by the following:*

"3. The annual work programme referred to in Article 32(2), point (c), shall be consistent with the multiannual work programme. It shall clearly indicate additions, changes or deletions compared with the previous year's work programme, and the progress made in the achievement of the overall objectives and priorities of the multiannual work programme.".

(7) *Article 25 is replaced by the following:*

"Article 25

Cooperation in maritime affairs

The Agency shall contribute to the implementation of the EU Integrated Maritime Policy, and in particular conclude administrative agreements with other bodies in matters covered by this Regulation after approval by the Administrative Board. The Executive Director shall inform the Administrative Board thereof at an early stage of such negotiations.".

(8) In Article 32, paragraph 2 ■ is amended as follows:

(a) in point (b), the words 'by 30 April each year' are replaced by the words 'by **1 July** each year';

(b) *point (c) is replaced by the following:*

"(c) adopt, by 30 November each year, the single programming document, containing, inter alia, the Agency's multiannual programming and annual programming for the following year.

The single programming document shall contain the priorities of the Agency. It shall give priority to the duties of the Agency relating to control and inspection programmes. It shall be adopted without prejudice to the annual Union budgetary procedure. The single programming document shall be adopted taking into account the opinion of the Commission and, as regards the multiannual programming, after having consulted the European Parliament and the Council. The Administrative Board shall forward the document to the European Parliament, to the Council and to the Commission without delay."

(c) the following point is added:

"(i) ensure *adequate follow-up to* findings and recommendations stemming from *the internal or external audit reports and evaluations, as well as from* investigations *of* the European Anti-Fraud Office (OLAF) **■** .".

(9) *In Article 33, paragraph 1 is replaced by the following:*

"1. The Administrative Board shall be composed of representatives of Member States, six representatives of the Commission and one representative of the European Parliament. Each Member State shall be entitled to appoint one member. The Member States, the Commission and the European Parliament shall appoint one alternate for each member to represent the member in his or her absence. Only representatives of the Member States and the Commission shall have the right to vote."

(10) Article 35 is replaced by the following:

"Article 35

Meetings

1. The meetings of the Administrative Board shall be convened by its Chairperson. The agenda shall be determined by the Chairperson, taking into account the proposals of members of the Administrative Board and the Executive Director of the Agency.
2. The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.
3. The Administrative Board shall hold an ordinary meeting at least once a year. In addition it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of the Member States represented on the Administrative Board.

■ ■

4. The Administrative Board may invite ***a representative of relevant Union institutions or*** any person whose opinion may be of interest to attend its meetings as an observer.
 5. When there is a matter of confidentiality or conflict of interest, the Administrative Board may decide to examine specific items of its agenda without the presence of the representative appointed by the Advisory Board, the representatives appointed by relevant Union institutions ■ and the person(s) referred to in paragraph 4. Detailed rules for the application of this provision may be laid down in the rules of procedure.
 6. The members of the Administrative Board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.
 7. The secretariat for the Administrative Board shall be provided by the Agency."
- (11) In Article 38(3), point (a) is replaced by the following:
- "(a) ***he or she*** shall prepare the draft ***single programming document and submit it to the Administrative Board for endorsement before that draft is sent*** to the ***European Parliament, to the Council and to the Commission by 31 January of each year. He or she*** shall take the necessary steps for the implementation of the ***single programming document*** within the limits specified by this Regulation, its implementing rules and any applicable law;"

(12) In Article ~~44~~, paragraph 1 is replaced by the following:

- "1. The revenue of the Agency shall, without prejudice to other types of income, consist of:
- (a) a contribution from the Union entered in the general budget of the European Union (Commission section);
 - (b) charges for services provided by the Agency to Member States in accordance with Article 6;
 - (c) charges for publications, training and/or any other services provided by the Agency;
 - (d) *charges for services provided by the Agency to the European Border and Coast Guard Agency and the European Maritime Safety Agency, in the framework of the European cooperation on coast guard functions laid down in Article 8;***
 - (e) Union funding in the form of delegation agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article ~~47~~ and with the provision of the relevant instruments supporting the policies of the Union."

(13) Article **48** is replaced by the following:

"Article **48**

Evaluation

1. ***At regular intervals, and at least*** every five years, the Commission shall ***carry out an*** evaluation to assess, in particular:
 - (a) the results achieved by the Agency having regard to its objectives, mission and tasks;
 - (b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mission and tasks.

The Commission shall consult the Administrative Board on the terms of reference for each evaluation.

2. The Commission shall send the evaluation report, together with its conclusions on the report, to the European Parliament, the Council and the Administrative Board. The Administrative board may issue recommendations to the Commission regarding changes to this Regulation. The evaluation report and the conclusions on the report shall be made public."

Article 3

Amendments to Regulation (EC) No 1967/2006

Regulation (EC) No 1967/2006 is amended as follows:

- (1) in Article 17, paragraphs 2, 3, 5 and 6 are deleted;
- (2) in Article 20(1), the second sentence is deleted;
- (3) Article 21 is deleted.

Article 4

Amendments to Regulation (EC) No 1005/2008

Regulation (EC) No 1005/2008 is amended as follows:

- (1) In the title of the Regulation, in the Articles, in the headings of the Articles and Chapters and in the Annexes, the noun ‘Community’ or the corresponding adjective is replaced by ‘Union’, with any necessary grammatical changes being made.

(2) In Article 2, point 17 is replaced by the following:

"17. 'sighting' means any observation by a Member State's competent authority responsible for inspection at sea, or by the master of a **Union** or third-country fishing vessel of a fishing vessel engaged in activities that may be considered to be IUU fishing in accordance with Article 3."

(3) Article 3 is replaced by the following:

"Article 3

Fishing vessels engaged in IUU fishing

A fishing vessel shall be presumed to be engaged in IUU fishing if **■**, contrary to the conservation and management measures applicable in the fishing area concerned, it carried out one or more activities:

- (a) listed in Article 90(2), points (a) to (m), of Regulation (EC) No 1224/2009; or
- (b) considered to be serious infringements pursuant to Article 90(3), points **(a) to (f), (h), (i), (j), (l) and (n)**, of Regulation (EC) No 1224/2009."

- (4) Article 10 is replaced by the following:

"Article 10

Inspection procedure

For the purpose of verifying compliance with applicable laws, regulations and relevant international conservation and management measures, Member States shall apply the provisions of Chapter I of Title VII of Regulation (EC) No 1224/2009."

- (5) In Article 11, paragraphs 1 and 2 are replaced by the following:

"1. If the information collected during the inspection *or any other relevant data or information* provides evidence that leads the official to believe that a fishing vessel has engaged in IUU fishing in accordance with Article 3 of this Regulation, the official shall *carry out the duties set out in Article 82 of Regulation (EC) No 1224/2009*.

■

2. If the results of the inspection provide evidence that a third-country fishing vessel has engaged in IUU fishing in accordance with Article 3, the competent authority of the port Member State shall not authorise such vessel to land or tranship its catch or to have access to port services."

(6) *The heading of Chapter III is replaced by the following:*
"Catch certification scheme for fishery products".

(7) *In Article 12, paragraph 5 is deleted.*

(8) The following articles are inserted:

"Article 12a

Integrated computerised information management system for the Catch Certification Scheme ■

1. For the purpose of allowing the integrated management, handling, storage and exchange of information, data and documents relevant for checks, verifications, control and other relevant official activities concerning importation, ***re-exportation and, where relevant,*** exportation of fishery products, a digital information management system (CATCH) for the Catch Certification Scheme shall be established by the Commission in accordance with Articles 12b, 12c and 12d of this Regulation. CATCH shall be integrated in ***the Trade Control and Expert System (TRACES) referred to in Article 133(4) of Regulation (EU) 2017/625 of the European Parliament and of the Council****.

2. ■ Exchange of information, *data and documents* in relation to the importation, *re-exportation and, where relevant, exportation* of fishery products and related checks, risk management, verifications and control, as well as in relation to documents *referred to in this Chapter*, such as importer declarations, catch certificates, *re-export certificates*, ■ statements, applications or decisions, between the importer, *the re-exporter and, where relevant, the exporter* and the competent authorities of Member States, between the competent authorities of Member States or between the competent authorities of Member States and the Commission as provided for in this Regulation, shall be made using CATCH.
3. The Commission is empowered to adopt delegated acts in accordance with Article 54b supplementing this Regulation concerning the cases where, and the conditions under which, temporary exemptions from the application of paragraph 2 of this Article can be established.

4. The competent authorities of Member States shall use the information submitted by importers via CATCH under **Article** 16(1), for quantity management as well as, based on risk management, for carrying out their checks and verifications and for taking decisions as provided for under this Chapter and in delegated and implementing acts referred to in this Chapter and in Article 54a. ■

Article 12b

General functionalities of CATCH

1. CATCH shall:
 - (a) allow for the computerised submission, handling, storage, management and exchange of information, data and documents necessary for the performance of checks, risk management, verifications, control, **quantity management** and decisions as provided for under this Chapter **and** in the related ■ delegated and implementing acts referred to in this Chapter and in Article 54a, between the competent authorities of Member States, between competent authorities of Member States and the Commission and, where appropriate, between competent authorities of Member States and competent authorities of flag States, countries of processing and other third countries concerned, and importers and exporters;

- (b) provide for a quantity management mechanism which ensures that the weight *of the raw material for one or more importations* under one *single* catch certificate *is* not higher than the weight validated in such certificate;
- (c) *by ... [48 months after the date of entry into force of this amending Regulation]* provide for the possibility of exchanging information, data and documents relevant for importation, *re-exportation and, where relevant, exportation* of fishery products in accordance with the provisions of this Chapter and *the* delegated and implementing acts adopted pursuant to this Chapter, with other authorities of the Member States and with the customs authorities of Member States through the EU Single Window;
- (d) provide for the possibility of electronic risk management and analysis.

2. ***CATCH may interoperate with other systems relevant for the fight against IUU fishing, including through an interface with existing and functioning national IT systems.***

Article 12c

The functioning of CATCH

In accordance with the rules laid down for ***TRACES***, the Commission may adopt implementing acts for the functioning of CATCH which lay down:

- (a) the technical specifications for CATCH as a system component of ***TRACES***, including the electronic data exchange mechanism for exchanges with existing national ***and other*** systems, identification of applicable standards, definition of message structures, ***access conditions***, data dictionaries, exchange of protocols and procedures;
- (b) the specific rules for the functioning of CATCH and of its system components to ensure protection of personal data and security of exchange of information;

- (c) contingency arrangements to be applied in the event of unavailability of any of the functionalities of CATCH;
- (d) the cases where, and the conditions under which, the third countries and regional fisheries management organisations referred to in Article 13 of this Regulation *or other international organisations* may be granted partial access to the functionalities of CATCH and the *technical specifications* for such access;
- (e) the rules under which electronic documents *are* validated *in accordance with Regulation (EU) No 910/2014 of the European Parliament and of the Council***;

- (f) the templates, forms and rules for the issuance of official documents, including in electronic format, provided for under this Regulation, other than *those* provided for in *this Chapter and related Annexes*.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).

Article 12d

Protection of personal data

1. Regulation (EU) 2016/679 of the European Parliament and of the Council*** and Regulation (EU) **2018/1725** of the European Parliament and of the Council**** shall apply to the extent that the information processed through CATCH contains personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679.

2. In relation to their responsibilities to transmit the relevant information to CATCH and the processing of any personal data that might result from that activity, the competent authorities of the Member States shall be regarded as controllers as defined in Article 4, point (7), of Regulation (EU) 2016/679.
3. The Commission shall be regarded as controller as defined in Article **3, point (8)**, of Regulation (EU) **2018/1725** in relation to its responsibility to manage CATCH and the processing of any personal data that might result from that activity.
4. Member States and the Commission shall ensure that CATCH complies with the rules on personal data protection referred to in Articles 134 and 135 of Regulation (EU) 2017/625.

Article 12e

Data security

Member States and the Commission shall ensure that CATCH complies with the rules on data security referred to in Articles 134 and 136 of Regulation (EU) 2017/625.

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- * Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

- ** Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).
- *** Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- **** ***Regulation (EU) 2018/1725*** of the European Parliament and of the Council ***of 23 October 2018*** on the protection of ***natural persons*** with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (***OJ L 295, 21.11.2018, p. 39***).”.

(9) Article 14 is amended as follows:

(a) the title is replaced by the following:

“Importation of fishery products”;

(b) *paragraphs 1 and 2 are replaced by the following:*

"1. In order to import fishery products transported in the same form to the Union from a third country other than the flag State or the State in which processing takes place as referred to in paragraph 2, the importer shall submit to the competent authorities of the Member States of importation:

(a) the catch certificate(s) validated by the flag State and, if applicable, the endorsed statement referred to in paragraph 2, as follows:

(i) the original catch certificate(s) and, if applicable, the original of the statement referred to in paragraph 2, of the fishery products concerned if the total consignment is exported; or

- (ii) *a copy of the original catch certificate(s) and, if applicable, a copy of the statement referred to in paragraph 2 where only a part of the fishery products concerned in the consignment is exported; and*
- (b) *documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good and genuine condition, and remained under the surveillance of the competent authorities in that third country. Such documented evidence shall be provided by means of:*
 - (i) *if the whole consignment related to a catch certificate and, if relevant, to the statement referred to in paragraph 2 is exported, the single transport document issued to cover the passage from the territory of the flag State or the State in which processing takes place through that third country; or*

(ii) if the original consignment related to a catch certificate and, if relevant, to the statement referred to in paragraph 2 of this Article is split, a document validated by the competent authorities of that third country, using the template referred to in Article 54a, which at least:

- gives an exact description of the fishery products and the weight of the consignment exported, the dates of unloading and reloading of the fishery products and, where applicable, the names of the vessels or other means of transport used; and*
- indicates the name and approval number of the storage facility and the conditions under which the fishery products remained in that third country.*

Where the species concerned are subject to a catch documentation scheme adopted by a regional fisheries management organisation and recognised under Article 13, the documents referred to above may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly.

2. In order to import fishery products constituting one single consignment and which have been processed in a third country, the importer shall submit to the competent authorities of the Member State of importation a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form set out in Annex IV:
- (a) giving an exact description of the unprocessed and processed products and their respective quantities;
 - (b) indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag State; and
 - (c) accompanied by:
 - (i) the original catch certificate(s) where the totality of the catches concerned has been used for the processing of the fishery products exported in a single consignment; or
 - (ii) a copy of the original catch certificate(s), where part of the catches concerned has been used for the processing of the fishery products exported in a single consignment.

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Where the species concerned are subject to a catch documentation scheme adopted by a regional fisheries management organisation and recognised under Article 13, the statement may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country of processing has fulfilled its notification requirements accordingly."

(10) In Article 16, paragraph 1 is replaced by the following:

"1. The importer of fishery products into the Union shall submit the catch certificate, as established in Article 12(4), together with their transport details as specified in the Appendix to Annex II, the statement of the processing plant as established in Article 14(2) and other information as required in Articles 12, 14 and 17, electronically via CATCH to the competent authorities of the Member State into which the fishery products are intended to be imported. The catch certificate together with ***all the relevant accompanying documents shall*** be submitted at least three working days before the estimated time of arrival at the place of entry into the territory of the Union. The deadline of three working days may be adapted according to the type of fishery product, the distance to the place of entry into the territory of the Union or the means of transport used. Those competent authorities shall, on the basis of risk management, check all submitted documents, in particular the catch certificate, in the light of the information provided in the notification received from the flag State in accordance with Articles 20 and 22."

(11) *In Article 17, paragraph 3 is replaced by the following:*

"3. Verifications shall focus on risks identified on the basis of risk-management criteria determined at Union level. In addition, Member States may develop additional national criteria for the same purpose. Member States shall notify to the Commission their national criteria and any updates thereof. The Commission shall, by means of implementing acts, determine the Union criteria. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2)."

(12) In Article 27, paragraph 8 is replaced by the following:

*"8. **Union** fishing vessels shall not be included in the **Union** IUU vessel list if the flag Member State has taken action pursuant to this Regulation and Regulation (EC) No 1224/2009 against breaches constituting serious infringements as referred to in Article 42 of this Regulation, without prejudice to any action taken by regional fisheries management organisations."*

(13) In Article 38, the following points are added:

"10. the ownership, including as a beneficial owner as defined in Article 3, point (6), of Directive (EU) 2015/849 of the European Parliament and of the Council*, operation or management by Union operators of fishing vessels flying the flag of such countries shall be prohibited. Union owners, including beneficial owners, of fishing vessels flying the flag of such countries shall request that those vessels be removed from the registry of such countries within two months of the publication of the list of non-cooperating third countries in accordance with Article 33 of this Regulation. Where the request cannot be made directly by the owners, including beneficial owners, they shall mandate a relevant natural or legal person empowered to act on their behalf to request such removal within the timeframe provided;

11. access to port services and the conduct of landing or transshipment operations in Union ports by fishing vessels flying the flag of such countries shall be prohibited.

* Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).".

(14) The heading of Chapter IX is replaced by the following:

“CHAPTER IX

PROCEEDINGS AND ENFORCEMENT”.

(15) Article 42 is replaced by the following:

"Article 42

Serious infringements

■ For the purposes of this Regulation, 'serious infringement' means any ■
infringement ■ *falling within the scope of this Regulation which is* listed in ■
Article 90(2) of Regulation (EC) No 1224/2009 or considered to be a serious
infringement pursuant to ■ Article 90(3) of that *Regulation*."

(16) The following article is inserted:

"Article 42a

Proceedings in the event of serious infringements

Without prejudice to Article 11(4) and Article 50 of this Regulation, Member
States shall apply Article 85 of Regulation (EC) No 1224/2009 where a serious
infringement is detected."

(17) Article 43 is replaced by the following:

"Article 43

Measures and sanctions

In the event of serious infringements, Member States shall apply measures and sanctions ***in accordance with Title VIII of Regulation (EC) No 1224/2009***.

■

".

(18) Articles 44 to 47 are deleted.

(19) Article 54 is replaced by the following:

“Article 54

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).”.

(20) The following articles are inserted:

"Article 54a

Annexes and documents

The Commission is empowered to adopt delegated acts in accordance with Article 54b amending Annex *I, Annex II, including* the Appendix thereto, and Annex IV, *as well as supplementing this Regulation by adopting and keeping up to date a template for the document referred to in Article 14(1), point (b)(ii),* in order to take into account international developments in catch documentation schemes, scientific developments and technical progress, including adaptations for the purpose of the implementation of CATCH. *The Commission is also empowered* to adopt delegated acts in accordance with Article 54b *amending Annex I each year on the basis of the information collected under Chapters II, III, IV, V, VIII, X and XII.*

Article 54b

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 12a(3) and Article 54a shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 12a(3) and Article 54a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³².

³² OJ L 123, 12.5.2016, p. 1.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
 6. A delegated act adopted pursuant to Article 12a(3) and Article 54a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council."
- (21) Annex II and the Appendix thereto are replaced by the text set out in Annex II to this Regulation.

(22) In Annex IV, the introductory part is replaced by the following:

“**DOCUMENT NUMBER***:

I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches under the following catch certificate(s):

* Insert document number”.

Article 5

Amendments to Regulation (EU) 2016/1139

■ Regulation (EU) 2016/1139 *is amended as follows:*

(1) *Article 12 is deleted.*

(2) Article 13 is replaced by the following:

"Article 13

Margin of tolerance

- 1. By way of derogation from Article 14(3) and (4) of Regulation (EC) No 1224/2009, until ... [four years after date of entry into force of this amending Regulation] for catches to which this Regulation applies, and which are landed unsorted, the permitted margin of tolerance shall be 20 % per species.**
- 2. Notwithstanding paragraph 1, in the case of landings in listed ports in accordance with Article 14(4), point (a), of Regulation (EC) No 1224/2009, the margin of tolerance set out in that point shall apply."**

Article 6

Amendment to Regulation (EU) 2017/2403

In Title II of Regulation (EU) 2017/2403, Chapter VI is deleted.

Article 7

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. *Article 1 shall apply from ... [24 months after date of entry into force of this amending Regulation].*
3. *By way of derogation from paragraph 2 of this Article, the following points of Article 1 shall apply from ... [the date of entry into force of this amending Regulation]:*
 - (a) *points (7), (8), (9), (49) and (63);*

- (b) the parts of points (6), (13) and (51) relating to the development by the Commission of:*
- vessel monitoring systems for fishing vessels of less than 12 metres in length overall, under Article 9(3), second subparagraph, of Regulation (EC) No 1224/2009 as amended by this Regulation;*
 - fishing logbooks and other systems for catching vessels of less than 12 metres in length overall, under Article 15a of Regulation (EC) No 1224/2009 as amended by this Regulation; and*
 - an electronic system for recording and reporting of catches from recreational fisheries, under Article 55(1), third subparagraph, of Regulation (EC) No 1224/2009 as amended by this Regulation.*

4. *By way of derogation from paragraph 2 of this Article, the definitions set out in Article 1, point (1), of this Regulation shall apply in respect of any article of Regulation (EC) No 1224/2009 as amended by this Regulation from the date on which that amended article applies. In respect of any other article of Regulation (EC) No 1224/2009, those definitions shall apply from ... [two years after the date of entry into force of this amending Regulation].*
5. *By way of derogation from paragraph 2 of this Article, the parts of points (11) and (20) of Article 1 of this Regulation relating to the permitted margin of tolerance in estimates recorded, respectively, in the fishing logbook, under Article 14(3) and (4) of Regulation (EC) No 1224/2009 as amended by this Regulation, and in the transshipment declaration, under Article 21(3) of Regulation (EC) No 1224/2009 as amended by this Regulation, shall apply from ... [six months after the date of entry into force of this amending Regulation].*

6. *By way of derogation from paragraph 2 of this Article, Article 1, point (76), shall apply from 1 January 2026.*
7. *By way of derogation from paragraph 2 of this Article, Article 1, points (10), (14), (22), (36) to (42), and (50), shall apply from ... [four years after the date of entry into force of this amending Regulation].*

8. *By way of derogation from paragraph 2 of this Article, Article 1, points (58), (60) and (62), shall not apply to fishing without a vessel until ... [four years after the date of entry into force of this amending Regulation].*
9. *Article 2 shall apply from ... [the date of entry into force of this amending Regulation].*
10. *Article 3 shall apply from ... [24 months after date of entry into force of this amending Regulation].*
11. *Article 4 shall apply from ... [24 months after date of entry into force of this amending Regulation].*

By way of derogation from the first subparagraph of this paragraph, Article 4, points (11), (17) and (18), shall apply from ... [the date of entry into force of this amending Regulation].

12. *Article 5, point (1), shall apply from ... [four years after the date of entry into force of this amending Regulation], and point (2) shall apply from ... [six months after the date of entry into force of this amending Regulation].*

13. *Article 6 shall apply from ... [24 months after date of entry into force of this amending Regulation].*
14. *Notwithstanding paragraphs 2 to 13 of this Article, the provisions of this Regulation conferring delegated and implementing powers upon the Commission shall apply from ... [the date of entry into force of this amending Regulation]. The delegated and implementing acts adopted pursuant to this Regulation shall apply from the dates of application laid down in paragraphs 2 to 13 of this Article and in any other provisions of this Regulation, without prejudice to any transitional provisions laid down in Article 8.*

Article 8

Transitional provisions

- 1. Where provisions of this Regulation become applicable to certain categories of vessels, in particular vessels of less than 12 metres in length overall, on a date later than ... [the date of entry into force of this amending Regulation], the rules laid down in Regulation (EC) No 1224/2009 which are amended or repealed by this Regulation and which apply to those categories of vessels on the day before that date, in particular Articles 14 to 25 and 48 of Regulation (EC) No 1224/2009, shall continue to apply to those categories of vessels until the date on which the provisions of this Regulation become applicable to those categories of vessels.*
- 2. As regards vessels of less than 12 metres in length overall, Article 9, Article 14(1), (2) and (7) to (12), Articles 15, 19a, 21 to 24 and 48 of Regulation (EC) No 1224/2009, as amended by this Regulation, shall apply to those vessels from ... [four years after the date of entry into force of this amending Regulation].*

3. *Until ... [36 months after the date of entry into force of this amending Regulation] Member States may continue to apply sampling plans, control plans and common control programmes referred to in Article 60(3) of Regulation (EC) No 1224/2009 as amended by this Regulation, which have been approved by the Commission in accordance with Articles 60 and 61 of Regulation (EC) No 1224/2009 and Articles 76 and 77 of, and Annexes XIX, XX and XXI to, Commission Implementing Regulation (EU) No 404/2011³³ as applicable on ... [the date of entry into force of this amending Regulation] and which have not expired.*

³³ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

4. *From ... [six months after the date of entry into force of this amending Regulation] until ... [two years after the date of entry into force of this amending Regulation] and, by way of derogation from Article 3(1), point (b), Article 3(2) and Article 42 of Regulation (EC) No 1005/2008 as applicable on ... [the day before the date of entry into force of this amending Regulation], failing to fulfil obligations to accurately record estimates of quantities within the permitted margin of tolerance as provided for in Article 90(3), point (c), of Regulation (EC) No 1224/2009 as amended by this Regulation shall constitute a serious infringement where one or more of the corresponding criteria set out in Annex IV to Regulation (EC) No 1224/2009 are met.*

5. *For the electronic submission via CATCH of catch certificates and any other related documents in accordance with Article 16(1) of Regulation (EC) No 1005/2008 as amended by this Regulation, until ... [48 months after the date of entry into force of this amending Regulation] the importer may use catch certificates and any other related documents that have been validated, endorsed or signed before ... [24 months after the entry into force of this amending Regulation] in accordance with Articles 12 and 14 of, and Annexes II and IV to, Regulation (EC) No 1005/2008 as applicable at the time of their validation, endorsement or signature.*
6. *As regards the obligation, referred to in Article 38, point 10, of Regulation (EC) No 1005/2008 as amended by this Regulation, of Union owners, including beneficial owners, of fishing vessels flying the flag of third countries included in the list of non-cooperating third countries in accordance with Article 33 of that Regulation to request the removal of those vessels from the registry of such countries, such a request, in relation to the countries already included in that list on ... [the date of entry into force of this amending Regulation], shall be made by ... [two months after the date of entry into force of this amending Regulation].*

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...

For the European Parliament

For the Council

The President

The President

ANNEX I

The following annexes are added to Regulation (EC) No 1224/2009:

"ANNEX III

POINTS TO BE ASSIGNED TO UNION FISHING LICENCE HOLDERS OR UNION MASTERS FOR SERIOUS INFRINGEMENTS

Article	Serious infringement	Points
Article 90(2), point (a)	Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State.	7
Article 90(2), point (b)	Falsifying or concealing markings, identity or registration of a fishing vessel.	5
Article 90(2), point (c)	Concealing, tampering with, or disposing of, evidence relating to an investigation.	5
Article 90(2), point (d)	Obstructing the work of officials or observers, in the exercise of their duties.	7

Article	Serious infringement	Points
Article 90(2), point (e)	Transshipping without the required authorisation or where such transshipment is prohibited.	7
Article 90(2), point (f)	Conducting transfer operations or caging, in particular as referred to in Regulation (EU) 2023/2053, in breach of the rules of the common fisheries policy.	5
Article 90(2), point (g)	Transshipping from or to, conducting transfer operations with, participating in joint fishing operations with, or supporting or supplying vessels listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Regulation (EC) No 1005/2008.	7

Article	Serious infringement	Points
Article 90(2), point (h)	Participating in the operation, management, ownership, including as beneficial owner as defined in Article 3, point (6), of Directive (EU) 2015/849, of, or supplying services, including logistic, insurance and other financial services, to operators connected to, a vessel listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Regulation (EC) No 1005/2008.	7
Article 90(2), point (i)	Carrying out fishing activities in contravention of the rules applicable in a fishing restricted area.	6
Article 90(2), point (j)	Fishing for, catching, retaining on board, transshipping, landing, storing, selling, displaying or offering for sale species for which such activities are prohibited, subject to the conditions set out in Articles 10 and 11 of Regulation (EU) 2019/1241.	7

Article	Serious infringement	Points
Article 90(2), point (k)	Conducting fishing activities involving species subject to catch limits for which the operator does not have a quota or does not have access to the quota of the flag Member State, species for which the quota is exhausted, or species subject to a fishing moratorium, temporary prohibition or closed season, except accidental catches, unless the activity is a serious infringement under Article 90(2), point (j).	7
Article 90(2), point (m)	Using prohibited fishing gear or methods, as referred to in Article 7 of Regulation (EU) 2019/1241 or any other equivalent rules of the common fisheries policy.	7
Article 90(2), point (n)	Falsifying documents, information or data, written on paper or stored in electronic form, referred to in the rules of the common fisheries policy.	5

Article	Serious infringement	Points
Article 90(2), point (o)	Manipulating an engine or continuous engine power monitoring device with the aim of increasing the power of the vessel to exceed the maximum continuous engine power according to the engine certificate.	6
Article 90(2), point (p)	Conducting fishing activities with the use of forced labour, as defined in Article 2 of the ILO Convention No 29 on Forced Labour.	7
Article 90(3), point (a)	Using falsified or invalid documents, information or data, written on paper or stored in electronic form, referred to in the rules of the common fisheries policy.	5

Article	Serious infringement	Points
Article 90(3), point (b)	Failing to fulfil obligations to accurately record, store and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems, as well as data with regard to prior notifications, catch declarations, transshipment declarations, fishing logbooks, landing declarations, weighing records, take-over declarations, transport documents or sales notes as required under the rules of the common fisheries policy, except for obligations relating to the margin of tolerance, as referred to in Article 90(3), point (c).	3
Article 90(3), point (c)	Failing to fulfil obligations to accurately record estimates of quantities within the permitted margin of tolerance, in accordance with Article 14(3) and (4) and Article 21(3) of this Regulation and Article 13 of Regulation (EU) 2016/1139.	3

Article	Serious infringement	Points
Article 90(3), point (d)	Failing to fulfil obligations relating to the characteristics or use of fishing gear, acoustic deterrent devices, selectivity or fish aggregating devices, in particular as regards marking and identification, areas, depths, periods, number of gear and mesh size, or of the equipment for grading, water separation, or processing or failing to comply with measures to reduce incidental catches of sensitive species as required under the rules of the common fisheries policy, unless the activity is a serious infringement under Article 90(2).	4
Article 90(3), point (e)	Failing to bring and retain on board the fishing vessel, including through slipping, or failing to land or, where applicable, tranship or transfer, species subject to the landing obligation, including catches below the minimum conservation reference size, in breach of the rules of the common fisheries policy applicable to fisheries or fishing zones concerned.	5

Article	Serious infringement	Points
Article 90(3), point (f)	Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, applicable conservation and management measures of that organisation unless the activity is a serious infringement under Article 90(2) or under other points of Article 90(3).	5
Article 90(3), point (i)	Committing multiple infringements of the rules of the common fisheries policy.	5
Article 90(3), point (k)	Using an engine power exceeding the maximum continuous engine power certified and recorded in the Member State fishing fleet register.	5

Article	Serious infringement	Points
Article 90(3), point (l)	Landing in ports of third countries without prior notification as referred to in Article 19a.	5
Article 90(3), point (n)	Illegally disposing of fishing gear or gear at sea from a fishing vessel.	5
Article 90(3), point (j)	Conducting any of the activities referred to in Article 90(2), point (g) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation.	5

ANNEX IV¹

Criteria to qualify an activity as a serious infringement in accordance with Article 90(3)

Activity	Criteria
Article 90(3), point (a) Using falsified or invalid documents, information or data, written on paper or stored in electronic form, referred to in the rules of the common fisheries policy.	<i>(a) Documents, data or information intentionally used in the own interest or in the interest of third parties in order to obtain a benefit;</i> <i>(b) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for an infringement under Article 90(3), point (a), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

¹ When calculating the value of the fishery or aquaculture products obtained as a result of committing an infringement referred to in this Annex, Member States shall consider national prices at first sale, prices identified on principal international markets relevant for the species and fishing area concerned or the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform, at the time when the infringement was committed.

Activity	Criteria
Article 90(3), point (b) Failing to fulfil obligations to accurately record, store and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems, as well as data with regard to prior notifications, catch declarations, transshipment declarations, fishing logbooks, landing declarations, weighing records, take-over declarations, transport documents or sales notes as required under the rules of the common fisheries policy, except for obligations relating to the margin of tolerance as referred to in Article 90(3), point (c).	<i>(a) Where fishery products related to the infringement represent 10 % or more of the total weight of the products concerned;</i> <i>(b) failure to record and report catches of species subject to the landing obligation per species, haul, area, day or fishing trip, depending on the gravity of the offence to be determined by the competent authorities of the Member States taking into account, in particular, the nature and extent of the activity, including the prejudice or the level of the damage to the fishing resources and the marine environment concerned;</i> <i>(c) interference with the installation or functioning of the vessel monitoring system, AIS, fishing logbook, REM system, weighing system, continuous engine power monitoring device or any other applicable monitoring system of the Member State, including its switch off, except where authorised by the competent authorities;</i> <i>(d) no data and information recorded or sent to the flag Member State's fisheries monitoring centre;</i> <i>(e) failure to notify the MS authorities about malfunctioning of the vessel monitoring system, AIS, fishing logbook, REM system, or any other monitoring device or system as required under the rules of the common fisheries policy;</i> <i>(f) failure to transmit data relating to fishing activities and fishing operations, including sales notes, when</i>

Activity	Criteria
	<i>the landing or transshipment or the fishing operation has taken place outside the Union waters;</i> <i>(g) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (b), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (c) Failing to fulfil obligations to accurately record estimates of quantities within the permitted margin of tolerance, in accordance with Article 14(3) and (4) and Article 21(3) of this Regulation and Article 13 of Regulation (EU) 2016/1139.	<i>(a) Where the quantity of the fishery products exceeding the permitted margin of tolerance is equal to or above 100 % of the permitted margin of tolerance, calculated as permissible amount in percentage or kilograms, or, in the cases falling under Article 14(4), point (a), where the quantity of the fishery products exceeding the permitted margin of tolerance is 50 % or more of the permitted margin of tolerance, calculated as permissible amount in percentage;</i> <i>(b) notwithstanding the criterion under point (a), until ... [four years from the date of entry into force of this amending Regulation], for species caught in the tropical tuna purse seine fisheries which are landed unsorted and that represent 2 % or more in weight of all species landed and to which Article 14(4), point (a) does not apply: where the difference between estimates recorded in the fishing logbook and the quantities landed or resulting from an inspection is equal to or higher than 25 % per species;</i> <i>(c) notwithstanding the criterion under point (a), until ... [four years from the date of entry into force of this amending Regulation], for species covered by Article 13(1) of Regulation (EU) 2016/1139: where the difference between estimates recorded in the fishing logbook and quantities landed or resulting from an inspection is equal to or above 25% per species;</i> <i>(d) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a</i>

Activity	Criteria
	<i>serious infringement under Article 90(3), point (c), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (d) Failing to fulfil obligations relating to the characteristics or use of fishing gear, acoustic deterrent devices, selectivity or fish aggregating devices, in particular as regards marking and identification, areas, depths, periods, number of gear and mesh sizes, or of the equipment for grading, water separation or processing, or failing to comply with measures to reduce incidental catches of sensitive species as required under the rules of the common fisheries policy, unless the activity is a serious infringement under Article 90(2).	<i>(a) Passive fishing gear and fish aggregating devices either lack any correct marking or have incorrect marking, labelling or related characteristics, affecting more than half of the fishing gear or fish aggregating devices;</i> <i>(b) more than 10 % of the required number of acoustic deterrent devices are not used or more than 10 % of the required acoustic deterrent devices used are not functioning properly;</i> <i>(c) the number of passive fishing gear and fish aggregating devices used exceeds by 10 % the allowed number of such gear or devices;</i> <i>(d) the size of the whole or part of the active fishing gear exceeds the allowed dimension of such gear by 10 %;</i> <i>(e) the selectivity characteristics of gear as required under the rules of the common fisheries policy are altered by reducing the size of those elements of a gear which determine selectivity, such as mesh size, yarn diameter or hook size, by 3 mm or 5 %, whichever is greater;</i> <i>(f) failure to deploy other methods and devices in accordance with the rules of the common fisheries policy in order to optimise selectivity, such as escape panels, sorting grids or exit holes;</i> <i>(g) the use of devices that obstruct or otherwise effectively diminish the selectivity characteristics of gear or the methods and devices referred to in point</i>

Activity	Criteria
	<i>(f);</i> <i>(h) the equipment on board for grading or water separation is used for species for which the use of such devices is prohibited, and which are subject to fishing opportunities, multiannual plans, inspection and control plans or the landing obligation;</i> <i>(i) fishing gear is used in a location where the distance to the shore deviates from the allowed distance by more than 10 %, or where the sea-depth deviates from the allowed depth;</i> <i>(j) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (d), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (e) Failing to bring and retain on board the fishing vessel, including through slipping, or failing to land or, where applicable, tranship or transfer, species subject to the landing obligation, including catches below the minimum conservation reference size, in breach of the rules of the common fisheries policy applicable to fisheries or fishing zones.	<i>(a) Catches related to the infringement represent a value equal to or greater than EUR 1 000, or 10 % of the total value of fishery products concerned; or quantities that are equal to or above 200 kg;</i> <i>(b) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (e), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (f) Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, applicable conservation and management measures of that organisation, unless the activity is a serious infringement under Article 90(2) or under other points of Article 90(3).	<i>(a) The infringement is qualified as a serious infringement under applicable rules of a regional fisheries management organisation;</i> <i>(b) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (f), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (g) Making available on the market fishery or aquaculture products in breach of the rules of the common fisheries policy, unless the activity is a serious infringement under Article 90(2) or under other points of Article 90(3).	<i>(a) Operators, masters or their representatives conduct the first sale with a non-registered auction centre, buyer or producer organisation;</i> <i>(b) non-existent minimum mandatory information to consumers as provided for in Article 35 of Regulation (EU) No 1379/2013 for lots of 20 kg or more or which represent a value equal to or greater than EUR 1 000;</i> <i>(c) incomplete traceability information for lots of 20 kg or more, or which represent a value equal to or greater than EUR 1 000;</i> <i>(d) the products are imported in breach of Regulation (EC) No 1005/2008;</i> <i>(e) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (g), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (h) Conducting recreational fishing activities in breach of the rules of the common fisheries policy or selling fishery products from recreational fisheries.	<i>(a) Selling fishery products from recreational fisheries which represent a value equal to or greater than EUR 50 or quantities that are equal to or above 10 kg;</i> <i>(b) two individuals or more of specimen retained are unauthorised or one individual or more are prohibited species;</i> <i>(c) 25 % or more of specimen retained do not comply with the minimum conservation reference size;</i> <i>(d) retaining quantities of species exceeding the bag or catch limits or exceeding applicable quotas by 50 %;</i> <i>(e) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (h), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (i) Committing multiple infringements of the rules of the common fisheries policy.	<i>Committing three or more infringements referred to in Article 90(3), detected in the course of the same inspection, surveillance or investigation, and which are not individually considered serious.</i>
Article 90(3), point (j) Conducting any of the activities referred to in Article 90(2), point (g), in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation.	<i>(a) Transshipping from or to, or conducting transfer operations with, participating in joint fishing operations with, supporting or supplying a vessel in relation to a fishing trip where that vessel has been used to commit a serious infringement;</i> <i>(b) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (j), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (k) Using an engine power exceeding the maximum continuous engine power certified and recorded in the Member State fishing fleet register.	<i>(a) When the difference between the verified power and the power certified and recorded is higher than 20 %;</i> <i>(b) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (k), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>
Article 90(3), point (l) Landing in ports of third countries without prior notification as referred to in Article 19a.	<i>The competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for an infringement under Article 90(3), point (l), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (m) Conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing.	<i>(a) All legally required documents were not produced or submitted;</i> <i>(b) importing where import has been refused under Article 18 of Regulation (EC) No 1005/2008;</i> <i>(c) importing without complying with Article 16 of Regulation (EC) No 1005/2008;</i> <i>(d) the vessel is included in the IUU vessel list of the Union or of a regional fisheries management organisation;</i> <i>(e) the competent authority of a Member State has confirmed that the natural person or legal person concerned has committed or was held liable for a serious infringement under Article 90(3), point (m), in a final judgment or decision issued in the last 12 months before the date on which the present infringement was committed.</i>

Activity	Criteria
Article 90(3), point (n) Illegally disposing of fishing gear or gear at sea from a fishing vessel.	<i>(a) The disposal is deliberate and results or is likely to result in serious damage to the marine environment, including to marine biological resources and marine ecosystems;</i> <i>(b) the disposal is deliberate and occurs in a fishing restricted area;</i> <i>(c) the disposal is deliberate and concerns fishing gear that is prohibited under Article 7(1), points (a), (b), (c), (d) and (g), of Regulation (EU) 2019/1241.</i>

"

ANNEX II

Annex II to Regulation (EC) No 1005/2008 and the Appendix to that Annex are replaced by the following:

‘ANNEX II – European Union Catch Certificate and Re-Export Certificate

<i>(i) EUROPEAN UNION CATCH CERTIFICATE</i>			
Document number		Validating authority	
1. Name	Address	Telephone Fax	
2. Fishing vessel name	Flag - home port and registration number	Call sign	<i>IMO number or, if not applicable, other unique vessel identifier (if applicable)</i>
Fishing licence no – valid until	<i>Mobile satellite service</i> no Telefax no Telephone no Email address (if issued)		
<i>Fishing gear (1)</i>			

3. Description of product		Type of processing authorised on board		4. References to applicable conservation and management measures	
Species	Product code	Catch area(s) and catch date(s) (from - to) (2)	Estimated weight <i>to be landed in kg</i>	<i>Net catch</i> weight in kg	Verified weight landed (net <i>catch</i> weight in kg) (3)
5. Name of master of fishing vessel <i>or of fishing licence holder</i> - Signature					
6. Declaration of transshipment at sea Name of master of fishing vessel			Signature and date	Transshipment date/area/position	Estimated weight (kg)
Master of receiving vessel	Signature	Vessel name	Call sign	IMO <i>number or, if not applicable, other unique vessel identifier (if applicable)</i>	

7. Transhipment and/or landing authorisation within a port area:								
Name	Authority	Signature	Address	Tele phon e	Port of landing (as appropriate)	Date of landing (as appropriat e)	Seal (stamp)	
					Port of transhipment (as appropriate)	Date of transhipm ent (as appropriat e)	<i>Name and regist ration numb er of receiv ing vessel</i>	Seal (stam p)
							<i>IMO numb er or, if not applic able, other uniqu e vessel identi fier (if applic able) of receiv ing vessel</i>	
8. Name and address of exporter		Signature		Date		Seal		
9. Flag State authority validation:								
Name/Title		Signature		Date		Seal (stamp)		
10. Transport details : <i>See Appendix</i>								

11. Importer declaration:				
Company, name, address, EORI(4) number and contact details of importer (specify details)	Signature	Date	Seal	
Company, name, address, EORI(4) number and contact details of representative of the importer (specify details)	Signature	Date	Seal	
Product description	CN code		Net weight in kg	Net fishery <i>product</i> weight in kg
Document under Article 14(1) of Regulation (EC) No 1005/2008	Yes / no (as appropriate)	References		

Document under Article 14(2) of Regulation (EC) No 1005/2008	Yes / no (as appropriate)	References (processing statement document number(s))			
Member State and office of import					
Means of transport upon arrival (airplane, vehicle, ship, train)	Transport document reference	Estimated time of arrival (if submission under Article 12(1) of Regulation (EC) No 1005/2008)			
Customs declaration number (if issued)	<i>CHED</i> (5) number (if available)				
12. Import control: Authority	Place	Importation authorised(6)	Importation suspended(6)	Verification requested - date	

13. Refusal of catch certificate	Catch certificate refused on the basis of the following provisions of Regulation (EC) No 1005/2008:	(6)
	Article 18(1), point (a)	
	Article 18(1), point (b)	
	Article 18(1), point (c)	
	Article 18(1), point (d)	
	Article 18(1), point (e)	
	Article 18(1), point (f)	
	Article 18(1), point (g)	
	Article 18(2), point (a)	
	Article 18(2), point (b)	
	Article 18(2), point (c)	
	Article 18(2), point (d)	

(1) Code to be used in accordance with International standard statistical classification of fishing gear.

(2) Catch area:

- *FAO area(s);*
- *exclusive economic zone(s) and/or high seas; and*
- *relevant regional fisheries management organisation convention area(s).*

(3) To be filled in only if verified in the context of an official inspection.

(4) Economic Operators Registration and Identification.

(5) Common Health Entry Document.

(6) Tick as appropriate.

(ii) EUROPEAN UNION RE-EXPORT CERTIFICATE			
Certificate number	Date		Member State
1. Description of re-exported product		Weight (kg)	
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/Title	Signature	Date	Seal/Stamp
4. Re-export control			
Place	Re-export authorised(*)	Verification requested(*)	Re-export declaration number and date

(*) Tick as appropriate

Appendix

TRANSPORT DETAILS⁽¹⁾

1. Country of exportation Port/airport/other <i>point</i> of departure	2. Exporter signature		3. <i>Point of destination</i>	
Vessel name and flag Flight number/airway bill number Truck nationality and registration number Railway bill number <i>Freight bill number</i> Other transport documents (<i>e.g. bill of lading, CMR⁽²⁾, air waybill</i>)	Container number(s) list attached	Name	Address	Signature

⁽¹⁾ In the case of use of multiple modes of transport or multiple shipments, the information related to the transport has to be provided for each mode of transport used for each shipment.

⁽²⁾ Contract for the International Carriage of Goods by Road."