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NOTE

From:	General Secretariat of the Council
To:	Delegations
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 - Statements

Delegations will find hereafter four statements lodged by the Commission and one statement lodged by Denmark regarding the above-mentioned proposal.

Commission statement on Article 6 and Article 7 (Entry into force/date of application)

The Commission is empowered to adopt the delegated and implementing acts provided for in this Regulation which will apply at the dates of application set out in the Regulation. The Commission will endeavour to adopt those acts sufficiently in advance of the dates on which they are supposed to become applicable.

When preparing such acts, the Commission will review Implementing Regulation (EU) 404/2011 in the light of this Regulation and of any implementing or delegated acts adopted and will repeal those provisions of Regulation (EU) 404/2011 which are superseded by this Regulation or by any implementing or delegated act.

Commission statement on the implementing powers granted to the Commission as regards the derogations from rules on the margin of tolerance

The Commission is empowered to adopt an implementing act providing further detail in relation to the content of the legislative act in order to ensure that it is implemented under uniform conditions in all Member States in particular to the designation of ports and facilities for landing and weighing of catches of unsorted small pelagic, industrial and tropical tuna purse seine fisheries, that allow benefiting from derogations from rules on the margin of tolerance in order to ensure uniform, implementation of the applicable provisions.

The Commission will start working on the draft implementing regulation on the basis of the objectives and requirements of the relevant provisions immediately after the political agreement on the Control Regulation is reached by the European Parliament and the Council.

The Commission will endeavour to submit the draft implementing act without delay after the entry into force of the Control Regulation for the opinion of the Committee for fisheries and aquaculture with a view to facilitate the adoption before the date of application of the provisions relating to the margin of tolerance, i.e. within 6 months from the date of entry into force of the Regulation on the revision of the EU fisheries control system.

Commission statement on the new control rules and level playing field with third countries

In accordance with Article 28 of the Common Fisheries Policy Regulation, the Commission will promote a level-playing field for Union operators vis-à-vis third country operators, both at bilateral and multilateral level, as regards the new control rules that will be implemented under the revised fisheries control system, such as remote electronic monitoring and control of small scale and recreational fisheries. The Commission will also continue to promote and support, in all international spheres, action necessary to eradicate IUU-fishing.

Commission statement on the resource implications of the outcome of the inter-institutional negotiations on the revision of the EU fisheries control system

The Commission recalls that the final agreement reached on the revision of the EU fisheries control system, in particular on the electronic reporting of catches and on the tracking for small scale vessels, on the recording and reporting of catches from recreational fishers, on the traceability of fishery and aquaculture products, but also on annual reports and on the need to adopt implementing and delegated acts, including on the margin of tolerance, has evolved significantly compared to the initial Commission proposal (COM(2018)368 final of 30.05.2018).

The agreement substantially increases the number of tasks and obligations for the Commission and the workload associated, both in the short and in the long-term i.e. beyond the current programming period. These include the adoption of implementing and delegated acts, which the Commission had instead proposed to be included in the basic act, the performance of a feasibility study on the traceability of prepared and preserved products, the development, deployment and future maintenance and upgrades of uniform IT tools for small scale fisheries and recreational fisheries, along with various compilations of annual reports to be published on the Commission's website. This has a direct impact on the estimated resources required for the Commission services, which was not anticipated when the Commission submitted its proposal.

Statement by Denmark on the Regulation amending various Regulations as regards fisheries control

Denmark supports the objective of an effective control that contributes to sustainable fishing and aquaculture activities that create economic, social and employment benefits.

At the same time, Denmark stresses that the use of modern technology in fisheries control should support sustainable management and ensure better regulation, including more flexibility for fishers, for example in their choice and development of gears.

Denmark stresses the necessity of only adopting rules with which fishers may reasonably be capable of complying. Denmark regrets that this objective was not achieved with respect to the rules on margin of tolerance (MOT) for estimates to be recorded in the logbook of catches of small pelagic species and industrial species kept on board fresh and unsorted in bulk. In our opinion, it is the efficient weighing procedures upon landing that ensure a solid quota management, not the estimates in the logbook. Parts of the Danish pelagic fleet has initiated a project with CCTV and fishers' participating in this project and other initiatives such as the CCTV project in Kattegat to promote the use of modern technology. Denmark finds that they should be able to benefit from more flexibility in the MOT, and regrets that this is not part of the final compromise text.

Furthermore, Denmark finds it unfortunate that our input into the process revising the EU fisheries control system have not been taken sufficiently into account.