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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 10406/21 + ADD 1 and 2 + ADD 3 REV 1 PECHE 247 CODEC 1024
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 - 4-column document - Dutch comments

Delegations will find attached written comments by the [Netherlands delegation](#) on the above-mentioned document.

## **Written comments from the Netherlands in preparation of the trialogue on Control Regulation the EFCA-Regulation and the IUU- Regulation.**

The Netherlands thanks the Presidency for the opportunity to submit written comments in preparation of the trialogue on the revision of the control regulation for fisheries and aquaculture. In our comments below we will notify on which specific rows of the 4-column document the presidency could be flexible towards the European Parliament. On all the other parts we ask the presidency to follow the General Approach. On a few suggestions of the European Parliament we specifically ask the presidency not to be flexible.

### **Main points:**

The following points are very important for the Netherlands:

- For the Netherlands it is important that there is a balance between increased measures for the small scale fleet and the large scale fleet and we ask the Presidency to keep this in mind during the discussions with the European Commission and the European Parliament.
- With regard to the proposals to control the landing obligation with CCTV or REM the Netherlands prefers the length criterium of both the European Commission and the European Parliament, because of the level playing field between fleet segments. The selection of fleet segments that will be equipped with CCTV or REM should be based on a risk assessment as taken up in the General Approach. The Netherlands is strongly opposed to the idea of using CCTV or REM-control on a percentage of vessels because of a competition disadvantage for vessels equipped with CCTV/REM and vessels of the same fleet segment (posing the same risk) without CCTV/REM.
- With regard to the proposals to continuously monitor engine power, the Netherlands would like to mention that the category of vessels that actually poses a risk of exceeding engine power are those vessels with a certified reduced engine power at 221KW or below, fishing in area's with an effort regime. In both the proposed text of the EP and the Council, those vessels are now excluded from the obligation to continuously monitor engine power. Instead the obligation is put on all other vessels, which is, in our opinion, an unnecessary burden that does not address the problem.
- The Netherlands attaches great importance to the possibility to make regional agreements on additional control measures.

### **Remarks per row**

#### ***Flexible***

142a, 144b, 153f, 153g (but we need a recital in which is clarified that this definition only refers to *commercial* fishing activities), 153h, 190, 223a (insofar as the logbook obligation relates to fishermen without a vessel), 268, 269, 274 (delete Article 15aa), 306, 337 a&b, 414a, 414c (the Netherlands is flexible to this suggestion of the EP but would like to emphasize that CCTV should be either voluntary or compulsory, but not both), 416a (but only for the landing obligation. CCTV/REM is currently not applied to incidental catches), 480i, 651, 701a&b, 821, 865e (the Netherlands supports this EP proposal to provide guidelines),

***As mentioned the Netherlands wants to keep to the Council mandate on all other points. Below the rows on which the Netherlands is specifically not flexible towards the suggestions of the EP.***

142: The control regulation only covers the control of the activities within the scope of the CFP and not activities regulated in international legislation in general.

144c: landing is an activity and cannot be a period of time

147: the definition in the CMO already applies

153d: the term 'direct sale' has not been used in the control regulation, moreover the wording "at any location" creates a gap, because it qualifies sales after transport as direct sales.

181a: general principle of the control regulation (Article 5) is to control the activities within the scope of the CFP. The Directives 2019/883 and 2019/904 are not part of the CFP.

202 – 210a

214a: "if the master believes" is too vague and therefore not enforceable

214b: redundant

240a – 240g: The control regulation is to establish the control measures of the CFP, not to introduce new policy objectives. Furthermore Member States do not have tools to control these requirements.

241 – 244g: the margin of tolerance is a politically sensitive subject in the Netherlands. Therefore the Netherlands does not want to go beyond the council proposal and oppose to different percentages because of the complexity in the implementation.

257: Proposed text EP is regulated in Reg 2017/2403

272: proposed text of the EP is taken up in article 111 of this regulation

293: no exemption for fishing trips shorter than 24 hours

303b

316 – 317

330

478a

482: it is a matter of uniform implementation and therefore an implementing act is the appropriate instrument

487e

499

502 and 503: the control regulation only covers the CFP and not marine protected areas in general.

511 – 527

543a: This is not a control measure, but only a derogation from the basic regulation that weakens the obligation (and the enforcement of that obligation) that undersized fish shall not be destined for human consumption.

538 – 590a: The Netherlands asks to keep to the text of the General Approach regarding the articles 56 – 58. The Netherlands specifically opposes to those text suggestions of the EP that include new policy objectives and suggest to include products falling under the headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87.

606: NL oppose the wording "shall"

607 - 610b

693: there is no need for a margin of tolerance in this case

714d: it should be possible for Member States to charge those costs, in part or in full, to the operators.

827 and 889b: this is a general legal principle

833: This is a competence of the MS

834a: this is a general legal principle

847: according to the definition of 'restricted area' in the General Approach where "under the rules of the CFP" has been added, closed areas under the Directives mentioned, that have been regulated on the base of Article 11 Basic regulation are already covered. It is undesirable to extend the activity to other areas.

848a: the text suggestion of the EP is too vague and can therefore not automatically cause a serious infringement

855a: under the CFP it is not prohibited to discard waste. Therefore discarding waste cannot be a serious infringement of the CFP.

860: the text proposal of the EP is too abstract and will lead to different implementation between Member States.

865f: this does not fit under the mandate of EFCA.

883: no minimum sanctions

908: points have to be transferred to the future license holder

949a – 949n: In our opinion there is no added value of a Union register of infringements. Furthermore the NL is very concerned about the storage of these sensitive and personal data in a central register.

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