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European Union

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**ADD 2**

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**PECHE 265**  
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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 - Swedish comments

Delegations will find attached written comments by the Swedish delegation on the above-mentioned document.



**Ministry of Enterprise and Innovation**

Department for Rural Affairs, Division for Fisheries,  
Game Management and Reindeer Husbandry

**Written Comments from Sweden covering the four-column document regarding Proposal for a Regulation of the European Parliament and of the Council amending Regulations 1224/2009, 768/2005 (replaced by 2019/473), 1967/2006, 1005/2008, 2016/1139 and 2017/2403 (Commission proposal (2018/368)).**

Reference document: ST 10406/21 INIT, ADD 1-3 (+ ADD 3 COR 1)

During the Council Working party of 1 July 2021 the Presidency invited the Member States to submit written comments in the light of the upcoming trialogues with the European Parliament and the European Commission.

First of all, Sweden supports the Council general approach as a good starting point in the upcoming interinstitutional negotiations. Nevertheless, Sweden would like to comment a few questions. Recreational fisheries, control of the landing obligation, traceability of fishery products and sanctions will still be areas of particularly high importance for Sweden. We see difficulties with the Commission proposal and the EP's position as regards recreational fisheries, traceability of fishery products, sanctions and in this regard, Sweden will continue to strongly defend the achievements of the work in the Council.

Sweden has not yet been able to scrutinise the full four-column document and enters a scrutiny reserve on the full document. In the meanwhile, Sweden would like to make the following comments.

**Vessel monitoring system**

***Flexibility***

- Ref 189b: Considering that the number of MPA:s and other restricted areas are increasing and the general need for control authorities to have information of the location of fishing vessels, Sweden is supportive of the EP text to include all vessels in the requirement to be equipped with VMS without any exemptions.

## REM-systems

### *Flexibility*

- Ref 412: As previously stated during the negotiations in the Council working party, Sweden considers that REM-systems including CCTV, sensors and geopositioning systems constitute the only available effective control method for control of the landing obligation. For this reason, Sweden supports the inclusion of the REM provision of the Council general approach. The phrase “*and may include geopositioning systems, sensors and CCTV cameras*” of the Council general approach was of concern for Sweden though and Sweden prefers the writing of the EP mandate where it is clearly stated that CCTV is part of the control method, i.e. “*vessels shall be equipped with CCTV systems*”.
- Ref 414a: Sweden supports the proposed by the EP provision for the Commission to review the effectiveness of the REM-system in checking compliance with the landing obligation within a certain time period after the entry into force of this legislation.

### *No-go*

- Ref 412: Sweden cannot support the EP mandate: “*For this purpose a minimum percentage of fishing vessels of 12 metres length overall or more...*”. To only select a percentage of vessels within a vessel segment creates an uneven playing field among operators with the segment. In order to

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ensure a level playing field between operators, all vessels within a risk segment shall be equipped with the REM-system, as is proposed in the Council general approach (ref 219d).

## **Controls in the supply chain**

### ***No-go***

- Ref 536 and 543a: It is important to defend the Council mandate regarding the scope and limit to products within CN 03 och CN 12. A wider scope would be disproportionate to the control benefit. For control reasons, Sweden is not in favour of opening the possibility to use products under minimum conservation reference size for charitable and/or social purposes.
- Ref 583 – 588b: It is important to empower the Commission to lay down detailed rules (Article 58.8). Sweden is particularly concerned about the rules regarding marking and transmission of information between operators and between operators and authorities, especially regarding transborder trade.
- To avoid ambiguity, Sweden is opposed to using the term "batch" in relevant articles. We believe that the term "lot" covers all needs.  
(*Ref 44, 144a, 542, 544, 546, 547, 556, 557, 561, 562, 563, 573*)

### ***Flexibility***

- Ref 1318: Operators in Sweden use a common digital system to comply with the traceability rules and it is important that it can continue to be used. Therefore, when phasing in the new regulations,

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it is important to take into account of the time that international standardization bodies need to adapt their standards and specifications to the new requirements. The industry, which today is only adapted for traceability according to food requirements and does not manage the more detailed traceability for fisheries control reasons, also needs a longer phase-in period than 24 months after the date of entry into force of the Control regulation. Therefore, Sweden is flexible to have a longer period for phasing in for Articles 56a and 58 than that under the current Council mandate.

- Ref 565 – 572: Sweden is open for some flexibility regarding information to be available about lots (Article 58.5). Information regarding marketing standards without importance for traceability as such could be removed and some compulsory consumer information could be added. It should also be sufficient for the operator who created the new lot to have information on the internal traceability between the parties concerned in accordance with the requirements of Article 56a. 5 (c). Sweden is therefore open for flexibility in the current wording of the Council mandate in this regard.
  
- Ref 548a and 590: Late in the process of the Council compromise was introduced the exceptions for ornamental fish, ornamental crustaceans and ornamental molluscs. Sweden has thereafter drawn attention to the fact that Articles 56a and 58 will also unnecessarily cover certain other freshwater aquaculture products not used for food as they are categorized as products within CN 03. It concerns aquaculture products used for releases into natural inland waters for fisheries conservation purposes, e.g. compensatory releases of salmon in hydropower exploitation, and releases for recreational

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fishing. Hence, Sweden is open for flexibility as regards Article 56a and Article 58.10.

- Ref 582: Sweden can support the Council to show flexibility regarding lowering the threshold for sales for human consumption.

### **Margin of tolerance**

#### ***No-go***

- Ref 244a and 244e: Notwithstanding the fact that it might be difficult to accurately assess the quantity of small pelagics and in the tropical tuna purse seine fisheries per species, the exemptions proposed by the EP in ref. 244a and 244e allows for too vast discrepancies in the reporting of catches.

#### ***No-go***

- Ref 244a and 244e: Notwithstanding the fact that it might be difficult to accurately assess the quantity of small pelagics and in the tropical tuna purse seine fisheries per species, the exemptions proposed by the EP in ref. 244a and 244e allow for too vast discrepancies in the reporting in landings that is not controlled. Sweden has difficulties accepting exemption with so far reaching consequences.

### **Transport documents**

#### ***No-go***

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- Ref 687: The EP mandate removes the important obligation to submit the transport document before the start of the transport and cannot be accepted.

### ***Flexibility***

- Ref 699: Sweden is flexible regarding the EP mandate concerning the exemption for when fisheries products are transported within a port area or a limited distance from the place of landing.

### **Data and information**

#### ***No-go***

- Ref 1038 and 66: It is important to defend the mandate by the Council stated in ref 1037. It is not acceptable for Sweden that the data mentioned shall be anonymised before provided to the scientific bodies of the Member States. These data are the basis for fisheries advice and the suggestion by the EP would negatively impact fisheries science and management.
- Ref 1084a: It is important to defend the mandate by the Council to allow for storage of data up to 25 years for the purpose of performing scientific research.

### **Recreational fisheries**

#### ***No-go***

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- Ref 514: Registration or a licencing system monitoring the number of natural or legal persons involved in recreational fisheries together with a sanction system for recreational fisheries is not acceptable for Sweden.
- Sweden has a general scrutiny reservation on the whole article on recreational fisheries, but on a more general level considers that the EC and EP texts go far beyond what is proportionate and the extensive obligations would involve a disproportionately large administrative burden and expense. Sweden considers that a system for licensing or registering people and vessels are disproportionate and inappropriate since a very low proportion of the vessels are used for recreational fishing in the sea for species that are subject to specific Union conservation measures.

#### **Sanctions**

- Ref 883: Sweden strongly supports the current Council mandate with deletion of minimum level of fines. The EC and EP texts in this area are problematic. In this respect Sweden will continue to strongly defend the progress achieved in the Council.

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