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2018/0193(COD)**

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**10901/21  
ADD 7**

**LIMITE**

**PECHE 265  
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**NOTE**

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| 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<br>- 4-column document<br>- Maltese comments |

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

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### Malta's Written Comments

Following the Fisheries Working Party of 1 July 2021, please find below Malta's comments on the four-column document of the fisheries control regulation (10406/21).

| <b>Page</b> | <b>Row</b> | <b>MT Comments</b>  |
|-------------|------------|---|
| 15          | 25a        | MT cannot support the mandatory use of CCTV   |
| 17/18       | 29         | MT cannot be flexible to the mandatory installation of e-logbook for vessels under 10 meters and prefer the development of a national system for data collections for vessels under 12 meters, as in the Council Mandate. |
|             |            |   |
| 179         | 412        | MT cannot support the mandatory use of CCTV   |
|             |            |   |
| 181         | 414c       | MT cannot support the mandatory use of CCTV   |
| 361         | 831        | MT prefers EP mandate   |
| 373/4       | 860        | MT prefers EP mandate.  |

**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**

**2018/0193(COD)**

**Created 02-07-2021**

|                | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|----------------|---|---|---|-----------------|
| Formula        |   |   |   |                 |
| 1              | 2018/0193 (COD)   |   | 2018/0193 (COD)   |                 |
| Proposal Title |   |   |   |                 |
| 2              | Proposal for a<br>REGULATION OF THE<br>EUROPEAN PARLIAMENT AND<br>OF THE COUNCIL<br>amending Council Regulation (EC)<br>No 1224/2009, and amending<br>Council Regulations (EC) No<br>768/2005, (EC) No 1967/2006, (EC)<br>No 1005/2008, and Regulation (EU) |   | Proposal for a<br>REGULATION OF THE<br>EUROPEAN PARLIAMENT AND<br>OF THE COUNCIL <u>(EU) .../...</u><br><u>of ...</u><br>amending Council Regulation (EC)<br>No 1224/2009, and amending<br>Council Regulations ( <del>ECEU</del> ) <del>No</del><br><del>768/2005</del> <u>2019/473</u> , (EC) No |                 |

|  |   |  |   |  |
|--|---|--|---|--|
|  | No 2016/1139 of the European Parliament and of the Council as regards fisheries control |  | 1967/2006, (EC) No 1005/2008, <del>and Regulation (EU) No 2016/1139</del> <u>and Regulations (EU) 2016/1139 and</u> |  |
|--|---|--|---|--|

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<sup>1</sup> The IT tool used to create this table did not always allow to exactly reproduce the text set out in doc. 9390/2/21 REV 2 ADD 1. However, the substantive content of the provisions set out in this column corresponds to the content of doc. 9390/2/21 REV 2 ADD 1.



|            | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|------------|--|--------------------------------------|--|----------|
|            |  |                                      | <p><a href="#">(EU) 2017/2403</a> of the European Parliament and of the Council as regards fisheries <del>control</del><sup>1</sup></p> <p><u><i>1. Amendments to the Commission proposal are marked in bold underline (new text) and bold strikethrough (deleted text).</i></u></p> |          |
| Formula    |  |                                      |  |          |
| 3          | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,   |                                      | THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,   |          |
| Citation 1 |  |                                      |  |          |
| 4          | Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof, |                                      |  |          |
| Citation 2 |  |                                      |  |          |
| 5          | Having regard to the proposal from the European Commission,  |                                      |  |          |
| Citation 3 |  |                                      |  |          |
| 6          | After transmission of the draft legislative act to the national  |                                      |  |          |

|            | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|------------|---|--|--|----------|
|            | parliaments,  |  |  |          |
| Citation 4 |   |  |  |          |
| 7          | After consulting the European Data Protection Supervisor,   |  |  |          |
| Citation 5 |   |  |  |          |
| 8          | Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,<br><br>1. OJ C , , p. . |  |  |          |
| Citation 6 |   |  |  |          |
| 9          | Having regard to the opinion of the Committee of the Regions <sup>1</sup> ,<br><br>1. OJ C , , p. .               | <del>Having regard to the opinion of</del><br><del>After consulting</del> the Committee of the Regions <sup>1</sup> ,<br><br><del>1. OJ C , , p. .</del> |  |          |
| Citation 7 |   |  |  |          |
| 10         | Acting in accordance with the ordinary legislative procedure,   |  |  |          |
| Formula    |   |  |  |          |

|           | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|-----------|--|---|--|----------|
| 11        | Whereas:   |   |  |          |
| Recital 1 |  |   |  |          |
| 12        | <p>(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council<sup>1</sup>. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that Regulation. Its successful implementation depends on the effective and up-to-date control and enforcement system.</p> <p>_____</p> <p>1. 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).</p> | <p>(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council<sup>1</sup>. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that Regulation. Its successful implementation depends on <del>the</del> <u>straightforward, simple, transparent and effective control system that ensures</u> effective, <u>uniform</u> and up-to-date <del>control and enforcement system</del> <u>compliance in the Member States</u>.</p> <p>_____</p> <p>1. 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).</p> |  |          |
| Recital 2 |  |   |  |          |

|    | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|----|---|---|---|-----------------|
| 13 | <p>(2) Council Regulation (EC) No 1224/2009<sup>1</sup> established a Union fisheries control system which provides inter alia for monitoring centres, tracking of fishing vessels, catch reporting obligations, prior notifications, authorisations tranship in third countries, publication of fisheries closures, control of fishing capacities, national control programmes, control of recreational fisheries , controls in the supply chain of fisheries and aquaculture products, weighing of fisheries products, transport documents, landing declarations, sales notes and take-over declarations, inspections and audits, sanctioning of infringements and access to data.</p> <p><sup>1</sup> 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).</p> |   |   |                 |

|           | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|-----------|---|---|--|----------|
| Recital 3 |   |   |  |          |
| 14        | (3) Regulation (EC) No 1224/2009 was, however, designed prior to the adoption of the new common fisheries policy. 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 and to take advantage of modern and more cost-effective control technologies. | (3) Regulation (EC) No 1224/2009 was, however, designed prior to the adoption of the new common fisheries policy. 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 <del>and</del> , to take advantage of modern and more cost-effective control technologies <u>and take into account the latest scientific findings with respect to the environmental sustainability of fishing and aquaculture activities.</u> |  |          |
| Recital 4 |   |   |  |          |
| 15        | (4) 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 Council <sup>1</sup> . In the interest of clarity and consistency some definitions set in Regulation (EC) No 1224/2009 should be deleted or amended and new definitions should be added.                 |   |  |          |

|            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|--|---|---|-----------------|
|            | 1. 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). |   |   |                 |
| Recital 4a |  |   |   |                 |
| 15a        |  | <u><i>(4a) A coherent, clear, transparent, fair and robust enforcement of the common fisheries policy will not just help to foster a dynamic fishing industry and ensure a fair standard of living for fishing communities, but it will also contribute to the achievement of sustainability in the fisheries sector and the attainment of biodiversity objectives.</i></u> |   |                 |
| Recital 5  |  |   |   |                 |
| 16         | (5) The definition of ‘rules of the common fisheries policy’ should be amended to clarify that its scope covers all Union law applicable in the fisheries sector, including rules on technical and conservation measures for marine biological   |   |   |                 |

|           | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-----------|---|---|---|-----------------|
|           | resources, on management and control of Union fleets exploiting such resources, on the processing and marketing of fishery and aquaculture products, the Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and international agreements concluded by the Union                       |   |   |                 |
| Recital 6 |   |   |   |                 |
| 17        | (6) The terms ‘vessel monitoring system data’ should be replaced by the clearer expression ‘vessel position data’. The definition of ‘vessel position data’ should no longer refer to transmission by satellite-tracking devices, as now different technologies to track vessels and transmit vessel position data are available. |   |   |                 |
| Recital 7 |   |   |   |                 |
| 18        | (7) The definition of ‘lot’ should be aligned to the definition of ‘lot’ set out in the food law.   |   |   |                 |
| Recital 8 |   |   |   |                 |

|            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|--|---|---|-----------------|
| 19         | (8) The definitions of ‘multiannual plans’ should be updated to take into account the provisions of Regulation (EU) No 1380/2013 on multiannual plans.   |   |   |                 |
| Recital 9  |  |   |   |                 |
| 20         | (9) In the definitions of ‘fishing licence’, ‘fishing restricted areas’ and ‘recreational fisheries’, the terms ‘marine living aquatic resources’ should be replaced by ‘marine biological resources’ in order to align that definition to Regulation (EU) No 1380/2013. |   |   |                 |
| Recital 9a |  |   |   |                 |
| 20a        |  | <u><i>(9a) In order to ensure greater harmonisation of the Union regulatory framework, a new definition of ‘sensitive species’ should be added.</i></u> |   |                 |
| Recital 10 |  |   |   |                 |
| 21         | (10) A definition of ‘fishing vessel’ is provided in Regulation (EU) No  | (10) A definition of ‘fishing vessel’ is provided in Regulation (EU) No   |   |                 |



|             | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|-------------|--|---|--|----------|
|             | 1380/2013 and includes vessels equipped for commercial exploitation of marine biological resources such as catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fisheries products, with the exception of container vessels. The definition 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted. | 1380/2013 and includes vessels equipped for commercial exploitation of marine biological resources <del>such as catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fisheries products, with the exception of container vessels.</del> The definition 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted. |  |          |
| Recital 10a |  |   |  |          |
| 21a         |  | <u><i>(10a) In order to promote greater clarity and harmonisation of the Union regulatory framework and thus improve its application, a new definition of 'direct sale' should be added.</i></u>  |  |          |
| Recital 11  |  |   |  |          |
| 22          | (11) In order to enhance the enforcement of the rules of the common fisheries policy, new definitions should be added for 'catching vessel' and 'slipping'.  |   |  |          |

|            | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|------------|---|--|--|----------|
| Recital 12 |   |  |  |          |
| 23         | <p>(12) 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 control that fishing activities and fishing efforts of smaller vessels are in compliance with the rules of the common fisheries policy. For this purpose it is necessary to obtain position data of those vessels. Therefore, Member States should be able to track all fishing vessels, including fishing vessels which are less than 12 metres' length. For vessels 12 metres' length it is now possible to use mobile devices which are less expensive and easy to use.</p> | <p>(12) 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 control that fishing activities and fishing efforts of smaller vessels are in compliance with the rules of the common fisheries policy. For this purpose, it is necessary to obtain position data of those vessels <u>and it should be possible to receive those data at regular intervals, ideally close to real time without prejudice to other requirements included in international agreements.</u> Therefore, Member States should be able to track all fishing vessels, including fishing vessels which are less than 12 metres' length. For <u>those</u> vessels <del>12 metres' length</del>, it is now possible to use mobile devices, which are less expensive and easy to use. <u>In any event, the implementation of those measures should be balanced and proportionate to the objectives pursued, should not entail an excessive burden for the fleet, especially the small-scale fleet, and</u></p> |  |          |

|            | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|------------|---|---|--|----------|
|            |   | <u><a href="#">should benefit from aid from the European Maritime Fisheries and Aquaculture Fund.</a></u> |  |          |
| Recital 13 |   |   |  |          |
| 24         | (13) In order to clarify the role of the fishing monitoring centres, the provisions of Regulation (EC) No 1224/2009 concerning those centres should be placed in a separate Article.  |   |  |          |
| Recital 14 |   |   |  |          |
| 25         | (14) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the Parliament and Council <sup>1</sup> in order to align certain of its provisions to the landing obligation set in Article 15 of Regulation (EU) No 1380/2013. In order to allow the proper control of the landing obligation, it is necessary to equip, on the basis of a risk assessment, a certain percentage of fishing vessels should be equipped with continuous recording electronic monitoring devices including Close Circuit Televisions (CCTV). CCTV data may be |   |  |          |

|             | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-------------|---|---|---|-----------------|
|             | <p>supplemented by data from other electronic monitoring devices. Data from these devices, including from CCTV, will provide Member State officials with means to control compliance with the landing obligation at sea. The CCTV footage should only concern the gears and the parts of the vessels where fishery products are brought on board, handled and stored. Footage from CCTVs should be recorded locally and should be made available exclusively to Member States officials or Union inspectors upon requests in particular in the context of inspections, investigations or audits.</p> <p><sup>1</sup> 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).</p> |   |   |                 |
| Recital 14a |   |   |   |                 |
| 25a         |   |   |   |                 |

|             | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments                                |
|-------------|--|--|--|---|
|             |  | <u><i>(14a) It should be possible to equip fishing vessels with CCTV systems on a voluntary basis. In that case, such vessels should enjoy appropriate advantages, such as the deletion of points.</i></u>   |  | MT is against the mandatory use of CCTV |
| Recital 15  |  |  |  |   |
| 26          | (15) 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. |  |  |   |
| Recital 15a |  |  |  |   |
| 26a         |  | <u><i>(15a) While achieving the objectives of the common fisheries policy, full regard should be paid to animal welfare, in accordance with Article 13 of the Treaty on the Functioning of the European Union (TFEU), and, where relevant, food and feed safety and animal health.</i></u> |  |   |
| Recital 16  |  |  |  |   |
| 27          | (16) The submission of catch   |  |  |   |

|            | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|---|---|---|-----------------|
|            | <p>registration data on paper formats 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 that masters record data concerning catches in a digital way and submit them electronically, in particular the logbooks, transhipment declarations and landing declarations.</p> |   |   |                 |
| Recital 17 |   |   |   |                 |
| 28         | <p>(17) The absence of catch reporting obligations by masters of vessels less than 10 metres' length led to incomplete and unreliable data for such vessels as the data collection for those vessels was based on sampling plans. Therefore it is important to require reporting of catches for all fishing vessels without regard to their size. In this way the rules will also be simplified and compliance and controls will be improved.</p>   |   |   |                 |

|            | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|------------|--|---|--|----------|
| Recital 18 |  |   |  |          |
| 29         | <p>(18) For vessels of 12 metres' length or more, it is important that the information in the logbook is made more accurate and includes data on the catches by haul or by operation, as this will enhance the effectiveness of controls. In the case of vessels less than 12 metres' length, the obligations pertaining to the completion and submission of the logbook should be simplified and masters should only be required to submit the information contained in logbook once, before arrival at port.</p> | <p>(18) <del>For vessels of 12 metres' length or more</del> <u>With the aim of enhancing the effectiveness of controls</u>, it is important that the information in the logbook is made more accurate and includes data on the catches by <del>haul</del> <u>fishing day</u> or by operation. <u>In the case of small-scale coastal fleet and fishing without vessels, the electronic logbook and the transmission of that information should not entail a disproportionate burden on those vessels and their ability to fish. In order to ensure an adequate level of control over such</u> <del>as this will enhance the effectiveness of controls. In the case of</del> vessels, <u>Member States should monitor their activities by means of a simplified format for keeping an electronic logbook and for submitting logbook information. Thus, in the case of vessels less than 12 metres' length overall,</u> <del>less than 12 metres' length, the obligations pertaining to the completion and submission of the logbook should be simplified and</del> masters should only be required to submit the information contained in</p> |  |          |

|            | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments  |
|------------|---|--|--|---|
|            |   | logbook <u>at least</u> once, before <del>arrival</del><br><u>at port landing operations begin</u> . |  | MT cannot be flexible to the mandatory installation of e-logbook for vessels under 10 meters and prefer the development of a national system for data collections for vessels under 12 meters, as in the Council Mandate. |
| Recital 19 |   |  |  |   |
| 30         | (19) The provisions on the margin of tolerance in logbook estimates of quantities of fish retained on board should be amended to take into account the new rules pertaining to the reporting of catches below 50 kg in logbooks. In addition, the provisions on the margin of tolerance should be amended in order to address the specificity of catches which are landed unsorted. |  |  |   |
| Recital 20 |   |  |  |   |



|    |  |  |  |  |
|----|--|--|--|--|
| 31 | (20) When a fishing vessel departs, it should immediately start an electronic logbook and a unique fishing trip identifier number is assigned for that trip. The logbook, transshipment declarations and landing declarations should include a reference to this unique fishing trip identifier number to allow enhanced controls and to improve the validation of the data by Member States and the traceability of fishery | (20) When a fishing vessel departs, it should immediately start an electronic logbook and a unique fishing trip identifier number is assigned for that trip. The logbook, transshipment declarations and landing declarations should include a reference to this unique fishing trip identifier number to allow enhanced controls and to improve the validation of the data by Member States and the traceability of fishery |  |  |
|----|--|--|--|--|

|            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|--|---|---|-----------------|
|            | products in the supply chain. In order to improve and simplify the transmission of information on fishing gear losses to Member State competent authorities, the logbook format should include information on lost gears.  | products in the supply chain. In order to improve and simplify the transmission of information on fishing gear <del>losses</del> <u>and loss of fishing gear</u> to Member State competent authorities, the logbook format should include information on <u>gears and</u> lost gears. <u>When approximate information is required, this should be seen as indicative.</u> |   |                 |
| Recital 21 |  |   |   |                 |
| 32         | (21) Prior landing notification allows a better control by officials 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 above 12 metres and not only to fishing vessels targeting stocks under multiannual plans. Member States should be entitled to set a shorter period of prior notification for vessels flying their flag which operate exclusively within its territorial waters, as long as this does not impair their ability to inspect vessels upon arrival. |   |   |                 |

|            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|--|---|---|-----------------|
| Recital 22 |  |   |   |                 |
| 33         | (22) Union fishing vessels landing fishery products in third countries or transshipping fishery products in third country waters or high seas should submit a prior notification or obtain an authorisation from the flag Member States. Such prior notifications and authorisations are required taking into account the responsibilities of the flag Member States relating to the prevention fishery products stemming from IUU fishing entering international markets. |   |   |                 |
| Recital 23 |  |   |   |                 |
| 34         | (23) Provisions on the recording of catch data and fishing efforts by the Member States should be amended to include data appearing in weighing records, take-over notes, and transport documents.   |   |   |                 |
| Recital 24 |  |   |   |                 |
| 35         | (24) Rules on the submission of  | (24) Rules on the submission of             |   |                 |

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|            | aggregated catch data and fishing efforts to the Commission should be simplified by providing for a single date for all submissions.  | aggregated catch data and fishing efforts to the Commission should be simplified by providing for a single date for all submissions. <u>Those data should not be used for commercial purposes.</u>  |   |                 |
| Recital 25 |   |   |   |                 |
| 36         | (25) Provisions concerning the publication by the Commission of fisheries closures following the exhaustion of fishing quotas or maximum allowable fishing efforts should be simplified in order to allow a timely publication of such closures. Those provisions should furthermore be made consistent with the landing obligation laid in Regulation (EU) No 1380/2013. |   |   |                 |
| Recital 26 |   |   |   |                 |
| 37         | (26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013.   | (26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013. <u>The parameters Gross Tonnage (GT) and engine power (KW) used to measure fishing capacity should be revised and if necessary replaced according to accuracy, suitability.</u> |   |                 |

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|            |   | <p><u><a href="#">and relevance to the Union fishing fleet in order to allow the common fisheries policy to contribute to the improvement of safety and working conditions for fishing operators.</a></u></p> |  |          |
| Recital 27 |   |   |  |          |
| 38         | <p>(27) Provisions concerning the verification of the tonnage of fishing vessels for the purposes of fishing capacity controls should be simplified and provisions concerning the verification of engine power should be clarified. If fishing vessels equipped with active fishing gears operate with engines that exceed the engine power stated in their registration, it is impossible to ensure compliance with the capacity ceilings laid down in Regulation (EU) No 1380/2013. Therefore it is important to effectively control the engine power of fishing vessels equipped with active fishing gears, using devices which continuously monitor the engine power.</p> |   |  |          |
| Recital 28 |   |   |  |          |
| 39         | <p>(28) In order to ensure compliance</p>   |   |  |          |

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|            | 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 official controls are performed in a risk-based manner. Yearly reports on national inspections and controls should also be required. |   |   |                 |
| Recital 29 |  |   |   |                 |
| 40         | (29) Fishing restricted areas are established under Union legislation, national legislation and international agreements. Therefore the provisions on the control of fishing restricted areas by Member States should apply to fishing restricted areas wherever they are located. Also recreational vessels fishing in restricted areas should be controlled, where appropriate.                |   |   |                 |
| Recital 30 |  |   |   |                 |
| 41         | (30) Recreational fisheries play an important role in the Union, both  | (30) Recreational fisheries play an important role in the Union, both |   |                 |

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|            | <p>from a biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for specific tools allowing an effective control of recreational fisheries by the Member States. A registration or licensing system should allow a precise census of physical and legal persons participating in recreational fisheries and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the impact of such fishing practices on stocks and provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources.</p> | <p>from a biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for specific tools allowing <del>an</del> <u>uniform, effective and exhaustive</u> control of recreational fisheries by <del>the</del> <u>all</u> Member States, <u>with an appropriate system of sanctions in the event of non-compliance</u>. A registration or licensing system should allow a precise census of physical and legal persons participating in recreational fisheries and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the <u>environmental, economic and social</u> impact of <del>such fishing</del> <u>those practices, especially in view of stock assessments, on stocks</u> and provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources.</p> |  |          |
| Recital 31 |  |   |  |          |
| 42         | (31) A number of specific  |   |  |          |

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|             | conservation measures applicable to recreational fisheries has already been established under the common fisheries policy. The registration or licensing and catch registration systems should allow the effective control of those specific conservation measures.      |  |  |          |
| Recital 32  |  |  |  |          |
| 43          | (32) Provisions on the controls in the supply chain should be clarified in order to allow Member States to perform controls and inspections at all stages of marketing of fishery and aquaculture products, from the first sale to the retail sale, including transport. | (32) Provisions on the controls in the supply chain should be clarified in order to allow Member States to perform controls and inspections at all stages of marketing of fishery and aquaculture products, from the first sale to the retail sale, including transport. <u><i>In that respect, 'retail' is to be understood in the meaning as defined in Regulation (EU) No 1379/2013, and includes the making available of fishery and aquaculture products in hotels, restaurants, catering operations and any similar food service operations ("HORECA sector").</i></u> |  |          |
| Recital 32a |  |  |  |          |
| 43a         |  | <u><i>(32a) Within six months of the date</i></u>  |  |          |



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|            |   | <p><u>of entry into force of this Regulation, the Commission and Member States should prepare and launch a communication campaign targeted at fishermen and other operators in the recreational fisheries sector to properly communicate the new provisions set out in this Regulation.</u></p>   |  |          |
| Recital 33 |   |   |  |          |
| 44         | <p>(33) The rules applicable to the placing of fishery and aquaculture products into lots should be clarified. It should be clarified that lots should be composed of fishery and aquaculture products of a single species, except where they consist of very small quantities.</p> | <p>(33) The rules applicable to the placing of fishery and aquaculture products into lots should be clarified. It should be <i>clarified that lots should be composed of fishery and aquaculture products of a single</i><u>possible to merge lots in order to create a new batch, as long as the traceability requirements are fulfilled and it is possible to identify the origin and</u> species, <i>except where they consist of very small quantities of those fishery and aquaculture products throughout the whole food chain.</i></p> |  |          |
| Recital 34 |   |   |  |          |
| 45         | <p>(34) In line with the traceability</p>   | <p>(34) In line with the traceability</p>   |  |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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|  | <p>requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council<sup>1</sup>, Commission Implementing Regulation (EU) No 931/2011<sup>2</sup> lays down certain traceability rules for the specific sector of food of animal origin, namely a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the fisheries sector, traceability is important not only for food safety purposes but also to allow controls and ensure the protection of consumers' interests.</p> <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).</p> <p>2. 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).</p> | <p>requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council<sup>1</sup>, Commission Implementing Regulation (EU) No 931/2011<sup>2</sup> lays down certain traceability rules for the specific sector of food of animal origin, namely a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the fisheries sector, traceability is important not only for food safety purposes but also to allow controls <del>and</del>, ensure the <u>combat IUU fishing and protect law-abiding fishermen from unfair competition</u>.</p> <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).</p> <p>2. 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</p> |  |          |

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|            |  | food of animal origin (OJ L 242, 20.9.2011, p. 2). |   |                 |
| Recital 35 |  |  |   |                 |
| 46         | (35) 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 Commission 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 product is supplied. In the case of fisheries products which are not imported, that traceability information should include the unique fishing trip identification number as this will allow to link a specific lot of fishery products to a particular landing by an Union fishing vessel or several Union fishing vessels in the same relevant geographical area. |  |   |                 |
| Recital 36 |  |  |   |                 |
| 47         |  |  |   |                 |

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|            | (36) In line with Regulation (EU) No 931/2011 the traceability information relevant for the control of fishery and aquaculture products should be available from the first sale until 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.  |   |  |          |
| Recital 37 |   |   |  |          |
| 48         | <p>(37) The same rules 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 provided for by Regulation (EC) No 1005/2008<sup>1</sup>.</p> <p>_____</p> <p>1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community 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).</p> | <p>(37) The same rules should apply to fishery and aquaculture products imported from third countries <u>with the aim of maintaining high food safety standards and promoting sustainable fishing practices in those third countries</u>. In the case of imported products, the mandatory traceability information should include a reference to the catch certificate provided for by Regulation (EC) No 1005/2008<sup>1</sup>.</p> <p>_____</p> <p>1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No</p> |  |          |

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|            |   | 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1). |   |                 |
| Recital 38 |   |  |   |                 |
| 49         | (38) In order to ensure an effective and timely transmission of the traceability information concerning fishery and aquaculture products, that information should be recorded in a digitalized manner and transmitted electronically within in the supply chain and to competent authorities upon their request.  |  |   |                 |
| Recital 39 |   |  |   |                 |
| 50         | (39) In the case of fishery products sold directly from fishing vessels to the consumers, rules pertaining to traceability, registered buyers, and sales notes do not apply to quantities below certain thresholds. Those thresholds should be harmonized and should be lowered in order to minimize the placing on the market of fishery products which cannot be traced and therefore cannot be controlled. |  |   |                 |

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| Recital 40 |  |   |  |          |
| 51         | (40) 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 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. | (40) 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 recording of catches at the time of landing should be carried out in the most reliable way possible, <u>but without obstructing the business activities of operators</u> . For that purpose, it is necessary to <del>strengthen</del> <u>simplify</u> the procedures concerning the weighing of fishery products upon landing. |  |          |
| Recital 41 |  |   |  |          |
| 52         | (41) 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 be weighed per species upon landing as this will guarantee a more accurate reporting of the catches. Furthermore, weighing records should be recorded electronically and kept for three years.                                   | (41) 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 be weighed per species, <u>unless the Member State has adopted a sampling plan approved by the Commission</u> , <del>upon landing</del> as this will guarantee a more accurate reporting of the catches. <u>Operators should make every effort to ensure that the weighing does</u>   |  |          |

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|            |  | <p><u>not lead to any delay in the marketing of fresh products.</u></p> <p>Furthermore, weighing records should be recorded electronically and kept for three years. <u>Those systems should comply with minimum requirements agreed between Member States with a view to standardising them throughout the Union.</u></p> |  |          |
| Recital 42 |  |  |  |          |
| 53         | (42) Landing of unsorted species should only be allowed if strict conditions are met, including the weighing on systems operated or controlled by Member State authorities.  |  |  |          |
| Recital 43 |  |  |  |          |
| 54         | (43) In order to improve controls 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 that data electronically within 24 hours to Member States. This concerns, in | (43) In order to improve controls 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 that data electronically within 24 hours to Member States. <u>except in the event</u>  |  |          |

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|            | particular, landing declarations, sales notes and take-over notes.  | <u>of force majeure</u> . This concerns, in particular, landing declarations, <del>sales notes</del> and take-over notes. |   |                 |
| Recital 44 |   |   |   |                 |
| 55         | (44) Due to the availability of adequate technological tools, the requirement to record data in a digital way and submit it electronically within 24 hours to Member States should apply to all buyers of fishery products. |   |   |                 |
| Recital 45 |   |   |   |                 |
| 56         | (45) Transmission of transport documents to the relevant Member States should be simplified and should be done prior to departure in order to allow controls by the competent authorities.                                  |   |   |                 |
| Recital 46 |   |   |   |                 |
| 57         | (46) Landing declarations, sales notes, take-over declarations and transport documents should include a reference to the unique fishing trip identifier number in order to allow  |   |   |                 |



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|             | enhanced controls and improve the validation of the data by Member States and the traceability of fishery products in the supply chain.   |  |   |                 |
| Recital 47  |   |  |   |                 |
| 58          | (47) 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 by Regulation (EU) No 1379/2013. |  |   |                 |
| Recital 47a |   |  |   |                 |
| 58a         |   | <u><i>(47a) In order to ensure the effectiveness of the provisions in Regulation (EC) No 1005/2008 relating to non-cooperating third countries, there should be a possibility to introduce safeguard measures. Where a third country has been notified of the possibility of it being identified as non-cooperating third country, the Commission should be able to temporarily suspend preferential</i></u> |   |                 |

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|             |   | <p><u>tariffs for fishery and aquaculture products in relation to that third country. The Commission should endeavour to ensure that provisions to that effect are introduced in any international agreements concluded between the Union and third parties.</u></p> |  |          |
| Recital 48  |   |  |  |          |
| 59          | <p>(48) 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.</p> |  |  |          |
| Recital 48a |   |  |  |          |
| 59a         |   | <p><u>(48a) A European register of infringements should be set up in order to record individual Member States' data concerning the infringements identified, with the aim of improving transparency and monitoring the points system more effectively.</u></p>       |  |          |
| Recital 49  |   |  |  |          |

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| 60         | (49) In order to ensure a level playing field in the Member States as regards the judicial treatment of all offenders of the rules of the common fisheries policy, provisions concerning determination of behaviours that constitute serious infringements of such rules should be clarified and reinforced.   | (49) In order to ensure a level playing field in the Member States as regards the judicial treatment of all offenders of the rules of the common fisheries policy, provisions concerning determination of behaviours that constitute serious infringements of such rules should be clarified and reinforced <u>to ensure their full and consistent application in all Member States.</u> |   |                 |
| Recital 50 |  |  |   |                 |
| 61         | (50) 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 any circumstances. In addition, to ensure proportionality, it is necessary to establish an exhaustive list of criteria to be used by the competent national authorities when determining the seriousness of certain other infringements. |  |   |                 |
| Recital 51 |  |  |   |                 |

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| 62         | (51) To ensure a faster, effective and more dissuasive response to the serious infringements, administrative proceedings against such serious infringements should be introduced by Member States without prejudice to existing criminal proceedings. Setting standardized minimum levels of fines and improving the point system which may lead to the suspension or withdrawal of fishing licences or of the right to command a vessel, will also increase the deterrent effect of the sanctioning systems of all Member States and prevent recidivism. |   |   |                 |
| Recital 52 |   |   |   |                 |
| 63         | (52) 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.   | (52) National entities in charge of fisheries control activities as well as any relevant judicial bodies should have access to the national <u>and European</u> 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. |   |                 |

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| Recital 53 |  |   |   |                 |
| 64         | (53) Validation is an important step in ensuring that data collected by Member States pursuant to Regulation (EC) No 1224/2009 is reliable and complete. The set of data to be validated and the obligations of Member States in case of inconsistencies should be clarified.                      |   |   |                 |
| Recital 54 |  |   |   |                 |
| 65         | (54) In order to comply with its duties under the rules of the common fisheries the Commission must 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 that data. |   |   |                 |
| Recital 55 |  |   |   |                 |
| 66         | (55) The data collected by Member States is also of great value for  | (55) The data collected by Member States is also of great value for |   |                 |

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|             | <p>scientific purposes. It should be clarified that scientific bodies of Member States and Union scientific bodies 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. Finally, the fishing activity data collected by Member States is also of value for the statistical office of the European Union (Eurostat) who can use it to provide statistics on fisheries.</p> | <p>scientific purposes. It should be clarified that scientific bodies of Member States and Union scientific bodies may be provided access to the data collected, <u>properly anonymised</u>, in accordance with Regulation (EC) No 1224/2009 , in particular to vessel position data and fishing activity data, <u>if those data no longer contain the reference to the vessel identification numbers and do not allow for the identification of natural persons</u>. Finally, the fishing activity data collected by Member States is also of value for the statistical office of the European Union (Eurostat) who can use it to provide statistics on fisheries. <u>In any event, those data should be in an anonymised format, so as not to permit the identification of individual vessels or natural persons.</u></p> |  |          |
| Recital 55a |  |   |  |          |
| 66a         |  | <p><u>(55a) The data collected by the European Fisheries Control Agency should be accessible to the European Environment Agency and the European Maritime Safety Agency, in order to increase the</u></p>   |  |          |

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|            |  | <p><u>common use of knowledge on the marine environment. Closer cooperation between the agencies would enhance the understanding of issues relating to maritime policy in general and, at the same time, improve the way the European maritime space is managed. The Commission should be given the task of drawing up a partnership protocol between the agencies as the framework for their cooperation.</u></p> |  |          |
| Recital 56 |  |  |  |          |
| 67         | <p>(56) 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. In particular, Member States should grant each other access to their registers of infringements as this will allow them to improve enforcement of the rules with regard to Union fishing vessels flying the flag of another Member State in their waters and with regard to fishing vessels flying their flags</p> |  |  |          |

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|            | which committed infringements in the waters of other Member States.   |   |   |                 |
| Recital 57 |   |   |   |                 |
| 68         | (57) The set of data collected by the Member States to which the Commission should have access, such as fishing activity data, control data, other electronic fisheries databases and the national register of infringements, may include personal data. As the fishing trip identification number or the name of the fishing vessel may 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. |   |   |                 |
| Recital 58 |   |   |   |                 |
| 69         | (58) Processing of personal data is necessary for the fisheries control and enforcement. In particular, for the purpose of monitoring of fishing opportunities, including quota consumption, the Commission should be able to process data from   | (58) Processing of personal data is necessary for the fisheries control and enforcement. In particular, for the purpose of monitoring of fishing opportunities, including quota consumption, the Commission should be able to process data from |   |                 |



|             | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)  | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-------------|---|--|---|-----------------|
|             | <p>logbooks, landing declarations, sales notes and other fishing activity data in order to carry out validation of the aggregated data submitted by Member States. To carry out verifications, audits and to monitor the control activities of Member States, the Commission should have access and process information such as inspection and control observers' reports and the database of infringements. In the context of preparation of and compliance with the international agreements and conservation measures, the Commission should process, when necessary, data on the fishing activities of Union fishing vessels outside Union waters, including the vessel identification numbers, name of the owner of the vessel and the master of the vessel.</p> | <p>logbooks, landing declarations, sales notes and other fishing activity data in order to carry out validation of the aggregated data submitted by Member States. To carry out verifications, audits and to monitor the control activities of Member States, the Commission should have access and process information such as inspection and control observers' reports and the database of infringements. In the context of preparation of and compliance with the international agreements and conservation measures, the Commission should process, when necessary, data on the fishing activities of Union fishing vessels outside Union waters, including the vessel identification numbers, name of the owner of the vessel and the master of the vessel. <u>Stored data should be made available to the competent authorities if public health and/or food safety is at risk.</u></p> |   |                 |
| Recital 58a |   |  |   |                 |
| 69a         |   | <p><u>(58a) All personal data collected, transferred and stored must comply with Regulation (EU) 2016/679 of the European Parliament and the</u></p>   |   |                 |

|            | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|------------|--|--|--|----------|
|            |  | <p><u><a href="#">Council<sup>1</sup>.</a></u></p> <p><u><a href="#">1. 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).</a></u></p> |  |          |
| Recital 59 |  |  |  |          |
| 70         | <p>(59) Personal data processed for fisheries control and enforcement should be stored in general for a period of 5 years because for the purpose of the monitoring of fishing opportunities, the Commission performs validation of the aggregated data submitted by Member states within 5 years following their transmission. In case of the follow-up of infringements, inspections, verifications, complaints or audits, or in case of on-going judicial or administrative proceedings, a specific longer retention period of 10 years is necessary because the length of such processes and the need for those data to be used during the entire period when such processes are</p> |  |  |          |

|            | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|---|---|---|-----------------|
|            | ongoing.  |   |   |                 |
| Recital 60 |   |   |   |                 |
| 71         | <p>(60) It should be ensured at all times and at all levels that, the obligations on personal data protection laid down in Regulation (EU) 2016/679 of the European Parliament and Council<sup>1</sup>, Regulation (EU) 2018/XX<sup>2</sup>, and, where applicable, the national provisions transposing Directive (EU) 2016/680<sup>3</sup> are respected.</p> <p>1. 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).</p> <p>2. Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals 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 (COM (2017)8 final, 10.1.2017)</p> <p>3. 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</p> |   |   |                 |

|                               | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-------------------------------|--|---|---|-----------------|
|                               | 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, L 119, 4.5.2016, p. 89. |   |   |                 |
| Recital 61                    |  |   |   |                 |
| 72                            | (61) Regulation (EC) No 1224/2009 confers powers upon the Commission in order to implement some of the provisions of that Regulation.  |   |   |                 |
| Recital 62                    |  |   |   |                 |
| 73                            | (62) 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 of the Treaty on the Functioning of the European Union.   |   |   |                 |
| Recital 63, introductory part |  |   |   |                 |
| 74                            | (63) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the  |   |   |                 |

|                           | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|---------------------------|---|---|---|-----------------|
|                           | Commission in order to supplement Regulation (EC) No 1224/2009 with specific rules governing controls, as regards:  |   |   |                 |
| Recital 63, first indent  |   |   |   |                 |
| 75                        | - the exemption of certain fishing vessels from the obligation of a fishing authorisation;  |   |   |                 |
| Recital 63, second indent |   |   |   |                 |
| 76                        | - provisions applicable in case of failure of electronic recording and reporting systems, concerning tracking systems, logbook, prior notifications, transhipments, landing declarations; |   |   |                 |
| Recital 63, third indent  |   |   |   |                 |
| 77                        | - the exemption of certain categories of fishing vessels from the obligation to complete and submit a prior notification and transhipment declaration;                                    |   |   |                 |
| Recital 63, fourth indent |   |   |   |                 |

|                            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|----------------------------|--|---|---|-----------------|
| 78                         | - the detailed rules concerning the functioning of traceability systems;                       |   |   |                 |
| Recital 63, fifth indent   |  |   |   |                 |
| 79                         | - the criteria and procedure for the registration of weighers and content of weighing records; |   |   |                 |
| Recital 63, sixth indent   |  |   |   |                 |
| 80                         | - the rules on weighing procedures and special rules for small pelagic species;                |   |   |                 |
| Recital 63, seventh indent |  |   |   |                 |
| 81                         | - the rules on control observers;  |   |   |                 |
| Recital 63, eighth indent  |  |   |   |                 |
| 82                         | - the rules on inspections for Member States competent authorities and operators;              |   |   |                 |
| Recital 63, ninth indent   |  |   |   |                 |
| 83                         |  |   |   |                 |

|                             | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-----------------------------|---|---|---|-----------------|
|                             | - the definition of trigger for the suspension or withdrawal of the fishing licence, the follow up to suspension or withdrawal, the deletion of points;   |   |   |                 |
| Recital 63, tenth indent    |   |   |   |                 |
| 84                          | - the minimum requirements for national control action programmes, yearly reports and the setting of bench marks;   |   |   |                 |
| Recital 63, eleventh indent |   |   |   |                 |
| 85                          | - the setting of the deadline for Member States to demonstrate that stocks can be safely exploited;   |   |   |                 |
| Recital 63, Letter Point    |   |   |   |                 |
| 86                          | 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-Making |   |   |                 |

|                               | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-------------------------------|---|---|---|-----------------|
|                               | (1). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should 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. |   |   |                 |
| Recital 64, introductory part |   |   |   |                 |
| 87                            | (64) 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:   |   |   |                 |
| Recital 64, first indent      |   |   |   |                 |
| 88                            | - fishing licences and fishing authorisations;  |   |   |                 |
| Recital 64, second indent     |   |   |   |                 |
| 89                            | - the marking and identification of fishing vessels, gear and craft;  |   |   |                 |



|                            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)                           | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|----------------------------|--|---|---|-----------------|
| Recital 64, third indent   |  |   |   |                 |
| 90                         | - technical requirements and characteristics of tracking devices;  |   |   |                 |
| Recital 64, fourth indent  |  |   |   |                 |
| 91                         | - margin of tolerance;   |   |   |                 |
| Recital 64, fifth indent   |  |   |   |                 |
| 92                         | - conversion factors to convert stored or processed fish into live fish weight;  |   |   |                 |
| Recital 64, sixth indent   |  |   |   |                 |
| 93                         | - content of the vessel position data and the content and format, rules concerning completion and digital recording and transmission of logbooks, prior notifications, transshipment declarations, and landing declarations; |   |   |                 |
| Recital 64, seventh indent |  |   |   |                 |
| 94                         | - technical requirements and characteristics of electronic   | <del>- technical requirements and characteristics of electronic</del> |   |                 |

|                             | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)       | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-----------------------------|---|---|---|-----------------|
|                             | monitoring devices systems including CCTV;  | <i>monitoring devices systems including CCTV;</i> |   |                 |
| Recital 64, eighth indent   |   |   |   |                 |
| 95                          | - the format for the submission of catch registration data and fishing effort to the Commission;  |   |   |                 |
| Recital 64, ninth indent    |   |   |   |                 |
| 96                          | - remedy in case of a prejudice caused to a Member State;   |   |   |                 |
| Recital 64, tenth indent    |   |   |   |                 |
| 97                          | - the verifications of the engine power, the tonnage of the fishing vessel, verification of the type, number and characteristics of the fishing gear; |   |   |                 |
| Recital 64, eleventh indent |   |   |   |                 |
| 98                          | - technical requirements and characteristics of devices for the continuous monitoring of the engine power;  |   |   |                 |

|                                | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
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| Recital 64, twelfth indent     |   |   |   |                 |
| 99                             | - certification of the engine power;  |   |   |                 |
| Recital 64, thirteenth indent  |   |   |   |                 |
| 100                            | - registration or licensing system, tracking of vessels, and control of gears for certain recreational fisheries; |   |   |                 |
| Recital 64, fourteenth indent  |   |   |   |                 |
| 101                            | - sampling plans for unsorted landings;   |   |   |                 |
| Recital 64, fifteenth indent   |   |   |   |                 |
| 102                            | - registered buyers;  |   |   |                 |
| Recital 64, sixteenth indent   |   |   |   |                 |
| 103                            | - surveillance reports and inspection reports;  |   |   |                 |
| Recital 64, seventeenth indent |   |   |   |                 |
| 104                            | - operation of the data base for  |   |   |                 |

|                                  | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|----------------------------------|--|---|---|-----------------|
|                                  | inspection and surveillance report;                                |   |   |                 |
| Recital 64, eighteenth indent    |  |   |   |                 |
| 105                              | - fixing quantities against quotas in case of corrective measures; |   |   |                 |
| Recital 64, nineteenth indent    |  |   |   |                 |
| 106                              | - operation of the point system for licence holders and masters;   |   |   |                 |
| Recital 64, twentieth indent     |  |   |   |                 |
| 107                              | - specific control and inspections programmes;                     |   |   |                 |
| Recital 64, twenty-first indent  |  |   |   |                 |
| 108                              | - deduction of quotas;   |   |   |                 |
| Recital 64, twenty-second indent |  |   |   |                 |
| 109                              | - access to data and exchange of data;                             |   |   |                 |
| Recital 64, twenty-third indent  |  |   |   |                 |

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|----------------------------------|--|---|---|-----------------|
| 110                              | - reporting by Member State;   |   |   |                 |
| Recital 64, twenty-fourth indent |  |   |   |                 |
| 111                              | - mutual assistance,   |   |   |                 |
| Recital 64, Letter Point         |  |   |   |                 |
| 112                              | <p>Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup> 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).</p> |   |   |                 |
| Recital 65, introductory part    |  |   |   |                 |
| 113                              | (65) 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  |   |   |                 |

|                           | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|---------------------------|--|---|---|-----------------|
|                           | common fisheries policy. The provisions of Regulation (EC) No 1224/2009 concerning the following elements should therefore be redrafted:   |   |   |                 |
| Recital 65, first indent  |  |   |   |                 |
| 114                       | - the adoption in each multiannual plan of a threshold of catches above which a designated port or a place close to the shore has to be used and the frequency of communication of data; |   |   |                 |
| Recital 65, second indent |  |   |   |                 |
| 115                       | - the establishment of a control observer scheme.  |   |   |                 |
| Recital 66                |  |   |   |                 |
| 116                       | (66) Regulation (EC) No 1224/2009 should therefore be amended accordingly.   |   |   |                 |
| Recital 67                |  |   |   |                 |
| 117                       | (67) For reasons of consistency  |   |   |                 |

|                               | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|-------------------------------|--|---|---|-----------------|
|                               | <p>with the scope of Regulation (EC) No 1224/2009, the objectives of Council Regulation (EC) No 768/2005<sup>1</sup> should be enlarged. The missions of the European Fisheries Control Agency should cover the harmonisation of the application of the common fisheries policy as a whole. They should include research and development in the area of control and inspection techniques and provision of assistance to the Commission in specific fields.</p> <p><sup>1</sup> Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).</p> |   |   |                 |
| Recital 68, introductory part |  |   |   |                 |
| 118                           | <p>(68) It should be ensured that the obligations concerning personal data protection laid down in Regulation (EU) 2018/XX are respected by the Agency in the framework of data processing and exchange.</p>   |   |   |                 |
| Recital 68, Letter Point      |  |   |   |                 |

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|------------|---|---|---|-----------------|
| 119        | Representatives of Union institutions should have the possibility to take part in the meeting of the Administrative Board of the Agency.  |   |   |                 |
| Recital 69 |   |   |   |                 |
| 120        | (69) It should be clarified that both draft annual and draft multiannual work programmes of the Agency prepared its executive Director are to be submitted to the Administrative board of the Agency. |   |   |                 |
| Recital 70 |   |   |   |                 |
| 121        | (70) It should be clarified that the Agency may also receive funds in the form of delegations agreements or ad-hoc grants without prejudice to others types of income.                                |   |   |                 |
| Recital 71 |   |   |   |                 |
| 122        | (71) Finally, the provisions on the evaluation of the Agency by the Commission should also be clarified.  |   |   |                 |



|            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|--|---|---|-----------------|
| Recital 72 |  |   |   |                 |
| 123        | (72) Regulation (EC) No 768/2005 should therefore be amended accordingly.  |   |   |                 |
| Recital 73 |  |   |   |                 |
| 124        | <p>(73) In order to ensure consistency between control provisions, Council Regulation (EC) No 1967/2006<sup>1</sup> and Regulation (EU) No 2016/1139 of the European Parliament and Council<sup>2</sup> should be amended. In particular, the provisions concerning control of leisure fisheries, recording and reporting of transshipments and catch registrations set out in Council Regulation (EC) No 1967/2006 and the provisions concerning logbooks and the margin of tolerance in estimates recorded in the fishing logbook set out in Regulation (EU) No 2016/1139 should be deleted and the relevant provisions of Regulation (EC) No 1224/2009 should apply instead.</p> <p><sup>1</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management</p> |   |   |                 |

|            | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
|------------|--|---|---|-----------------|
|            | <p>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).</p> <p>2. 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).</p>        |   |   |                 |
| Recital 74 |  |   |   |                 |
| 125        | <p>(74) 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 its international commitments and to ensure effective implementation of the scheme, Regulation (EC) No 1005/2008 should be amended to establish a data base for the management of catch certificates (CATCH) based on the Information Management System for Official Controls, allowing for risk based controls, reducing opportunities of</p> |   |   |                 |

|             | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)     | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | <b>Comments</b> |
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|             | fraudulent imports and easing the administrative burden of Member States. The operational functions of the CATCH will be developed in different phases.   |   |   |                 |
| Recital 75  |   |   |   |                 |
| 126         | (75) 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 official checks, verifications, controls and other relevant official activities concerning importation and exportation of fishery products as foreseen under Regulation (EC) No 1005/2008, implementing and delegated powers should be conferred on the Commission relating to the functioning and development of the CATCH based on the Information Management System for Official Controls. |   |   |                 |
| Recital 75a |   |   |   |                 |
| 126a        |   | <u>(75a) <i>With a view to guaranteeing</i></u> |   |                 |

|            | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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|            |  | <p><u>consistency between the Union's trade and fisheries policies, trade agreements concluded by the Union with third countries should incorporate a safeguard clause providing for the temporary suspension of tariff preferences for fishery and aquaculture products for such time as the third country is pre-identified or identified as a non-cooperating country in the fight against IUU fishing.</u></p> |  |          |
| Recital 76 |  |  |  |          |
| 127        | <p>(76) In order to ensure consistency among Union legal instruments governing fisheries control, certain provisions on serious infringements set out in Regulation (EC) No 1005/2008 should be deleted and, if necessary, moved to Regulation (EC) No 1224/2009, which is the main legal instrument in the fisheries control field. In Regulation (EC) No 1005/2008 reference should consequently be made to the provisions on serious infringements contained in Regulation (EC) No 1224/2009.</p> |  |  |          |
| Recital 77 |  |  |  |          |

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|--|--|---|--|-----------------|
| 128  | (77) Regulation (EC) No 1005/2008 should therefore be amended accordingly. |   |  |                 |
| Formula  |  |   |  |                 |
| 129  | HAVE ADOPTED THIS REGULATION:  |   | HAVE ADOPTED THIS REGULATION: <sup>1</sup><br><br><i><u>1. The recitals have been removed from this document, as they have not been discussed in depth. Proposals to modify some recitals or to add new recitals are included in the footnotes throughout this document.</u></i> |                 |
| Article 1  |  |   |  |                 |
| 130  | Article 1<br>Amendments to Regulation (EC) No 1224/2009                    |   | Article 1<br>Amendments to Regulation (EC) No 1224/2009  |                 |
| Article 1, first paragraph, introductory part            |  |   |  |                 |
| 131  | Regulation (EC) No 1224/2009 is amended as follows:                        |   | Regulation (EC) No 1224/2009 is amended as follows:  |                 |
| Article 1, first paragraph, point (1), introductory part |  |   |  |                 |
| 132  | (1) Article 4 is amended as follows:                                       |   | (1) Article 4 is amended as follows:   |                 |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (1)(a), introductory part                   |  |                                      |  |          |
| 133   | (a) The introductory sentence is replaced by the following:  |                                      | (a) The introductory <del>sentence</del> <u>is sentences are</u> replaced by the following:  |          |
| Article 1, first paragraph, point (1)(a), amending provision, first paragraph |  |                                      |  |          |
| 134   | "<br>For the purpose of this regulation the definitions set out in Article 4 of Regulation (EU) No 1380/2013 and Article 5 of Regulation (EU) No 1379/2013 shall apply unless otherwise provided for in this regulation."<br>" |                                      | "<br>For the <del>purpose</del> <u>purposes</u> of this Regulation, the definitions set out in Article 4 of Regulation (EU) No 1380/2013 and Article 5 of Regulation (EU) No 1379/2013 shall apply, unless otherwise provided for in this Regulation. <u>, as well as the following definitions:"</u><br>" |          |
| Article 1, first paragraph, point (1)(b), introductory part                   |  |                                      |  |          |
| 135   | (b) point 2 is replaced by the following:  |                                      | (b) point 2 is replaced by the following:  |          |
| Article 1, first paragraph, point (1)(b), amending provision(2)               |  |                                      |  |          |
| 136   | "<br>2. 'rules of the common fisheries   |                                      | "<br>2. 'rules of the common fisheries   |          |

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|  | policy' means legally binding Union acts, including international agreements concluded by the Union, on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;<br>" |   | policy' means legally binding Union acts, <del>including international agreements concluded by the Union,</del> on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;<br>" |          |
| Article 1, first paragraph, point (1)(ba), introductory part |   |   |  |          |
| 136a   |   |   | <u>(b1) point 5 is replaced by the following:</u>  |          |
| Article 1, first paragraph, point (1)(ba)(1)                 |   |   |  |          |
| 136b   |   |   | <u>(5) 'surveillance' means the observation of fishing activities on the basis of sightings by inspection vessels, official aircrafts or official remotely piloted aircraft systems (RPAS) and technical detection and identification methods:</u>   |          |
| Article 1, first paragraph, point (1)(ba), introductory part |   |   |  |          |
| 136c   |   | <u>(ba) point 3 is replaced by the following:</u> |  |          |

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| Article 1, first paragraph, point (1)(ba), amending provision, numbered paragraph |                     |  |  |          |
| 136d  |                     | "<br><u>'control' means monitoring and surveillance of all activities covered by this Regulation, including distribution and marketing activities throughout the market chain;</u><br>"                |  |          |
| Article 1, first paragraph, point (1)(bb), introductory part                      |                     |  |  |          |
| 136e  |                     | <u>(bb) point 4 is replaced by the following:</u>  |  |          |
| Article 1, first paragraph, point (1)(bb), amending provision, numbered paragraph |                     |  |  |          |
| 136f  |                     | "<br><u>'inspection' means any on site check which is carried out by officials regarding compliance with the rules of the common fisheries policy and which is noted in an inspection report;</u><br>" |  |          |
| Article 1, first paragraph, point (1)(bc), introductory part                      |                     |  |  |          |



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| 136g  |                     | <u>(bc) point 5 is replaced by the following:</u>   |  |          |
| Article 1, first paragraph, point (1)(bc), amending provision, numbered paragraph |                     |   |  |          |
| 136h  |                     | "<br><u>'surveillance' means the observation by officials of fishing activities on the basis of sightings by inspection vessels, official aircrafts and vehicles or other means, including technical detection and identification methods:</u><br>" |  |          |
| Article 1, first paragraph, point (1)(bd), introductory part                      |                     |   |  |          |
| 136i  |                     | <u>(bd) point 6 is replaced by the following:</u>   |  |          |
| Article 1, first paragraph, point (1)(bd), amending provision, numbered paragraph |                     |   |  |          |
| 136j  |                     | "<br><u>'official' means a person authorised by a national fisheries control authority, the Commission or the European Fisheries Control Agency to carry out an inspection:</u><br>"  |  |          |

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|   |  | "   |  |          |
| Article 1, first paragraph, point (1)(be), introductory part                      |  |   |  |          |
| 136k  |  | <u><i>(be) point 7 is replaced by the following:</i></u>  |  |          |
| Article 1, first paragraph, point (1)(be), amending provision, numbered paragraph |  |   |  |          |
| 136l  |  | "<br><u><i>'Union inspectors' means officials of a Member State, of the Commission or of the European Fisheries Control Agency, whose names are contained in the list established in accordance with Article 79:</i></u><br>" |  |          |
| Article 1, first paragraph, point (1)(c), introductory part                       |  |   |  |          |
| 137   | (c) point 9 is replaced by the following:                              |   | (c) point 9 is replaced by the following:                              |          |
| Article 1, first paragraph, point (1)(c), amending provision(9)                   |  |   |  |          |
| 138   | "<br>9. 'fishing licence' means an official document conferring on its |   | "<br>9. 'fishing licence' means an official document conferring on its |          |

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|  | holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of marine biological resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a fishing vessel;<br>" |   | holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of marine biological resources. <del>It contains minimum requirements concerning the identification, technical characteristics and fitting out of a fishing vessel;</del><br>" |                 |
| Article 1, first paragraph, point (1)(d), introductory part      |  |   |   |                 |
| 139  | (d) point 12 is replaced by the following:   |   | (d) point 12 is replaced by the following:  |                 |
| Article 1, first paragraph, point (1)(d), amending provision(12) |  |   |   |                 |
| 140  | "<br>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;<br>"                          |   | "<br>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;<br>"                                     |                 |
| Article 1, first paragraph, point (1)(e), introductory part      |  |   |   |                 |

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| 141  | (e) point 14 is replaced by the following:  |   | (e) point 14 is replaced by the following:   |          |
| Article 1, first paragraph, point (1)(e), amending provision(14) |   |   |  |          |
| 142  | "<br>14. 'fishing restricted area' means any marine area where fishing activities are temporarily or permanently restricted or prohibited;" | "<br>14. 'fishing restricted area' means any marine area where fishing activities are <del>temporarily</del> temporarily or permanently restricted or prohibited <u>by either regional, national, Union or international legislation;</u> "   | "<br>14. 'fishing restricted area' means any marine area where fishing activities are temporarily or permanently restricted or prohibited <u>under the rules of the common fisheries policy;</u> " |          |
| Article 1, first paragraph, point (1)(ea)                        |   |   |  |          |
| 142a   |   | <u>(ea) point 15 is replaced by the following:</u><br><u>'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;</u> |  |          |
| Article 1, first paragraph, point (1)(eb)                        |   |   |  |          |

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| 142b   |  | <u>(eb) point 16 is replaced by the following:<br/>'transhipment' means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel in port or at sea;</u> |  |          |
| Article 1, first paragraph, point (1)(f), introductory part      |  |  |  |          |
| 143  | (f) point 20 is replaced by the following:                                     |  | (f) point 20 is replaced by the following:                                     |          |
| Article 1, first paragraph, point (1)(f), amending provision(20) |  |  |  |          |
| 144  | "<br>20. 'lot' means a batch of units of fishery or aquaculture products;<br>" | "<br>20. 'lot' means a <i>batch of units</i> <u>specific quantity</u> of fishery or aquaculture products <u>of a given species which have a common origin</u> ;<br>"                             | "<br>20. 'lot' means a batch of units of fishery or aquaculture products;<br>" |          |
| Article 1, first paragraph, point (1)(fa)                        |  |  |  |          |
| 144a   |  | <u>(fa) the following point is inserted:<br/>20a. 'batch' means a specific quantity of fishery or aquaculture products;</u>  |  |          |

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| Article 1, first paragraph, point (1)(fb)                   |  |   |  |          |
| 144b  |  | <u>(fb) point 21 is replaced by the following:</u><br><u>21. 'processing' means the process by which the fishery or aquaculture products are prepared. It includes any kind of cutting, filleting, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fisheries or aquaculture products for market in any other manner;</u> |  |          |
| Article 1, first paragraph, point (1)(fc)                   |  |   |  |          |
| 144c  |  | <u>(fc) point 22 is replaced by the following:</u><br><u>22. 'landing' means the period of time required for the whole process of unloading any quantity of fisheries products from on board a fishing vessel to land;</u>  |  |          |
| Article 1, first paragraph, point (1)(g), introductory part |  |   |  |          |
| 145   | (g) point 24 is replaced by the following: |   | (g) point 24 is replaced by the following:                   |          |

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| Article 1, first paragraph, point (1)(g), amending provision(24) |  |                                      |   |          |
| 146  | "<br>24. 'multiannual plans' means plans referred to in Articles 9 and 10 of Regulation (EU) 1380/2013, management plans adopted in accordance with Article 18 of Regulation (EU) 1380/2013 as well as other Union measures adopted on the basis of Article 43(3) of the Treaty and providing for specific management or recovery of particular fish stocks for more than a year;<br>" |                                      | "<br>24. 'multiannual <del>plans</del> <u>plan</u> ' means plans referred to in Articles 9 and 10 of Regulation (EU) <del>1380/2013</del> , <del>management plans</del> <u>No 1380/2013</u> , <u>conservation measures</u> adopted in accordance with Article 18 of Regulation (EU) <del>1380/2013</del> <u>No 1380/2013</u> as well as other Union measures adopted on the basis of Article 43(3) of the Treaty <del>and</del> providing for specific management or recovery of particular fish stocks <del>for</del> <u>and covering a period of</u> more than <del>a</del> <u>one</u> year;<br>" |          |
| Article 1, first paragraph, point (1)(h)                         |  |                                      |   |          |
| 147  | (h) point 23 is deleted.   | (h) <del>point 23 is deleted.</del>  | (h) point 23 is deleted.  |          |
| Article 1, first paragraph, point (1)(i), introductory part      |  |                                      |   |          |
| 148  | (i) point 28 is replaced by the following:   |                                      | (i) point 28 is replaced by the following:  |          |
| Article 1, first paragraph, point (1)(i), amending provision(28) |  |                                      |   |          |
| 149  |  |                                      |   |          |

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|   | "<br>28. 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources for recreation, tourism or sport."<br>" |   | "<br>28. 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources <u>such as</u> for recreation, tourism or sport. <sup>1</sup> "<br><br><u>1. A recital about recreational fisheries will clarify that such fisheries include fishing activities organised by commercial entities active in the tourism sector and in the sector of sports competition.</u> |          |
| Article 1, first paragraph, point (1)(ia) |  |   |   |          |
| 149a                                      |  | <u>(ia) the following point is inserted:<br/>28a. 'recreational fishing charter vessel' means a skippered boat or vessel taking passengers to sea to carry out recreational fishing activities:</u>   |   |          |
| Article 1, first paragraph, point (1)(ib) |  |   |   |          |
| 149b                                      |  | <u>(ib) the following point is inserted:<br/>28b. 'pesca-tourism' means recreational fishing activities organised by fishers, taking passengers to sea to carry out recreational fishing activities, as a sideline supplementing their core</u> |   |          |



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|   |                          | <u>activity:</u>                     |  |          |
| Article 1, first paragraph, point (1)(j)    |                          |                                      |  |          |
| 150   | (j) point 31 is deleted. |                                      | (j) point 31 is <u>replaced by the following:</u> <del>deleted.</del>  |          |
| Article 1, first paragraph, point (1)(j)(1) |                          |                                      |  |          |
| 150a  |                          |                                      | <p><u>(31) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources, including catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;</u><sup>1</sup></p> <p><u>1. Recital (10) of the proposal will be replaced by the following: The definition of a 'fishing vessel' should be replaced by a more detailed definition, which clarifies that the term covers any vessel equipped for commercial exploitation of marine biological resources, including catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products. While most of the provisions of this Regulation should relate to catching vessels, an</u></p> |          |

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|  |  |                                      | <p><u>effective Union fisheries control system requires that in certain cases other vessels, which play a role in the exploitation of marine biological resources are also covered. Container vessels should be excluded from the definition of a 'fishing vessel' used for the purpose of this Regulation. Vessels exclusively used for aquaculture should also not be covered by this definition. The specific definition of 'fishing vessel' set out in this regulation should apply only for the purposes of this regulation and be without prejudice to the definition of 'fishing vessel' in other acts for other purposes.</u></p> |          |
| Article 1, first paragraph, point (1)(k), introductory part      |  |                                      |   |          |
| 151  | (k) the following points 33 and 34 are inserted:   |                                      | (k) the following points 33, <u>34, 35, 36 and 37 are added</u> <del>and 34 are inserted</del> :  |          |
| Article 1, first paragraph, point (1)(k), amending provision(33) |  |                                      |   |          |
| 152  | " 33. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel; |                                      | " 33. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel;  |          |
| Article 1, first paragraph, point (1)(k), amending provision(34) |  |                                      |   |          |
| 153  | 34. 'catching vessel' means a  |                                      | 34. 'catching vessel' means a   |          |

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|  | fishing vessel used for the purpose of the capture of marine biological resources.<br>" |                                      | fishing vessel used for the purpose of the capture of marine biological resources.;   |          |
| Article 1, first paragraph, point (1)(k), amending provision(35) |   |                                      |   |          |
| 153a   |   |                                      | <p><u>35. 'fishing operation' means all activities in connection with searching for fish, the shooting, towing and hauling of active gear, setting, soaking, removing or resetting of passive gear and the removal of any catch from the gear and keep nets, or from a transport case to fattening and farming cages;<sup>1</sup></u></p> <p><u>1. The following recital will be inserted: A definition of 'fishing operation' should be inserted to clarify the meaning of the term and to highlight that it is narrower in scope than the term 'fishing activities'. With the exception of transfers, only catching vessels can perform fishing operations.</u></p> |          |
| Article 1, first paragraph, point (1)(k), amending provision(36) |   |                                      |   |          |
| 153b   |   |                                      | <p><u>36. 'unique fishing trip identification number' means the specific number generated by the electronic fishing logbook for each</u></p>  |          |

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|  |                     |  | <u><a href="#">fishing trip:</a></u>  |          |
| Article 1, first paragraph, point (1)(k), amending provision(37) |                     |  |   |          |
| 153c   |                     |  | <u><a href="#">37. '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.';</a></u> |          |
| Article 1, first paragraph, point (1)(ka)                        |                     |  |   |          |
| 153d   |                     | <u><a href="#">(ka) the following point is added:<br/>34a. 'direct sale' means the sale of fishery and aquaculture products, whether fresh or processed, by the producer or its delegated natural person, to the final consumer at any location, including in an itinerant manner, without intermediaries.</a></u> |   |          |
| Article 1, first paragraph, point (1)(kb)                        |                     |  |   |          |
| 153e   |                     | <u><a href="#">(kb) the following point is added:<br/>34b. 'sensitive species' means a sensitive species as defined in Article 6 of Regulation (EU) 2019/1241 of the European Parliament and of the Council<sup>1</sup>;</a></u>   |   |          |

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|   |                     | <p><u><a href="#">1. 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).</a></u></p> |  |          |
| Article 1, first paragraph, point (1)(kc) |                     |  |  |          |
| 153f                                      |                     | <p><u><a href="#">(kc) the following point is added:</a></u><br/> <u><a href="#">34c. ‘traceability’ means the ability to systematically trace and follow all or part of the information concerning a food through all stages of its production, processing and distribution, in terms of registered identifications:</a></u></p>  |  |          |
| Article 1, first paragraph, point (1)(kd) |                     |  |  |          |
| 153g                                      |                     | <p><u><a href="#">(kd) the following point is added:</a></u><br/> <u><a href="#">34d. ‘fishing without vessels’ means engaging in a fishing</a></u></p>  |  |          |

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|   |   | <u><i>activity without using a fishing vessel, such as shellfishing, fishing on foot or ice fishing.</i></u>  |  |          |
| Article 1, first paragraph, point (1)(ke)                                   |   |   |  |          |
| 153h  |   | <u><i>(ke) the following point is added: 34e. 'sensitive habitat' means a sensitive habitat as defined in Article 6 of Regulation (EU) 2019/1241;</i></u> |  |          |
| Article 1, first paragraph, point (2)                                       |   |   |  |          |
| 154   | (2) In Article 5, paragraph 6 is deleted.   |   | (2) In Article 5, paragraph 6 is deleted.                    |          |
| Article 1, first paragraph, point (3), introductory part                    |   |   |  |          |
| 155   | (3) Article 6 is replaced by the following: |   | (3) Article 6 is replaced by the following:                  |          |
| Article 1, first paragraph, point (3), amending provision, first paragraph  |   |   |  |          |
| 156   | "<br>Article 6                              |   | "<br>Article 6   |          |
| Article 1, first paragraph, point (3), amending provision, second paragraph |   |   |  |          |

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| 157  | Fishing licence   |                                      | Fishing licence  |          |
| Article 1, first paragraph, point (3), amending provision(1) |   |                                      |  |          |
| 158  | 1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if it has a valid fishing licence.  |                                      | 1. A Union <del>fishing</del> <u>catching</u> vessel may be used for commercial exploitation of marine biological resources only if it has a valid fishing licence.  |          |
| Article 1, first paragraph, point (3), amending provision(2) |   |                                      |  |          |
| 159  | 2. The flag Member State shall ensure 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 of Regulation (EU) No 1380/2013. |                                      | 2. The flag Member State shall ensure that the <u>fishing licence meets the minimum information requirements concerning the identification, technical characteristics and fitting out of a catching vessel and that the</u> information contained in the fishing licence is accurate and consistent with that contained in the Union fishing fleet register referred to in Article <del>24</del> <u>24(3)</u> of Regulation (EU) No 1380/2013. |          |
| Article 1, first paragraph, point (3), amending provision(3) |   |                                      |  |          |
| 160  | 3. The flag Member State shall  | "                                    | <del>3. The flag Member State shall</del>  |          |

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|  | suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b.   | 3. The flag Member State shall suspend temporarily the fishing licence of <del>a</del> <u>an owner, operator or</u> vessel which is subject to temporary immobilisation <del>decided</del> <u>imposed</u> by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b <u>and notify the European Fisheries Control Agency immediately.</u> <u>During the period of suspension, neither the vessel nor the licence may be sold, rented or transferred.</u> ” | <del>suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b.</del>  |          |
| Article 1, first paragraph, point (3), amending provision(4) |  |  |  |          |
| 161  | 4. The flag Member State shall withdraw permanently the fishing licence of a vessel which is the subject of a capacity adjustment measure referred to in Article 22 of Regulation (EU) No 1380/2013 or which has had its fishing authorisation withdrawn in accordance with Article 91b. |  | 4. The flag Member State shall withdraw permanently the fishing licence of a <u>catching</u> vessel which is the subject of a <u>fishing</u> capacity adjustment measure referred to in Article 22 of Regulation (EU) No 1380/2013 <del>or which has had its fishing authorisation withdrawn in accordance with Article 91b.</del> |          |
| Article 1, first paragraph, point (3), amending provision(5) |  |  |  |          |
| 162  | 5. The Commission may, by means of implementing acts, lay down   |  | 5. The Commission may, by means of implementing acts, lay down rules   |          |



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|   | rules on the validity of fishing licences issued by the flag Member State as well as the minimum information contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>” |   | on the validity of fishing licences issued by the flag Member <del>State</del> <u>States</u> as well as the minimum information <u>requirements concerning the identification, technical characteristics and fitting out of a catching vessel</u> contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>” |                 |
| Article 1, first paragraph, point (4), introductory part        |   |   |  |                 |
| 163   | (4) Article 7 is amended as follows:  |   | (4) Article 7 is amended as follows:   |                 |
| Article 1, first paragraph, point (4)(a), introductory part     |   |   |  |                 |
| 164   | (a) paragraph 2 is replaced by the following:   |   | (a) paragraph 2 is replaced by the following:  |                 |
| Article 1, first paragraph, point (4)(a), amending provision(2) |   |   |  |                 |
| 165   | ”<br>2. Where a Member State has a specific national fishing authorisation scheme for fishing vessels flying its flag, it shall send to the Commission at its request a   |   | ”<br>2. Where a Member State has a specific national fishing <del>-</del> authorisation scheme for fishing vessels flying its flag, it shall send to the Commission at its request a   |                 |

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|---|---|--------------------------------------|---|----------|
|   | summary of the information contained in the authorisation issued and the related aggregated figures on fishing effort.<br>" |                                      | summary of the information contained in the <u>fishing</u> authorisation issued and the related aggregated <del>figures</del> <u>data</u> on fishing effort.<br>"   |          |
| Article 1, first paragraph, point (4)(b), introductory part     |   |                                      |   |          |
| 166   | (b) paragraph 5 is replaced by the following:   |                                      | (b) <del>paragraph 5 is</del> <u>paragraphs 4 and 5 are</u> replaced by the following:  |          |
| Article 1, first paragraph, point (4)(b), amending provision(4) |   |                                      |   |          |
| 166a  |   |                                      | "<br><u>4. A fishing authorisation shall not be issued for a catching vessel if the vessel concerned 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.</u> |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (4)(b), amending provision(5) |   |                                      |  |          |
| 167   | "<br>5. The Commission may, by means of implementing acts, lay down rules on the validity of fishing authorisations issued by the flag Member State as well as the minimum information contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                                      | 5. The Commission may, by means of implementing acts, lay down <u>detailed</u> rules on the validity of fishing authorisations issued by the flag Member State <del>as well as</del> <u>and on</u> the minimum information <u>to be</u> contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |          |
| Article 1, first paragraph, point (4)(c), introductory part     |   |                                      |  |          |
| 168   | (c) paragraph 6 is inserted:  |                                      | (c) paragraph 6 is <del>inserted</del> <u>added</u> :  |          |
| Article 1, first paragraph, point (4)(c), amending provision(6) |   |                                      |  |          |
| 169   | "<br>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a providing for derogations from the obligation to obtain fishing authorisations for Union fishing vessels below 10 metres' length overall.<br>"  |                                      | "<br>6. <del>The Commission is empowered to adopt delegated acts in accordance with Article 119a providing for derogations from the obligation to obtain</del> <u>Member States may exclude Union fishing vessels of less than 10 metres' length overall flying their flag which carry out</u> fishing <del>authorisations for Union fishing</del><br>"                              |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|  |  |                                      | <del>vessels below 10 metres' length</del><br><del>overall</del> <u>activities exclusively in their territorial waters from the obligation to have a fishing authorisation.</u> | "        |
| Article 1, first paragraph, point (5), introductory part                       |  |                                      |   |          |
| 170  | (5) Article 8 is amended as follows:                               |                                      | (5) Article 8 is amended as follows:  |          |
| Article 1, first paragraph, point (5)(a), introductory part                    |  |                                      |   |          |
| 171  | (a) the heading of Article 8 is replaced by the following:         |                                      | (a) the heading of Article 8 is replaced by the following:  |          |
| Article 1, first paragraph, point (5)(a), amending provision, first paragraph  |  |                                      |   |          |
| 172  | "<br>Article 8   |                                      | "<br>Article 8  |          |
| Article 1, first paragraph, point (5)(a), amending provision, second paragraph |  |                                      |   |          |
| 173  | Marking and identification of Union fishing vessels and gears<br>" |                                      | Marking and identification of Union <del>fishing</del> <u>catching</u> vessels and <del>gears</del> <u>fishing gear</u><br>"  |          |
| Article 1, first paragraph, point (5)(a1), introductory part                   |  |                                      |   |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>                                  | Comments |
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| 173a   |   |                                      | <u>(a1) in paragraph 1, 'fishing vessel' is replaced by 'Union catching vessel';</u>          |          |
| Article 1, first paragraph, point (5)(b), introductory part  |   |                                      |   |          |
| 174  | (b) paragraph 2 is replaced by the following:                                 |                                      | (b) paragraph 2 is replaced by the following:   |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, introductory part |   |                                      |   |          |
| 175  | “<br>2. The Commission may, by means of implementing acts, lay down rules on: |                                      | “<br>2. The Commission may, by means of implementing acts, lay down <u>detailed</u> rules on: |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (a)         |   |                                      |   |          |
| 176  | (a) marking and identification of vessels                                     |                                      | (a) marking and identification of <u>catching</u> vessels;                                    |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (b)         |   |                                      |   |          |
| 177  | (b) vessel identification documents to be carried on board;                   |                                      | (b) vessel identification documents to be carried on board;                                   |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>              | Comments |
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| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (c)  |   |                                      |   |          |
| 178   | (c) marking and identification of crafts and fishing aggregating devices; |                                      | (c) marking and identification of crafts and fishing aggregating devices; |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (d)  |   |                                      |   |          |
| 179   | (d) marking and identification of fishing gears;                          |                                      | (d) marking and identification of fishing <del>gears</del> <u>gear</u> ;  |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (e)  |   |                                      |   |          |
| 180   | (e) labels for the marking of gears;                                      |                                      | (e) labels for the marking of <del>gears</del> <u>fishing gear</u> ;      |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (f)  |   |                                      |   |          |
| 181   | (f) marking of buoys and setting of cords.                                |                                      | (f) marking of buoys and setting of cords.                                |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), first subparagraph, point (fa) |   |                                      |   |          |

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| 181a   |   | <p>“</p> <p><u><a href="#">(fa) procedures for the notification of the end of use fishing gears in line with Directives (EU) 2019/883<sup>1</sup> and (EU) 2019/904<sup>2</sup> of the European Parliament and of the Council.</a></u></p> <p>”</p> <p><u><a href="#">1. 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).</a></u></p> <p><u><a href="#">2. 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).</a></u></p> |   |          |
| Article 1, first paragraph, point (5)(b), amending provision(2), second subparagraph |   |  |   |          |
| 182  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>” |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>” |          |
| Article 1, first paragraph, point (6), introductory part                             |   |  |   |          |
| 183  |   |  |   |          |

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|   | (6) Article 9 is replaced by the following:   |   | (6) Article 9 is replaced by the following:  |          |
| Article 1, first paragraph, point (6), amending provision, first paragraph  |   |   |  |          |
| 184   | “<br>Article 9  |   | “<br>Article 9   |          |
| Article 1, first paragraph, point (6), amending provision, second paragraph |   |   |  |          |
| 185   | Vessel monitoring systems   |   | Vessel monitoring systems  |          |
| Article 1, first paragraph, point (6), amending provision(1)                |   |   |  |          |
| 186   | 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, and of fishing vessels in the Member States’ waters through the collection and analysis of vessel position data. Each flag Member State shall ensure the continuous and systematic monitoring and control of the accuracy of the vessel position data. | “<br>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, <del>and of as well as</del> fishing vessels in <del>the Member States’</del> <u>their</u> waters through the collection and analysis of vessel position data. Each flag Member State shall <del>ensure the continuous and systematic monitoring</del> <u>collect vessel position data and monitor</u> and control <del>of the its</del> accuracy <del>of the vessel position data</del> <u>on a continuous</u> | 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, and of fishing vessels in the Member States’ waters <del>through the collection and analysis of vessel position data</del> . Each flag Member State shall <del>ensure the continuous and systematic monitoring and control of the accuracy of the vessel position data</del> <u>collect the vessel position data and ensure its continuous and systematic monitoring</u> . |          |



|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |   | <u>and systematic basis.</u>  |   |          |
| Article 1, first paragraph, point (6), amending provision(2), first subparagraph  |   |   |   |          |
| 187   | 2. Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting vessel position data at regular intervals.   | 2. Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting <u>automatically</u> vessel position data at regular intervals.  | 2. <u>Each</u> Union fishing <del>vessels</del> <u>vessel</u> shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting <u>the</u> vessel position data at regular intervals.   |          |
| Article 1, first paragraph, point (6), amending provision(2), second subparagraph |   |   |   |          |
| 188   | The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a of the flag Member State to poll the fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection, or may use a land-based mobile network when in reach of such network. | The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a of the flag Member State to poll the fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection, or may use a land-based mobile network when in reach of such network <u>or other technology that ensures data security and that is available for data transmission and communication.</u> | The vessel monitoring systems shall also allow the fisheries monitoring centre <del>referred to in Article 9a</del> of the flag Member State <u>referred to in Article 9a</u> to poll the fishing vessel at all times.<br>The transmission of vessel position data and the polling shall <del>either</del> pass through a satellite connection, <del>or</del> <u>may use a land-based mobile network when in reach of such network.</u> |          |
| Article 1, first paragraph, point (6), amending provision(3), first subparagraph  |   |   |   |          |

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| 189   | <p>3. By way of derogation from paragraph 2, masters of Union fishing vessels below 12 metres' length overall may carry on board a mobile device which allows the vessel to be automatically located and identified by a vessel monitoring system through recording and transmitting vessel position data at regular intervals. In case the device is not within reach of a mobile network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such network and at the latest before entering port.</p> | <p>3. By way of derogation from paragraph 2, masters of Union fishing vessels below 12 metres' length overall may carry on board a <u>fully functioning</u> mobile device which allows the vessel to be automatically located and identified by a vessel monitoring system through recording and transmitting vessel position data at regular intervals. In case the device is not within reach of a <u>mobile communications</u> network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such network and at the latest before <del>entering port</del> <u>the landing operations begin</u>.</p> | <p>3. By way of derogation from paragraph 2, <del>masters of a flag</del> <u>Member State may determine that</u> Union fishing vessels below 12 metres' length overall may carry on board a <del>mobile</del> device which <del>allows the vessel does not have</del> to be <del>automatically located and identified by a</del> <u>installed on board and which allows the</u> vessel <del>monitoring system through recording and transmitting vessel position data at regular intervals. In case the device is not within reach of a mobile network, to</del> <u>be automatically located and identified while at sea through recording and transmitting</u> the vessel position data <del>shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such</del> <u>at regular intervals through satellite connection or any other</u> network <del>and at the latest before entering port</del>.</p> |          |
| Article 1, first paragraph, point (6), amending provision(3), second subparagraph |  |  |  |          |
| 189a  |  |  | <p><u>For the purpose of applying the first subparagraph, Member States may use a vessel monitoring system</u></p>   |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |                     |                                      | <p><u>developed at national or Union level. If one or more Member States so request by ... 14 months after the entry into force of this Regulation, the Commission shall develop a vessel monitoring system for fishing vessels below 12 metres' length overall.</u></p> <p><u>The vessel monitoring system shall also allow the fisheries monitoring centre of the flag Member State referred to in Article 9a to poll the fishing vessel through satellite connection, if such connection is used. In case the device referred to in the first subparagraph is not within reach of a network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of a such network and at the latest before entering a port or other landing place.</u></p> |          |
| Article 1, first paragraph, point (6), amending provision(3a) |                     |                                      |   |          |
| 189b  |                     |                                      | <p><u>3a. Without prejudice to obligations under other Union legal acts, a Member State may exempt Union fishing vessels of less than 9 metres' length overall flying its flag</u></p>  |          |

|  | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|  |                     |                                      | <u>from the requirement to be fitted with a vessel monitoring system if they:</u>   |          |
| Article 1, first paragraph, point (6), amending provision(3a)(a) |                     |                                      |   |          |
| 189c   |                     |                                      | <u>(a) use only passive gear:</u>   |          |
| Article 1, first paragraph, point (6), amending provision(3a)(b) |                     |                                      |   |          |
| 189d   |                     |                                      | <u>(b) operate exclusively in the waters up to six nautical miles from baselines under the sovereignty and jurisdiction of the flag Member State: and</u> |          |
| Article 1, first paragraph, point (6), amending provision(3a)(c) |                     |                                      |   |          |
| 189e   |                     |                                      | <u>(c) never spend more than 24 hours at sea from the time of departure from port to the return to port:</u>  |          |
| Article 1, first paragraph, point (6), amending provision(3a)(d) |                     |                                      |   |          |
| 189f   |                     |                                      | <u>(d) are not subject to restrictions applicable in any fishing restricted area in which they operate.</u>   |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (6), amending provision(3b) |  |   |  |          |
| 189g  |  |   | <p><u><i>3b. The masters of Union fishing vessels exempted from the requirement to be fitted with a vessel monitoring system under paragraph 3a shall notify the time of departure from port or landing place to the responsible authority before their departure and record the geographical position of setting the gear and the time of the haul in the fishing logbook and submit it in accordance with Article 15(2).</i></u></p>   |          |
| Article 1, first paragraph, point (6), amending provision(4)  |  |   |  |          |
| 190   | <p>4. When a Union fishing vessel is in the waters of another Member State, the flag Member State shall make available the vessel position data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel position data shall also be made available to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing activities.</p> | <p>4. When a Union fishing vessel is in the waters of another Member State, the flag Member State shall make available the vessel position data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel position data <u>of the fishing trips concerned</u> shall also be made available <u>automatically</u> to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing</p> | <p>4. When a Union fishing vessel is in the waters of another Member State, the flag Member State shall make available the vessel position data of that vessel by automatic transmission <del>to the fisheries monitoring centre of the coastal Member States. The vessel position data shall also be made available</del> <u>data received</u> to the <del>Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing</del> <u>activities</u>. <u>fisheries monitoring</u></p> |          |

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|  |  | activities.   | <u>centre of the coastal Member State.</u>   |          |
| Article 1, first paragraph, point (6), amending provision(5) |  |   |  |          |
| 191  | 5. If a Union fishing vessel operates in the waters of a third country or in waters where the fishing resources are managed by a regional fisheries management organisation as referred to in Article 3(1), and if the agreement with that third country or the applicable rules of that organisation so provide, vessel position data shall also be made available to that country or organisation. | 5. If a Union fishing vessel <del>operates</del> <u>engages in fishing activities or operations</u> 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 <u>of the fishing trips concerned</u> shall also be made available <u>automatically</u> to that country or organisation. | 5. If a Union fishing vessel operates in the waters of a third country or in waters where the fishing resources are managed by a regional fisheries management organisation as referred to in Article 3(1), and if the agreement with that third country or the applicable rules of that organisation so provide, vessel position data shall also be made available to that country or organisation. |          |
| Article 1, first paragraph, point (6), amending provision(6) |  |   |  |          |
| 192  | 6. Third country fishing vessels operating 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 vessel position data at regular intervals in the same way as Union fishing vessels under this   |   | 6. <u>Without prejudice to Regulation (EU) 2017/2403, all</u> third country fishing vessels operating in Union waters <u>without conducting fishing operations</u> 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 <u>the</u> vessel                               |          |

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|  | Article.  |   | position data at regular intervals in the same way as Union fishing vessels under this Article <sup>1</sup> .<br><br><u><i>1. A recital will clarify that for third country vessels conducting fishing operations this obligation already applies under Regulation (EU) 2017/2403 and that this obligation should be extended by the present regulation also to third country vessels not conducting fishing operations.</i></u> |          |
| Article 1, first paragraph, point (6), amending provision, numbered paragraph (6a) |   |   |  |          |
| 192a   |   | <u><i>6a. This Article shall also apply to support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, flying the flag of a Member State.</i></u>                         |  |          |
| Article 1, first paragraph, point (6), amending provision(7)                       |   |   |  |          |
| 193  | 7. The Commission is empowered to adopt delegated acts in accordance with Article 119a establishing detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the | 7. The Commission is empowered to adopt delegated acts in accordance with Article 119a establishing detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the | <del>7. The Commission is empowered to adopt delegated acts in accordance with <b>This</b> Article 119a establishing detailed rules on monitoring of <b>shall apply to Union</b> fishing <del>activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the</del></del>  |          |

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|   | masters concerning the vessel monitoring devices.                                | masters concerning the vessel monitoring devices <u>and on the frequency of transmission of the data concerning the position and movement of fishing vessels including in fishing restricted areas.</u> | <del>masters concerning the vessel monitoring devices</del> <u>vessels below 12 metres' length overall from ... 124 months after the date of application of this Regulation.</u> |          |
| Article 1, first paragraph, point (6), amending provision(8), first subparagraph, introductory part |  |   |  |          |
| 194   | 8. The Commission may, by means of implementing acts, lay down detailed rules on |   | 8. The Commission <del>may</del> <u>shall</u> , by means of implementing acts, lay down detailed rules on:   |          |
| Article 1, first paragraph, point (6), amending provision(8), first subparagraph(a)                 |  |   |  |          |
| 195   | (a) the format and content of vessel position data;                              |   | (a) the format and content of vessel position data;  |          |
| Article 1, first paragraph, point (6), amending provision(8), first subparagraph(b)                 |  |   |  |          |
| 196   | (b) the requirements and technical specifications of vessel monitoring devices;  |   | (b) the <u>minimum</u> requirements and <u>minimum</u> technical specifications of vessel monitoring devices;  |          |
| Article 1, first paragraph, point (6), amending provision(8), first subparagraph(c)                 |  |   |  |          |
| 197   | (c) the frequency of transmission of   | (c) <del>the frequency of transmission of</del>   | (c) the frequency of transmission of   |          |



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|   | the data concerning the position and movement of fishing vessels including in fishing restricted areas;                | <del>the data concerning the position and movement of fishing vessels including in fishing restricted areas;</del> " | the data concerning the position and movement of fishing vessels, including in fishing restricted areas;  |          |
| Article 1, first paragraph, point (6), amending provision(8), first subparagraph(d) |  |  |   |          |
| 198   | (d) the transmission of data to coastal Member States.   |  | (d) the transmission of data to coastal Member States- ;  |          |
| Article 1, first paragraph, point (6), amending provision(8)(e)                     |  |  |   |          |
| 198a  |  |  | <u>(e) the responsibilities of the masters of fishing vessels concerning the operation of vessel monitoring devices.</u>  |          |
| Article 1, first paragraph, point (6), amending provision(8), second subparagraph   |  |  |   |          |
| 199   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). " |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). <u>They shall be adopted by ... [18 months after the entry into force of this Regulation].</u> " |          |
| Article 1, first paragraph, point (7), introductory part                            |  |  |   |          |
| 200   |  |  |   |          |

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|   | (7) The following Article 9a is inserted:  |  | (7) the following Article 9a is inserted:   |          |
| Article 1, first paragraph, point (7), amending provision, first paragraph  |  |  |   |          |
| 201   | “<br>Article 9a  |  | “<br>Article 9a   |          |
| Article 1, first paragraph, point (7), amending provision, second paragraph |  |  |   |          |
| 202   | Fisheries monitoring centres   |  | Fisheries monitoring centres  |          |
| Article 1, first paragraph, point (7), amending provision(1)                |  |  |   |          |
| 203   | 1. Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating or the port they are in, as well as Union fishing vessels flying the flag of other Member States and fishing vessels of third countries to which vessel monitoring system provisions applies operating in the waters under the sovereignty or the jurisdiction of | “<br>1. Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating or the port they are in, as well as Union fishing vessels flying the flag of other Member States and fishing vessels of third countries to which vessel monitoring system provisions applies operating in the waters under | 1. Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of <del>a particular</del> <i>each</i> Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they <del>are operating</del> <i>operate</i> or the port they are in, as well as Union fishing vessels flying the flag of other Member States and fishing vessels of third countries <del>to which vessel monitoring system provisions applies</del> <i>applies</i> operating in the waters under the sovereignty or the jurisdiction of |          |

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|  | that particular Member State.   | the sovereignty or the jurisdiction of that particular Member State <u>and fishing vessels flying the flag of a third country concerning which rules and/or recommendations exist that have been issued by a regional international body. Fisheries monitoring centres shall also report on the number of abandoned, lost or otherwise discarded fishing gear and actions to prevent and mitigate the presence of such gear.</u>  | that particular Member State.  |          |
| Article 1, first paragraph, point (7), amending provision(2) |   |   |  |          |
| 204  | 2. Each flag Member State shall appoint the competent authorities responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre. | 2. Each flag Member State shall appoint, <u>from among the national or regional</u> <del>the</del> competent authorities, <u>a lead competent authority</u> responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing, <u>analysis, control, monitoring</u> and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member | 2. Each <del>flag</del> Member State shall appoint the competent authorities responsible for the <u>functioning of its</u> 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, <u>electronic data transmission</u> and <del>electronic data transmission</del> <u>data monitoring 7 days a week and 24 hours a day.</u> <sup>1</sup> Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint |          |

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|  |   | States may operate a joint fisheries monitoring centre.  | fisheries monitoring centre.<br><br><u>1. A recital will clarify that this paragraph does not require the physical presence of staff 7 days a week and 24 hours a day.</u>   |          |
| Article 1, first paragraph, point (7), amending provision(3)                       |   |  |  |          |
| 205  | 3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and in particular as listed in Articles 109 and 110 and operate 7 days a week and 24 hours a day. | 3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and in particular as listed in Articles 109 and 110, <u>thus ensuring monitoring and operate</u> 7 days a week and 24 hours a day. | 3. <del>Flag</del> -Member States shall ensure that fisheries monitoring centres have access to all relevant data and, in particular, <u>data-as</u> listed in Articles 109 and 110 <del>and operate 7 days a week and 24 hours a day.</del> |          |
| Article 1, first paragraph, point (7), amending provision, numbered paragraph (3a) |   |  |  |          |
| 205a   |   | <u>3a. Fisheries monitoring centres shall support real-time monitoring of vessels so as to enable immediate enforcement action.</u>  | "  |          |
| Article 1, first paragraph, point (7), amending provision(4), introductory part    |   |  |  |          |
| 206  | 4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning detailed rules on   |  | 4. The Commission <del>is empowered to adopt delegated acts in accordance with Article 119a concerning</del> <u>may, by means of</u>   |          |

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|   | monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular relating to                  |                                      | <u>implementing acts. lay down</u> detailed rules on <del>monitoring of fishing activities and fishing effort</del> <del>by the</del> fishing monitoring centres, in particular relating to: |          |
| Article 1, first paragraph, point (7), amending provision(4)(a) |   |                                      |  |          |
| 207   | (a) the monitoring of entry into and exit from specific areas;  |                                      | (a) the monitoring of entry into and exit from specific areas;   |          |
| Article 1, first paragraph, point (7), amending provision(4)(b) |   |                                      |  |          |
| 208   | (b) the monitoring and recording of fishing activity;   |                                      | (b) the monitoring and recording of fishing <del>activity</del> <u>activities</u> ;  |          |
| Article 1, first paragraph, point (7), amending provision(4)(c) |   |                                      |  |          |
| 209   | (c) the provisions applicable in case of a technical or communication failure or non-functioning of the vessel monitoring device; |                                      | (c) the provisions applicable in case of a technical or communication failure or non-functioning of the vessel monitoring device;  |          |
| Article 1, first paragraph, point (7), amending provision(4)(d) |   |                                      |  |          |
| 210   | (d) measures to be taken in case of non-receipt of data concerning the position and movement of fishing vessels.                  |                                      | (d) measures to be taken in case of non-receipt of data concerning the position and movement of fishing vessels.   |          |

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|   | "  |                                      |  |          |
| Article 1, first paragraph, point (7), amending provision, first subparagraph |  |                                      |  |          |
| 210a  |  |                                      | <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</i></u> | "        |
| Article 1, first paragraph, point (8), introductory part                      |  |                                      |  |          |
| 211   | (8) Article 10 is replaced by the following: |                                      | (8) Article 10 is replaced by the following:   |          |
| Article 1, first paragraph, point (8), amending provision, first paragraph    |  |                                      |  |          |
| 212   | "<br>Article 10                              |                                      | "<br>Article 10  |          |
| Article 1, first paragraph, point (8), amending provision, second paragraph   |  |                                      |  |          |
| 213   | Automatic identification system              |                                      | <u><i>Transmission of data from automatic identification</i></u><br><del>system</del> <u>systems</u>                               |          |
| Article 1, first paragraph, point (8), amending provision, third paragraph    |  |                                      |  |          |
| 214   |  |                                      |  |          |

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|  | <p>In accordance with Directive 2002/59/EC, a fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation.</p> | <p>"<br/>In accordance with Directive 2002/59/EC, a fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in <u>continuous</u> operation <del>and fully functioning</del> automatic identification system which meets the performance standards drawn up by the International Maritime Organisation.</p>  | <p><del>In accordance with Directive 2002/59/EC, a fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation.</del> <u>Member States shall ensure that data from the automatic identification systems referred to in Article 6a of Directive 2002/59/EC for fishing vessels flying their flag are made available to their competent authorities responsible for fisheries control.</u></p> | <p>"</p> |
| Article 1, first paragraph, point (8), amending provision, third paragraph a |   |  |   |          |
| 214a   |   | <p><u>1a. By way of derogation from paragraph 1, if the master of a Union fishing vessel believes that the continuous operation of the automatic identification system might compromise safety or where security incidents are imminent, the automatic identification system may be switched off. Where the automatic identification system is switched off in accordance with the first</u></p> |   |          |

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|  |  | <p><u>subparagraph. the master of a Union fishing vessel shall report that action and the reason for doing so to the competent authorities of its flag Member State and, when relevant, to the competent authorities of the coastal State. The master shall restart the automatic identification system as soon as the source of danger has disappeared.</u></p> |  |          |
| Article 1, first paragraph, point (8), amending provision, third paragraph b |  |  |  |          |
| 214b   |  | <p><u>1b. Member States shall ensure that data from the automatic identification system is made available to their national fisheries control authorities for control purposes, including cross-checks of automatic identification system data with other available data, in accordance with Articles 109 and 110.</u></p>                                       | "  |          |
| Article 1, first paragraph, point (9), introductory part                     |  |  |  |          |
| 215  | (9) Article 12 is replaced as follows: |  | (9) Article 12 is replaced <del>as follows</del> <u>by the following</u> : |          |
| Article 1, first paragraph, point (9), amending provision, first paragraph   |  |  |  |          |



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| 216   | "<br>Article 12  |                                      | "<br>Article 12  |          |
| Article 1, first paragraph, point (9), amending provision, second paragraph |  |                                      |  |          |
| 217   | Transmission of data for surveillance operations   |                                      | Transmission of data for surveillance operations   |          |
| Article 1, first paragraph, point (9), amending provision, third paragraph  |  |                                      |  |          |
| 218   | Data from the vessel monitoring system(s), the automatic identification system 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 for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.<br>" |                                      | Data from the vessel monitoring system(s); <del>the automatic identification system</del> 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, <u>when necessary</u> for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.<br>" |          |
| Article 1, first paragraph, point (10), introductory part                   |  |                                      |  |          |
| 219   | (10) Article 13 is deleted.  |                                      | (10) Article 13 is <u>replaced by the</u>  |          |

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|  |                     |                                      | <u>following:</u> <del>deleted.</del>   |          |
| Article 1, first paragraph, point (10), amending provision, first paragraph  |                     |                                      |   |          |
| 219a   |                     |                                      | "<br><u>"Article 13</u>   |          |
| Article 1, first paragraph, point (10), amending provision, second paragraph |                     |                                      |   |          |
| 219b   |                     |                                      | <u>Remote electronic monitoring</u>   |          |
| Article 1, first paragraph, point (10), amending provision(1)                |                     |                                      |   |          |
| 219c   |                     |                                      | <u>1. Member States shall ensure monitoring and control of fishing activities through remote electronic monitoring (REM) systems as set out in this Article.</u>  |          |
| Article 1, first paragraph, point (10), amending provision(2)                |                     |                                      |   |          |
| 219d   |                     |                                      | <u>2. For the purpose of monitoring and control of the landing obligation, Member States shall ensure that fleet segments of Union catching vessels of 24 metres' length overall or more flying their flag which pose a serious risk of non-compliance with the landing</u> |          |

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|  |                     |                                      | <p><u>obligation have installed on board an operating REM system.</u><br/> <u>The REM system shall be able to effectively monitor and control the landing obligation and may include geonositioning systems, sensors and CCTV cameras.</u><br/> <u>The data from the REM system shall be stored on board. 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.</u></p> |          |
| Article 1, first paragraph, point (10), amending provision(3)    |                     |                                      |  |          |
| 219e   |                     |                                      | <p><u>3. For the purpose of implementation of paragraph 2, the Commission shall, by means of implementing acts:</u></p>  |          |
| Article 1, first paragraph, point (10), amending provision(3)(a) |                     |                                      |  |          |
| 219f   |                     |                                      | <p><u>(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</u></p>  |          |

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|   |                     |                                      | <u><i>of non-compliance with the landing obligation;</i></u>   |          |
| Article 1, first paragraph, point (10), amending provision(3)(b)            |                     |                                      |  |          |
| 219g  |                     |                                      | <u><i>(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 also ensure that CCTV footage, if used, should only concern the gear and the parts of the vessel where fishery products are brought on board, handled, stored and discarded;</i></u> |          |
| Article 1, first paragraph, point (10), amending provision(3)(c)            |                     |                                      |  |          |
| 219h  |                     |                                      | <u><i>(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.</i></u>  |          |
| Article 1, first paragraph, point (10), amending provision, third paragraph |                     |                                      |  |          |

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|  |                     |                                      | <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</i></u>  |          |
| Article 1, first paragraph, point (10), amending provision(4)    |                     |                                      |   |          |
|  |                     |                                      | <u><i>4. The risk assessment referred to in point (a) of paragraph 3 shall:</i></u>   |          |
| Article 1, first paragraph, point (10), amending provision(4)(a) |                     |                                      |   |          |
|  |                     |                                      | <u><i>(a) follow a regional approach:</i></u>   |          |
| Article 1, first paragraph, point (10), amending provision(4)(b) |                     |                                      |   |          |
|  |                     |                                      | <u><i>(b) establish the level of risk by fleet segment, based on gear and mesh size, area covered and species targeted:</i></u>   |          |
| Article 1, first paragraph, point (10), amending provision(4)(c) |                     |                                      |   |          |
|  |                     |                                      | <u><i>(c) include a risk analysis determining the likelihood of non-compliance with the landing obligation at fleet segment level jointly carried out by the Member</i></u> |          |

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|  |                     |                                      | <u>States concerned, in cooperation with EFCA, using all available and relevant information, in particular scientific estimates of discards and unwanted catches and data from the last haul inspections, and considering any lack of such data.</u>   |          |
| Article 1, first paragraph, point (10), amending provision, fourth paragraph |                     |                                      |  |          |
| 219n   |                     |                                      | <u>The risk assessment may also take into account the impact on stocks concerned.</u>  |          |
| Article 1, first paragraph, point (10), amending provision(5)                |                     |                                      |  |          |
| 219o   |                     |                                      | <u>5. Member States may provide that certain fleet segments of Union catching vessels below 24 metres' 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.</u> |          |
| Article 1, first paragraph, point (11), introductory part                    |                     |                                      |  |          |
| 220  |                     |                                      |  |          |

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|   | (11) Article 14 is replaced as follows:   |  | (11) Article 14 is replaced <del>as</del> <i>follows by the following:</i>  |          |
| Article 1, first paragraph, point (11), amending provision, first paragraph         |   |  |   |          |
| 221   | “<br>Article 14   |  | “<br>Article 14   |          |
| Article 1, first paragraph, point (11), amending provision, second paragraph        |   |  |   |          |
| 222   | Completion of the fishing logbook   |  | Completion of the fishing logbook   |          |
| Article 1, first paragraph, point (11), amending provision(1)                       |   |  |   |          |
| 223   | 1. The master of each Union catching vessel shall keep an electronic fishing logbook for the purpose of recording fishing activities. |  | 1. The master of each Union catching vessel shall keep an electronic fishing logbook for the purpose of recording fishing activities. |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1a) |   |  |   |          |
| 223a  |   | “<br><i><u>1a. Masters of Union fishing vessels of less than 12 metres' length overall, as well as natural persons engaging in fishing without vessels, shall keep an electronic logbook in a simplified format.</u></i> |   |          |

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| Article 1, first paragraph, point (11), amending provision(2), introductory part |  |   |  |          |
| 224  | 2. The fishing logbook referred to in paragraph 1 shall contain in particular the following information:     | 2. The fishing logbook referred to in paragraph 1 shall <u>be of uniform format throughout the Union and shall</u> contain in particular the following information: | 2. The fishing logbook referred to in paragraph 1 shall contain <del>the</del> <u>particular at least</u> the following information:   |          |
| Article 1, first paragraph, point (11), amending provision(2)(a)                 |  |   |  |          |
| 225  | (a) a unique fishing trip identification number;   |   | (a) <del>the</del> unique fishing trip identification number;  |          |
| Article 1, first paragraph, point (11), amending provision(2)(b)                 |  |   |  |          |
| 226  | (b) the vessel identification numbers and the name of the fishing vessel;                                    |   | (b) the <u>common fleet register (CFR) number or, where that number is not available, another</u> vessel identification <del>numbers</del> <u>number</u> and the name of the fishing vessel; |          |
| Article 1, first paragraph, point (11), amending provision(2)(c)                 |  |   |  |          |
| 227  | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken; |   | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;   |          |



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| Article 1, first paragraph, point (11), amending provision(2)(d)  |  |  |   |          |
| 228   | (d) the date and, where appropriate, time of catches;  | (d) the date <del>and, where appropriate, time</del> of catches;                                 | (d) the date and, <del>where appropriate</del> <u>for vessels of 12 metres' length overall or more. the</u> time of catches;  |          |
| Article 1, first paragraph, point (11), amending provision(2)(e)  |  |  |   |          |
| 229   | (e) the date and time of departure from, and of arrival to, port and the duration of the fishing trip; |  | (e) the date and time of departure from, and of arrival to, port <del>and the duration of the fishing trip</del> ;  |          |
| Article 1, first paragraph, point (11), amending provision(2)(e1) |  |  |   |          |
| 229a  |  |  | <u>(e1) the geographical position of setting the gear and the time of the haul, for vessels exempted from the requirement to be fitted with a vessel monitoring system under Article 9(3a):</u> |          |
| Article 1, first paragraph, point (11), amending provision(2)(f)  |  |  |   |          |
| 230   | (f) the type of gear, technical specifications and dimensions;   | (f) the type of gear, <del>technical specifications and</del> <u>and approximate</u> dimensions; | (f) the type of <u>fishing</u> gear, <u>its</u> technical specifications and dimensions;  |          |

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| Article 1, first paragraph, point (11), amending provision(2)(g) |  |   |   |          |
| 231  | (g) the estimated 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; for Union fishing vessels of 12 metres' length overall or more, this information shall be provided per haul or per fishing operation; | (g) the estimated 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; for Union fishing vessels of 12 metres' length overall or more, this information shall be provided <del>per haul or per</del> <u>at the end of the</u> fishing <del>operation</del> <u>day</u> ; | (g) the estimated quantities of each species <u>retained on board</u> in kilograms live weight or, where appropriate, the number of individuals, including <u>as a separate entry</u> , the quantities or individuals below the applicable minimum conservation reference size, <del>as a separate entry</del> ; For Union <u>fishing catching</u> vessels of 12 metres' length overall or more, this information shall be provided <del>per haul or</del> per fishing operation; |          |
| Article 1, first paragraph, point (11), amending provision(2)(h) |  |   |   |          |
| 232  | (h) estimated discards of live-weight equivalent in volume for any species not subject to the landing obligation;  | (h) estimated discards <del>of live-weight equivalent in volume</del> for any species not subject to the landing obligation;  | (h) estimated <del>discards of live-weight equivalent in volume</del> <u>quantities of each species discarded in kilograms live-weight</u> for any species not subject to the landing obligation;   |          |
| Article 1, first paragraph, point (11), amending provision(2)(i) |  |   |   |          |
| 233  | (i) estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation   |   | (i) estimated <del>discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation</del>   |          |

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|  | (EU) No 1380/2013;  |  | <del>(EU) No 1380/2013</del> <u>quantities of each sensitive species as defined in Article 6(8) of Regulation (EU) 2019/1241, retained on board or discarded, in kilograms live weight or, where appropriate, the number of individuals;</u> |          |
| Article 1, first paragraph, point (11), amending provision(2)(j)                 |   |  |  |          |
| 234  | (j) the conversion factors used;  |  | (j) <u>where applicable,</u> the conversion <del>factors</del> <u>factor(s)</u> used;  |          |
| Article 1, first paragraph, point (11), amending provision(2)(k)                 |   |  |  |          |
| 235  | (k) data required in application of fisheries agreements referred to in paragraph 1 of Article 3. |  | (k) data required in application of fisheries agreements referred to in <del>paragraph 1 of</del> Article <del>33(1)</del> .   |          |
| Article 1, first paragraph, point (11), amending provision(3), introductory part |   |  |  |          |
| 236  | 3. In the case of fishing gears lost at sea, the logbook shall also contain:                      |  | 3. In the case of fishing <del>gears</del> <u>gear</u> lost at sea, the logbook shall also contain <u>the following information</u> :  |          |
| Article 1, first paragraph, point (11), amending provision(3)(a)                 |   |  |  |          |
| 237  | (a) the type of lost gear;  | (a) the type <u>and approximate dimensions</u> of lost gear; | (a) the type of lost gear;   |          |

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| Article 1, first paragraph, point (11), amending provision(3)(b)                       |   |   |  |          |
| 238  | (b) the date and time when the gear was lost;     | (b) the date and <u>approximate</u> time when the gear was lost;                            | (b) the date and time when the gear was lost;                |          |
| Article 1, first paragraph, point (11), amending provision(3)(c)                       |   |   |  |          |
| 239  | (c) the position where the gear was lost;         |   | (c) the position where the gear was lost;                    |          |
| Article 1, first paragraph, point (11), amending provision(3)(d)                       |   |   |  |          |
| 240  | (d) the measures undertaken to retrieve the gear. |   | (d) the measures undertaken to retrieve the gear.            |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (3a)    |   |   |  |          |
| 240a   |   | <u>3a. In the case of the capture of sensitive species, the logbook shall also contain:</u> |  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (3b)(a) |   |   |  |          |
| 240b   |   | <u>(a) the species captured:</u>  |  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph         |   |   |  |          |

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| (3b)(b)  |                     |   |  |          |
| 240c   |                     | <u>(b) the number of individuals captured;</u>              |  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (3b)(c) |                     |   |  |          |
| 240d   |                     | <u>(c) the date and geographic position of the capture;</u> |  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (3b)(d) |                     |   |  |          |
| 240e   |                     | <u>(d) the number of individuals killed;</u>                |  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (3b)(e) |                     |   |  |          |
| 240f   |                     | <u>(e) the number of individuals released;</u>              |  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (3b)(f) |                     |   |  |          |
| 240g   |                     | <u>(f) the number of individuals injured and released.</u>  |  |          |
| Article 1, first paragraph, point (11), amending provision(4), first subparagraph      |                     |   |  |          |

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| 241   | 4. When compared with the quantities landed or the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per species. For species retained on board that do not exceed 50kg live weight equivalent, the permitted margin of tolerance shall be 20% per species. | 4. When compared with the quantities landed or the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per species. For <u>mixed fisheries, small pelagic purse-seine vessels or</u> species retained on board that do not exceed <del>50kg</del> <u>100kg</u> live weight equivalent, the permitted margin of tolerance shall be <del>20%</del> <u>20 %</u> per species. <u>For tuna species, it shall be 25 %.</u> | 4. When compared with the quantities landed or <u>with</u> 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 <del>species. For species retained on board that do not exceed 50kg live weight equivalent, the permitted margin of tolerance shall be 20%</del> <u>per each</u> species. |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph                    |  |   |   |          |
| 241a  |  |   | <u>The tolerance limitation referred to in the first subparagraph shall not apply to each species, irrespective of whether it is landed sorted or unsorted, retained on board that does not exceed 50kg live weight equivalent.</u>   |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph, introductory part |  |   |   |          |
| 242   | By derogation to the first subparagraph for fisheries referred   | By <u>way of</u> derogation <del>to</del> <u>from</u> the first subparagraph for <del>fisheries</del>   | <u>4a.</u> By <u>way of</u> derogation <del>to</del> <u>from</u> the first subparagraph <del>for</del> <u>of</u>  |          |

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|  | to in the first and third indents of Article 15(1)(a) of Regulation (EU) No 1380/2013 which are landed unsorted, the tolerance limitations set out in this paragraph shall not apply to catches of species which meet both of the following conditions: | <i>referred to in the first and third indents of Article 15(1)(a) of Regulation (EU) No 1380/2013 which are landed unsorted, the tolerance limitations set out in this paragraph shall not apply to catches of species</i> <u>small pelagic fisheries (mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, Argentinian silverside, sardine and sprat) and industrial fisheries (inter alia capelin, sand eel and Norway pout)</u> which <del>meet both of</del> <u>are landed unsorted</u> , the following <del>conditions</del> <u>exceptions shall be made:</u> | <u>paragraph 4, in the case of</u> fisheries referred to in the first and third indents of <u>point (a) of</u> Article <del>15(1)(a)</del> <u>15(1)</u> of Regulation (EU) No 1380/2013, <u>for species</u> which are landed unsorted, <del>the tolerance limitations set out in this paragraph shall not apply to catches of species which meet both of the following conditions</del> <u>and which are covered by a sampling plan referred to in Article 60(1a), the following margins of tolerance shall apply:</u> |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(a)    |   |   |  |          |
| 243  | (a) they represent less than 1% in weight of all species landed; and  | (a) <del>they represent less than 1% in weight of all</del> <u>the tolerance limitations set out in this paragraph shall not apply to catches of</u> species <del>landed; and</del> <u>which meet one of the following conditions:</u>  | <del>(a) they represent less than 1% in weight of all species landed; and</del>  |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(a)(1) |   |   |  |          |
| 243a   |   | <u>(1) they represent less than 1% in weight of all species landed; or</u>  |  |          |

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| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(a)(2)   |   |   |  |          |
| 243b   |   | <u>(2) their total weight is less than 100kg;</u>   |  |          |
| Article 1, first paragraph, point (11), amending provision(4), numbered paragraph (4a) (a) |   |   |  |          |
| 243c   |   |   | <u>(a) for small pelagic species and species for industrial purposes, the permitted margin of tolerance in estimates recorded or not 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;</u> |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(b)      |   |   |  |          |
| 244  | (b) their total weight is less than 100 kg. | <del>(b) their total weight is less than 100 kg;</del> <u>for Member States which have adopted a risk-based sampling plan, approved by the Commission, for weighing unsorted landings, the following tolerance limitations shall apply:</u> | <del>(b) their total weight is less than 100 kg;</del>   |          |
| Article 1, first paragraph, point (11), amending provision(4), second                      |   |   |  |          |



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| subparagraph(b)(i)   |                     |   |  |          |
| 244a   |                     | <u><i>(i) for small pelagics, and industrial fisheries, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % of the total volume of all species recorded in the logbook for each species;</i></u>        |  |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(b)(ii)  |                     |   |  |          |
| 244b   |                     | <u><i>(ii) for other non-target species, the permitted margin of tolerance in estimates, whether recorded in the logbook or not, of the quantities in kilograms of fish retained on board shall be 200 kg or 1 % of the total volume of all species recorded in the logbook for each species; and</i></u> |  |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(b)(iii) |                     |   |  |          |
| 244c   |                     | <u><i>(iii) for the total quantity of all species, the permitted margin of tolerance in estimates recorded in the logbook of the total quantity in</i></u>  |  |          |

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|   |                     | <u><i>kilograms of fish retained on board shall be 10 % of the total volume of all species recorded in the logbook.</i></u>   |   |          |
| Article 1, first paragraph, point (11), amending provision(4), numbered paragraph (4a)(b) |                     |   |   |          |
| 244d  |                     |   | <u><i>(b) for all other species, the permitted margin of tolerance in estimates recorded or not in the fishing logbook of the quantities in kilograms of fish retained on board shall be 200 kg or 1 %, whatever is greater, of the total quantity of all species recorded in the fishing logbook per each species.</i></u> |          |
| Article 1, first paragraph, point (11), amending provision(4), second subparagraph(ba)    |                     |   |   |          |
| 244e  |                     | <u><i>(ba) By way of derogation from the first paragraph, for the tropical tuna purse seine fishery, for species covered by a risk-based sampling plan approved by the Commission, the tolerance allowed in the estimate recorded in the fishing logbook of the total quantities in kilograms of fish kept on board, all species combined, shall be 10% of the total quantities landed of all</i></u> |   |          |

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|   |                     | <u>species combined.</u>             |  |          |
| Article 1, first paragraph, point (11), amending provision, first paragraph         |                     |                                      |  |          |
| 244f  |                     |                                      | <u>Notwithstanding the provisions set out in points (a) and (b), 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.</u>  |          |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (4b) |                     |                                      |  |          |
| 244g  |                     |                                      | <u>4b. By way of derogation from the first sub-paragraph of paragraph 4, in the case of fisheries targeting species whose morphological similarity has been certified by a Union or international scientific body and in the case of unsorted mixed fisheries, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board of those species shall be 10 % of the total quantity of those species recorded in the</u> |          |

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|   |   |                                      | <u><a href="#">fishing logbook, provided that those species are covered by a sampling plan referred to in Article 60(1a).</a></u>   |          |
| Article 1, first paragraph, point (11), amending provision(5), introductory part    |   |                                      |   |          |
| 245   | 5. In fisheries subject to a Union regime of fishing effort, masters of Union catching vessels shall record and account in their fishing logbooks for the time spent in an area as follows: |                                      | 5. In fisheries subject to a Union regime of fishing effort, masters of Union catching vessels shall record and account in their fishing logbooks for the time spent in an area as follows: |          |
| Article 1, first paragraph, point (11), amending provision(5)(a), introductory part |   |                                      |   |          |
| 246   | (a) with regard to towed gear:  |                                      | (a) with regard to towed gear:  |          |
| Article 1, first paragraph, point (11), amending provision(5)(a)(i)                 |   |                                      |   |          |
| 247   | (i) entry into, and exit from the port located in that area;  |                                      | (i) entry into, and exit from the port located in that area;  |          |
| Article 1, first paragraph, point (11), amending provision(5)(a)(ii)                |   |                                      |   |          |
| 248   | (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;  |                                      | (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;  |          |

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| Article 1, first paragraph, point (11), amending provision(5)(a)(iii)               |  |   |   |                 |
| 249   | (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; |   | (ii) 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; |                 |
| Article 1, first paragraph, point (11), amending provision(5)(b), introductory part |  |   |   |                 |
| 250   | (b) with regard to static gear:  |   | (b) with regard to static gear:   |                 |
| Article 1, first paragraph, point (11), amending provision(5)(b)(i)                 |  |   |   |                 |
| 251   | (i) entry into, and exit from the port located in that area;   |   | (i) entry into, and exit from the port located in that area;  |                 |
| Article 1, first paragraph, point (11), amending provision(5)(b)(ii)                |  |   |   |                 |
| 252   | (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;   |   | (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;  |                 |
| Article 1, first paragraph, point (11), amending provision(5)(b)(iii)               |  |   |   |                 |
| 253   | (iii) the date and time of setting or re-setting of the static gear in these areas;  |   | (ii) the date and time of setting or re-setting of the static gear in these areas;  |                 |

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| Article 1, first paragraph, point (11), amending provision(5)(b)(iv) |  |   |  |          |
| 254  | (iv) the date and time of the completion of fishing operations using the static gear;  |   | (iv) the date and time of the completion of fishing operations using the static gear;  |          |
| Article 1, first paragraph, point (11), amending provision(5)(b)(v)  |  |   |  |          |
| 255  | (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.   |   | (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.   |          |
| Article 1, first paragraph, point (11), amending provision(6)        |  |   |  |          |
| 256  | 6. To convert stored or processed fish weight into live fish weight for the purposes of the logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 9. |   | 6. To convert stored or processed fish weight into live fish weight for the purposes of the logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 9. |          |
| Article 1, first paragraph, point (11), amending provision(7)        |  |   |  |          |
| 257  | 7. Masters of third country catching vessels operating in Union waters   | 7. Masters of third country catching vessels operating in Union waters <a href="#">or</a> | <del>7. Masters of third country catching vessels operating in Union waters</del>  |          |

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|  | shall record the information referred to in this Article in the same way as masters of Union fishing vessels. | <u>in international waters with shared fish stocks</u> shall record the information referred to in this Article in the same way as masters of Union fishing vessels. | <del>shall record the information referred to in this Article in the same way as masters of Union fishing vessels.<sup>1</sup></del><br><br><u>1. The following recital will be added to explain the deletion: Regulation (EU) 2017/2403 of the European Parliament and the Council 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 shall 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 vessels should be deleted.</u> |          |
| Article 1, first paragraph, point (11), amending provision(8)  |   |  |   |          |
| 258  | 8. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.        |  | 8. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.  |          |
| Article 1, first paragraph, point (11), amending provision(8a) |   |  |   |          |
| 258a   |   |  | <u>8a. Paragraphs 1 to 4 and 5 to 8 of this Article shall apply from ... 124 months after the date of application of this Regulation.</u>   |          |

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| Article 1, first paragraph, point (11), amending provision(9), first subparagraph, introductory part |   |                                      |   |          |
| 259  | 9. The Commission may, by means of implementing acts,   |                                      | 9. The Commission may, by means of implementing acts, <u>establish conversion factors and lay down detailed rules on:</u>                         |          |
| Article 1, first paragraph, point (11), amending provision(9)(a)                                     |   |                                      |   |          |
| 260  | (a) lay down detailed rules on the implementation of the margin of tolerance as defined in paragraph 3; |                                      | (a) <del>lay down detailed rules on</del> the implementation of the margin of tolerance as defined in paragraph <del>3</del> , <u>4a and 4b</u> ; |          |
| Article 1, first paragraph, point (11), amending provision(9)(b)                                     |   |                                      |   |          |
| 261  | (b) lay down detailed rules on the use of conversion factors;   |                                      | (b) <del>lay down detailed rules on</del> the use of conversion factors;.   |          |
| Article 1, first paragraph, point (11), amending provision(9), first subparagraph(c)                 |   |                                      |   |          |
| 262  | (c) set conversion factors.   |                                      | <del>(c) set conversion factors.</del>  |          |
| Article 1, first paragraph, point (11), amending provision(9), second subparagraph                   |   |                                      |   |          |
| 263  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in    |                                      | Those implementing acts shall be adopted in accordance with the examination procedure referred to in  |          |



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|  | Article 119(2).<br>”  |                                      | Article 119(2). <u>Implementing acts referred to in point (a) of this paragraph shall be adopted by ... [18 months after the entry into force of this Regulation].</u><br>”                |          |
| Article 1, first paragraph, point (12), introductory part                        |   |                                      |  |          |
| 264  | (12) Article 15 is replaced by the following:   |                                      | (12) Article 15 is replaced by the following:  |          |
| Article 1, first paragraph, point (12), amending provision, first paragraph      |   |                                      |  |          |
| 265  | “<br>Article 15   |                                      | “<br>Article 15  |          |
| Article 1, first paragraph, point (12), amending provision, second paragraph     |   |                                      |  |          |
| 266  | Electronic submission of the logbook  |                                      | Electronic submission of the <u>fishing</u> logbook  |          |
| Article 1, first paragraph, point (12), amending provision(1), introductory part |   |                                      |  |          |
| 267  | 1. Masters of Union catching vessels of 12 metres' length overall or more shall submit by electronic means the information referred to in Article 14 to the competent authority |                                      | 1. Masters of Union catching vessels <del>of 12 metres' length overall or more</del> shall submit by electronic means the information referred to in Article 14 to the competent authority |          |

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|   | of their flag Member State:   |  | of their flag Member State:  |          |
| Article 1, first paragraph, point (12), amending provision    |   |  |  |          |
| 268   | (a) at least once a day, and where applicable, after each haul; and   | “<br>(a) at least once <del>a day, and where applicable, after each haul</del> <u>at the end of the fishing day</u> ; and  | <del>(a) at least once a day, and where applicable, after each haul; and</del>   |          |
| Article 1, first paragraph, point (12), amending provision    |   |  |  |          |
| 269   | (b) after the last fishing operation has been completed and before entering port.   | (b) after the last fishing operation has been completed and before <del>entering port</del> <u>landing operations begin</u> .  | <del>(b) after the last fishing operation has been completed</del> and before entering <u>a port or other landing place</u> <del>port</del> .  |          |
| Article 1, first paragraph, point (12), amending provision(2) |   |  |  |          |
| 270   | 2. Masters of Union catching vessels of less than 12 metres' length overall shall submit by electronic means the information referred to in Article 14, to the competent authority of their flag Member State after the last fishing operation has been completed and before entering port. | 2. Masters of Union catching vessels of less than 12 metres' length overall shall submit by electronic means <u>using a harmonised, simplified format</u> , 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 <del>entering port</del> <u>landing operations begin</u> . | 2. <u>By way of derogation from paragraph 1</u> , masters of Union catching vessels <del>of less than</del> <u>below</u> 12 metres ' length overall shall submit by electronic means the information referred to in Article 14, to the competent authority of their flag Member State after <u>entering a port or a landing place and before weighing or, in the cases referred to in points (c) and (d) of Article 60(1a), the last fishing operation has</u> |          |

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|   |   |  | <del>been completed and</del> before <i>entering port</i> <u>transport</u> .   |          |
| Article 1, first paragraph, point (12), amending provision(3) |   |  |  |          |
| 271   | 3. Masters of Union catching vessels shall also send electronically the information referred to in Article 14 at the time of any inspection and upon request of the competent authority of their flag Member State. |  | 3. Masters of Union catching vessels shall also <del>send electronically</del> <u>submit by electronic means</u> the information referred to in Article 14 at the time of any inspection and upon request of the competent authority of their flag Member State. <u>In case the vessel is not within reach of a network, the information shall be recorded and submitted as soon as the vessel is in reach of a network.</u> |          |
| Article 1, first paragraph, point (12), amending provision(4) |   |  |  |          |
| 272   | 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.           | 4. <u>The competent authorities of the flag Member State shall send electronic reports containing the data from fishing vessels obtained pursuant to paragraphs 1, 2 and 3 to the competent authorities of a coastal Member State.</u> The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data | 4. <del>The competent authorities of a coastal Member State</del> <u>Paragraphs 1 to 3 of this Article</u> shall <del>accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1, 2 and 3.</del> <u>apply from ... [24 months after the date of application of this Regulation].</u>   |          |

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|   |   | from fishing vessels referred to in paragraphs 1, 2 and 3.  |   |          |
| Article 1, first paragraph, point (12), amending provision(5)               |   |   |   |          |
| 273   | 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. | 5. Masters of third country catching vessels operating in Union waters shall submit by electronic means the information referred to in Article 14 <u>under the same conditions as those which apply to masters of Union fishing vessels</u> to the competent authority of the coastal Member State. | 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. |          |
| Article 1, first paragraph, point (13), introductory part                   |   |   |   |          |
| 274   | (13) the following Article 15a is inserted:   |   | (13) the following <del>Article 15a</del> <u>is Articles 15aa and 15a</u> are inserted:   |          |
| Article 1, first paragraph, point (13), amending provision, first paragraph |   |   |   |          |
| 274a  |   |   | “<br><u>Article 15aa</u>  |          |
| Article 1, first paragraph, point (13), amending provision, first paragraph |   |   |   |          |
| 274b  |   |   |   |          |

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|  |   |                                      | <p><u>For the purpose of applying Articles 14 and 15, for vessels below 12 metres' 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 ... 14 months after the entry into force of this Regulation], the Commission shall develop such a system for vessels below 12 metres' length overall. If one or more Member States so request, the system developed by the Commission shall be such as to allow applying also Articles 9, including the requirements of vessel monitoring systems where applicable, 19a, 20, 21, 22, 23 and 24.</u></p> |          |
| Article 1, first paragraph, point (13), amending provision, first paragraph  |   |                                      |  |          |
| 275  | “<br>Article 15a  |                                      | Article 15a  |          |
| Article 1, first paragraph, point (13), amending provision, second paragraph |   |                                      |  |          |
| 276  | Delegated and implementing acts concerning logbook requirements |                                      | <del>Delegated and</del> Implementing acts concerning <u>fishing</u> logbook requirements  |          |

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| Article 1, first paragraph, point (13), amending provision(1), introductory part                     |   |                                      |  |          |
| 277  | 1. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:  |                                      | <del>1. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</del>  |          |
| Article 1, first paragraph, point (13), amending provision(1)(a)                                     |   |                                      |  |          |
| 278  | (a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for logbook data; |                                      | <del>(a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for logbook data;</del> |          |
| Article 1, first paragraph, point (13), amending provision(1)(b)                                     |   |                                      |  |          |
| 279  | (b) measures to be taken in case of non-receipt of logbook data;  |                                      | <del>(b) measures to be taken in case of non-receipt of logbook data;</del>  |          |
| Article 1, first paragraph, point (13), amending provision(1)(c)                                     |   |                                      |  |          |
| 280  | (c) the access to logbook data and measures to be taken in case of data access failure.   |                                      | <del>(c) the access to logbook data and measures to be taken in case of data access failure.</del>   |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, introductory part |   |                                      |  |          |

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| 281  | 2. The Commission may, by means of implementing acts, lay down detailed rules on:      |                                      | <del>2.</del> The Commission <del>may</del> <b>shall</b> , by means of implementing acts, lay down detailed rules on:     |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (a) |  |                                      |   |          |
| 282  | (a) the format, content and submission of the fishing logbook;                         |                                      | (a) the format, content and <b>procedure for</b> submission of the fishing logbook <b>data</b> ;                          |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (b) |  |                                      |   |          |
| 283  | (b) the completion and digital recording of information in the fishing logbook;        |                                      | (b) the completion and <del>digital</del> <b>electronic</b> recording of information in the fishing logbook <b>data</b> ; |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (c) |  |                                      |   |          |
| 284  | (c) the functioning of the electronic recording and reporting system for logbook data; |                                      | (c) the functioning of the electronic recording and reporting system for <b>fishing</b> logbook data;                     |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (d) |  |                                      |   |          |

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| 285  | (d) the requirements for the transmission of logbook data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities; |   | <del>(d) the requirements for the transmission of logbook data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities;</del> |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (e) |  |   |   |          |
| 286  | (e) the requirements and format for exchange of logbook information between Member States;   |   | <del>(e) the requirements and format for exchange of logbook information between Member States;</del>   |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (f) |  |   |   |          |
| 287  | (f) the tasks of the single authority referred to in Article 5(5) with regards to the fishing logbook;   |   | <del>(f) the tasks of the single authority referred to in Article 5(5) with regards to the fishing logbook;</del>   |          |
| Article 1, first paragraph, point (13), amending provision(2), first subparagraph, point (g) |  |   |   |          |
| 288  | (g) the frequency of logbook data transmissions.   | “<br>(g) <del>the frequency of logbook data transmissions.</del><br>” | (g) the frequency of <b>fishing</b> logbook data <del>transmissions.</del> <b>submissions.</b>  |          |



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| Article 1, first paragraph, point (13), amending provision(2), first subparagraph(h) |   |                                      |   |          |
| 288a   |   |                                      | <u><i>(h) the procedures in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for fishing logbook data, and in cases of non-receipt of logbook data and of its access failure.</i></u> |          |
| Article 1, first paragraph, point (13), amending provision(2), second subparagraph   |   |                                      |   |          |
| 289  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                                      | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). <u><i>They shall be adopted by ... /18 months after the date of entry into force of this Regulationl."</i></u><br>"              |          |
| Article 1, first paragraph, point (14)   |   |                                      |   |          |
| 290  | (14) Article 16 is deleted.   |                                      | (14) Article 16 is deleted <u><i>from .... /24 months after the date of application of this Regulationl.</i></u>  |          |
| Article 1, first paragraph, point (15), introductory part                            |   |                                      |   |          |
| 291  | (15) Article 17 is amended as   |                                      | (15) Article 17 is amended as   |          |

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|   | follows:  |  | follows:   |          |
| Article 1, first paragraph, point (15)(a), introductory part                        |   |  |  |          |
| 292   | (a) paragraph 1 is replaced by the following:   |  | (a) paragraph 1 is replaced by the following:  |          |
| Article 1, first paragraph, point (15)(a), amending provision(1), introductory part |   |  |  |          |
| 293   | “<br>1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres’ length overall or more shall notify by electronic means the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information: | “<br>1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres’ length overall or more <u>performing fishing trips longer than 24 hours.</u> shall notify by electronic means the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information:<br>” | “<br>1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres’ length overall or more shall <del>notify</del> <u>submit</u> by electronic means <u>to</u> the competent authorities of their flag Member State at least four hours before the estimated time of arrival at <u>a port or other landing place of a Member State</u> <del>port of</del> the following information: |          |
| Article 1, first paragraph, point (15)(a), amending provision(1)(a)                 |   |  |  |          |
| 294   | (a) the unique trip identification number as indicated in the logbook;  |  | (a) the unique <u>fishing</u> trip identification number <del>as indicated</del> <u>and</u> , in the <del>logbook</del> <u>case of vessels other than catching vessels.</u> <u>the unique fishing trip</u>   |          |

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|   |   |                                      | <u>identification number related to the catches;</u>  |          |
| Article 1, first paragraph, point (15)(a), amending provision(1)(b) |   |                                      |   |          |
| 295   | (b) the vessel identification numbers and the name of the fishing vessel;   |                                      | (b) the <u>CFR number or, where that number is not available, another vessel identification numbers</u> <del>number</del> and the name of the fishing vessel;             |          |
| Article 1, first paragraph, point (15)(a), amending provision(1)(c) |   |                                      |   |          |
| 296   | (c) the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services; |                                      | (c) the <del>name of the port</del> <u>port or other landing place</u> of destination and the purposes of the call, such as landing, transshipment or access to services; |          |
| Article 1, first paragraph, point (15)(a), amending provision(1)(d) |   |                                      |   |          |
| 297   | (d) the dates of the fishing trip and the relevant geographical areas in which the catches were taken;                      |                                      | (d) the dates of the fishing trip <del>and the relevant geographical areas in which the catches were taken;</del>   |          |
| Article 1, first paragraph, point (15)(a), amending provision(1)(e) |   |                                      |   |          |
| 298   | (e) the date and time of departure from port and the estimated date and   |                                      | (e) <del>the date and time of departure from port and</del> the estimated date and  |          |

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|   | time of arrival at port;   |   | time of arrival at port;   |                 |
| Article 1, first paragraph, point (15)(a), amending provision(1)(f) |  |   |  |                 |
| 299   | (f) the FAO alpha-3 code of each species;  |   | (f) the FAO alpha-3 code of each species <u>and the relevant geographical areas in which the catches were taken</u> ;  |                 |
| Article 1, first paragraph, point (15)(a), amending provision(1)(g) |  |   |  |                 |
| 300   | (g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;  |   | (g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;  |                 |
| Article 1, first paragraph, point (15)(a), amending provision(1)(h) |  |   |  |                 |
| 301   | (h) the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size.<br>” |   | (h) the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size.<br>” |                 |
| Article 1, first paragraph, point (15)(b), introductory part        |  |   |  |                 |
| 302   | (b) paragraph 1a is inserted:  |   | (b) <u>paragraph 1a is the following</u>   |                 |

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|   |   |   | <u>paragraphs 1aa and 1a are</u> inserted:   |          |
| Article 1, first paragraph, point (15)(b), amending provision(1aa)              |   |   |  |          |
| 302a  |   |   | "<br><u>1aa. Paragraph 1 of this Article shall apply from ... [24 months after the date of application of this Regulation].</u>  |          |
| Article 1, first paragraph, point (15)(b), amending provision(1a)               |   |   |  |          |
| 303   | "<br>1a. The coastal Member State may set a shorter period of prior notification for vessels flying its flag which operate exclusively within its territorial waters provided that it does not impair the ability of Member States to carry out inspections.<br>" | "<br>1a. The coastal Member State may <del>set a shorter</del> <u>adapt the</u> period of prior notification for vessels flying its flag which operate <del>exclusively</del> within its territorial waters, provided that it does not impair the ability of Member States to carry out inspections.<br>" | 1a. The coastal Member State may set a shorter period of prior notification for <del>vessels flying its flag which operate exclusively within its territorial waters</del> <u>certain fisheries</u> provided that it does not impair the ability of Member States to carry out inspections.<br>" |          |
| Article 1, first paragraph, point (15)(ba), introductory part                   |   |   |  |          |
| 303a  |   | <u>(ba) The following paragraph is inserted:</u>  |  |          |
| Article 1, first paragraph, point (15)(ba), amending provision, first paragraph |   |   |  |          |

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| 303b  |   | "<br><u><i>Ib. Where catches are made between the time of notice being issued and arrival at port, those catches shall be notified additionally after they have been retained on board, before entering port.</i></u><br>" |   |          |
| Article 1, first paragraph, point (15)(c), introductory part                        |   |  |   |          |
| 304   | (c) paragraph 6 is replaced by the following:   |  | (c) paragraph 6 is replaced by the following:   |          |
| Article 1, first paragraph, point (15)(c), amending provision(6), introductory part |   |  |   |          |
| 305   | "<br>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning                                    |  | "<br>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a<br><i>concerning</i>  |          |
| Article 1, first paragraph, point (15)(c), amending provision(6), point (a)         |   |  |   |          |
| 306   | (a) the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1, taking into account the quantities | "<br>(a) the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1,  | <del>(a) the exemption of</del> <u>exempting</u> certain categories of <u>Union</u> fishing vessels from the obligation set out in paragraph 1, taking into account the |          |

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|   | and type of fisheries products to be landed;  | taking into account the quantities and type of fisheries products to be landed <u>and the risk of non-compliance with common fisheries policy rules;</u> ” | quantities and type of <del>fisheries</del> <u>fishery</u> products to be landed; ”  |          |
| Article 1, first paragraph, point (15)(c), amending provision(6), point (b) |   |  |  |          |
| 307   | (b) the extension of the prior notification obligation set out in paragraph 1 to fishing vessels of less than 12 metres’ length overall for specific fisheries;           |  | <del>(b) the extension of the prior notification obligation set out in paragraph 1 to fishing vessels of less than 12 metres’ length overall for specific fisheries;</del> ” |          |
| Article 1, first paragraph, point (15)(c), amending provision(6), point (c) |   |  |  |          |
| 308   | (c) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification; |  |  |          |
| Article 1, first paragraph, point (15)(c), amending provision(6), point (d) |   |  |  |          |
| 309   | (d) measures to be taken in case of non-receipt of prior notifications data;  |  |  |          |

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| Article 1, first paragraph, point (15)(c), amending provision(6), point (e) |   |                                      |   |          |
| 310   | (e) the access to prior notification data and measures to be taken in case of data access failure.  | ”                                    |   |          |
| Article 1, first paragraph, point (15)(d), introductory part                |   |                                      |   |          |
| 310a  |   |                                      | <u>(d) paragraph 7 is added:</u>  |          |
| Article 1, first paragraph, point (15)(d), amending provision(7)            |   |                                      |   |          |
| 310b  |   |                                      | ”<br><u>7. The Commission may, by means of implementing acts, lay down detailed rules applicable:</u>   |          |
| Article 1, first paragraph, point (15)(d), amending provision(7), point (a) |   |                                      |   |          |
| 310c  | (c) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification; |                                      | <del>(e)(a) the provisions applicable</del> in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification; |          |
| Article 1, first paragraph, point (15)(d), amending provision(7), point (b) |   |                                      |   |          |
| 310d  |   |                                      |   |          |



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|  | (d) measures to be taken in case of non-receipt of prior notifications data;                         |   | <del>(d)(b) measures to be taken</del> in case of non-receipt of prior notifications data;   |          |
| Article 1, first paragraph, point (15)(d), amending provision(7), point (c)          |  |   |  |          |
| 310e   | (e) the access to prior notification data and measures to be taken in case of data access failure. ” |   | <del>(e)(c) the access to in case of</del> prior notification <del>data and measures to be taken in case of</del> data access failure. |          |
| Article 1, first paragraph, point (15)(c), amending provision(7), first subparagraph |  |   |  |          |
| 310f   |  |   | <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u> ”          |          |
| Article 1, first paragraph, point (16)   |  |   |  |          |
| 311  | (16) Article 18 is deleted.  |   | (16) Article 18 is deleted.  |          |
| Article 1, first paragraph, point (17)   |  |   |  |          |
| 312  | (17) in Article 19, the words “in Articles 17 and 18” are replaced by                                | (17) <del>in Article 19</del> <u>Article 19 is replaced by the following:</u> | (17) in Article 19, the words “in Articles 17 and 18” are replaced by  |          |

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|  | the words “in Article 17”.                           | <p><u><i>"Article 19, <del>the words "in Articles 17 and 18"</del> are replaced by the words "in Article 17"</i></u></p> <p><u><i>Authorisation to enter port</i></u></p> <p><u><i>The competent authorities of the coastal Member State may deny access to port to fishing vessels if the information referred to in Article 1 is not complete, except in cases of force majeure, including extremely bad weather conditions and situations where the safety of the crew is at risk."</i></u></p> | the words “in Article 17”.                                   |          |
| Article 1, first paragraph, point (18), introductory part                    |  |  |  |          |
| 313  | (18) Article 19a is inserted:                        |  | (18) Article 19a is inserted:                                |          |
| Article 1, first paragraph, point (18), amending provision, first paragraph  |  |  |  |          |
| 314  | "<br>Article 19a                                     |  | "<br>Article 19a   |          |
| Article 1, first paragraph, point (18), amending provision, second paragraph |  |  |  |          |
| 315  | Prior notification of landing in third country ports |  | Prior notification of landing in third country ports         |          |
| Article 1, first paragraph, point (18), amending provision(1)                |  |  |  |          |

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| 316   | <p>1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic means the competent authorities of their flag Member State at least 3 days before the estimated time of arrival at port of the information listed in paragraph 3 and the flag Member State has not denied the authorisation to land within this period of time.</p> | <p>"</p> <p>1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic means the competent authorities of their flag Member State at least <del>3 days</del> <b>24 hours</b> before the estimated time of arrival at port of the information listed in paragraph 3 and the flag Member State has not denied the authorisation to land within this period of time.</p>  | <p>1. <u>Masters of</u> Union fishing vessels shall <del>only be authorised to land in ports outside Union waters if they have notified</del> <b>submit</b> by electronic means <u>to</u> the competent authorities of their flag Member State <del>at least 3 days before the estimated time of arrival at port of the information listed</del> <b>the information referred to</b> in paragraph 3 <del>and the flag Member State has not denied the authorisation to land within this period of time</del> <b>at least three days before the estimated time of arrival at a third country port.</b></p> |          |
| Article 1, first paragraph, point (18), amending provision(2) |  |   |  |          |
| 317   | <p>2. The flag Member State may set a shorter period, of not less than four hours, for the prior notification referred to in paragraph 1 for fishing vessels flying their flag carrying out fishing activities in third country waters, taking into account the type of fishery products and the distance between the fishing grounds and port.</p>  | <p>2. The flag Member State may set a shorter period, of not less than <del>four</del> <b>two</b> hours, for the prior notification referred to in paragraph 1 for fishing vessels flying their flag carrying out fishing activities in third country waters, taking into account the type of fishery products <del>and</del>, the distance between the fishing grounds and port, <b>as well as the risk of non-compliance with the rules of the common fisheries policy, or with the applicable rules in the</b></p> | <p>2. The flag Member State may set a shorter period, <del>of not less than four hours</del>, for the prior notification referred to in paragraph 1 for <u>its</u> fishing vessels <del>flying their flag carrying out fishing activities in third country waters</del>, taking into account the type of fishery products <del>and</del>, the distance between the fishing grounds and port <b>and the time needed to fulfil its obligations under paragraph 4. The flag Member State shall communicate</b></p>  |          |

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|  |   | <u>waters of the third country where the vessels are operating. In determining the level of that risk, Member States shall take account of serious infringements committed by the vessels concerned.</u> | <u>such shorter period to the Commission.</u>  |          |
| Article 1, first paragraph, point (18), amending provision(3), introductory part |   |  |  |          |
| 318  | 3. Masters of Union fishing vessels shall submit to the flag Member State, the following information:     |  | 3. Masters of Union fishing vessels shall submit to the flag Member State, <u>in particular</u> the following information:   |          |
| Article 1, first paragraph, point (18), amending provision(3)(a)                 |   |  |  |          |
| 319  | (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a); |  | (a) the unique <u>fishing</u> trip identification number <del>as provided on the logbook in accordance with Article 14(2)(a)</del> <u>and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches;</u> |          |
| Article 1, first paragraph, point (18), amending provision(3)(b)                 |   |  |  |          |
| 320  | (b) the vessel identification number and the name of the fishing vessel;                                  |  | (b) the <u>CFR number or, where that number is not available, another</u> vessel identification number and the   |          |

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|  |  |                                      | name of the fishing vessel;   |          |
| Article 1, first paragraph, point (18), amending provision(3)(c) |  |                                      |   |          |
| 321  | (c) the name of the port of destination and the purposes of the call, such as landing or access to services; |                                      | (c) the <del>name of the port</del> <u>port or other landing place</u> of destination and the purposes of the call, such as landing or access to services;                    |          |
| Article 1, first paragraph, point (18), amending provision(3)(d) |  |                                      |   |          |
| 322  | (d) the relevant geographical areas in which the catches were taken;   |                                      | (d) the <del>relevant geographical areas in which the catches were taken</del> <u>dates of the fishing trip</u> ;   |          |
| Article 1, first paragraph, point (18), amending provision(3)(e) |  |                                      |   |          |
| 323  | (e) the date and time of departure from port and the estimated date and time of arrival at port;             |                                      | (e) the <u>estimated</u> date and time of <del>departure from port and the estimated date and time of arrival at port</del> ; <u>arrival at port or other landing place</u> ; |          |
| Article 1, first paragraph, point (18), amending provision(3)(f) |  |                                      |   |          |
| 324  | (f) the FAO alpha-3 code of each species;  |                                      | (f) the FAO alpha-3 code of each species <u>and the relevant geographical areas in which the catches were taken</u> ;   |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|---|---|----------|
| Article 1, first paragraph, point (18), amending provision(3)(g) |  |   |   |          |
| 325  | (g) the quantities of each species recorded in the fishing logbook.  |   | (g) the quantities of each species recorded in the fishing logbook., <u>including, as a separate entry, those below the applicable minimum conservation reference size;</u>   |          |
| Article 1, first paragraph, point (18), amending provision(3)(h) |  |   |   |          |
| 326  | (h) the quantities of each species to be landed.   | (h) the quantities of each species to be landed, <u>including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size.</u>   | (h) the quantities of each species to be landed, <u>including, as a separate entry, those below the applicable minimum conservation reference size.</u>   |          |
| Article 1, first paragraph, point (18), amending provision(4)    |  |   |   |          |
| 327  | 4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the fishing vessel is not complying with the rules of the common fisheries policy, the competent authorities of the flag Member State shall request the cooperation of the third country where the vessel intends to land in | 4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the fishing vessel is not complying with the rules of the common fisheries policy, <u>with the rules applicable in the waters of the third country or in the high seas where the vessel is operating,</u> the competent authorities | 4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the <u>Union</u> fishing vessel is not complying with the rules of the common fisheries policy, the competent authorities of <del>the</del> <u>its</u> flag Member State shall request the cooperation of the third country where the vessel intends to |          |

|   | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|---|---|---|---|-----------------|
|   | view of a possible inspection. For this 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. " | of the flag Member State shall request the cooperation of the third country where the vessel intends to land in view of a possible inspection. For this 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. " | land in view of a possible inspection. For this 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.                         |                 |
| Article 1, first paragraph, point (18), amending provision(5) |   |   |   |                 |
| 327a  |   |   | <u>5. This Article shall apply from ... [24 months after the date of application of this Regulation].</u>   |                 |
| Article 1, first paragraph, point (18), amending provision(6) |   |   |   |                 |
| 327b  |   |   | <u>6. Paragraphs 1, 2 and 3 shall be without prejudice to other rules of the common fisheries policy providing for a prior notification of the flag Member State before arrival at a port outside Union waters.</u> " |                 |
| Article 1, first paragraph, point (19), introductory part     |   |   |   |                 |
| 328   |   |   |   |                 |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|---|--|--|---|----------|
|   | (19) In Article 20 the following paragraphs 2a and 2b are inserted:  |  | (19) in Article 20 the following paragraphs 2a, <del>2b, 2c and 2d</del> <i>and 2b</i> are inserted:  |          |
| Article 1, first paragraph, point (19), amending provision, first paragraph                     |  |  |   |          |
| 329   | "<br>2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008 and Article 43(3) of this Regulation, Union donor vessels and Union receiving vessels shall only be authorised to tranship at sea outside Union waters or in ports of third countries subject to an authorisation received from their flag Member State(s). | "<br>2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008 and Article 43(3) of this Regulation, Union donor vessels and Union receiving vessels shall only be authorised to tranship at sea outside Union waters or in ports of third <del>countries</del> <i>countries</i> subject to an authorisation received from their flag Member State(s). <i>However, transhipment at sea in Union waters shall be permitted in some pelagic fisheries where vessels are many miles from land and their catches are so small that it would be inefficient for those vessels to return to port in order to sell their catch.</i> | "<br>2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008 and Article 43(3) of this Regulation, <del>Union donor vessels</del> <i>and receiving</i> Union <del>receiving</del> <i>fishing</i> vessels shall <del>only</del> be authorised to tranship at sea outside Union waters or in ports of third <del>countries</del> <i>countries only</i> subject to an authorisation received <del>from</del> <i>by</i> their flag Member State(s). |          |
| Article 1, first paragraph, point (19), amending provision, second paragraph, introductory part |  |  |   |          |
| 330   | 2b. In order to apply for an authorisation to tranship under   | 2b. In order to apply for an authorisation to tranship under   | 2b. In order to apply for an authorisation to tranship under  |          |



|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | paragraph 2a, the masters of Union vessels shall submit electronically to their flag Member State, at least 3 days before the planned transshipment operation, the following information: | paragraph 2a, the masters of Union vessels shall submit electronically to their flag Member State, at least <del>3 days</del> <b>24 hours</b> before the planned transshipment operation, the following information: | paragraph 2a, <del>the</del> masters of <b>donor and receiving</b> Union <b>fishing</b> vessels shall submit electronically to their flag Member State, at least 3 days before the planned transshipment operation, the following information:                            |          |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (a) |   |  |   |          |
| 331   | (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);   |  | (a) the unique <b>fishing</b> trip identification number <del>as provided on the logbook in accordance with Article 14(2)(a)</del> <b>and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches</b> ; |          |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (b) |   |  |   |          |
| 332   | (b) the vessel identification numbers and the name of both the donor and the receiving fishing vessels;   |  | (b) the <b>CFR number or, where that number is not available, another</b> vessel identification <del>numbers</del> <b>number</b> and the name of both the donor and the receiving fishing vessels;  |          |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (c) |   |  |   |          |
| 333   |   |  |   |          |

|   | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
|---|--|---|--|-----------------|
|   | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;                                 | (c) the FAO alpha-3 code of each <u>transhipped</u> species and <del>the</del> its relevant geographical area in which the catches were taken;                  | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;   |                 |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (d) |  |   |  |                 |
| 334   | (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation; | (d) the estimated quantities of each <u>transhipped</u> species in kilograms in product weight and in live weight, broken down by type of product presentation; | (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation <u>and state of processing</u> ; |                 |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (e) |  |   |  |                 |
| 335   | (e) the port of destination of the receiving fishing vessel;   |   | (e) the port of destination of the receiving fishing vessel;   |                 |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (f) |  |   |  |                 |
| 336   | (f) date and time of the planned transhipment;   |   | (f) <del>the</del> date and time of the planned transhipment;  |                 |
| Article 1, first paragraph, point (19), amending provision, second paragraph, point (g) |  |   |  |                 |
| 337   | (g) the geographical position or the specific name of the port in which the transhipment operation is  |   | (g) the geographical position or the specific name of the port in which the transhipment operation is  |                 |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | planned.<br>"       |                                      | planned.  |          |
| Article 1, first paragraph, point (19), amending provision, third paragraph, introductory part  |                     |                                      |   |          |
| 337a  |                     |                                      | <u>2c. The Commission may, by means of implementing acts, lay down detailed rules on the description of the processed state of a fishery product or part thereof, in particular through codes and descriptions for the product presentation and the state of processing. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u> |          |
| Article 1, first paragraph, point (19), amending provision, fourth paragraph, introductory part |                     |                                      |   |          |
| 337b  |                     |                                      | <u>2d. Paragraphs 2a and 2b of this Article shall apply from ... [24 months after the date of application of this Regulation].</u><br>"   |          |
| Article 1, first paragraph, point (20), introductory part                                       |                     |                                      |   |          |
| 338   |                     |                                      |   |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|--|---|----------|
|  | (20) Article 21 is replaced by the following:  |  | (20) Article 21 is replaced by the following:   |          |
| Article 1, first paragraph, point (20), amending provision, first paragraph      |  |  |   |          |
| 339  | “<br>Article 21  |  | “<br>Article 21   |          |
| Article 1, first paragraph, point (20), amending provision, second paragraph     |  |  |   |          |
| 340  | Completion of the transhipment declaration   |  | Completion of the transhipment declaration  |          |
| Article 1, first paragraph, point (20), amending provision(1)                    |  |  |   |          |
| 341  | 1. Masters of Union fishing vessels of 10 metres' length overall or more involved in a transhipment operation shall complete an electronic transhipment declaration. | “<br>1. Masters of Union fishing vessels of <del>10</del> <sup>12</sup> metres' length overall or more involved in a transhipment operation shall complete an electronic transhipment declaration. | 1. Masters of Union fishing vessels <del>of 10 metres' length overall or more</del> involved in a transhipment operation shall complete an electronic transhipment declaration. |          |
| Article 1, first paragraph, point (20), amending provision(2), introductory part |  |  |   |          |
| 342  | 2. The transhipment declaration referred to in paragraph 1 shall contain at least the following information:   | 2. The transhipment declaration referred to in paragraph 1 shall <del>be of</del> <u>uniform format throughout the Union and shall</u> contain at least the following information:                 | 2. The transhipment declaration referred to in paragraph 1 shall contain at least the following information:  |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|--|---|--|----------|
| Article 1, first paragraph, point (20), amending provision(2)(a) |  |   |  |          |
| 343  | (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);    |   | (a) the unique <u>fishing</u> trip identification number <del>as provided on the logbook in accordance with Article 14(2)(a)</del> <u>and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches;</u> |          |
| Article 1, first paragraph, point (20), amending provision(2)(b) |  |   |  |          |
| 344  | (b) the vessel identification numbers and the name of both the donor and the receiving fishing vessels;      |   | (b) the <u>CFR number or, where that number is not available, another</u> vessel identification <del>numbers</del> <u>number</u> and the name of both the donor and the receiving fishing vessels;   |          |
| Article 1, first paragraph, point (20), amending provision(2)(c) |  |   |  |          |
| 345  | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken; | (c) the FAO alpha-3 code of each <u>transhipped</u> species and <del>the</del> <u>its</u> relevant geographical area in which the catches were taken; | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;   |          |
| Article 1, first paragraph, point (20), amending provision(2)(d) |  |   |  |          |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)  | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
|--|---|--|--|-----------------|
| 346  | (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size; | (d) the estimated quantities of each <u>transhipped</u> species in kilograms in product weight and in live weight, broken down by type of product presentation or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size; | (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation <u>and state of processing</u> , or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size; |                 |
| Article 1, first paragraph, point (20), amending provision(2)(e) |   |  |  |                 |
| 347  | (e) the port of destination of the receiving fishing vessel and estimated date and time of arrival;   |  | (e) the port of destination of the receiving fishing vessel and estimated date and time of arrival;  |                 |
| Article 1, first paragraph, point (20), amending provision(2)(f) |   |  |  |                 |
| 348  | (f) date and time of transshipment;   |  | (f) date and time of transshipment;  |                 |
| Article 1, first paragraph, point (20), amending provision(2)(g) |   |  |  |                 |
| 349  | (g) the geographical area or the designated port of transshipment;  |  | (g) the geographical area or the designated port of transshipment;   |                 |
| Article 1, first paragraph, point (20), amending provision(2)(h) |   |  |  |                 |
| 350  |   |  |  |                 |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments                                 |
|---|--|---|--|--|
|   | (h) the conversion factors used.   |   | (h) the conversion <del>factors</del> <u>factor(s)</u> used.   |  |
| Article 1, first paragraph, point (20), amending provision(3) |  |   |  |  |
| 351   | 3. When compared with the quantities landed or 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 10 % per species. | 3. When compared with the quantities landed or 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 <del>10</del> <u>15</u> % per species. | 3. When compared with the quantities landed or <u>with</u> 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 <del>10 % per species</del> <u>that as set out in Article 14(4)</u> . | Malta have no objection with EP Mandate. |
| Article 1, first paragraph, point (20), amending provision(4) |  |   |  |  |
| 352   | 4. The masters of both the donor and the receiving fishing vessel shall each be responsible for the accuracy of the data recorded in their respective transshipment declarations.  |   | 4. <del>The</del> Masters of both the donor and the receiving fishing <del>vessel</del> <u>vessels</u> shall each be responsible for the accuracy of the data recorded in their respective transshipment declarations.   |  |
| Article 1, first paragraph, point (20), amending provision(5) |  |   |  |  |
| 353   | 5. To convert stored or processed fish weight into live fish weight for the purposes of transshipment declaration, masters of fishing  |   | 5. To convert stored or processed fish weight into live fish weight for the purposes of <u>the</u> transshipment declaration, masters of fishing   |  |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|---|--|---|---|----------|
|   | vessels shall apply a conversion factor established pursuant to Article 14(9).   |   | vessels shall apply a conversion factor established <del>pursuant to</del> <u>in accordance with</u> Article 14(9).   |          |
| Article 1, first paragraph, point (20), amending provision, numbered paragraph (5a) |  |   |   |          |
| 353a  |  |   | <u>5a. This Article shall apply from ... 124 months after the date of application of this Regulation.</u>   |          |
| Article 1, first paragraph, point (20), amending provision(6)                       |  |   |   |          |
| 354   | 6. The Commission is empowered to adopt delegated acts in accordance with Article 119a to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1, taking into account the quantities and/or type of fisheries products. | 6. The Commission is empowered to adopt delegated acts in accordance with Article 119a to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1, taking into account the quantities and/or type of fisheries products <u>and the risk of non-compliance with common fisheries policy rules, in addition to any other relevant legislation. In determining the level of that risk, serious infringements committed by the vessels concerned shall be considered.</u> | 6. The Commission is empowered to adopt delegated acts in accordance with Article 119a <del>to exempt</del> <u>exempting</u> certain categories of <u>Union</u> fishing vessels from the obligation laid down in paragraph 1 <u>of this Article</u> , taking into account the quantities and/or type of <del>fisheries</del> <u>fishery</u> products, <u>distance between the fishing grounds, transshipping places and ports where the vessels concerned are registered.</u> |          |
| Article 1, first paragraph, point (21), introductory part                           |  |   |   |          |



|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|--|---|--|----------|
| 355  | (21) Articles 22, 23 and 24 are replaced by the following:   |   | (21) Articles 22, 23 and 24 are replaced by the following:   |          |
| Article 1, first paragraph, point (21), amending provision, first paragraph  |  |   |  |          |
| 356  | "<br>Article 22  |   | "<br>Article 22  |          |
| Article 1, first paragraph, point (21), amending provision, second paragraph |  |   |  |          |
| 357  | Electronic transmission of transshipment declaration data  |   | Electronic transmission of transshipment declaration data  |          |
| Article 1, first paragraph, point (21), amending provision(1)                |  |   |  |          |
| 358  | 1. Masters of Union fishing vessels of 10 metres' length overall or more shall send by electronic means the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transshipment operation. | "<br>1. Masters of Union fishing vessels of <del>10</del> <sup>12</sup> metres' length overall or more shall send, by electronic means, <u>using the same format, harmonised at Union level, for all Member States</u> , the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transshipment operation. | 1. Masters of Union fishing vessels <del>of 10 metres' length overall or more</del> shall <del>send</del> <sup>submit</sup> by electronic means the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transshipment operation. |          |
| Article 1, first paragraph, point (21), amending provision(2)                |  |   |  |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|---|--|--------------------------------------|--|----------|
| 359   | 2. 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.   |                                      | <del>2. 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.</del>  |          |
| Article 1, first paragraph, point (21), amending provision(3)                       |  |                                      |  |          |
| 360   | 3. 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. 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. |          |
| Article 1, first paragraph, point (21), amending provision, numbered paragraph (3a) |  |                                      |  |          |
| 360a  |  |                                      | <u>3a. Paragraph 1 of this Article shall apply from ... /24 months after the date of application of this Regulation.</u>   |          |
| Article 1, first paragraph, point (21), amending provision(4), introductory part    |  |                                      |  |          |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
|--|---|---|--|-----------------|
| 361  | 4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:  |   | <del>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</del>  |                 |
| Article 1, first paragraph, point (21), amending provision(4)(a)                                     |   |   |  |                 |
| 362  | (a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transshipment data; |   | <del>(a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transshipment data;</del> |                 |
| Article 1, first paragraph, point (21), amending provision(4)(b)                                     |   |   |  |                 |
| 363  | (b) measures to be taken in case of non-receipt of transshipment data;  |   | <del>(b) measures to be taken in case of non-receipt of transshipment data;</del>  |                 |
| Article 1, first paragraph, point (21), amending provision(4)(c)                                     |   |   |  |                 |
| 364  | (c) the access to transshipment data and measures to be taken in case of data access failure.   |   | <del>(c) the access to transshipment data and measures to be taken in case of data access failure.</del>   |                 |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph, introductory part |   |   |  |                 |
| 365  | 5. The Commission may by means  |   | 5. The Commission may by means   |                 |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|---|--|--|----------|
|  | of implementing acts, lay down detailed rules on:   |  | of implementing acts, lay down detailed rules on:  |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(a) |   |  |  |          |
| 366  | (a) the format and content of the transshipment declaration;  | (a) the <i>harmonised</i> format and content of the transshipment declaration; | (a) the format, <i>content and procedure for submission</i> <del>and content</del> of the transshipment declaration;   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(b) |   |  |  |          |
| 367  | (b) the completion and electronic recording of transshipment data;  |  | (b) the completion and electronic recording of <i>the</i> transshipment <i>declaration</i> data;   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(c) |   |  |  |          |
| 368  | (c) the functioning of the electronic recording and reporting system for transshipment data;  |  | (c) the functioning of the electronic recording and reporting system for transshipment data;   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(d) |   |  |  |          |
| 369  | (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 |  | <i>(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</i> |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|  | from the authorities of the flag Member State;   |                                      | <i>from the authorities of the flag Member State;</i>   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(e) |  |                                      |   |          |
| 370  | (e) the requirements and format for exchange of transshipment information between Member States; |                                      | <i>(e) the requirements and format for exchange of transshipment information between Member States;</i>   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(f) |  |                                      |   |          |
| 371  | (f) the tasks of the single authority referred to in Article 5(5) with regard to transshipments; |                                      | <i>(f) the tasks of the single authority referred to in Article 5(5) with regard to transshipments;</i>   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(g) |  |                                      |   |          |
| 372  | (g) the frequency of transshipment data transmissions.   |                                      | <i>(g) the frequency of transshipment data transmissions.</i>   |          |
| Article 1, first paragraph, point (21), amending provision(5), first subparagraph(h) |  |                                      |   |          |
| 372a   |  |                                      | <i><u>(h) the procedures in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transshipment declaration data, and in cases of non-receipt of</u></i> |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|---|---|----------|
|  |  |   | <u><a href="#">transhipment declaration data and of its access failure.</a></u>   |          |
| Article 1, first paragraph, point (21), amending provision(5), second subparagraph |  |   |   |          |
| 373  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).                    |          |
| Article 1, first paragraph, point (21), amending provision, eighth paragraph       |  |   |   |          |
| 374  | Article 23   |   | Article 23  |          |
| Article 1, first paragraph, point (21), amending provision, ninth paragraph        |  |   |   |          |
| 375  | Completion of the landing declaration  |   | Completion of the landing declaration   |          |
| Article 1, first paragraph, point (21), amending provision(1)                      |  |   |   |          |
| 376  | 1. The master of a Union fishing vessel, or its representative, shall complete an electronic landing declaration.    | 1. The master of a Union fishing vessel, or <del>its</del> <u>a</u> representative <u>of the master</u> , shall complete an electronic landing declaration. | 1. The master of a Union fishing vessel, or <del>his</del> <u>his</u> representative, shall complete an electronic landing declaration. |          |
| Article 1, first paragraph, point (21), amending provision(2), introductory part   |  |   |   |          |
| 377  |  |   |   |          |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
|--|---|---|--|-----------------|
|  | 2. The landing declaration referred to in paragraph 1 shall contain at least the following information:             |   | 2. The landing declaration referred to in paragraph 1 shall contain at least the following information:  |                 |
| Article 1, first paragraph, point (21), amending provision(2)(a) |   |   |  |                 |
| 378  | (a) the unique fishing trip identification number;  |   | (a) the unique fishing trip identification number;   |                 |
| Article 1, first paragraph, point (21), amending provision(2)(b) |   |   |  |                 |
| 379  | (b) the vessel identification numbers and the name of the fishing vessel;   |   | (b) the <u>CFR number or, where that number is not available, another vessel identification <del>numbers</del>number</u> , and the name of the fishing vessel; |                 |
| Article 1, first paragraph, point (21), amending provision(2)(c) |   |   |  |                 |
| 380  | (c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken; |   | (c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken;  |                 |
| Article 1, first paragraph, point (21), amending provision(2)(d) |   |   |  |                 |
| 381  | (d) the quantities of each species landed in kilograms of product weighed in accordance with Article                |   | (d) the quantities of each species landed in kilograms of product weighed in accordance with Article   |                 |

|   | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)            | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|---|---|--|---|-----------------|
|   | 60 and in live weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size; |  | 60 and in live weight, broken down by type of product presentation <u>and state of processing</u> , or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size; |                 |
| Article 1, first paragraph, point (21), amending provision(2)(e)  |   |  |   |                 |
| 382   | (e) the port of landing;  |  | (e) the port of landing;  |                 |
| Article 1, first paragraph, point (21), amending provision(2)(f)  |   |  |   |                 |
| 383   | (f) date and time of landing;   | (f) date and time of <u>the completion of</u> landing; | (f) date and time of landing;   |                 |
| Article 1, first paragraph, point (21), amending provision(2)(f1) |   |  |   |                 |
| 383a  |   |  | <u>(f1) date and time of weighing;</u>  |                 |
| Article 1, first paragraph, point (21), amending provision(2)(g)  |   |  |   |                 |
| 384   | (g) the registration number of the weigher;   |  | (g) the <u>name or an identification registration</u> number of the <del>weigher</del> <u>operator referred to in Article 60(1c)</u> ;  |                 |



|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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| Article 1, first paragraph, point (21), amending provision(2)(h)                 |  |  |   |          |
| 385  | (h) the conversion factors used.   |  | (h) the conversion factors used.  |          |
| Article 1, first paragraph, point (21), amending provision(3)                    |  |  |   |          |
| 386  | 3. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.   |  | 3. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.  |          |
| Article 1, first paragraph, point (21), amending provision(4)                    |  |  |   |          |
| 386a   |  |  | <u>4. This Article shall apply ... 124 months after the date of application of this Regulation.</u>   |          |
| Article 1, first paragraph, point (21), amending provision(5)                    |  |  |   |          |
| 387  | 4. To convert stored or processed fish weight into live fish weight for the purposes of the landing declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9). | 4. To convert stored or processed fish weight into live fish weight for the purposes of the landing declaration, masters of fishing vessels, <u>or a representative of the master</u> , shall apply a conversion factor established pursuant to Article 14(9). | <u>45. In order</u> to convert stored or processed fish weight into live fish weight for the <del>purposes</del> <u>purpose of the completion</u> of the landing declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9). |          |
| Article 1, first paragraph, point (21), amending provision, fourteenth paragraph |  |  |   |          |
| 388  |  |  |   |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|---|--|---|--|----------|
|   | Article 24   |   | Article 24   |          |
| Article 1, first paragraph, point (21), amending provision, fifteenth paragraph |  |   |  |          |
| 389   | Electronic transmission of landing declaration data  |   | Electronic transmission of landing declaration data  |          |
| Article 1, first paragraph, point (21), amending provision(1)                   |  |   |  |          |
| 390   | <p>1. The master of a Union fishing vessel or their representative shall submit by electronic means the information referred to in Article 23 to the competent authority of their flag Member State within 24 hours after completion of the landing.</p> | <p>1. The master of a Union fishing vessel, <del>or a</del> <del>or their</del> representative <del>of the master</del>, shall submit by electronic means <u>using the same format, harmonised at Union level, for all Member States</u>, the information referred to in Article 23 to the competent authority of their flag Member State <u>as soon as possible and in any event</u> within 24 hours after completion of the landing.</p> <p><u>For the purpose of calculating the deadline of 24 hours referred to in the first subparagraph, Saturdays, Sundays and public holidays shall not be taken into account.</u></p> <p><u>For the purposes of this Article, in the event that fisheries products are transported from the place of landing before weighing, the landing operation shall be deemed</u></p> | <p>1. The master of a Union fishing vessel or <del>their</del> <u>his</u> representative shall submit by electronic means the information referred to in Article <del>23</del> <u>23(2)</u> to the competent authority of their flag Member State within 24 hours after <del>completion of the landing</del> <u>weighing</u>. <u>Where fishery products are weighed in accordance with Article 60(1a), the master shall submit that information within 24 hours after the weighing in accordance with the relevant sampling or control plan referred to in that Article.</u></p> |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|   |  | <u>to have been completed when those fisheries products have been weighed.</u> |  |          |
| Article 1, first paragraph, point (21), amending provision(2) |  |  |  |          |
| 391   | 2. By way of derogation for fisheries products for human consumption landed unsorted which are weighed in accordance with Article 60(5)(c), the master shall submit the information referred to in Article 23 as updated immediately after the second weighing, to include the result of the second weighing.                |  | <del>2. By way of derogation for fisheries products for human consumption landed unsorted which are weighed in accordance with Article 60(5)(c), the master shall submit the information referred to in Article 23 as updated immediately after the second weighing, to include the result of the second weighing.</del>   |          |
| Article 1, first paragraph, point (21), amending provision(3) |  |  |  |          |
| 392   | 3. When a Union fishing vessel lands 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 landing declaration data by electronic means to the competent authorities of the Member State where the catch was landed. |  | 3. <del>When</del> <u>Where</u> a Union fishing vessel lands <del>its</del> 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 <del>wherein whose territory</del> the catch was landed. |          |
| Article 1, first paragraph, point (21), amending provision(4) |  |  |  |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|--------------------------------------|---|----------|
| 393  | 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 and 2. |                                      | <del>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 and 2.</del> |          |
| Article 1, first paragraph, point (21), amending provision(4a)                   |  |                                      |   |          |
| 393a   |  |                                      | <u>4a. Paragraphs 1 and 3 of this Article shall apply from ... [24 months after the date of application of this Regulation.</u>   |          |
| Article 1, first paragraph, point (21), amending provision(5), introductory part |  |                                      |   |          |
| 394  | 5. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:   |                                      | <del>5. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</del>   |          |
| Article 1, first paragraph, point (21), amending provision(5)(a)                 |  |                                      |   |          |
| 395  | (a) derogations concerning the submission of the landing declaration;  |                                      | <del>(a) derogations concerning the submission of the landing declaration;</del>  |          |
| Article 1, first paragraph, point (21), amending provision(5)(b)                 |  |                                      |   |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|---|---|---|--|----------|
| 396   | (b) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for landing declaration data; |   | <i>(b) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for landing declaration data;</i> |          |
| Article 1, first paragraph, point (21), amending provision(5)(c)  |   |   |  |          |
| 397   | (c) measures to be taken in case of non-receipt of landing declaration data;  |   | <i>(c) measures to be taken in case of non-receipt of landing declaration data;</i>  |          |
| Article 1, first paragraph, point (21), amending provision(5)(d)  |   |   |  |          |
| 398   | (d) the access to landing declaration data and measures to be taken in case of data access failure.   |   | <i>(d) the access to landing declaration data and measures to be taken in case of data access failure.</i>   |          |
| Article 1, first paragraph, point (21), amending provision(5)(da) |   |   |  |          |
| 398a  |   | <u><i>(da) the tasks of the single authority referred to in Article 5(5) as regards landing declarations;</i></u> |  |          |
| Article 1, first paragraph, point (21), amending provision(5)(db) |   |   |  |          |
| 398b  |   | <u><i>(db) the frequency of transmissions</i></u>   |  |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)                                     | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|--|--|--|----------|
|  |  | <u>of landing declaration data.</u>                                      |  |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph, introductory part |  |  |  |          |
| 399  | 6. The Commission may, by means of implementing acts, lay down detailed rules on:                  |  | 6. The Commission may, by means of implementing acts, lay down detailed rules on:  |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(a)                 |  |  |  |          |
| 400  | (a) the format and content of the landing declaration;   | (a) the <u>harmonised</u> format and content of the landing declaration; | (a) the format, <u>content and procedure for submission</u> <del>and content</del> of the landing declaration;               |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(b)                 |  |  |  |          |
| 401  | (b) the completion and digital recording of landing declaration data;                              |  | (b) the completion and digital recording of landing declaration data;  |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(c)                 |  |  |  |          |
| 402  | (c) the functioning of the electronic recording and reporting system for landing declaration data; |  | (c) the functioning of the electronic recording and reporting <del>system</del> <u>systems</u> for landing declaration data; |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(d)                 |  |  |  |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|--|---|----------|
| 403  | (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; |  | <del>(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;</del> |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(e) |  |  |   |          |
| 404  | (e) the requirements and format for exchange of landing declaration data between Member States;  |  | <del>(e) the requirements and format for exchange of landing declaration data between Member States;</del>  |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(f) |  |  |   |          |
| 405  | (f) the tasks of the single authority referred to in Article 5(5), as regards landing declarations;  | (f) <del>the tasks of the single authority referred to in Article 5(5), as regards landing declarations;</del> | <del>(f) the tasks of the single authority referred to in Article 5(5), as regards landing declarations;</del>  |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(g) |  |  |   |          |
| 406  | (g) the frequency of transmissions of landing declaration data.  | (g) <del>the frequency of transmissions of landing declaration data.</del>                                     | <del>(g) the frequency of transmissions of landing declaration data.</del>  |          |
| Article 1, first paragraph, point (21), amending provision(6), first subparagraph(h) |  |  |   |          |
| 406a   |  |  | <u>(h) the procedures in the event of</u>   |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|---|--------------------------------------|--|----------|
|  |   |                                      | <u><i>technical or communication failure or non-functioning of the electronic recording and reporting systems for landing declaration data, and in cases of non-receipt of landing declaration data and of its access failure.</i></u> |          |
| Article 1, first paragraph, point (21), amending provision(6), second subparagraph |   |                                      |  |          |
| 407  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                                      | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"  |          |
| Article 1, first paragraph, point (22)   |   |                                      |  |          |
| 408  | (22) Article 25 is deleted.   |                                      | (22) Article 25 is deleted <u><i>from ... /24 months after the date of application of this Regulation.</i></u>   |          |
| Article 1, first paragraph, point (23), introductory part                          |   |                                      |  |          |
| 409  | (23) In Section 1 of Chapter 1 of Title IV, the following Article 25a is inserted:  |                                      | <del><i>(23) In Section 1 of Chapter 1 of Title IV, the following Article 25a is inserted:</i></del>   |          |
| Article 1, first paragraph, point (23), amending provision, first paragraph        |   |                                      |  |          |



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|--|--|--|---|---|
| 410  | “<br>Article 25a   |  | “<br><i>Article 25a</i>   |   |
| Article 1, first paragraph, point (23), amending provision, second paragraph |  |  |   |   |
| 411  | Control of the landing obligation  |  | <i>Control of the landing obligation</i>  |   |
| Article 1, first paragraph, point (23), amending provision(1)                |  |  |   |   |
| 412  | 1. Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed-Circuit Television (CCTV) systems incorporating data storage. | “<br>1. Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels <u>of 12 metres length overall or more, flying their flag and fishing for species subject to the landing obligation, identified as posing a high risk of non-compliance with the landing obligation in the specific control and inspection programmes adopted under Article 95</u> <del>and flying their flag established in accordance with paragraph 2</del> , shall be equipped with continuously recording Closed-Circuit Television (CCTV) systems incorporating data storage, <u>in compliance with all applicable rules on the protection of privacy and</u> | <del>1. Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed-Circuit Television (CCTV) systems incorporating data storage.</del> | MT is against the mandatory use of CCTV |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|---|---|--|--|----------|
|   |   | <p><u><a href="#">processing of personal data. In accordance with specific control and inspection programmes adopted pursuant to Article 95, the Member State may allow the fishing vessel to carry control observers on board in accordance with Article 73a.</a></u></p>   |  |          |
| Article 1, first paragraph, point (23), amending provision(2) |   |  |  |          |
| 413   | <p>2. The percentage of fishing vessels referred to in paragraph 1 shall be established for different risk categories in specific control and inspection programmes adopted pursuant to Article 95. Those programmes shall also determine the risk categories and the types of fishing vessels included in such categories.</p> | <p><del>2. The percentage of fishing vessels referred to in paragraph 1 shall be established for different risk categories in specific control and inspection programmes adopted pursuant to Article 95. Those programmes shall also determine the risk categories and the types of fishing vessels included in such categories.</del></p> | <p><del>2. The percentage of fishing vessels referred to in paragraph 1 shall be established for different risk categories in specific control and inspection programmes adopted pursuant to Article 95. Those programmes shall also determine the risk categories and the types of fishing vessels included in such categories.</del></p> |          |
| Article 1, first paragraph, point (23), amending provision(3) |   |  |  |          |
| 414   | <p>3. In addition to the CCTV systems referred to in paragraph 1, Member States may require the use of other electronic monitoring systems for the purpose of controlling the landing obligation.</p>   |  | <p><del>3. In addition to the CCTV systems referred to in paragraph 1, Member States may require the use of other electronic monitoring systems for the purpose of controlling the landing obligation.</del></p>   |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments                                |
|---|---------------------|---|--|---|
| Article 1, first paragraph, point (23), amending provision, numbered paragraph (3a) |                     |   |  |   |
| 414a  |                     | <p><u>3a. The Commission shall review the effectiveness of the electronic monitoring systems in checking compliance with the landing obligation and their contribution to achieving the sustainable maximum yield for the relevant stocks and submit a report to the European Parliament and the Council by ... [five years after the date of entry into force of this Regulation].</u></p> |  |   |
| Article 1, first paragraph, point (23), amending provision, numbered paragraph (3b) |                     |   |  |   |
| 414b  |                     | <p><u>3b. In addition to electronic monitoring systems used to check compliance with the landing obligation, Member States may also support the use of systems which make for closer monitoring of the selectivity of fishing operations directly on gear.</u></p>  |  |   |
| Article 1, first paragraph, point (23), amending provision, numbered paragraph (3c) |                     |   |  |   |
| 414c  |                     | <p><u>3c. Operators may equip their fishing vessels with CCTV systems on a voluntary basis. For that</u></p>  |  | MT is against the mandatory use of CCTV |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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|   |                     | <u><i>purpose. the competent authority shall provide incentives such as additional allocation of quota or deletion of points, in accordance with paragraph 4.</i></u>  |  |          |
| Article 1, first paragraph, point (23), amending provision, numbered paragraph (3d) |                     |  |  |          |
| 414d  |                     | <u><i>3d. Fishing vessels shall be equipped with CCTV technology on a mandatory basis if they have committed two or more serious infringements of the rules laid down in Article 15 of Regulation (EU) No 1380/2013 when decided by the competent authority as an accompanying sanction.</i></u> |  |          |
| Article 1, first paragraph, point (23), amending provision, numbered paragraph (3e) |                     |  |  |          |
| 414e  |                     | <u><i>3e. CCTV footage shall remain the property of the owner of the fishing vessel at all times. Business confidentiality and privacy rights shall be protected and guaranteed by the competent authorities throughout the whole process.</i></u>   |  |          |
| Article 1, first paragraph, point (23), amending provision(4), first subparagraph   |                     |  |  |          |
| 415   |                     |  |  |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|---|---|----------|
|  | 4. The Commission may, by means of implementing acts, lay down detailed rules on the requirements, technical specifications, installation and functioning of the electronic monitoring systems for the control of the landing obligation, including continuously recording CCTV systems. | 4. The Commission <del>may, by means of implementing acts, lay</del> <sup>is</sup> <u>empowered to adopt delegated acts in accordance with Article 119a, supplementing this Regulation by laying</u> down detailed rules on the requirements, technical specifications, installation and functioning of <u>as well as incentives concerning</u> the electronic monitoring systems for the control of the landing obligation, including continuously recording CCTV systems. ” | <del>4. The Commission may, by means of implementing acts, lay down detailed rules on the requirements, technical specifications, installation and functioning of the electronic monitoring systems for the control of the landing obligation, including continuously recording CCTV systems:</del> |          |
| Article 1, first paragraph, point (23), amending provision(4), second subparagraph |  |   |   |          |
| 416  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). ”   |   | <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</del> ”   |          |
| Article 1, first paragraph, point (23), amending provision, numbered paragraph     |  |   |   |          |
| 416a   |  | " <u>(23a) In Section 1 of Chapter 1 of Title IV, the following Article is inserted:</u> <u>"Article 25b</u>  |   |          |

|  | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>                                | Comments |
|--|---------------------|---|---|----------|
|  |                     | <p><u>Assessment of Remote electronic monitoring</u><br/> <u>The Commission shall, by ... 16 months after date of entry into force of this Regulation] submit a report to the European Parliament and the Council to assess the effectiveness of remote electronic monitoring and its contribution to the control of the rules of the common fisheries policy including the control of incidental catches and the reliability of catch data."</u></p> |   |          |
| Article 1, first paragraph, point (23a), introductory part |                     |   |   |          |
| 416b   |                     |   | <p><u>(23a) Article 26 is amended as follows:</u></p>                                       |          |
| Article 1, first paragraph, point (23a)(a)                 |                     |   |   |          |
| 416c   |                     |   | <p><u>(a) in paragraphs 1 and 6, 'fishing vessel' is replaced by 'catching vessel'.</u></p> |          |
| Article 1, first paragraph, point (23a)(b)                 |                     |   |   |          |
| 416d   |                     |   | <p><u>(b) in paragraphs 2, 3 and 4, 'fishing vessels' is replaced by</u></p>                |          |

|   | Commission Proposal                                  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>                                      | Comments |
|---|--|--------------------------------------|---|----------|
|   |  |                                      | <u>'Union catching vessels'</u> .   |          |
| Article 1, first paragraph, point (23b)   |  |                                      |   |          |
| 416e                                      |  |                                      | <u>(23b) In Article 27, paragraph 1, 'fishing vessel' is replaced by 'Union catching vessel'.</u> |          |
| Article 1, first paragraph, point (24)    |  |                                      |   |          |
| 417                                       | (24) Article 28 is deleted.                          |                                      | (24) Article 28 is deleted.   |          |
| Article 1, first paragraph, point (25)    |  |                                      |   |          |
| 418                                       | (25) in Article 29(3), the last sentence is deleted. |                                      | (25) <del>in Article 29(3), the last sentence is deleted.</del> <u>29 is amended as follows:</u>  |          |
| Article 1, first paragraph, point (25)(a) |  |                                      |   |          |
| 418a                                      |  |                                      | <u>(a) (a) in paragraphs 1, 2 and 3, 'fishing vessel' is replaced by 'Union catching vessel';</u> |          |
| Article 1, first paragraph, point (25)(b) |  |                                      |   |          |
| 418b                                      |  |                                      | <u>(b) in paragraph 3, the last sentence is deleted.</u>  |          |

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| Article 1, first paragraph, point (25a)                                      |   |                                      |   |          |
| 418c   |   |                                      | <u><i>(25a) In Article 30, paragraphs 1 and 2, 'fishing vessel' is replaced by 'Union catching vessel'.</i></u> |          |
| Article 1, first paragraph, point (25b)                                      |   |                                      |   |          |
| 418d   |   |                                      | <u><i>(25b) In Article 31, 'fishing vessels' is replaced by 'Union catching vessels'.</i></u>                   |          |
| Article 1, first paragraph, point (26)                                       |   |                                      |   |          |
| 419  | (26) Article 32 is deleted.                   |                                      | (26) Article 32 is deleted.   |          |
| Article 1, first paragraph, point (27), introductory part                    |   |                                      |   |          |
| 420  | (27) Article 33 is replaced by the following: |                                      | (27) Article 33 is replaced by the following:   |          |
| Article 1, first paragraph, point (27), amending provision, first paragraph  |   |                                      |   |          |
| 421  | “<br>Article 33                               |                                      | “<br>Article 33   |          |
| Article 1, first paragraph, point (27), amending provision, second paragraph |   |                                      |   |          |



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| 422  | Recording of catches and fishing effort   |                                      | Recording of catches and fishing effort   |          |
| Article 1, first paragraph, point (27), amending provision(1)                    |   |                                      |   |          |
| 423  | 1. Each flag Member State shall record all data related to catches and fishing effort referred to in this Regulation, in particular data referred to in Articles 14, 21, 23, 55, 59a, 62, 66 and 68, and shall keep the originals of those data for a period of at least three years in accordance with national rules. |                                      | 1. Each flag Member State <u>or in the case of fisheries without a fishing vessel as referred to in Article 54d, each coastal Member State</u> , shall record all data related to catches and fishing effort referred to in this Regulation, in particular data referred to in Articles 14, 21, 23, <del>55, 59a</del> <u>54d</u> , 62, 66 and 68, and shall keep the originals of those data for a period of at least three years in accordance with national rules. |          |
| Article 1, first paragraph, point (27), amending provision(2), introductory part |   |                                      |   |          |
| 424  | 2. Before the 15th of each month, each flag Member State shall submit electronically to the Commission or the body designated by it, the aggregated data:   |                                      | 2. Before the 15th of each month, each flag Member State <u>or in the case of fisheries without a fishing vessel as referred to in Article 54d, each coastal Member State</u> shall submit <del>electronically</del> <u>by electronic means</u> to the Commission or the body designated by it, the aggregated data <u>or</u> :   |          |

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| Article 1, first paragraph, point (27), amending provision(2)(a) |  |                                      |   |          |
| 425  | (a) on the quantities of each stock or group of stocks caught and kept on board, and on the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as separate entries, those below the applicable minimum conservation reference size; |                                      | (a) <del>on</del> the quantities of each <u>species</u> , <u>if applicable by</u> stock or group of stocks, caught and kept on board, and <del>on</del> the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as separate <del>entries</del> <u>entry</u> , those below the applicable minimum conservation reference size; |          |
| Article 1, first paragraph, point (27), amending provision(2)(b) |  |                                      |   |          |
| 426  | (b) on 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.   |                                      | (b) <del>on</del> 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.   |          |
| Article 1, first paragraph, point (27), amending provision(2)(c) |  |                                      |   |          |
| 426a   |  |                                      | <u>(c) the quantities of each species, if applicable by stock or group of stocks, caught in the case of fisheries without a fishing vessel as referred to in Article 54d, and the quantities of each species discarded, in live-weight equivalent.</u>  |          |

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|   |   |  | <u>during the preceding month, including, as separate entry, those below the applicable minimum conservation reference size.</u>  |          |
| Article 1, first paragraph, point (27), amending provision(3) |   |  |   |          |
| 427   | 3. In cases where the data submitted by a Member States in accordance with paragraph 2 is based on estimates for a stock or group of stocks, the Member State shall provide to the Commission the corrected quantities established on the basis of landing declarations as soon as available and no later than 12 months after the date of landing. | “<br>3. In cases where the data submitted by a Member States in accordance with paragraph 2 is based on estimates for a stock or group of stocks, the Member State shall provide to the Commission the corrected quantities established on the basis of landing declarations as soon as available and no later than <del>12</del> <u>three</u> months after the date of landing. | 3. In cases where the data submitted by a Member <del>States</del> <u>State</u> in accordance with paragraph 2 is based on estimates for a <u>species, a</u> stock or <u>a</u> group of stocks, the Member State shall <del>provide</del> <u>submit to the Commission the corrected data on quantities established on the basis of landing declarations or sales notes as soon as available and no later than 30 March of the year following the calendar year of the catch. In case where the measures concerning the fishing opportunities set out a reference period different from the calendar year, the Member State shall submit</u> to the Commission the corrected <u>data on</u> quantities established on the basis of landing declarations as soon as available and no later than <del>12</del> <u>three</u> months after the <del>date of landing</del> <u>end of that period.</u> |          |
| Article 1, first paragraph, point (27), amending provision(4) |   |  |   |          |

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| 428   | <p>4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, the Member State shall provide to the Commission the corrected quantities established on the basis of that validation as soon as available and no later than 12 months after the date of landing.</p> | <p>4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, <u>it shall verify and cross-check data so as to correct such inconsistencies. In addition,</u> the Member State shall provide to the Commission the corrected quantities established on the basis of that validation as soon as available and no later than <del>+2</del><u>3</u> months after the date of landing.</p> | <p>4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, the Member State shall <del>provide</del><u>submit</u> to the Commission the corrected <u>data on</u> quantities established on the basis of that validation as soon as available and no later than <del>+2</del><u>30 June of the year following the calendar year of the catch. In case where the measures concerning the fishing opportunities set out a reference period different from the calendar year, the Member State shall submit to the Commission the corrected data on quantities established on the basis of that validation as soon as available and no later than six</u> months after the <del>date of landing</del><u>end of that period.</u></p> |          |
| Article 1, first paragraph, point (27), amending provision(5) |  |   |   |          |
| 429   | <p>5. All catches of a stock or a group of stocks subject to quota made by Union fishing vessels shall be counted against the quotas</p>   |   | <p>5. <del>All</del> Catches of <u>each species,</u> a stock or a group of stocks subject to <del>quota made by Union fishing vessels</del> <u>a quota</u> shall be counted against the</p>   |          |

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|   | applicable to their flag Member State for the stock or group of stocks in question, irrespective of the place of landing.   |                                      | quotas applicable to <del>their flag Member State for the stock or group of stocks in question, irrespective of the place of landing</del> <u>the Member States in accordance with Article 15 of Regulation (EU) No 1380/2013.</u>   |          |
| Article 1, first paragraph, point (27), amending provision(6)                       |   |                                      |  |          |
| 430   | 6. Catches taken in the framework of scientific research which are marketed and sold including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches shall be submitted to the Commission. They shall be counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the quotas concerned. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004 of the European Parliament and of the Council (*). |                                      | 6. Catches taken in the framework of scientific research which are marketed and sold, including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches shall be submitted to the Commission. They shall be counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the quotas concerned. This paragraph shall not apply to catches taken during <u>mandatory</u> research surveys at sea as referred to in <u>point (b) of Article 5(1)(b) 5(1)</u> of Regulation (EU) 2017/1004 of the European Parliament and of the Council (*). |          |
| Article 1, first paragraph, point (27), amending provision, numbered paragraph (6a) |   |                                      |  |          |
| 430a  |   |                                      |  |          |

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|   |   | <p><u>6a. Catches taken in the framework of scientific research may be donated to social projects, including providing food for homeless people.</u></p> |  |          |
| Article 1, first paragraph, point (27), amending provision(7) |   |  |  |          |
| 431   | <p>7. Except for effort deployed by fishing vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by Union fishing vessels when carrying on board or, where appropriate, using a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to the flag Member State.</p> |  | <p>7. Except for effort deployed by <del>fishing</del><i>catching</i> vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by Union <del>fishing</del><i>catching</i> vessels when carrying on board or, where appropriate, using a fishing gear <del>or</del><i>gears</i> 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 geographical area and to such fishing gear or such fishery available to the flag Member State.</p> |          |
| Article 1, first paragraph, point (27), amending provision(8) |   |  |  |          |
| 432   | 8. Fishing effort deployed in the   |  | 8. Fishing effort deployed in the  |          |

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|   | framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004. |                                      | framework of scientific research by a vessel carrying a fishing gear <del>or gears</del> subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or <del>gears or</del> such fishery and to such geographical area of its flag Member State, if the catches taken during the deployment of <del>this</del> <u>that fishing</u> effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. This paragraph shall not apply to catches taken during <u>mandatory</u> research surveys at sea as referred to in <u>point (b) of</u> Article <del>5(1)(b)</del> <u>5(1)</u> of Regulation (EU) 2017/1004. |          |
| Article 1, first paragraph, point (27), amending provision(9) |  |                                      |  |          |
| 433   | 9. The Commission may, by means of implementing acts, adopt 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   |                                      | 9. The Commission may, by means of implementing acts, adopt 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   |          |

|   | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|   | 119(2).  |   | 119(2).  |                 |
| Article 1, first paragraph, point (27), amending provision, twelfth paragraph |  |   |  |                 |
| 434   | (*) 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). ” |   | (*) 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). ” |                 |
| Article 1, first paragraph, point (28), introductory part                     |  |   |  |                 |
| 435   | (28) Article 34 is replaced by the following :   |   | (28) Article 34 is replaced by the following :   |                 |
| Article 1, first paragraph, point (28), amending provision, first paragraph   |  |   |  |                 |
| 436   | “ Article 34   |   | “ Article 34   |                 |
| Article 1, first paragraph, point (28), amending provision, second paragraph  |  |   |  |                 |
| 437   |  |   |  |                 |



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|   | Data on exhaustion of fishing opportunities   |  | Data on exhaustion of fishing opportunities  |          |
| Article 1, first paragraph, point (28), amending provision, third paragraph |   |  |  |          |
| 438   | <p>The Commission may request a Member State to submit more detailed and more frequent information than provided for in Article 33 in the case it is established that 80 % of a quota for a stock or group of stocks is deemed to be exhausted.</p> | <p>“<br/> <u>A Member State shall inform</u> the Commission, <u>without delay, when it establishes that:</u><br/> <u>(a) 80 % of the catches of a stock or group of stocks subject to a quota related to fishing vessels flying its flag has been exhausted; or</u><br/> <u>(b) 80 % of the maximum allowable fishing effort related to a fishing gear or a specific fishery and to a corresponding geographical area and applicable to all or a part of the fishing vessels flying its flag has been reached.</u><br/> <u>In that case, the Commission may request more detailed and frequent information than that provided for under Article 33</u> <del>may request a Member State to submit more detailed and more frequent information than provided for in Article 33 in the case it is established that 80 % of a quota for a stock or group of stocks is deemed to be exhausted.</del>”</p> | <p><del>The Commission may request a Member State to submit more detailed and more frequent information than provided for in Article 33 in the case it is established that 80 % of a quota for a stock or group of stocks is deemed to be exhausted</del> <u>Where 80% of a quota for a stock or a group of stocks is deemed to be exhausted, the Commission may request a Member State to submit more detailed and more frequent information than as provided for in Article 33."</u></p> |          |

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| Article 1, first paragraph, point (28), amending provision, third paragraph a |   |  |  |          |
| 438a  |   | <p><u><i>1a. The Commission may request a Member State to submit more detailed and more frequent information than provided for in Article 33 where it is established that 80 % of a quota for a stock or group of stocks is deemed to be exhausted, or 80 % of the maximum allowable fishing effort for a fishing gear or a specific fishery and a corresponding geographical area has been reached. In that case, the Member State shall provide the Commission with the information requested.</i></u> ”</p> |  |          |
| Article 1, first paragraph, point (29), introductory part                     |   |  |  |          |
| 439   | (29) in Article 35, paragraphs 2 and 3 are replaced by the following: |  | <p>(29) <u>Article 35 is amended as follows:</u></p> <p><u>(a) in paragraph 1 <del>in Article 35</del>, 'fishing vessel' is replaced by 'catching vessel'.</u></p> <p><u>(b) paragraphs 2 and 3 are replaced by the following:</u></p> |          |
| Article 1, first paragraph, point (29), amending provision(2)                 |   |  |  |          |

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| 440   | <p>“</p> <p>2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing activities either for the stock or group of stocks whose 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 fishing vessels flying its flag and shall decide on a date up to which transshipments, transfers and landings or final declarations of catches are permitted.</p> |                                      | <p>“</p> <p>2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing <del>activities</del><u>operations</u> either for the stock or group of stocks whose 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 <del>fishing</del><u>catching</u> vessels flying its flag, <del>and it may fix and shall decide on</del> a date <del>up to</del><u>by</u> which transshipments, transfers and landings or final declarations of catches <del>are permitted</del><u>have to be completed</u>.</p> |          |
| Article 1, first paragraph, point (29), amending provision(3) |   |                                      |  |          |
| 441   | <p>3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the Commission. It shall be made public also on the public website of the Commission. As from the date that the decision has been made public by the Member State concerned,</p>   |                                      | <p>3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the Commission. <del>It shall be made public also on the public website of</del> The Commission. <del>As from the date that the decision has been made public by the Member State concerned,</del></p>  |          |

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|   | Member States shall ensure that no fishing activity concerning the stock or group of stocks concerned, by fishing vessels or a group of the vessels flying the flag of the Member State concerned, take place in their waters and on their territory. ” |                                      | <del>Member States shall ensure that no fishing activity concerning the stock or group of stocks concerned, by fishing vessels or a group of the vessels flying the flag of the Member State concerned, take place in their waters and on their territory.</del> <u>make it publicly available on its website.</u> ”              |          |
| Article 1, first paragraph, point (29)(c), introductory part    |   |                                      |   |          |
| 441a  |   |                                      | <u>(c) the following paragraph is inserted:</u>   |          |
| Article 1, first paragraph, point (29a), amending provision(3a) |   |                                      |   |          |
| 441b  |   |                                      | ”<br><u>3a. As from the date that the decision referred to in paragraph 2 has been made public by the Member State concerned, that Member State shall ensure that no fishing operation for the stock or group of stocks concerned, by catching vessels or a group of the vessels flying its flag, take place in its waters.</u> ” |          |
| Article 1, first paragraph, point (30), introductory part       |   |                                      |   |          |

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| 442   | (30) in Article 36, paragraph 2 is replaced by the following:   |                                      | (30) in Article 36, paragraph 2 is replaced by the following:  |          |
| Article 1, first paragraph, point (30), amending provision(2) |   |                                      |  |          |
| 443   | "<br>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 activities for the respective area, gear, stock, group of stocks or fleet involved in those specific fishing activities."<br>" |                                      | "<br>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 <del>activities</del> <u>operations</u> for the <del>respective</del> <u>relevant</u> area, <u>fishing</u> gear, stock, group of stocks or fleet involved in those specific fishing <del>activities</del> <u>operations</u> ."<br>" |          |
| Article 1, first paragraph, point (31), introductory part     |   |                                      |  |          |
| 444   | (31) Article 37 is amended as follows:  |                                      | (31) Article 37 is amended as follows:   |          |
| Article 1, first paragraph, point (31)(a0)                    |   |                                      |  |          |
| 444a  |   |                                      | <u>(a0) in paragraph 1, 'fishing' is</u>   |          |

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|  |  |                                      | <u>replaced by 'fishing operations'.</u>   |          |
| Article 1, first paragraph, point (31)(a), introductory part     |  |                                      |  |          |
| 445  | (a) paragraph 2 is replaced by the following:  |                                      | (a) paragraph 2 is replaced by the following:  |          |
| Article 1, first paragraph, point (31)(a), amending provision(2) |  |                                      |  |          |
| 446  | " <p>2. If the prejudice suffered by the Member State for which fishing has been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall adopt measures with the aim of remedying in an appropriate manner the prejudice caused, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). Those measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted appropriately to the Member States whose fishing activities were prohibited before their fishing opportunities were exhausted.</p> |                                      | " <p>2. If the prejudice suffered by the Member State for which fishing <del>has</del><u>operations have</u> been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall, <u>by means of implementing acts</u>, adopt measures with the aim of remedying in an appropriate manner the prejudice caused, <del>by means of implementing acts</del>. Those implementing acts shall <del>be adopted in accordance with the examination procedure referred to in Article 119(2). Those measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted appropriately to the Member States whose fishing activities were prohibited before</del></p> |          |

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|   | "   |                                      | <i>their fishing opportunities were exhausted.</i> <u>in particular, lay down:</u> "                          |          |
| Article 1, first paragraph, point (31)(b), introductory part  |   |                                      |   |          |
| 447   | (b) paragraph 4 is replaced by the following:   |                                      | <i>(b) paragraph 4 is replaced by the following:</i>  |          |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph, introductory part |   |                                      |   |          |
| 448   | "<br>4. The Commission shall lay down, by means of implementing acts :                            |                                      | "<br><i>4. The Commission shall lay down, by means of implementing acts :</i>                                 |          |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph(a)                 |   |                                      |   |          |
| 449   | (a) the notification of a prejudice suffered,   |                                      | (a) the notification of a prejudice suffered,;  |          |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph, point (b)         |   |                                      |   |          |
| 450   | (b) the identification of Member States which suffered prejudice and the amount of the prejudice, |                                      | (b) the identification of <u>the</u> Member States which suffered prejudice and the amount of the prejudice,; |          |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph,                   |   |                                      |   |          |

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| point (c)   |  |   |   |                 |
| 451   | (c) the identification of the Member States which have overfished and the quantities of fish caught in excess,   |   | (c) the identification of the Member States, which have overfished, and the quantities of fish caught in excess,;   |                 |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph, point (d) |  |   |   |                 |
| 452   | (d) the deductions to be made from the fishing opportunities of Member States which have overfished in proportion to the exceeded fishing opportunities, |   | (d) the deductions to be made from the fishing opportunities of Member States, which have overfished, in proportion to the exceeded fishing opportunities,; |                 |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph, point (e) |  |   |   |                 |
| 453   | (e) the additions to be made to the fishing opportunities of the prejudiced Member States in proportion to the prejudice suffered,                       |   | (e) the additions to be made to the fishing opportunities of the prejudiced Member States in proportion to the prejudice suffered,;                         |                 |
| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph, point (f) |  |   |   |                 |
| 454   | (f) the dates on which the additions and deductions shall take effect and,   |   | (f) the dates on which the additions and deductions shall take effect<br><i>and.</i>  |                 |



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| Article 1, first paragraph, point (31)(b), amending provision(4), first subparagraph, point (g) |   |                                      |  |          |
| 455   | (g) where appropriate, any other necessary measure on how to remedy the prejudice suffered.                               |                                      | <del>(g) where appropriate, any other necessary measure on how to remedy the prejudice suffered.</del>               |          |
| Article 1, first paragraph, point (31)(b), amending provision(4), second subparagraph           |   |                                      |  |          |
| 456   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                                      | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |          |
| Article 1, first paragraph, point (31)(b), introductory part                                    |   |                                      |  |          |
| 456a  |   |                                      | <del>(b) paragraph 4 is deleted.</del><br>"  |          |
| Article 1, first paragraph, point (32), introductory part                                       |   |                                      |  |          |
| 457   | (32) in Title IV, the heading of Chapter II is replaced by the following:   |                                      | (32) in Title IV, the heading of Chapter II is replaced by the following:  |          |
| Article 1, first paragraph, point (32), amending provision, first paragraph                     |   |                                      |  |          |

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| 458  | “<br>CHAPTER II  |   | “<br>CHAPTER II  |                 |
| Article 1, first paragraph, point (32), amending provision, second paragraph |  |   |  |                 |
| 459  | Control of fishing capacity<br>”   |   | Control of fishing capacity<br>”   |                 |
| Article 1, first paragraph, point (33), introductory part                    |  |   |  |                 |
| 460  | (33) Article 38 is replaced by the following:  |   | (33) Article 38 is replaced by the following:  |                 |
| Article 1, first paragraph, point (33), amending provision, first paragraph  |  |   |  |                 |
| 461  | ”<br>Article 38  |   | ”<br>Article 38  |                 |
| Article 1, first paragraph, point (33), amending provision, second paragraph |  |   |  |                 |
| 462  | Fishing capacity   |   | Fishing capacity   |                 |
| Article 1, first paragraph, point (33), amending provision(1)                |  |   |  |                 |
| 463  | 1. Member States shall be responsible for carrying out the necessary checks in order to ensure |   | 1. Member States shall be responsible for carrying out the necessary checks in order to ensure |                 |

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|  | that the total capacity corresponding to the fishing licences issued by a Member State, 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. |                                      | that the total capacity corresponding to the fishing licences issued by a Member State <u>concerned</u> , 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. |          |
| Article 1, first paragraph, point (33), amending provision(2), first subparagraph, introductory part |  |                                      |  |          |
| 464  | 2. The Commission may adopt, by means of implementing acts, detailed rules for the application of this article regarding:  |                                      | 2. The Commission may <del>adopt</del> , by means of implementing acts, <u>lay down</u> detailed rules for the application of this Article <del>regarding</del> <u>concerning</u> :  |          |
| Article 1, first paragraph, point (33), amending provision(2), first subparagraph(a)                 |  |                                      |  |          |
| 465  | (a) the verification of the engine power of fishing vessels;   |                                      | (a) the verification of the engine power of <del>fishing</del> <u>catching</u> vessels;  |          |
| Article 1, first paragraph, point (33), amending provision(2), first subparagraph(b)                 |  |                                      |  |          |
| 466  | (b) the verification of the tonnage of fishing vessels;  |                                      | (b) the verification of the tonnage of <del>fishing</del> <u>catching</u> vessels;   |          |
| Article 1, first paragraph, point (33), amending provision(2), first subparagraph(c)                 |  |                                      |  |          |

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| 467  | (c) the verification of the type, number and characteristics of the fishing gear.   |   | (c) the verification of the type, number and characteristics of the fishing gear.   |                 |
| Article 1, first paragraph, point (33), amending provision(2), second subparagraph |   |   |   |                 |
| 468  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                 |
| Article 1, first paragraph, point (34), introductory part                          |   |   |   |                 |
| 469  | (34) in Chapter II of Title IV the heading of Section 2 is replaced by the following:                                     |   | (34) in Chapter II of Title IV the heading of Section 2 is replaced by the following:                                     |                 |
| Article 1, first paragraph, point (34), amending provision, first paragraph        |   |   |   |                 |
| 470  | “<br>Section 2  |   | “<br>Section 2  |                 |
| Article 1, first paragraph, point (34), amending provision, second paragraph       |   |   |   |                 |
| 471  | Engine power and tonnage<br>”   |   | Engine power and tonnage<br>”   |                 |

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| Article 1, first paragraph, point (34a), introductory part                        |                     |                                      |   |          |
| 471a  |                     |                                      | <u>(34a) Article 39 is amended as follows:</u>  |          |
| Article 1, first paragraph, point (34a)(a), introductory part                     |                     |                                      |   |          |
| 471b  |                     |                                      | <u>(a) in paragraph 1, "fishing vessel" is replaced by "catching vessel".</u>   |          |
| Article 1, second paragraph, point (34a)(b), introductory part                    |                     |                                      |   |          |
| 471c  |                     |                                      | <u>(b) the following paragraph is inserted:</u>   |          |
| Article 1, first paragraph, point (34a), amending provision (2a), first paragraph |                     |                                      |   |          |
| 471d  |                     |                                      | <u>"<br/>2a. When a catching vessel exceeds the authorised engine power set out in the fishing licence, it may carry out a regularisation of the engine power, in accordance with a maximum period and the criteria established by the flag Member State concerned. When a catching vessel exceeds by 20% or more the engine power authorised in the licence, including the margin of</u> |          |

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|   |   |                                      | <u><i>error of the measuring equipment, the competent authorities of the flag Member State shall take the necessary measures to ensure that the vessel ceases all fishing activities and operations.</i></u> " |          |
| Article 1, first paragraph, point (34a)(c), introductory part                     |   |                                      |  |          |
| 471e  |   |                                      | <u><i>(c) paragraph 3 is replaced by the following:</i></u>  |          |
| Article 1, first paragraph, point (34a), amending provision (3), second paragraph |   |                                      |  |          |
| 471f  |   |                                      | " <u><i>3. Member States may charge parts or all costs arising from the certification and verification of engine power to the operators of the catching vessels.</i></u> "                                     |          |
| Article 1, first paragraph, point (35), introductory part                         |   |                                      |  |          |
| 472   | (35) the following Article 39a is inserted: |                                      | (35) the following Article 39a is inserted:  |          |
| Article 1, first paragraph, point (35), amending provision, first paragraph       |   |                                      |  |          |

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| 473  | “<br>Article 39a   |                                      | “<br>Article 39a   |          |
| Article 1, first paragraph, point (35), amending provision, second paragraph     |  |                                      |  |          |
| 474  | Continuous monitoring of engine power  |                                      | Continuous monitoring of engine power  |          |
| Article 1, first paragraph, point (35), amending provision(1), introductory part |  |                                      |  |          |
| 475  | 1. Member States shall ensure that vessels using the following active fishing gears: trawls, seines and surrounding nets, are equipped with permanently installed devices that measure and record engine power in cases where: |                                      | 1. Member States shall <u>based on a risk assessment, determine which ensure that</u> vessels <u>using the following active fishing gears: trawls, seines and surrounding nets, equipped with inboard propulsive engines with certified engine power exceeding 221 kilowatts and using towed gear, as defined in point 12 of Article 6 Regulation (EU) 1241/2019, pose a serious risk of non-compliance with the rules of the common fisheries policy concerning engine power. They shall ensure that those vessels</u> are equipped with permanently installed devices <u>or software</u> that measure and record engine power <del>in cases where:</del> |          |

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| Article 1, first paragraph, point (35), amending provision(1)(a)                    |  |  |   |          |
| 476   | (a) the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; or   | “<br>(a) the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; <del>or</del> <u>and</u>  | <del>(a) the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; or</del>   |          |
| Article 1, first paragraph, point (35), amending provision(1)(b)                    |  |  |   |          |
| 477   | (b) the vessels are equipped with propulsive engines with certified engine power between 120 and 221 kilowatts and operate in areas subject to effort regimes or restrictions on engine power. | (b) the vessels <del>are equipped with propulsive engines with certified engine power between 120 and 221 kilowatts and</del> operate in areas subject to <u>fishing</u> effort regimes or restrictions on engine power.   | <del>(b) the vessels are equipped with propulsive engines with certified engine power between 120 and 221 kilowatts and operate in areas subject to effort regimes or restrictions on engine power.</del> |          |
| Article 1, first paragraph, point (35), amending provision, numbered paragraph (1a) |  |  |   |          |
| 477a  |  | <u>1a. In addition, Member States shall ensure that vessels having committed an infringement related to the manipulation of an engine in order to increase the power of the vessel above the maximum continuous engine power indicated on the engine certificate are equipped with permanently installed devices that measure and record engine power.</u> |   |          |



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| Article 1, first paragraph, point (35), amending provision(2) |  |   |  |          |
| 478   | 2. The devices referred to in paragraph 1, in particular permanently affixed shaft strain gauges and revolution counters, shall ensure the continuous measurement of propulsive engine power in kilowatts.   | 2. The devices referred to in paragraph 1, in particular permanently affixed shaft strain gauges and revolution counters, shall ensure the continuous measurement <u>and recording</u> of propulsive engine power in kilowatts. | 2. The devices referred to in paragraph <del>1, in particular permanently affixed shaft strain gauges and revolution counters,</del> <u>shall</u> <del>shall</del> ensure the continuous measurement of propulsive engine power in kilowatts <u>and the storage on board of that data.</u>   |          |
| Article 1, first paragraph, point (35), amending provision(3) |  |   |  |          |
| 479   | 3. Masters shall ensure that the devices referred to in paragraph 1 function at all times and that the information from the continuous measurement of propulsive engine power is recorded and stored on board and is accessible to officials at all times. |   | 3. Masters <u>and holders of fishing licences</u> shall ensure that the devices referred to in paragraph 1 function at all times and that the information from the continuous measurement of propulsive engine power is recorded and stored on board and is accessible <del>to officials</del> <u>on board the vessels</u> at all times <u>to officials.</u> |          |
| Article 1, first paragraph, point (35), amending provision(4) |  |   |  |          |
| 480   | 4. The Commission may, by means of implementing acts, lay down detailed rules concerning the technical requirements and characteristics of the devices   |   | 4. The Commission <del>may</del> <u>shall</u> , by means of implementing acts, lay down detailed rules concerning the <u>installation.</u> technical requirements and characteristics of the devices <u>or</u>   |          |

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|   | referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |   | <u>software</u> referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                 |
| Article 1, first paragraph, point (35), amending provision(4a)    |   |   |   |                 |
| 480a  |   |   | <u>(4a) The risk assessment referred to in paragraph 1 shall:</u>   |                 |
| Article 1, first paragraph, point (35), amending provision(4a)(a) |   |   |   |                 |
| 480b  |   |   | <u>(a) follow a regional approach:</u>  |                 |
| Article 1, first paragraph, point (35), amending provision(4a)(b) |   |   |   |                 |
| 480c  |   |   | <u>(b) establish the level of risk of non-compliance by fleet segment, based on gear, area covered, effort regime, species targeted, power reduction and speed;</u>   |                 |
| Article 1, first paragraph, point (35), amending provision(4a)(c) |   |   |   |                 |
| 480d  |   |   | <u>(c) include a risk analysis determining the likelihood and impact of non-compliance with the</u>   |                 |

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|   |                     |                                      | <u>rules of the common fisheries policy concerning engine power, in particular as regards overfishing:</u>  |          |
| Article 1, first paragraph, point (35), amending provision(4a)(d) |                     |                                      |   |          |
| 480e  |                     |                                      | <u>(d) consider the exhaustion of the capacity ceiling.</u>   |          |
| Article 1, first paragraph, point (35), amending provision(4b)    |                     |                                      |   |          |
| 480f  |                     |                                      | <u>(4b) The risk assessment shall be jointly carried out by the Member States, in cooperation with EFCA.</u>  |          |
| Article 1, first paragraph, point (35), amending provision(4c)    |                     |                                      |   |          |
| 480g  |                     |                                      | <u>(4c) Member States may provide that Union catching vessels equipped with inboard propulsive engines with certified engine power of no more than 221 kilowatts and using towed gear , as defined in point 12 of Article 6 Regulation (EU) 1241/2019, and flying their flag shall be equipped with permanently installed devices or software that measure and record engine power, based on the risk of non-compliance with the rules of</u> |          |

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|   |                     |  | <u><i>the common fisheries policy concerning engine power.</i></u> |          |
| Article 1, first paragraph, point (35a), introductory part                      |                     |  |  |          |
| 480h  |                     | <u><i>(35a) In Article 40, paragraph 3 is replaced by the following:</i></u>   |  |          |
| Article 1, first paragraph, point (35a), amending provision, numbered paragraph |                     |  |  |          |
| 480i  |                     | <p data-bbox="728 683 739 703">"</p> <p data-bbox="728 719 1160 1358"><u><i>3. Member States' competent authorities may assign the certification of engine power to classification societies or to other operators having the necessary expertise for the technical examination of engine power. Those classification societies or other operators shall only certify a propulsion engine as not being capable of exceeding the officially stated power if there is no possibility to increase the performance of the propulsion engine above the certified power. Those certification societies and other operators shall be responsible for the accuracy of the certifications.</i></u></p> <p data-bbox="1149 1362 1160 1383">"</p> |  |          |

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| Article 1, first paragraph, point (36), introductory part                   |   |   |   |          |
| 481   | (36) in Article 40, paragraph 6 is replaced by the following:   |   | (36) in Article 40, paragraph 6 is replaced by the following:   |          |
| Article 1, first paragraph, point (36), amending provision(6)               |   |   |   |          |
| 482   | "<br>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).<br>" | "<br>6. The Commission <del>may, by means of implementing acts, lay</del> <u>is empowered to adopt delegated acts in accordance with Article 119a laying</u> down detailed rules concerning the certification of propulsion engine power. <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).;</del><br>" | "<br>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).<br>" |          |
| Article 1, first paragraph, point (37), introductory part                   |   |   |   |          |
| 483   | (37) Article 41 is replaced by the following:   |   | (37) Article 41 is replaced by the following:   |          |
| Article 1, first paragraph, point (37), amending provision, first paragraph |   |   |   |          |
| 484   |   |   |   |          |

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|  | "<br>Article 41   |                                      | "<br>Article 41   |          |
| Article 1, first paragraph, point (37), amending provision, second paragraph |   |                                      |   |          |
| 485  | Verification of engine power and tonnage  |                                      | Verification of engine power <del>and tonnage</del>   |          |
| Article 1, first paragraph, point (37), amending provision(1)                |   |                                      |   |          |
| 486  | In cases where there are indications from data collected such as vessel position data, fishing logbook data, or continuous measurement of propulsive engine power, that the engine power of a fishing vessel is greater than the power stated established in the fishing licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the engine power. |                                      | <u>L</u> In cases where there are indications from data collected such as vessel position data, fishing logbook data, or continuous measurement of propulsive engine power, that the engine power of a fishing vessel is greater than the power stated <del>established</del> in the fishing licence, or in the Union or national fleet register, Member States shall <del>proceed to verify the engine power, if necessary, through</del> a physical verification of the engine power. |          |
| Article 1, first paragraph, point (37), amending provision, fourth paragraph |   |                                      |   |          |
| 487  | In cases where there are indications from data collected such as fishing logbooks, landing declarations or  |                                      | <del>In cases where there are indications from data collected such as fishing logbooks, landing declarations or</del>   |          |

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|   | other relevant information, that the tonnage of fishing vessel is greater than that stated in the licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the tonnage. " |                                      | <del>other relevant information, that the tonnage of fishing vessel is greater than that stated in the licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the tonnage.</del>  |          |
| Article 1, first paragraph, point (37), amending provision(2) |   |                                      |   |          |
| 487a  |   |                                      | <u>2. For the purpose of verifying the engine power of a 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.</u> |          |
| Article 1, first paragraph, point (37), amending provision(3) |   |                                      |   |          |
| 487b  |   |                                      | <u>3. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the amendment of paragraph 2 of this Article in order to adapt the reference to the relevant ISO International Standard to technical progress.</u>                                       |          |

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| Article 1, first paragraph, point (37), amending provision(4)                  |                     |   |   |          |
| 487c   |                     |   | <p><u>4. The Commission may, by means of implementing acts, lay down detailed rules concerning the verification of engine power. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u></p> | "        |
| Article 1, first paragraph, point (37), amending provision, fourth paragraph a |                     |   |   |          |
| 487d   |                     | <p>"</p> <p><u>1a. Member States shall verify the accuracy and consistency of the data on engine power and tonnage, using all available information related to the technical characteristics of the vessel concerned.</u></p> |   |          |
| Article 1, first paragraph, point (37), amending provision, fourth paragraph b |                     |   |   |          |
| 487e   |                     | <p><u>2a. Member States shall inform the Commission, as part of the report referred to in Article 118, of the results of the checks referred to in this Article and of the measures taken where the engine power or</u></p>   |   |          |



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|   |                     | <u>tonnage of the fishing vessel is greater than that declared in the fishing licence or in the Union or national fleet register.</u> | "   |          |
| Article 1, first paragraph, point (37a), introductory part                    |                     |   |   |          |
| 487f  |                     |   | <u>(37a) The following Article 41a is inserted:</u>   |          |
| Article 1, first paragraph, point (37a), amending provision, first paragraph  |                     |   |   |          |
| 487g  |                     |   | "<br><u>Article 41a</u>   |          |
| Article 1, first paragraph, point (37a), amending provision, second paragraph |                     |   |   |          |
| 487h  |                     |   | <u>Verification of tonnage</u>  |          |
| Article 1, first paragraph, point (37a), amending provision, third paragraph  |                     |   |   |          |
| 487i  |                     |   | <u>In cases where there is evidence that the tonnage of a fishing vessel differs from the tonnage stated in the fishing licence, Member States shall proceed to a verification of the tonnage. For this purpose, Member States shall consider, in particular,</u> |          |

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|  |   |                                      | <u>changes to the enclosed volume or dimensions of the vessel.</u>   | "        |
| Article 1, first paragraph, point (38)                           |   |                                      |  |          |
| 488  | (38) in paragraph 3 of Article 42 the following words "Articles 60 and 61" are replaced by "Article 60".  |                                      | (38) in paragraph <del>3</del> <sup>2</sup> of Article 42 the following words "Articles 60 and 61" are replaced by "Article 60".   |          |
| Article 1, first paragraph, point (39), introductory part        |   |                                      |  |          |
| 489  | (39) Article 43 is amended as follows:  |                                      | (39) Article 43 is amended as follows:   |          |
| Article 1, first paragraph, point (39)(a), introductory part     |   |                                      |  |          |
| 490  | (a) paragraph 1 is replaced by the following:   |                                      | (a) <del>paragraph 1 is</del> <sup>paragraphs 1 and 2 are</sup> replaced by the following:   |          |
| Article 1, first paragraph, point (39)(a), amending provision(1) |   |                                      |  |          |
| 491  | "<br>1. A multiannual plan may set a threshold applicable to the live weight of species subject to that plan, above which a fishing vessel shall be required to land its catches in a designated port or place close to |                                      | "<br>1. <u>In</u> a multiannual plan <del>may set</del> <sup>may be set</sup> a threshold <u>may be set</u> applicable to the live weight of species subject to that plan, above which a <u>Union</u> fishing vessel shall be required to land <del>its</del> catches in a designated port |          |

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|  | the shore.<br>"             |                                      | or place close to the shore.   |          |
| Article 1, first paragraph, point (39)(a), amending provision(2)             |                             |                                      |  |          |
| 491a   |                             |                                      | <u>2. Where quantities exceeding the threshold referred to in paragraph 1 are retained on board, the master of a Union fishing vessel shall ensure that the landing of catches is carried out in a designated port or place close to the shore in the Union.</u> | "        |
| Article 1, first paragraph, point (39)(b)                                    |                             |                                      |  |          |
| 492  | (b) paragraph 7 is deleted. |                                      | (b) paragraph 7 is deleted.  |          |
| Article 1, first paragraph, point (39a), introductory part                   |                             |                                      |  |          |
| 492a   |                             |                                      | <u>(39a) Article 44 is replaced as follows:</u>  |          |
| Article 1, first paragraph, point (39a), amending provision, first paragraph |                             |                                      |  |          |
| 492b   |                             |                                      | "<br><u>Article 44</u>   |          |

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| Article 1, first paragraph, point (39a), amending provision, second paragraph |                     |                                      |  |          |
| 492c  |                     |                                      | <u>Separate stowage of demersal catches subject to multiannual plans</u>   |          |
| Article 1, first paragraph, point (39a), amending provision(1)                |                     |                                      |  |          |
| 492d  |                     |                                      | <u>1. Catches of demersal stocks subject to a multiannual plan which are retained on board a Union catching vessel of 12 metres' 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.</u> |          |
| Article 1, first paragraph, point (39a), amending provision(2)                |                     |                                      |  |          |
| 492e  |                     |                                      | <u>2. Masters of Union catching vessels shall keep the catches referred to in paragraph 1 according to a stowage plan that describes the location of the different species in the holds.</u>   |          |
| Article 1, first paragraph, point (39a), amending provision(3)                |                     |                                      |  |          |

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| 492f   |                     |  | <u>3. It shall be prohibited to retain on board a Union catching vessel in any box, compartment or container any quantity of catches referred to in paragraph 1 mixed with any other fishery products.</u> |          |
| Article 1, first paragraph, point (39a), amending provision(4)                             |                     |  |  |          |
| 492g   |                     |  | <u>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.</u>             | "        |
| Article 1, first paragraph, point (39a), introductory part                                 |                     |  |  |          |
| 492h   |                     | <u>(39a) Article 44 is replaced by the following:</u>  |  |          |
| Article 1, first paragraph, point (39a), amending provision, article 44, introductory part |                     |  |  |          |
| 492i   |                     | "<br><u>Article 44</u><br><u>Separate stowage of demersal catches subject to multiannual</u> |  |          |

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|  |                     | <u>plans</u>  |  |          |
| Article 1, first paragraph, point (39a), amending provision, article 44, paragraph 1 |                     |   |  |          |
| 492j   |                     | <p><u>1. All catches of target demersal stocks subject to a recovery plan, specific control and inspection programs adopted pursuant to Article 95 including provisions on separate stowage, or specific control measures as defined in multiannual plans, retained on board a Union fishing vessel of 12 metres' length overall or more 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.</u></p> |  |          |
| Article 1, first paragraph, point (39a), amending provision, article 44, paragraph 2 |                     |   |  |          |
| 492k   |                     | <p><u>2. Masters of Union fishing vessels shall keep the catches of demersal stocks referred to in paragraph 1 according to a stowage plan describing the location of the different species in the holds.</u></p> <p><u>3. It shall be prohibited to retain on board a Union fishing vessel in any box, compartment or container any</u></p>  |  |          |

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|   |                             | <u>quantity of catches of demersal stocks referred to in paragraph 1 mixed with any other fisheries product.</u> | "  |          |
| Article 1, first paragraph, point (40)  |                             |  |  |          |
| 493   | (40) Article 45 is deleted. |  | (40) Article 45 is deleted.                                  |          |
| Article 1, first paragraph, point (41)  |                             |  |  |          |
| 494   | (41) Article 46 is deleted. |  | (41) Article 46 is deleted.                                  |          |
| Article 1, first paragraph, point (41a), introductory part                    |                             |  |  |          |
| 494a  |                             |  | <u>(41a) the following Chapter is inserted:</u>              |          |
| Article 1, first paragraph, point (41a), amending provision, first paragraph  |                             |  |  |          |
| 494b  |                             |  | "<br><u>CHAPTER IIIa</u>                                     |          |
| Article 1, first paragraph, point (41a), amending provision, second paragraph |                             |  |  |          |
| 494c  |                             |  | <u>Regionalisation</u>                                       |          |

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| Article 1, first paragraph, point (41a), amending provision, third paragraph                    |                            |   |   |                 |
| 494d  |                            |   | <a href="#"><u>Article 46a</u></a>  |                 |
| Article 1, first paragraph, point (41a), amending provision, fourth paragraph                   |                            |   |   |                 |
| 494e  |                            |   | <a href="#"><u>Regional control measures</u></a>  |                 |
| Article 1, first paragraph, point (41a), amending provision, fifth paragraph, introductory part |                            |   |   |                 |
| 494f  |                            |   | <a href="#"><u>In order to take into account regional specificities of the relevant fisheries, the Commission is empowered to adopt delegated acts in accordance with Article 119a in order to supplement the control measures set out in this Regulation with:</u></a> |                 |
| Article 1, first paragraph, point (41a), amending provision, fifth paragraph point (a)          |                            |   |   |                 |
| 494g  |                            |   | <a href="#"><u>(a) regional measures to control the implementation of regional technical measures adopted on the basis of Article 15 of Regulation (EU) 2019/1241;</u></a>  |                 |
| Article 1, first paragraph, point (41a), amending provision, fifth paragraph point (b)          |                            |   |   |                 |



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| 494h   |  |                                      | <u><i>(b) regional measures to control the implementation of measures adopted under multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013:</i></u>  |          |
| Article 1, first paragraph, point (41a), amending provision, fifth paragraph point (c) |  |                                      |  |          |
| 494i   |  |                                      | <u><i>(c) regional control measures in respect of stocks that are not within safe biological limits.</i></u>   |          |
| Article 1, first paragraph, point (41a), amending provision, sixth paragraph           |  |                                      |  |          |
| 494j   |  |                                      | <u><i>The Commission shall adopt such delegated acts on the basis of a joint recommendation submitted in accordance with the procedures and applicable conditions laid down in Article 18 of Regulation (EU) No 1380/2013.</i></u> |          |
| Article 1, first paragraph, point (42), introductory part                              |  |                                      |  |          |
| 495  | (42) Article 48 is amended as follows: |                                      | (42) Article 48 is amended as follows:   |          |
| Article 1, first paragraph, point (42)(a0), introductory part                          |  |                                      |  |          |

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| 495a  |   |   | <u>(a0) paragraph 1 is replaced by the following:</u>   |          |
| Article 1, first paragraph, point (42)(a0), amending provision(1) |   |   |   |          |
| 495b  |   |   | "<br><u>1. A Union catching vessel shall have the equipment on board to retrieve its lost gear.</u><br>"    |          |
| Article 1, first paragraph, point (42)(a00), introductory part    |   |   |   |          |
| 495c  |   |   | <u>(a00) In paragraph 2, 'fishing vessel' is replaced by 'catching vessel'.</u>                             |          |
| Article 1, first paragraph, point (42)(a), introductory part      |   |   |   |          |
| 496   | (a) paragraph 3 is replaced by the following:   |   | (a) paragraph 3 is replaced by the following:   |          |
| Article 1, first paragraph, point (42)(a), amending provision(3)  |   |   |   |          |
| 497   | "<br>3. If the lost gear cannot be retrieved, the Master of the vessel shall include the information on the | "<br>3. If the lost gear cannot be retrieved, the Master of the vessel shall include the information on the | "<br>3. If the lost gear cannot be retrieved, the master of the vessel shall include the information on the |          |

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|   | lost gear in the logbook pursuant to Article 14(3). The competent authority of the flag Member State shall inform the competent authority of the coastal Member State. | lost gear in the logbook pursuant to Article 14(3). The competent authority of the flag Member State shall <u>without delay</u> inform the competent authority of the coastal Member State. | lost gear in the logbook pursuant to Article 14(3). The competent authority of <del>the</del> <u>its</u> flag Member State shall <del>inform</del> <u>forward that information to</u> the competent authority of the coastal Member State. |          |
| Article 1, first paragraph, point (42)(a1), introductory part                           |  |   |  |          |
| 497a  |  |   | <u>(a1) the following paragraph is inserted:</u>   |          |
| Article 1, first paragraph, point (42)(a1), amending provision, numbered paragraph (3a) |  |   |  |          |
| 497b  |  |   | <u>3a. Paragraph 3 of this Article shall apply from ... [24 months after the date of application of this Regulation].</u>  |          |
| Article 1, first paragraph, point (42)(a2), introductory part                           |  |   |  |          |
| 497c  |  |   | <u>(a2) In paragraph 4, 'fishing vessel' is replaced by 'catching vessel'.</u>   |          |
| Article 1, first paragraph, point (42)(b), introductory part                            |  |   |  |          |

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| 498  | (b) paragraph 5 is replaced by the following:  |   | (b) paragraph 5 is replaced by the following:  |          |
| Article 1, first paragraph, point (42)(b), amending provision(5) |  |   |  |          |
| 499  | " 5. Member States shall collect and record information concerning lost gears and provide this information to the Commission upon request. " | " 5. Member States shall collect and record <u>all the</u> information concerning lost gears <u>referred to in paragraph 3</u> and provide this information to the Commission <del>upon request</del> <u>and to the European Fisheries Control Agency. The European Fisheries Control Agency shall forward that information to the European Maritime Safety Agency and the European Environmental Agency, in the context of their enhanced cooperation. The Union register of infringements established pursuant to Article 93(1) shall list items of gear lost at sea and shall ensure the recording of information and the availability of that information for Member States and the European Fisheries Control Agency. The information shall be transmitted electronically and without delay. The Commission is</u> | " 5. Member States shall collect and record information concerning lost <del>gears</del> <u>gear</u> and provide <del>this</del> <u>that</u> information to the Commission upon request. " |          |

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|   |   | <u><i>empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by further specifying the rules governing the transmission of information.</i></u> | "   |          |
| Article 1, first paragraph, point (42a)                                     |   |  |   |          |
| 499a  |   |  | <u><i>(42a) In Article 49, paragraph 1, 'fishing vessel' is replaced by 'catching vessel'.</i></u>            |          |
| Article 1, first paragraph, point (42b)                                     |   |  |   |          |
| 499b  |   |  | <u><i>(42b) In Article 49a, paragraphs 1 and 2(b), 'fishing vessel' is replaced by 'catching vessel'.</i></u> |          |
| Article 1, first paragraph, point (43), introductory part                   |   |  |   |          |
| 500   | (43) Article 50 is replaced by the following: |  | (43) Article 50 is replaced by the following:   |          |
| Article 1, first paragraph, point (43), amending provision, first paragraph |   |  |   |          |
| 501   | "<br>Article 50                               |  | "<br>Article 50   |          |

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| Article 1, first paragraph, point (43), amending provision, second paragraph |   |   |   |          |
| 502  | Control of fishing restricted areas   | "<br>Control of fishing restricted areas<br><u>and marine protected areas</u>   | Control of fishing restricted areas   |          |
| Article 1, first paragraph, point (43), amending provision(1)                |   |   |   |          |
| 503  | 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 jurisdiction or sovereignty. | 1. Fishing activities in fishing restricted areas <u>and marine protected areas</u> 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 <u>areas and marine protected</u> areas under its jurisdiction or sovereignty. | 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 jurisdiction or sovereignty. |          |
| Article 1, first paragraph, point (43), amending provision(2)                |   |   |   |          |
| 504  | 2. Fishing activities of Union fishing vessels in fishing restricted areas located in high seas or in third country waters shall be controlled by the flag Member States.   | 2. Fishing activities of Union fishing vessels in fishing restricted areas <u>and marine protected areas</u> located in high seas or in third country waters shall be controlled by the flag Member States.   | 2. Fishing activities of Union fishing vessels in fishing restricted areas located in high seas or in third country waters shall be controlled by the flag Member States, <u>to the extent permitted under international law.</u>   |          |

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| Article 1, first paragraph, point (43), amending provision(3), introductory part |   |  |   |          |
| 505  | 3. Transit through a fishing restricted area is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions:  | 3. Transit through a fishing restricted area <u>or marine protected area</u> is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions: | 3. <del>Transit through a fishing restricted area is allowed for all fishing</del> <u>Catching</u> vessels that are not authorised to fish in <u>fishing restricted areas may only transit through</u> such areas subject to the following conditions:  |          |
| Article 1, first paragraph, point (43), amending provision(3)(a)                 |   |  |   |          |
| 506  | (a) all gears carried on board are lashed and stowed during the transit; and  |  | (a) all <del>gears</del> <u>fishing gear</u> carried on board <del>are is</del> lashed and stowed during the transit; <del>and</del>  |          |
| Article 1, first paragraph, point (43), amending provision(3)(b)                 |   |  |   |          |
| 507  | (b) the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of its flag Member State which shall then inform the competent authorities of the coastal Member State. |  | (b) <u>the transit is continuous and</u> the speed during transit is not less than six knots except in <del>ease</del> <u>cases</u> of force majeure <del>or adverse conditions</del> . In such cases, the master shall immediately inform the fisheries monitoring centre of its flag Member State which shall then inform the competent authorities of the coastal Member State. <u>; and</u> |          |

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| Article 1, first paragraph, point (43), amending provision(3)(c)              |  |                                      |  |          |
| 508   | (c) the tracking device providing position of the vessels in accordance with Article 9 is functioning. " |                                      | (c) the tracking device providing position of the vessels <del>in accordance</del> <u>with as referred to in</u> Article 9 is functioning. |          |
| Article 1, first paragraph, point (43), amending provision, third paragraph   |  |                                      |  |          |
| 508a  |  |                                      | <u>The frequency of transmission of the vessel position data shall be of at least once every 30 minutes.</u> "                             |          |
| Article 1, first paragraph, point (43a), introductory part                    |  |                                      |  |          |
| 508b  |  |                                      | <u>(43a) the following Chapter is inserted after Article 54:</u>   |          |
| Article 1, first paragraph, point (43a), amending provision, first paragraph  |  |                                      |  |          |
| 508c  |  |                                      | "<br><u>CHAPTER IVa</u>  |          |
| Article 1, first paragraph, point (43a), amending provision, second paragraph |  |                                      |  |          |
| 508d  |  |                                      | <u>Control of fisheries without a fishing vessel</u>   |          |



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| Article 1, first paragraph, point (43a), amending provision, third paragraph  |                     |                                      |  |          |
| 508e  |                     |                                      | <a href="#"><u>Article 54d</u></a>   |          |
| Article 1, first paragraph, point (43a), amending provision, fourth paragraph |                     |                                      |  |          |
| 508f  |                     |                                      | <p><a href="#"><u>Fisheries without a fishing vessel<sup>1</sup></u></a></p> <p><a href="#"><u>1. A recital will explain the scope of the new Article on "fishing without a vessel", in particular, its geographical scope and that it only relates to commercial fisheries. It should be stressed that the Article only covers the exploitation of 'marine biological resources', a term defined under Article 4(1)(2) of Regulation (EU) No 1380/2013.</u></a></p> |          |
| Article 1, first paragraph, point (43a), amending provision(1)                |                     |                                      |  |          |
| 508g  |                     |                                      | <p><a href="#"><u>1. Member States shall ensure that fisheries without a fishing vessel exploiting marine biological resources on their territory and in Union waters<sup>1</sup> are conducted in a manner compatible with the objectives and rules of the common fisheries policy.</u></a></p> <p><a href="#"><u>1. A recital will mention examples of fisheries without a vessel, such as on shore fisheries and ice-fishing activities.</u></a></p>              |          |
| Article 1, first paragraph, point (43a), amending provision(2)                |                     |                                      |  |          |

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| 508h  |                     |                                      | <u>2. For the purpose referred to in paragraph 1, Member States shall:</u>  |          |
| Article 1, first paragraph, point (43a), amending provision(2)(a) |                     |                                      |   |          |
| 508i  |                     |                                      | <u>(a) put in place a licensing or other alternative system for natural and legal persons conducting such activities; and</u>                                   |          |
| Article 1, first paragraph, point (43a), amending provision(2)(b) |                     |                                      |   |          |
| 508j  |                     |                                      | <u>(b) ensure that the quantities of species, stocks or group of stocks caught are recorded and submitted by electronic means to the competent authorities.</u> |          |
| Article 1, first paragraph, point (43a), amending provision(3)    |                     |                                      |   |          |
| 508k  |                     |                                      | <u>3. This Article shall apply from ... /24 months after the date of application of this Regulation.</u>  |          |
| Article 1, first paragraph, point (43a), amending provision(4)    |                     |                                      |   |          |
| 508l  |                     |                                      | <u>4. The Commission may, by means of implementing acts, lay down</u>   |          |

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|  |   |                                      | <u>detailed rules on the format, content and submission of the record of the quantities caught as referred to in point (b) of paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u> |          |
| Article 1, first paragraph, point (43a), amending provision(5)               |   |                                      |   |          |
| 508m   |   |                                      | <u>5. This Article shall not apply to recreational fisheries.</u>   | "        |
| Article 1, first paragraph, point (44), introductory part                    |   |                                      |   |          |
| 509  | (44) Article 55 is replaced by the following: |                                      | (44) Article 55 is replaced by the following:   |          |
| Article 1, first paragraph, point (44), amending provision, first paragraph  |   |                                      |   |          |
| 510  | “<br>Article 55                               |                                      | “<br>Article 55   |          |
| Article 1, first paragraph, point (44), amending provision, second paragraph |   |                                      |   |          |
| 511  | Recreational fisheries                        |                                      | Recreational fisheries  |          |

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| Article 1, first paragraph, point (44), amending provision(1), first subparagraph                     |   |  |   |          |
| 512   | 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. | “<br>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 <u>and with Union conservation measures, including those adopted as part of multiannual plans.</u>   | 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. |          |
| Article 1, first paragraph, point (44), amending provision(1), second subparagraph, introductory part |   |  |   |          |
| 513   | For this purpose Member States shall:   |  | For this purpose Member States shall:   |          |
| Article 1, first paragraph, point (44), amending provision(1), second subparagraph(a)                 |   |  |   |          |
| 514   | (a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries; and  | (a) <u>building on already existing practices in Member States,</u> put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries, <u>together with an appropriate system of sanctions for non-compliance, informing applicants for such licences about the Union conservation measures to</u> | <del>(a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries; and</del>   |          |

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|  |   | <u>be applied in the area, including catch restrictions and arrangements governing sanctions;</u><br>and  |  |          |
| Article 1, first paragraph, point (44), amending provision(1), second subparagraph |   |   |  |          |
| 515  | (b) collect data on catches from such fisheries through catch reporting or other data collection mechanisms based on a methodology which shall be notified to the Commission. | (b) collect data on catches from such fisheries through <del>catch reporting or other data collection mechanisms based on a methodology which shall be notified to the Commission</del> <u>a simple, free of charge, harmonised electronic form or application.</u> | <del>(b)</del> collect data on catches from <del>such</del> <u>recreational</u> fisheries through <del>catch reporting or other</del> data collection mechanisms based on a methodology which shall be <u>determined by each Member State and</u> notified to the Commission. <u>Member States shall send those data to the Commission at least once a year.</u> |          |
| Article 1, first paragraph, point (44), amending provision, third paragraph        |   |   |  |          |
| 515a   |   |   | <u>In order to comply with the obligation set out in the first subparagraph, Member States may use the data collected under Regulation (EU) 2017/1004(*).</u>  |          |
| Article 1, first paragraph, point (44), amending provision(2), introductory part   |   |   |  |          |
| 516  | 2. As regards stocks, groups of stocks and species that are subject to  | 2. As regards stocks, groups of stocks and species that are subject to  | 2. As regards <u>species</u> , stocks, <del>or</del> groups of stocks <del>and species</del> that are  |          |

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|   | Union conservation measures applicable to recreational fisheries, Member States shall  | Union conservation measures applicable to recreational fisheries, <u>including additional conservation measures adopted as part of multiannual plans.</u> Member States shall:                            | subject to Union conservation measures <u>which apply specifically applicable</u> to recreational fisheries, <u>such as quotas, catch-limits and bag limits</u> <sup>1</sup> , Member States shall<br><br><u>1. Recital (31) will be amended as follows: A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy, in particular in the Council regulations fixing for specific years the fishing opportunities for certain fish stocks or groups of fish stocks. The specific conservation measures already applied include quotas, catch-limits, bag-limits, and prohibitions to fish in certain periods or with certain gear. The conservation of particular species might require using other measures than those in the future. The registration or licensing and catch registration systems Recording and reporting of catches of those species should allow the effective control of compliance with those specific conservation measures.</u> |          |
| Article 1, first paragraph, point (44), amending provision(2), first subparagraph |  |   |   |          |
| 517   | (a) ensure that natural and legal persons involved in recreational fisheries for such stocks or species record and send catch declarations electronically to the competent authorities on a daily basis or after | (a) ensure that natural and legal persons involved in recreational fisheries for such stocks or species <u>receive clear information on applicable Union conservation measures.</u> record and send catch | <del>(a)</del> ensure that natural and legal persons <del>involved</del> <u>engaged</u> in recreational fisheries for such <u>species</u> , stocks or <del>species</del> <u>groups of stocks are registered</u> <sup>1</sup> and record and <del>send catch declarations</del>  |          |

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|   | each fishing trip; and   | declarations electronically to the competent authorities on a daily basis or after each fishing trip; and | <p><del>electronically report their catches by electronic means</del> to the competent authorities <del>on a daily basis or after each fishing trip; and.</del></p> <p><u>1. A recital will clarify that the registration system put in place by Member States may foresee the registration before or after catching the concerned species, stocks or groups of stocks.</u></p> |          |
| Article 1, first paragraph, point (44), amending provision(2)(b)                    |  |   |   |          |
| 518   | (b) put in place a registration or licencing system for vessels used in such recreational fisheries, in addition to the registration or licencing system for natural and legal persons referred to in paragraph 1. |   | <p><del>(b) put in place a registration or licencing system for vessels used in such recreational fisheries, in addition to the registration or licencing system for natural and legal persons referred to in paragraph 1.</del></p>  |          |
| Article 1, first paragraph, point (44), amending provision(3)                       |  |   |   |          |
| 519   | 3. The sale of catches from recreational fisheries shall be prohibited.  |   | 3. The <u>marketing or</u> sale of catches from recreational fisheries shall be prohibited.   |          |
| Article 1, first paragraph, point (44), amending provision, numbered paragraph (3a) |  |   |   |          |
| 519a  |  | <p><u>3a. The master of a fishing vessel used in pesca-tourism shall, before</u></p>                      |   |          |

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|  |  | <u><i>each occasion where the fishing vessel is used for that specific purpose, notify the competent authorities accordingly. Article 15 shall not apply.</i></u>  |   |          |
| Article 1, first paragraph, point (44), amending provision(4)  |  |  |   |          |
| 520  | 4. National control programmes referred to in Article 93a shall include specific control activities concerning the recreational fisheries. | 4. <del>National control programmes referred to in Article 93a shall include specific control activities concerning the recreational fisheries.</del>  | 4. <del>National control programmes referred to in Article 93a shall include specific control activities concerning the recreational fisheries.</del> |          |
| Article 1, first paragraph, point (44), amending provision, numbered paragraph (4a)                  |  |  |   |          |
| 520a   |  |  | <u><i>4a. This Article shall not apply to Member States that are neither coastal nor flag states.</i></u>   |          |
| Article 1, first paragraph, point (44), amending provision(5), first subparagraph, introductory part |  |  |   |          |
| 521  | 5. The Commission may, by way of implementing acts, adopt detailed rules concerning:   | 5. The Commission <del>may, by way of implementing</del> <u>is empowered to adopt delegated</u> acts, <del>adopt</del> <u>in accordance with Article 119a, supplementing this Regulation by laying down</u> detailed rules concerning: | 5. <del>The Commission may, by way of implementing acts, adopt detailed rules concerning:</del>   |          |



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| Article 1, first paragraph, point (44), amending provision(5), first subparagraph(a)  |  |  |   |          |
| 522   | (a) the registration or licensing systems for recreational fisheries for specific species or stocks, |  | <del>(a) the registration or licensing systems for recreational fisheries for specific species or stocks,</del> |          |
| Article 1, first paragraph, point (44), amending provision(5), first subparagraph(aa) |  |  |   |          |
| 522a  |  | <u>(aa) the notification by the master of a fishing vessel as referred to in paragraph 3a.</u>   |   |          |
| Article 1, first paragraph, point (44), amending provision(5), first subparagraph(b)  |  |  |   |          |
| 523   | (b) the collection of data and the recording and submission of the catch data,                       | (b) the collection of data and the recording and submission of the catch data <u>through a simple, free of charge and harmonised electronic form or application;</u> | <del>(b) the collection of data and the recording and submission of the catch data;</del>                       |          |
| Article 1, first paragraph, point (44), amending provision(5), first subparagraph(c)  |  |  |   |          |
| 524   | (c) the tracking of vessels used for recreational fisheries, and                                     | (c) the tracking of <del>vessels</del> <u>a vessel</u> used for <u>pescap-tourism and recreational fisheries, fishing charter vessels;</u> and                       | <del>(c) the tracking of vessels used for recreational fisheries, and</del>                                     |          |
| Article 1, first paragraph, point (44), amending provision(5), first subparagraph(d)  |  |  |   |          |
| 525   |  |  |   |          |

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|  | (d) the control and marking of gears used for recreational fisheries.   | (d) the control and marking of gears used for recreational fisheries- <u>in a simple and proportionate manner.</u>  | <del>(d) the control and marking of gears used for recreational fisheries.</del>   |          |
| Article 1, first paragraph, point (44), amending provision(5), second subparagraph |   |   |  |          |
| 526  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).  | <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</del>   | <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</del>  |          |
| Article 1, first paragraph, point (44), amending provision(6)                      |   |   |  |          |
| 527  | 6. This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition. " | 6. This Article shall apply to any recreational fishing activities, <u>such as those performed with the support of a vessel, diving or on foot with the use of any catching or harvesting method.</u> including fishing activities organised by commercial entities in the tourism sector and <del>in</del> the sector of sport competition, <u>as well as in the context of pesca-tourism and with recreational fishing charter vessels.</u> " | <del>6. This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition.</del> " |          |
| Article 1, first paragraph, point (44a), introductory part                         |   |   |  |          |
| 527a   |   | <u>(44a) In Title IV, the following</u>   |  |          |

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|   |                     | <u><i>chapter is added:</i></u>   |  |          |
| Article 1, first paragraph, point (44a), amending provision, Chapter Va     |                     |   |  |          |
| 527b  |                     | "<br><u><i>CHAPTER Va</i></u><br><u><i>Control of fishing without vessels</i></u>   |  |          |
| Article 1, first paragraph, point (44a), amending provision, Article 55a    |                     |   |  |          |
| 527c  |                     | <u><i>Article 55a</i></u><br><u><i>Fishing without vessels</i></u>  |  |          |
| Article 1, first paragraph, point (44a), amending provision, Article 55a(1) |                     |   |  |          |
| 527d  |                     | <u><i>1. Member States shall ensure that fishing without vessels on their territory is conducted in a manner compatible with the objectives and rules of the common fisheries policy.</i></u> |  |          |
| Article 1, first paragraph, point (44a), amending provision, Article 55a(2) |                     |   |  |          |
| 527e  |                     | <u><i>2. To that end, Member States shall put in place a registration or licensing system monitoring the number of natural and legal</i></u>  |  |          |

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|  |   | <u>persons engaged in fishing without vessels.</u> | "  |          |
| Article 1, first paragraph, point (45), introductory part                    |   |  |  |          |
| 528  | (45) the heading of Title V is replaced by the following: |  | (45) the heading of Title V is replaced by the following:    |          |
| Article 1, first paragraph, point (45), amending provision, first paragraph  |   |  |  |          |
| 529  | “<br>TITLE V  |  | “<br>TITLE V   |          |
| Article 1, first paragraph, point (45), amending provision, second paragraph |   |  |  |          |
| 530  | CONTROLS IN THE SUPPLY CHAIN.<br>”                        |  | CONTROLS IN THE SUPPLY CHAIN.<br>”                           |          |
| Article 1, first paragraph, point (46), introductory part                    |   |  |  |          |
| 531  | (46) in Title V, Chapter I is replaced by the following:  |  | (46) in Title V, Chapter I is replaced by the following:     |          |
| Article 1, first paragraph, point (46), amending provision, first paragraph  |   |  |  |          |
| 532  | “   |  | “  |          |

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|  | Chapter I   |  | Chapter I   |          |
| Article 1, first paragraph, point (46), amending provision, second paragraph |   |  |   |          |
| 533  | GENERAL PROVISIONS  |  | GENERAL PROVISIONS  |          |
| Article 1, first paragraph, point (46), amending provision, third paragraph  |   |  |   |          |
| 534  | Article 56  |  | Article 56  |          |
| Article 1, first paragraph, point (46), amending provision, fourth paragraph |   |  |   |          |
| 535  | Principles for the control of marketing   |  | Principles for the control of marketing   |          |
| Article 1, first paragraph, point (46), amending provision(1)                |   |  |   |          |
| 536  | 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 | “<br>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 <u>the HORECA sector</u> <u>and</u> transport. Member States shall in particular take measures to ensure that the use of fishery products | 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 |          |

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|   | 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.  | 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. <u>By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, in the interests of social solidarity and in order to reduce wastage, products from fish under the relevant minimum conservation reference sizes that are subject to a landing obligation may be donated for charitable and/or social purposes. That derogation shall not result in the creation of a market for catches below the minimum conservation reference size.</u> | 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, <u>except where other rules of the common fisheries policy provide otherwise.</u> |          |
| Article 1, first paragraph, point (46), amending provision(2)                 |   |  |  |          |
| 537   | 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. |  | 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 1, first paragraph, point (46), amending provision, seventh paragraph |   |  |  |          |

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| 538  | Article 56a   |   | Article 56a  |          |
| Article 1, first paragraph, point (46), amending provision, eighth paragraph |   |   |  |          |
| 539  | Lots  |   | <u>Composition of lots of certain fishery and aquaculture products</u> <del>Lots</del>   |          |
| Article 1, first paragraph, point (46), amending provision(1)                |   |   |  |          |
| 540  | 1. Fishery and aquaculture products from catching or harvesting shall be put into lots prior to placing on the market.  | 1. Fishery and aquaculture products <del>from catching or harvesting</del> shall be put into lots prior to placing on the market.   | 1. Fishery and aquaculture products <del>from catching or harvesting</del> <u>falling under Chapter 3 of the Combined nomenclature established by Council Regulation (EEC) No 2658/87*</u> shall be put into lots <del>by the operator</del> prior to <del>their</del> placing on the market.          |          |
| Article 1, first paragraph, point (46), amending provision(2)                |   |   |  |          |
| 541  | 2. A lot shall only contain fishery or aquaculture products of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit. | 2. <del>A lot shall only contain</del> <u>For the purpose of placing</u> fishery or aquaculture products <u>on the market, for products falling under Chapter 3 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87, each lot shall consist</u> of a single species, of the | 2. A lot <del>shall only contain fishery or aquaculture products of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit.</del> <u>as</u> |          |

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|  |  | same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit. | <u>referred to in paragraph 1 shall only contain:</u>   |          |
| Article 1, first paragraph, point (46), amending provision(2)(a) |  |   |   |          |
| 541a   |  |   | <u>(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</u> |          |
| Article 1, first paragraph, point (46), amending provision(2)(b) |  |   |   |          |
| 541b   |  |   | <u>(b) aquaculture products of a single species, of the same product presentation and coming from the same aquaculture production unit.</u>   |          |
| Article 1, first paragraph, point (46), amending provision(3)    |  |   |   |          |
| 542  | 3. By way of derogation from paragraph 2, quantities of fishery products totalling less than 30kg of fishery products of several species and coming from the same relevant | 3. <del>By way of derogation from</del> <u>Notwithstanding</u> paragraph 2, quantities of fishery products totalling less than 30kg of fishery products of several species and            | 3. By way of derogation from paragraph 2, <u>Member States may lay down that</u> quantities of fishery products, <u>other than fishery products below the applicable</u>                                |          |



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|   | geographical area and of the same presentation, per vessel and per day, may be put into the same lot by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer, prior to the placing on the market.   | coming from the same relevant geographical area and of the same presentation, per vessel and per day, may be put into the same <del>lot</del> <u>batch</u> by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member, <u>by the fisheries auction</u> or by <del>the</del> registered buyer, prior to the placing on the market. | <u>minimum conservation reference size</u> , totalling less than 30kg of fishery products of several species and coming from the same relevant geographical area and of the same <u>product</u> presentation, per <u>catching</u> vessel and per day, may be put into the same lot <del>by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer,</del> prior to <del>the</del> <u>their</u> placing on the market. |          |
| Article 1, first paragraph, point (46), amending provision(4)                       |   |   |  |          |
| 543   | 4. By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, may be put into lots prior to the placing on the market for purposes other than direct human consumption. |   | 4. By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area <del>and the same fishing vessel, or group of fishing vessels,</del> may be put into <del>lots</del> <u>the same lot</u> prior to <del>the</del> <u>their</u> placing on the market for purposes other than direct human consumption.                                    |          |
| Article 1, first paragraph, point (46), amending provision, numbered paragraph (4a) |   |   |  |          |

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| 543a   |  | <u><a href="#">4a. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, in the interests of social solidarity and in order to reduce wastage, fish under the relevant minimum conservation reference sizes may be used for charitable and/or social purposes.</a></u> |   |          |
| Article 1, first paragraph, point (46), amending provision(5), introductory part |  |   |   |          |
| 544  | 5. After the placing on the market, a lot of fishery or aquaculture products 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: | 5. After the placing on the market, a lot of fishery or aquaculture products may only be merged with another lot or split, if the <del>lot</del> <u>batch</u> created by merging or the lots created by splitting meet the following conditions:  | 5. After the <del>placing on the market</del> <u>first sale</u> , a lot of fishery or aquaculture products <u>as referred to in paragraph 1</u> may only be merged with <u>or split from</u> another lot <u>of fishery or aquaculture products respectively</u> <del>or split</del> , if the lot created by merging or the lots created by splitting meet the following conditions: |          |
| Article 1, first paragraph, point (46), amending provision(5)(a)                 |  |   |   |          |
| 545  | (a) they contain fishery or aquaculture products of a single species and of the same presentation;   | (a) <del>they contain fishery or aquaculture products of a single species and of the same presentation;</del>   | (a) they contain <u>either</u> fishery <u>products</u> or aquaculture products of a single species and of the same <u>product</u> presentation;   |          |
| Article 1, first paragraph, point (46), amending provision(5)(b)                 |  |   |   |          |

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| 546  | (b) the traceability information listed in Article 58 paragraphs 5 and 6 is provided for the newly created lot(s);   | (b) the traceability information listed in Article 58 paragraphs 5 and 6 is provided for the newly created <u>batch or</u> lot <del>(s)</del> ;  | (b) the traceability information listed in Article <del>58 paragraphs 5 and 6</del> <u>58(5)</u> is provided for the newly created lot(s);  |          |
| Article 1, first paragraph, point (46), amending provision(5)(c) |  |  |   |          |
| 547  | (c) the operator responsible for placing the newly created lot on the market is able to provide the information concerning the composition of the newly created lot, 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. | (c) the operator responsible for <del>plac</del> <u>making the fishery or aquaculture products of</u> the newly created <del>batch or lot available</del> <u>lot</u> on the market is able to provide the information concerning the composition of the newly created <u>batch or</u> lot, in particular the information relating to each of the lots of fishery or aquaculture products which it contains, <u>including the species and their origin</u> <del>and the quantities of fishery or aquaculture products coming from each of the lots forming the new lot.</del> | (c) the operator responsible for <del>plac</del> <u>ing the newly created lot on the market</u> <del>creating the new lot</del> is able to provide the information concerning the composition of the newly created lot <del>(s)</del> , in particular the <del>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,</del> <u>where possible.</u> |          |
| Article 1, first paragraph, point (46), amending provision(6)    |  |  |   |          |
| 548  | 6. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter   | 6. <u>Without prejudice to paragraph 2,</u> this Article shall <del>only</del> apply to fishery and aquaculture products falling under Chapter 3 and under   | <del>6. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter</del>   |          |

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|   | 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.  | headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*. | <del>16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.</del>   |          |
| Article 1, first paragraph, point (46), amending provision(7)                   |   |  |   |          |
| 548a  |   |  | <u>7. This Article shall not apply to ornamental fish, ornamental crustaceans and ornamental molluscs.</u>  |          |
| Article 1, first paragraph, point (46), amending provision, fifteenth paragraph |   |  |   |          |
| 549   | Article 57  |  | Article 57  |          |
| Article 1, first paragraph, point (46), amending provision, sixteenth paragraph |   |  |   |          |
| 550   | Common marketing standards  |  | Common marketing standards  |          |
| Article 1, first paragraph, point (46), amending provision(1)                   |   |  |   |          |
| 551   | 1. Member States shall check that the products to which common marketing standards apply are made available on the market in compliance with these standards. |  | 1. Member States shall <del>check</del> ensure that the products to which common marketing standards apply are made available on the market in compliance with <del>these</del> those standards. <u>Member States shall undertake checks to ensure such</u> |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|---|---|--|--|----------|
|   |   |  | <u>compliance.</u>   |          |
| Article 1, first paragraph, point (46), amending provision, first subparagraph  |   |  |  |          |
| 552   | 2. Checks may take place at all stages in the supply chain including transport. In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature. | 2. Checks may take place at all stages in the supply chain, including transport <u>and catering.</u> In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature. | <del>2. The</del> checks may take place at all stages in the supply chain, including transport. <del>In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature.</del>   |          |
| Article 1, first paragraph, point (46), amending provision(3)                   |   |  |  |          |
| 553   | 3. 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 with the minimum marketing standards.                                   |  | 3. Operators <del>at all stages of the supply chain</del> responsible for purchasing, selling, stocking or transporting lots of fishery and aquaculture products shall <u>at all stages of the supply chain</u> be able to prove that the products comply, <u>where applicable,</u> with the <del>minimum</del> <u>common</u> marketing standards. |          |
| Article 1, first paragraph, point (46), amending provision, twentieth paragraph |   |  |  |          |
| 554   | Article 58  |  | Article 58   |          |

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| Article 1, first paragraph, point (46), amending provision, twenty-first paragraph |   |  |   |          |
| 555  | Traceability  |  | Traceability  |          |
| Article 1, first paragraph, point (46), amending provision(1)                      |   |  |   |          |
| 556  | 1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, lots of fishery or aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, including fisheries and aquaculture products which are destined for export. | 1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, lots <u>and batches</u> of fishery or aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, including fisheries and aquaculture products which are destined for export. | 1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, <u>fishery and aquaculture products shall be put into lots by operators and</u> <del>lots of fishery or aquaculture products</del> shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, <del>including fisheries and aquaculture products which are destined for export.</del> |          |
| Article 1, first paragraph, point (46), amending provision(2), introductory part   |   |  |   |          |
| 557  | 2. Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:  | 2. Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot <u>or batch</u> of fishery or aquaculture products, the information listed in paragraphs 5 and 6:   | <del>2. Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:</del>   |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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| Article 1, first paragraph, point (46), amending provision(2)(a) |  |   |   |          |
| 558  | (a) is kept on record in a digitalised way;  |   | <del>(a) is kept on record in a digitalised way;</del>  |          |
| Article 1, first paragraph, point (46), amending provision(2)(b) |  |   |   |          |
| 559  | (b) is made available upon request to competent authorities;   |   | <del>(b) is made available upon request to competent authorities;</del>   |          |
| Article 1, first paragraph, point (46), amending provision(2)(c) |  |   |   |          |
| 560  | (c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.   |   | <del>(c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.</del>   |          |
| Article 1, first paragraph, point (46), amending provision(3)    |  |   |   |          |
| 561  | 3. Lots of fishery and aquaculture products placed on the market or likely to be placed on the market in the Union, or exported or likely to be exported, shall be adequately marked or labelled to ensure the traceability of each lot. | 3. Lots <u>and batches</u> of fishery and aquaculture products placed <u>or made available</u> on the market or likely to be placed <u>or made available</u> on the market in the Union, or exported or likely to be exported, shall be adequately marked or labelled to ensure the traceability of each lot. | <del>3. Lots of fishery and aquaculture products placed on the market or likely to be placed on the market in the Union, or exported or likely to be exported, shall be adequately marked or labelled to ensure the traceability of each lot.</del> |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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| Article 1, first paragraph, point (46), amending provision(4)                    |   |   |   |          |
| 562  | 4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand. | 4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots <u>or batches</u> of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand. | <del>4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.</del>                                |          |
| Article 1, first paragraph, point (46), amending provision(5), introductory part |   |   |   |          |
| 563  | 5. Information on lots of fishery and aquaculture products, except products imported into the Union, the information referred to in paragraph 2 shall include:  | 5. Information on lots <u>or batches</u> of fishery and aquaculture products, except products imported into the Union, the information referred to in paragraph 2 shall include:  | 5. <del>Information on</del> <u>For</u> lots of fishery and aquaculture products, <del>except products imported into the Union, the information referred to in paragraph 2</del> <u>falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87, at least the following information</u> shall <del>include</del> <u>be made available</u> : |          |
| Article 1, first paragraph, point (46), amending provision(5)(a)                 |   |   |   |          |
| 564  | (a) the identification number of the  |   | (a) the identification number of the  |          |



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|   | lot;  |                                      | lot;   |          |
| Article 1, first paragraph, point (46), amending provision(5)(b)  |   |                                      |  |          |
| 565   | (b) the unique fishing trip identification number(s) referred to in Article 14(2)(a) of all fishery products included in the lot, or the name and registration number of the aquaculture production unit; |                                      | (b) <u>in the case of products not imported into the Union,</u> the unique fishing trip identification number(s) <u>or the unique identifier(s) in the system</u> referred to in <u>point (a) of Article <del>14(2)(a)</del> of 54d(2)</u> for all fishery products included in the lot, or the name and, <u>where available,</u> <u>the</u> registration number of the aquaculture production unit; |          |
| Article 1, first paragraph, point (46), amending provision(5)(b1) |   |                                      |  |          |
| 565a  |   |                                      | <u>(b1) in the case of imported products, the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and, where available, the registration number of the aquaculture production unit;</u>  |          |
| Article 1, first paragraph, point (46), amending provision(5)(c)  |   |                                      |  |          |
| 566   | (c) the FAO alpha-3 code of the   | (c) the FAO alpha-3 code of the      | (c) the FAO alpha-3 code of the  |          |

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|  | species and the scientific name;  | species, <u>the scientific name</u> and the <del>scientific</del> <u>commercial common</u> name;               | species and the scientific name;  |          |
| Article 1, first paragraph, point (46), amending provision(5)(d) |   |  |   |          |
| 567  | (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products; |  | (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area <u>for fishery products caught in freshwater and aquaculture products, as referred to</u> <del>as defined</del> in Article 38(1) of Regulation (EU) No 1379/2013 <del>for fishery products caught in freshwater and aquaculture products;</del> |          |
| Article 1, first paragraph, point (46), amending provision(5)(e) |   |  |   |          |
| 568  | (e) for fishery products, the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;   |  | (e) for fishery products, the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;   |          |
| Article 1, first paragraph, point (46), amending provision(5)(f) |   |  |   |          |
| 569  | (f) the date of catches for fishery products or date of harvest for aquaculture products, and the date of   | (f) the date of catches <u>or unloading of catches</u> for fishery products or date of harvest for aquaculture | (f) the date <u>(s)</u> of catches for fishery products or date <u>(s)</u> of harvest for aquaculture products, <del>and the date of</del>  |          |

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|  | production where applicable;   | products, <i>and/or</i> the date of production where applicable; | <i>production where applicable;</i>   |          |
| Article 1, first paragraph, point (46), amending provision(5)(g) |  |  |   |          |
| 570  | (g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;  |  | (g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;   |          |
| Article 1, first paragraph, point (46), amending provision(5)(h) |  |  |   |          |
| 571  | (h) if fishery products below the minimum conservation reference size are present in the quantities referred to in point (g), separate information on the quantities in kilograms expressed in net weight, or the number of individuals below the minimum conservation reference size; |  | (h) <i>if/where</i> fishery products below the minimum conservation reference size are present in the <i>quantities referred to in point (g) lot</i> , separate information on the quantities in - kilograms expressed in net weight, <i>or the number of individuals below the minimum conservation reference size</i> ; |          |
| Article 1, first paragraph, point (46), amending provision(5)(i) |  |  |   |          |
| 572  | (i) for lots of products subject to common marketing standards, the individual size or weight, size category, presentation and freshness.  |  | (i) for lots of products subject to common marketing standards, <i>as appropriate</i> , the individual size or weight, size category, <i>product</i> presentation and freshness.  |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (46), amending provision, numbered paragraph (5a) |                     |                                      |  |          |
| 572a  |                     |                                      | <p><u>5a. Lots of fishery and 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.</u></p>  |          |
| Article 1, first paragraph, point (46), amending provision, twenty-second paragraph |                     |                                      |  |          |
| 572b  |                     |                                      | <p><u>For the purpose of adequate marking of lots of fishery and aquaculture products falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87, the information referred to paragraph 5 shall be provided by means of the labelling of the lot, or by means of a commercial document physically accompanying the lot. Operators shall affix that information by way of an identification tool such as a code, barcode, electronic chip or a similar device or marking system, or, in case that information is provided by means of a commercial document physically accompanying the lot, at least the identification number shall be affixed to the corresponding lot.</u></p> |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (46), amending provision(6), introductory part |   |   |  |          |
| 573  | 6. Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:   | 6. Information on lots <u>or batches</u> of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include: | <del>6. Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:</del>   |          |
| Article 1, first paragraph, point (46), amending provision(6)(a)                 |   |   |  |          |
| 574  | (a) the identification number of the lot;   |   | (a) <del>the identification number of the lot;</del>   |          |
| Article 1, first paragraph, point (46), amending provision(6)(b)                 |   |   |  |          |
| 575  | (b) the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and registration number of the aquaculture production unit; |   | (b) <del>the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and registration number of the aquaculture production unit;</del> |          |
| Article 1, first paragraph, point (46), amending provision(6)(c)                 |   |   |  |          |
| 576  | (c) the FAO alpha-3 code of the species and the scientific name;  |   | (c) <del>the FAO alpha-3 code of the species and the scientific name;</del>  |          |

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| Article 1, first paragraph, point (46), amending provision(6)(d) |   |   |  |          |
| 577  | (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products; | (d) the relevant geographical area(s) for fishery products caught at sea <u>reported according to the FAO statistical area/sub area/division where the catch was taken and indication of whether the catch was taken on the high seas, in the regulatory area of a regional fisheries management organisation (RFMO) or within an EEZ</u> , or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products; | (d) <i>the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;</i> |          |
| Article 1, first paragraph, point (46), amending provision(6)(e) |   |   |  |          |
| 578  | (e) the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013 for fishery products;  |   | (e) <i>the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013 for fishery products;</i>  |          |
| Article 1, first paragraph, point (46), amending provision(6)(f) |   |   |  |          |
| 579  | (f) the date of catches for fishery products or date of harvest for   |   | (f) <i>the date of catches for fishery products or date of harvest for</i>   |          |

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|   | aquaculture products, and the date of production where applicable;   |   | <del>aquaculture products, and the date of production where applicable;</del>   |          |
| Article 1, first paragraph, point (46), amending provision(6)(g)                  |  |   |   |          |
| 580   | (g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;  |   | <del>(g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;</del>  |          |
| Article 1, first paragraph, point (46), amending provision(6)(h)                  |  |   |   |          |
| 581   | (h) for lots of products subject to common marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;. |   | <del>(h) for lots of products subject to common marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;.</del> |          |
| Article 1, first paragraph, point (46), amending provision(6)(ha)                 |  |   |   |          |
| 581a  |  | <u>(ha) for fishery products caught at sea, the IMO number or other unique vessel identification (if an IMO number is not applicable) of the catching vessel.</u> |   |          |
| Article 1, first paragraph, point (46), amending provision(6a), introductory part |  |   |   |          |
| 581b  |  |   | <u>6a. Operators who are supplied</u>   |          |

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|   |                     |                                      | <p><u>with or who supply fishery and aquaculture products falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87 shall be able to identify to competent authorities any operator from whom they have been supplied with such products and any operator to whom they supply such products and shall ensure that in respect of each lot, the information listed in paragraph 5:</u></p> |          |
| Article 1, first paragraph, point (46), amending provision(6a)(a) |                     |                                      |  |          |
| 581c  |                     |                                      | <p><u>(a) is kept on record, and</u></p>   |          |
| Article 1, first paragraph, point (46), amending provision(6a)(b) |                     |                                      |  |          |
| 581d  |                     |                                      | <p><u>(b) is made available to the operator to whom the fishery or aquaculture product is supplied, and, upon request, to competent authorities.</u></p>   |          |
| Article 1, first paragraph, point (46), amending provision(6b)    |                     |                                      |  |          |
| 581e  |                     |                                      | <p><u>6b. For the purpose of paragraph 6a. Member States may require</u></p>   |          |



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|  |                                  |                                      | <u>operators to use a digital system.</u>  |          |
| Article 1, first paragraph, point (46), amending provision (6c), first subparagraph  |                                  |                                      |  |          |
| 581f   |                                  |                                      | <u>6c. 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 fisheries or aquaculture products have been put into lots or imported into, in particular when the information is provided by way of an identification tool such as a code, barcode, electronic chip or a similar device.</u> |          |
| Article 1, first paragraph, point (46), amending provision (6c), second subparagraph |                                  |                                      |  |          |
| 581g   |                                  |                                      | <u>Operators using the tools referred to in the first subparagraph shall ensure that they are developed in accordance with internationally recognised standards and specifications.</u>  |          |
| Article 1, first paragraph, point (46), amending provision(7)                        |                                  |                                      |  |          |
| 582  | 7. Member States may exempt from | 7. Member States may exempt from     | 7. Member States may exempt from   |          |

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|  | the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed 5kg of fishery product per consumer per day. | the requirements set out in this Article small quantities of products sold <del>directly</del> from fishing vessels <u>by the master or a representative of the master directly</u> to consumers <u>and which are not subsequently marketed but used only for private consumption</u> , provided that <del>these</del> <u>those quantities</u> do not exceed <del>5kg</del> <u>5 kg</u> of fishery product per consumer per day. | the requirements set out in this Article small quantities of <u>fishery</u> products sold directly from <del>fishing</del> <u>catching</u> vessels to consumers, provided that <del>these</del> <u>those quantities</u> do not exceed <del>5kg</del> <u>15kg</u> of fishery <del>product</del> <u>products</u> per consumer per day. |          |
| Article 1, first paragraph, point (46), amending provision(8), introductory part |   |  |  |          |
| 583  | 8. The Commission is empowered to adopt delegated acts in accordance with the Article 119a concerning:  |  | 8. The Commission <del>is empowered to adopt delegated acts in accordance with the Article 119a concerning</del> <u>may, by means of implementing acts, lay down detailed rules on:</u>  |          |
| Article 1, first paragraph, point (46), amending provision(8)(a)                 |   |  |  |          |
| 584  | (a) digitalisation of the traceability information and its electronic transmission;   |  | (a) <del>digitalisation</del> <u>the transmission</u> of the <del>traceability</del> information <del>and its electronic transmission</del> <u>referred to in paragraph 5;</u>   |          |
| Article 1, first paragraph, point (46), amending provision(8)(b)                 |   |  |  |          |
| 585  |   |  |  |          |

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|  | (b) the physical affixing of traceability information on lots of fishery and aquaculture products;  |                                      | (b) <u>alternative methods of marking lots and</u> the physical affixing of traceability information on lots of fishery and aquaculture products;  |          |
| Article 1, first paragraph, point (46), amending provision(8)(c) |   |                                      |  |          |
| 586  | (c) the cooperation between Member States on the access to information accompanying a lot and the methods of marking or labelling lots;   |                                      | (c) <del>the</del> <u>further</u> cooperation between Member States on the access to information accompanying a lot <del>and the methods of marking or labelling lots;</del>   |          |
| Article 1, first paragraph, point (46), amending provision(8)(d) |   |                                      |  |          |
| 587  | (d) the traceability requirements for lots resulting from the merging or splitting of different lots referred to in Article 56(5) and lots containing several species referred to in Article 56(3); |                                      | (d) the traceability requirements for lots <del>resulting from the merging or splitting of different lots</del> <u>containing several species as</u> referred to in Article <del>56(5) and lots containing several species</del> <u>56a(3) and for lots resulting from the merging or splitting of different lots as</u> referred to in Article <del>56(3)</del> <u>56a(5)</u> ; |          |
| Article 1, first paragraph, point (46), amending provision(8)(e) |   |                                      |  |          |
| 588  | (e) the information on the relevant geographical area.  |                                      | (e) the information on the relevant geographical area.;  |          |

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| Article 1, first paragraph, point (46), amending provision(8)(f)                       |   |  |   |          |
| 588a   |   |  | <u><i>(f) the traceability requirements for lots and composition of lots of fishery and aquaculture products falling under heading 1212 21 of Chapter 12 of the Combined nomenclature established by Regulation (EEC) No 2658/87.</i></u>   |          |
| Article 1, first paragraph, point (46), amending provision(8a), twenty-third paragraph |   |  |   |          |
| 588b   |   |  | <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</i></u>  |          |
| Article 1, first paragraph, point (46), amending provision(9)                          |   |  |   |          |
| 589  | 9. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*. | 9. This Article shall <del>only</del> apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*. | 9. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under <del>headings 1604 and 1605</del> <u>heading 1212 21</u> of Chapter <del>16</del> <u>12</u> of the Combined Nomenclature established by <del>Council</del> Regulation (EEC) No 2658/87*. |          |
| Article 1, first paragraph, point (46), amending provision(10)                         |   |  |   |          |
| 590  |   |  |   |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|---|--|--|----------|
|  | 10. This article shall not apply to ornamental fish, crustaceans and molluscs.<br>" | 10. This Article shall not apply to ornamental fish, crustaceans, <u>molluscs and algae</u> <del>and molluscs</del> .<br>" | 10. This Article shall not apply to ornamental fish, <u>ornamental</u> crustaceans and <u>ornamental</u> molluscs.   |          |
| Article 1, first paragraph, point (46), amending provision(11) |   |  |  |          |
| 590a   |   |  | <u>11. By 124 months after the date of application of this act], the Commission shall submit to the Parliament and the Council a report evaluating the feasibility to develop a harmonised digital system to enhance the control of traceability, accompanied, if appropriate, by a legislative proposal.</u><br>" |          |
| Article 1, first paragraph, point (47), introductory part      |   |  |  |          |
| 591  | (47) in Article 59, paragraph 3 is replaced by the following:                       |  | (47) in Article 59, <del>paragraph 3</del> <u>is paragraphs 2 and 3 are</u> replaced by the following:   |          |
| Article 1, first paragraph, point (47), amending provision(2)  |   |  |  |          |
| 591a   |   |  | "<br><u>2. The buyer of the fishery products at first sale shall be</u>  |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |  |                                      | <u>registered with the competent authorities of the Member State where the first sale takes place. For the purpose of registration, each buyer shall be identified according to its VAT number, tax identification number or other unique identifier in national databases.</u>   |          |
| Article 1, first paragraph, point (47), amending provision(3)               |  |                                      |   |          |
| 592   | <p>"</p> <p>3. Consumers acquiring up to an amount of 5kg of fishery product per day which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article.</p> <p>"</p> |                                      | <p>3. <del>Consumers acquiring up to an amount of 5kg of fishery product</del><u>This Article shall not apply to consumers purchasing fishery products not exceeding 15kg per consumer</u> per day which are not thereafter <del>placed on the market</del><u>sold</u> but used only for private consumption <del>shall be exempted from this Article.</del></p> <p>"</p> |          |
| Article 1, first paragraph, point (48), introductory part                   |  |                                      |   |          |
| 593   | (48) the following Article is inserted:  |                                      | <p><del>(48) the following Article is inserted:</del></p>   |          |
| Article 1, first paragraph, point (48), amending provision, first paragraph |  |                                      |   |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| 594   | "<br>Article 59a  |   | "<br><i>Article 59a</i>  |          |
| Article 1, first paragraph, point (48), amending provision, second paragraph        |   |   |  |          |
| 595   | Weighing systems  |   | <i>Weighing systems</i>  |          |
| Article 1, first paragraph, point (48), amending provision(1)                       |   |   |  |          |
| 596   | 1. Member States shall ensure that procedures are in place to enable that all fishery products are weighed upon landing on systems approved by the competent authorities and that weighing is carried out by operators registered for the weighing of fisheries products. |   | <del>1. Member States shall ensure that procedures are in place to enable that all fishery products are weighed upon landing on systems approved by the competent authorities and that weighing is carried out by operators registered for the weighing of fisheries products.</del> |          |
| Article 1, first paragraph, point (48), amending provision, numbered paragraph (1a) |   |   |  |          |
| 596a  |   | "<br><u>1a. This Article shall not apply to ornamental fish, crustaceans, molluscs and algae.</u> |  |          |
| Article 1, first paragraph, point (48), amending provision(2)                       |   |   |  |          |
| 597   | 2. Before registration of an operator   | 2. <del>Before registration of an</del>   | <del>2. Before registration of an</del>  |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | to perform the weighing of fishery products, Member States shall ensure that the operator is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered. | <del>operator to perform the weighing of fishery products</del> <u>By way of derogation from paragraph 1,</u> Member States <del>shall ensure that the operator is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered</del> <u>may permit fisheries products to be weighed on board the fishing vessel subject to a sampling plan as referred to in Article 60(1).</u> | <del>operator to perform the weighing of fishery products, Member States shall ensure that the operator is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered.</del> |          |
| Article 1, first paragraph, point (48), amending provision(3)                       |   |   |   |          |
| 598   | 3. Member States may require the submission of the weighing records at regular intervals.   |   | <del>3. Member States may require the submission of the weighing records at regular intervals.</del>  |          |
| Article 1, first paragraph, point (48), amending provision, numbered paragraph (3a) |   |   |   |          |
| 598a  |   | <u>3a. Registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in a Member State shall be responsible for the accuracy of the weighing</u>  |   |          |



|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |  | <u>operation unless, in accordance with paragraph 2, the weighing takes place on board a fishing vessel, in which case it shall be the master's responsibility.</u>  |   |          |
| Article 1, first paragraph, point (48), amending provision(4)                       |  |  |   |          |
| 599   | 4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records.<br>" | 4. <del>The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records.</del> | 4. <del>The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records.</del><br>" |          |
| Article 1, first paragraph, point (48), amending provision, numbered paragraph (4a) |  |  |   |          |
| 599a  |  | <u>4a. The competent authorities of a Member State may require that any quantity of fisheries products first landed in that Member State is weighed in the presence of officials before being transported elsewhere from the place of landing.</u><br>"      |   |          |
| Article 1, first paragraph, point (49), introductory part                           |  |  |   |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| 600   | (49) Article 60 is replaced by the following:  |                                      | (49) Article 60 is replaced by the following:  |          |
| Article 1, first paragraph, point (49), amending provision, first paragraph       |  |                                      |  |          |
| 601   | "<br>Article 60  |                                      | "<br>Article 60  |          |
| Article 1, first paragraph, point (49), amending provision, second paragraph      |  |                                      |  |          |
| 602   | Weighing of fishery product  |                                      | Weighing of fishery product  |          |
| Article 1, first paragraph, point (49), amending provision(1)                     |  |                                      |  |          |
| 603   | 1. Masters shall ensure that all quantities of fishery products are weighed per species on weighing systems and by operators registered pursuant to Article 59a immediately after landing, prior to the fishery products being held in storage, transported or placed on the market. |                                      | 1. <del>Masters</del> <u>Member States</u> shall ensure that all quantities of fishery products are weighed per species on weighing systems, <u>approved by the competent authorities, on-and-by operators registered pursuant to Article 59a immediately after</u> landing, prior to the fishery products being held in storage, transported or placed on the market. |          |
| Article 1, first paragraph, point (49), amending provision(1a), introductory part |  |                                      |  |          |
| 603a  |  |                                      | <u>1a. By way of derogation from</u>   |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|   |                     |                                      | <u>paragraph 1. Member States may permit fishery products to be weighed on weighing systems, approved by the competent authorities:</u>  |          |
| Article 1, first paragraph, point (49), amending provision(1a)(a) |                     |                                      |  |          |
| 603b  |                     |                                      | <u>(a) on landing in accordance with a sampling plan adopted under paragraph 6, irrespective of whether they are sorted or unsorted:</u>   |          |
| Article 1, first paragraph, point (49), amending provision(1a)(b) |                     |                                      |  |          |
| 603c  |                     |                                      | <u>(b) on board, in the case of sorted fishery products, provided that they are weighed on landing in accordance with a sampling plan adopted under paragraph 6:</u>   |          |
| Article 1, first paragraph, point (49), amending provision(1a)(c) |                     |                                      |  |          |
| 603d  |                     |                                      | <u>(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 6, irrespective of whether they are</u> |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|   |                     |                                      | <u>sorted or unsorted:</u>   |          |
| Article 1, first paragraph, point (49), amending provision(1a)(d) |                     |                                      |  |          |
| 603e  |                     |                                      | <u>(d) after transport to a destination on the territory of the flag Member State, in accordance with a common control programme of the Member States concerned as referred to in Article 94 and adopted under paragraph 7 of this Article, irrespective of whether they are sorted or unsorted.</u> |          |
| Article 1, first paragraph, point (49), amending provision(1b)    |                     |                                      |  |          |
| 603f  |                     |                                      | <u>1b. Masters shall ensure that all quantities of fishery products landed are weighed by an operator referred to in paragraph 1c.</u>   |          |
| Article 1, first paragraph, point (49), amending provision(1c)    |                     |                                      |  |          |
| 603g  |                     |                                      | <u>1c. The weighing shall be carried out by an operator, which 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</u>   |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |                     |   | <u>out weighing activities. The operator carrying out the weighing shall be responsible for the accuracy of the weighing.</u>                 |          |
| Article 1, first paragraph, point (49), amending provision(1d)                      |                     |   |   |          |
| 603h  |                     |   | <u>Id. Member States shall check that the operators referred to in paragraph 1c are adequately equipped to carry out weighing activities.</u> |          |
| Article 1, first paragraph, point (49), amending provision, numbered paragraph (1a) |                     |   |   |          |
| 603i  |                     | " <u>Ia. By way of derogation from the first subparagraph. Member States may adopt Commission-approved sampling plans in accordance with the methodology referred to in paragraph 6, establishing the quantities and places for fisheries products to be weighed. In accordance with that plan. Member States may permit fisheries products to be weighed:</u><br><u>(a) on landing;</u><br><u>(b) on board the fishing vessel;</u><br><u>and/or</u><br><u>(c) after transport to a destination</u> |   |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|  |  | <u>on the territory of the Member State where the landing took place.</u>  |  |          |
| Article 1, first paragraph, point (49), amending provision(2)  |  |  |  |          |
| 604  | 2. Operators registered to perform the weighing of fishery products shall complete a weighing record for each landing and shall be responsible for the accuracy of the weighing. The registered weigher shall keep weighing records for a period of three years. |  | 2. <del>The operators registered to perform the weighing of fishery products referred to in paragraph 1c</del> shall complete a weighing record for each landing <del>and shall be responsible for the accuracy of the weighing. The registered weigher shall keep weighing records for a period of three years.</del> |          |
| Article 1, first paragraph, point (49), amending provision(3)  |  |  |  |          |
| 605  | 3. The figure from the weighing record shall be transmitted to the master and shall be used for the completion of the landing declaration and the transport document.  | 3. The figure from the weighing record shall <u>immediately</u> be transmitted to the master and shall be used for the completion of the landing declaration and the transport document. | 3. The <del>figure from</del> <u>results of</u> the weighing <del>record</del> shall be <u>immediately</u> transmitted to the master and, <u>where applicable, to the transporter. They</u> shall be used for the completion of the landing declaration and, <u>where applicable, of</u> the transport document.       |          |
| Article 1, first paragraph, point (49), amending provision(3a) |  |  |  |          |
| 605a   |  |  | <u>3a. Member States may require the operators referred to in paragraph</u>  |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|  |   |   | <u><i>It to submit the weighing records at regular intervals, or upon request, to their competent authorities.</i></u>   |          |
| Article 1, first paragraph, point (49), amending provision(4)                    |   |   |  |          |
| 606  | 4. The competent authorities of a Member State may require that any quantity of fishery products first landed in that Member State is weighed by, or weighed in the presence of officials before being transported elsewhere from the place of landing. | 4. The competent authorities of a Member State may require that any quantity of fishery products first landed in that Member State is weighed by, or <del>weighed</del> in the presence of officials, before being transported elsewhere from the place of landing. <u><i>Without prejudice to paragraph 5, those quantities of fishery products shall not be required to be weighed again.</i></u> | 4. The competent authorities of a Member State may require that any quantity of fishery products <del>first</del> landed in that Member State is weighed by, or weighed in the presence of <u><i>their</i></u> officials before being transported elsewhere from the place of landing. |          |
| Article 1, first paragraph, point (49), amending provision(5), introductory part |   |   |  |          |
| 607  | 5. By way of derogation from paragraph 1, Member States may permit fishery products to be weighed unsorted on landing if the following conditions are met:  |   | <del><i>5. By way of derogation from paragraph 1, Member States may permit fishery products to be weighed unsorted on landing if the following conditions are met:</i></del>   |          |
| Article 1, first paragraph, point (49), amending provision(5)(a)                 |   |   |  |          |
| 608  | (a) The weighing of the unsorted  |   | <del><i>(a) The weighing of the unsorted</i></del>   |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | fishery product is performed upon landing on a system operated or controlled by the competent authorities before transport, storage or placing on the market;  |   | <del>fishery product is performed upon landing on a system operated or controlled by the competent authorities before transport, storage or placing on the market;</del>  |          |
| Article 1, first paragraph, point (49), amending provision(5)(b)                    |  |   |   |          |
| 609   | (b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan;  |   | <del>(b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan;</del>  |          |
| Article 1, first paragraph, point (49), amending provision(5)(c)                    |  |   |   |          |
| 610   | (c) In the case of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall be transmitted to the master. | (c) In the case of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall <u>immediately</u> be transmitted to the master. | <del>(e) In the case of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall be transmitted to the master.</del> |          |
| Article 1, first paragraph, point (49), amending provision, numbered paragraph (5a) |  |   |   |          |



|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|---|---------------------|--|--|----------|
| 610a  |                     | <p><u>5a. By way of derogation from paragraph 1, the competent authorities of the Member State in which the fisheries products are landed may permit the transport before weighing of those products to registered buyers, registered auctions or other bodies or persons, which are responsible for the placing on the market of fisheries products in another Member State. That permission shall be subject to a common control programme between the Member States concerned as referred to in Article 94, which has been approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with paragraph 6.</u></p> |  |          |
| Article 1, first paragraph, point (49), amending provision, numbered paragraph (5b) |                     |  |  |          |
| 610b  |                     | <p><u>5b. By way of derogation from paragraph 1, fishing vessels landing outside Union territory may weigh fisheries products after transport from the place of landing provided that the flag Member State has adopted a Commission-approved control plan based on the</u></p>  |  |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|   |   | <u><a href="#">risk-based methodology adopted by the Commission in accordance with paragraph 6.</a></u>  |  |          |
| Article 1, first paragraph, point (49), amending provision(6) |   |  |  |          |
| 611   | 6. The Commission may, by way of implementing acts, determine a risk-based methodology for the establishment of the sampling plans referred to in paragraph 5(b) and approve those plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" | 6. The Commission may, by way of implementing acts, determine a risk-based methodology for the establishment of the sampling plans referred to in <del>paragraph</del> <u>paragraphs 1 and</u> 5(b) and approve those plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" | 6. The Commission may, by <del>way</del> <u>means</u> of implementing acts, <del>determine a risk-based methodology for the establishment of the sampling</del> <u>adopt sampling plans and control</u> plans referred to in <del>paragraph 5(b) and approve those plans</del> <u>points (a), (b) and (c) of paragraph 1a</u> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |          |
| Article 1, first paragraph, point (49), amending provision(7) |   |  |  |          |
| 611a  |   |  | <u><a href="#">7. The Commission may, by means of implementing acts, adopt a risk-based methodology for common control programmes referred to in point (d) of paragraph 1a and approve the common control programmes of Member States based on that methodology.</a></u><br>"  |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|---|--------------------------------------|---|----------|
| Article 1, first paragraph, point (50), introductory part                        |   |                                      |   |          |
| 612  | (50) the following Article 60a is inserted:   |                                      | (50) the following Article 60a is inserted:   |          |
| Article 1, first paragraph, point (50), amending provision, first paragraph      |   |                                      |   |          |
| 613  | "<br>Article 60a  |                                      | "<br>Article 60a  |          |
| Article 1, first paragraph, point (50), amending provision, second paragraph     |   |                                      |   |          |
| 614  | Detailed rules on weighing  |                                      | Detailed rules on weighing  |          |
| Article 1, first paragraph, point (50), amending provision(1), introductory part |   |                                      |   |          |
| 615  | 1. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set general rules for the weighing. Those rules may concern: |                                      | 1. The Commission <del>is empowered to adopt delegated acts in accordance with Article 119a in order to set general</del> <u>may, by means of implementing acts, adopt</u> rules for the weighing. <del>Those rules may concern</del> <u>on</u> . |          |
| Article 1, first paragraph, point (50), amending provision(1)(a)                 |   |                                      |   |          |
| 616  | (a) the determination of weighing procedures;   |                                      | (a) the determination of weighing procedures;   |          |

|  | <b>Commission Proposal</b>                                       | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>               | <b>Comments</b> |
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| Article 1, first paragraph, point (50), amending provision(1)(b) |  |   |   |                 |
| 617  | (b) the weighing records;  |   | (b) the weighing records, <u>including the keeping of those records;</u>          |                 |
| Article 1, first paragraph, point (50), amending provision(1)(c) |  |   |   |                 |
| 618  | (c) the time of weighing;  |   | (c) the time of weighing;   |                 |
| Article 1, first paragraph, point (50), amending provision(1)(d) |  |   |   |                 |
| 619  | (d) the weighing systems;  |   | (d) the weighing systems, <u>including weighing systems for control purposes;</u> |                 |
| Article 1, first paragraph, point (50), amending provision(1)(e) |  |   |   |                 |
| 620  | (e) the weighing of frozen fishery products;                     |   | (e) the weighing of frozen fishery products;                                      |                 |
| Article 1, first paragraph, point (50), amending provision(1)(f) |  |   |   |                 |
| 621  | (f) the deduction of ice and water;                              |   | (f) the deduction of ice and water;   |                 |
| Article 1, first paragraph, point (50), amending provision(1)(g) |  |   |   |                 |
| 622  | (g) the access of competent authorities to the weighing systems, |   | (g) the access of competent authorities to the weighing systems,                  |                 |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|  | weighing records, written declarations and premises where the fisheries products are stored or processed; |                                      | <del>weighing records, written declarations and premises where the fisheries products are stored or processed</del> <u>and weighing records;</u>   |          |
| Article 1, first paragraph, point (50), amending provision(1)(h)                 |   |                                      |  |          |
| 622a   |   |                                      | <u>(h) the weighing of certain pelagic species;</u><br><br><u>1. A recital will clarify in more detail that the aim of the implementing powers given under this subparagraph is to set out rules such as those that are currently included in Article 78 of Regulation (EU) No 404/2011.</u> |          |
| Article 1, first paragraph, point (50), amending provision(1)(i)                 |   |                                      |  |          |
| 622b   |   |                                      | <u>(i) the weighing of catches from small pelagic fisheries and fisheries for industrial purposes landed fresh and unsorted.</u>   |          |
| Article 1, first paragraph, point (50), amending provision, third paragraph      |   |                                      |  |          |
| 622c   |   |                                      | <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."</u>   |          |
| Article 1, first paragraph, point (50), amending provision(2), introductory part |   |                                      |  |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|---|--|--|----------|
| 623  | 2. The Commission is also empowered to adopt delegated acts in accordance with Article 119a in order to set special rules for the weighing of certain pelagic species. Those rules may concern: |  | <del>2. The Commission is also empowered to adopt delegated acts in accordance with Article 119a in order to set special rules for the weighing of certain pelagic species. Those rules may concern:</del> |          |
| Article 1, first paragraph, point (50), amending provision(2)(a) |   |  |  |          |
| 624  | (a) the determination of weighing procedure for catches of herring, mackerel and horse mackerel;  |  | <del>(a) the determination of weighing procedure for catches of herring, mackerel and horse mackerel;</del>  |          |
| Article 1, first paragraph, point (50), amending provision(2)(b) |   |  |  |          |
| 625  | (b) the ports of weighing;  |  | <del>(b) the ports of weighing;</del>  |          |
| Article 1, first paragraph, point (50), amending provision(2)(c) |   |  |  |          |
| 626  | (c) the information of competent authorities before entering into port;   | "<br>(c) the information <del>of to be sent to</del> competent authorities before entering into port;<br>" | <del>(c) the information of competent authorities before entering into port;</del>   |          |
| Article 1, first paragraph, point (50), amending provision(2)(d) |   |  |  |          |
| 627  | (d) discharge;  |  | <del>(d) discharge;</del>  |          |

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| Article 1, first paragraph, point (50), amending provision(2)(e) |  |                                      |  |          |
| 628  | (e) the fishing logbook;                     |                                      | <del>(e) the fishing logbook;</del>                          |          |
| Article 1, first paragraph, point (50), amending provision(2)(f) |  |                                      |  |          |
| 629  | (f) publically-operated weighing facilities; |                                      | <del>(f) publically-operated weighing facilities;</del>      |          |
| Article 1, first paragraph, point (50), amending provision(2)(g) |  |                                      |  |          |
| 630  | (g) privately-operated weighing facilities;  |                                      | <del>(g) privately-operated weighing facilities;</del>       |          |
| Article 1, first paragraph, point (50), amending provision(2)(h) |  |                                      |  |          |
| 631  | (h) weighing of frozen fish;                 |                                      | <del>(h) weighing of frozen fish;</del>                      |          |
| Article 1, first paragraph, point (50), amending provision(2)(i) |  |                                      |  |          |
| 632  | (i) keeping of weighing records;             |                                      | <del>(i) keeping of weighing records;</del>                  |          |
| Article 1, first paragraph, point (50), amending provision(2)(j) |  |                                      |  |          |
| 633  | (j) sales note and takeover declaration;     |                                      | <del>(j) sales note and takeover declaration;</del>          |          |

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| Article 1, first paragraph, point (50), amending provision(2)(k)             |   |                                      |  |          |
| 634  | (k) cross-checks;                             |                                      | <del>(k) cross-checks;</del>                                 |          |
| Article 1, first paragraph, point (50), amending provision(2)(l)             |   |                                      |  |          |
| 635  | (l) monitoring of weighing.<br>"              |                                      | <del>(l) monitoring of weighing.</del><br>"                  |          |
| Article 1, first paragraph, point (51)                                       |   |                                      |  |          |
| 636  | (51) Article 61 is deleted.                   |                                      | (51) Article 61 is deleted.                                  |          |
| Article 1, first paragraph, point (52), introductory part                    |   |                                      |  |          |
| 637  | (52) Article 62 is replaced by the following: |                                      | (52) Article 62 is replaced by the following:                |          |
| Article 1, first paragraph, point (52), amending provision, first paragraph  |   |                                      |  |          |
| 638  | "<br>Article 62                               |                                      | "<br>Article 62  |          |
| Article 1, first paragraph, point (52), amending provision, second paragraph |   |                                      |  |          |
| 639  | Completion and submission of sales            |                                      | Completion and submission of sales                           |          |



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|   | notes   |   | notes   |          |
| Article 1, first paragraph, point (52), amending provision(1) |   |   |   |          |
| 640   | 1. Registered buyers, registered auctions or other bodies or persons authorised by Member States which are responsible for placing on the market of fishery products landed in a Member State, shall record by electronic means the information referred to in Article 64(1) and shall submit by electronic means, within 24 hours after the placing on the market, 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 these buyers, auctions, bodies or persons. | "<br>1. Registered buyers, registered auctions or other bodies or persons authorised by Member States which are responsible for placing on the market of fishery products landed in a Member State, shall record by electronic means the information referred to in Article 64(1) and shall submit by electronic means, within <del>24</del> <u>48</u> hours after the placing on the market, 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 these buyers, auctions, bodies or persons."<br>" | 1. Registered buyers, registered auctions or <del>other bodies or persons</del> <u>producer organisations</u> authorised by Member States <del>which are responsible for placing on the market of fishery products landed in a Member State,</del> shall record by electronic means the information referred to in Article 64(1) and shall submit by electronic means, within <del>24</del> <u>48</u> hours after the <del>placing on the market</del> <u>first sale</u> , 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 <del>these</del> <u>those</u> buyers, auctions, <del>bodies or persons</del> <u>or producer organisations</u> . |          |
| Article 1, first paragraph, point (52), amending provision(2) |   |   |   |          |
| 641   | 2. If the Member State in whose territory the fishery product is placed on the market is not the flag Member State of the fishing vessel  |   | 2. <del>If</del> <u>Where</u> the Member State in whose territory the <del>fishery product is placed on the market</del> <u>first sale takes place</u> is not the flag Member State   |          |

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|   | that landed the fish, it shall ensure that a copy of the sales note is submitted electronically, to the competent authorities of the flag Member State upon receipt of the relevant information.   |                                      | of the fishing vessel that landed the fish, it shall ensure that a copy of the sales note, <u>upon its receipt</u> , is submitted <del>electronically</del> <u>by electronic means</u> to the competent authorities of the flag Member State <del>upon receipt of the relevant information</del> .  |          |
| Article 1, first paragraph, point (52), amending provision(3) |  |                                      |   |          |
| 642   | 3. Where the placing on the market of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for controlling the placing on the market shall ensure that a copy of the sales note is submitted electronically to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note. |                                      | 3. Where the <del>placing on the market of fisheries</del> <u>first sale of fishery</u> products does not take place in the Member State where the products have been landed, the Member State <del>responsible for controlling the placing on the market</del> <u>in whose territory the first sale takes place</u> shall ensure that a copy of the sales note, <u>upon its receipt, is submitted by electronic means</u> <del>is submitted electronically to the competent authorities responsible for controlling the landing of the products concerned and</del> to the competent authorities of the <del>flag Member State of the fishing vessel</del> <u>States where the products concerned have been landed</u> . |          |

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| Article 1, first paragraph, point (52), amending provision(4) |   |                                      |  |          |
| 643   | 4. When the landing takes place outside the Union and the first sale takes place in a third country, the master of the fishing vessel or their representative shall forward electronically a copy of the sales note, or any equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale.                           |                                      | 4. <del>When the landing takes place outside the Union and</del> <del>Where</del> the first sale takes place <del>in a third country</del> <u>outside the Union</u> , the master of the <del>fishing</del> <u>Union catching</u> vessel or <del>their</del> <u>his</u> representative shall forward <del>electronically</del> <u>by electronic means</u> a copy of the sales note, or any <u>other</u> equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale. |          |
| Article 1, first paragraph, point (52), amending provision(5) |   |                                      |  |          |
| 644   | 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. |                                      | 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.  |          |
| Article 1, first paragraph, point (52), amending provision(6) |   |                                      |  |          |

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| 645   | 6. The Commission may, by means of implementing acts, lay down detailed rules concerning the registration of buyers, the indication of the price in sales notes, the format of sales notes, 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). |                                      | 6. The Commission may, by means of implementing acts, lay down detailed rules <del>concerning the registration of buyers, the indication of the price in sales notes, the format of sales notes, 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).</del> <u>on:</u> |          |
| Article 1, first paragraph, point (52), amending provision(6)(a)            |   |                                      |   |          |
| 645a  |   |                                      | <u>(a) the registration of buyers;</u>  |          |
| Article 1, first paragraph, point (52), amending provision(6)(b)            |   |                                      |   |          |
| 645b  |   |                                      | <u>(b) the format of sales notes;</u>   |          |
| Article 1, first paragraph, point (52), amending provision(6)(c)            |   |                                      |   |          |
| 645c  |   |                                      | <u>(c) the electronic recording and the electronic submission of sales notes.</u>   |          |
| Article 1, first paragraph, point (52), amending provision, eight paragraph |   |                                      |   |          |

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| 645d  |   |                                      | <u><a href="#">Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</a></u> |          |
| Article 1, first paragraph, point (52), amending provision, ninth paragraph |   |                                      |   |          |
| 646   | (* ) 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. ” |                                      | (* ) 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. ”               |          |
| Article 1, first paragraph, point (53)                                      |   |                                      |   |          |
| 647   | (53) Article 63 is deleted.   |                                      | (53) Article 63 is deleted.   |          |
| Article 1, first paragraph, point (54), introductory part                   |   |                                      |   |          |
| 648   | (54) Articles 64, 65 and 66 are replaced by the following:  |                                      | (54) Articles 64, 65 and 66 are replaced by the following:  |          |
| Article 1, first paragraph, point (54), amending provision, first paragraph |   |                                      |   |          |
| 649   | " Article 64  |                                      | " Article 64  |          |

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| Article 1, first paragraph, point (54), amending provision, second paragraph                   |   |  |  |          |
| 650  | Content of the sales notes  |  | Content of the sales notes   |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, introductory part |   |  |  |          |
| 651  | The sales notes referred to in Article 62 shall have a unique identification number and contain the following data: | "<br>The sales notes referred to in Article 62 shall <u>be of a uniform format throughout the Union, shall</u> have a unique identification number and contain the following data: | <u>L</u> . The sales notes referred to in Article 62 shall have a unique identification number and contain the following data:                         |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (a)         |   |  |  |          |
| 652  | (a) the unique fishing trip identifier, as referred to in with Article 14(2)(a);                                    |  | (a) the unique fishing trip identifier, as referred to in with Article 14(2)(a);   |          |
| Article 1, first paragraph, point (54), amending provision(1)(a1)                              |   |  |  |          |
| 652a   |   |  | <u>(a1) the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel;</u> |          |
| Article 1, first paragraph, point (54), amending provision(1)(a2)                              |   |  |  |          |

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| 652b   |  |   | <u>(a2) the port and date of the landing;</u>   |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (b) |  |   |   |          |
| 653  | (b) the name of the fishing vessel's operator or master and, if different, the name of the seller;                       |   | (b) the name of the <del>fishing</del> <u>catching</u> vessel's operator or master and, if different, the name of the seller; |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (c) |  |   |   |          |
| 654  | (c) the name of the buyer and the buyer's VAT number, the buyer's tax identification number, or other unique identifier; |   | (c) the name of the buyer and the buyer's VAT number, the buyer's tax identification number, or other unique identifier;      |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (d) |  |   |   |          |
| 655  | (d) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;             | (d) the FAO alpha-3 code, <u>scientific name and common commercial name</u> of each species and the relevant geographical area in which the catches were taken; | (d) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;                  |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (e) |  |   |   |          |
| 656  | (e) the quantities of each species placed on the market or registered at   |   | (e) the quantities of each species <del>placed on the market or registered</del>  |          |

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|  | an auction in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals;   |                                      | <del>at an auction in kilograms</del> in product weight, broken down by type of product presentation and <del>preservation</del> <u>state of processing</u> , or, where appropriate, the number of individuals;  |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (f) |   |                                      |  |          |
| 657  | (f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;  |                                      | (f) for all products subject to <u>common</u> marketing standards, <del>as appropriate</del> , the individual size or weight, size category, <u>product</u> presentation and freshness, <u>as appropriate</u> ;  |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (g) |   |                                      |  |          |
| 658  | (g) where appropriate, the quantities placed on the market or registered at an auction in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size, and the destination thereof; |                                      | (g) <del>where appropriate, the quantities placed on the market or registered at an auction</del> <u>for fishery products below the minimum conservation reference size</u> , the <u>quantities</u> in kilograms expressed in net weight, or, <u>where appropriate</u> , the number of individuals, <del>below the applicable minimum conservation reference size, and the destination thereof</del> ; |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (h) |   |                                      |  |          |



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| 659  | (h) the registration number of the weigher;   |                                      | (h) the <del>registration</del> <u>name or an identification</u> number of the <del>weigher</del> <u>operator referred to in Article 60(1c)</u> ; |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (i) |   |                                      |   |          |
| 660  | (i) the place and the date of the sale;   |                                      | (i) the place and the date of the sale;   |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (j) |   |                                      |   |          |
| 661  | (j) where possible, the reference number and date of invoice and, where appropriate, the sales contract;                                    |                                      | (j) where possible, the reference number and date of invoice and, where appropriate, <u>of</u> the sales contract;                                |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (k) |   |                                      |   |          |
| 662  | (k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68; |                                      | (k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;       |          |
| Article 1, first paragraph, point (54), amending provision, third paragraph, point (l) |   |                                      |   |          |
| 663  | (l) the price excluding taxes and currency.   |                                      | (l) the <u>price</u> , excluding taxes, and currency.;  |          |

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| Article 1, first paragraph, point (54), amending provision(1)(m)                 |                     |                                      |   |          |
| 663a   |                     |                                      | <u><i>(m) where available, the intended use of fishery products, such as for human consumption or for use as animal by-products.</i></u>                      |          |
| Article 1, first paragraph, point (54), amending provision(2), introductory part |                     |                                      |   |          |
| 663b   |                     |                                      | <u><i>2. By way of derogation from paragraph 1, in the case of fisheries referred to in Article 54d, the sales note shall contain the following data:</i></u> |          |
| Article 1, first paragraph, point (54), amending provision(2)(a)                 |                     |                                      |   |          |
| 663c   |                     |                                      | <u><i>(a) the unique identifier in the system referred to in point (a) of Article 54d(2);</i></u>   |          |
| Article 1, first paragraph, point (54), amending provision(2)(b)                 |                     |                                      |   |          |
| 663d   |                     |                                      | <u><i>(b) the information referred to in points (c), (d), (e), (f), (g), (i), (j), (l) and (m) of paragraph 1 of this Article.</i></u>                        |          |
| Article 1, first paragraph, point (54), amending provision(3)                    |                     |                                      |   |          |

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| 663e  |   |                                      | <u>3. Paragraph 1(a) of this Article shall apply from ... 124 months after the date of application of this Regulation.</u>   |          |
| Article 1, first paragraph, point (54), amending provision, fourth paragraph  |   |                                      |  |          |
| 664   | Article 65  |                                      | Article 65   |          |
| Article 1, first paragraph, point (54), amending provision, fifth paragraph   |   |                                      |  |          |
| 665   | Exemptions from sales notes requirements  |                                      | Exemptions from sales notes requirements   |          |
| Article 1, first paragraph, point (54), amending provision, sixth paragraph   |   |                                      |  |          |
| 666   | A consumer acquiring products not exceeding 5 kg of fishery product per consumer per day which is not thereafter placed on the market but used only for private consumption, shall be exempted from the provisions laid down in Articles 62 and 64. |                                      | <u>Where</u> a consumer <del>acquiring</del> <u>purchases fishery</u> products not exceeding <del>5 kg of fishery product per consumer</del> <u>15 kg</u> per day which <del>is</del> <u>are</u> not thereafter <del>placed on the market</del> <u>sold</u> but used only for private consumption, <del>shall be exempted from the provisions laid down in</del> Articles 62 and 64 <u>shall not apply</u> . |          |
| Article 1, first paragraph, point (54), amending provision, seventh paragraph |   |                                      |  |          |

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| 667  | Article 66  |                                      | Article 66   |          |
| Article 1, first paragraph, point (54), amending provision, eighth paragraph |   |                                      |  |          |
| 668  | Completion and submission of take-over declaration  |                                      | Completion and submission of <u>the</u> take-over declaration  |          |
| Article 1, first paragraph, point (54), amending provision(1)                |   |                                      |  |          |
| 669  | <p>1. When the fishery products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons which are responsible for the storage or placing on the market of fisheries products landed in a Member State shall record by electronic means the information referred to in paragraph 3 and shall submit a take-over declaration by electronic means, within 24 hours after completion of landing, to the competent authorities of the Member State where the take-over takes place. The submission of the take-over declaration and its accuracy shall be the responsibility of these buyers, auctions or other bodies or persons.</p> |                                      | <p>1. <del>When the</del><u>Where</u> fishery products are intended for sale at a later stage, <del>registered buyers, registered auctions or other bodies or persons</del><u>operators</u> which are responsible for the storage <del>or placing on the market of fisheries of</del><u>fishery</u> products landed in a Member State shall record by electronic means the information referred to in paragraph 3 and shall submit <del>a take-over declaration</del> by electronic means , within <del>24</del><u>2448</u> hours after <del>landing,</del> <u>a take-over declaration containing such information completion of landing,</u> to the competent authorities of the Member State <del>where</del><u>in whose territory</u> the take-over takes place. <del>The submission of the take-over declaration and its</del><u>Those operators</u></p> |          |

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|  |   |                                      | <p><u>shall be responsible for the</u> accuracy <del>shall be the responsibility of these buyers, auctions or other bodies or persons</del> <u>of the take-over declaration.</u></p>  |          |
| Article 1, first paragraph, point (54), amending provision(2)  |   |                                      |   |          |
| 670  | <p>2. If the Member State where 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 is submitted electronically to the competent authorities of the flag Member State upon receipt of the relevant information.</p> |                                      | <p>2. <del>#Where</del> <u>Where</u> the Member State <del>wherein whose territory</del> 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 <u>upon its receipt</u> is submitted <del>electronically by</del> <u>electronic means</u> to the competent authorities of the flag Member State <del>upon receipt of the relevant information.</del></p> |          |
| Article 1, first paragraph, point (54), amending provision(2a) |   |                                      |   |          |
| 670a   |   |                                      | <p><u>2a. Where the take-over takes place outside the Union, the master of the Union fishing vessel or his representative 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</u></p>  |          |

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|  |   |                                      | <u>competent authority of the flag Member State within 48 hours after the take-over.</u>   |          |
| Article 1, first paragraph, point (54), amending provision(3), introductory part |   |                                      |  |          |
| 671  | 3. The take-over declaration referred to in paragraph 1 shall have a unique identification number and contain at least the following information: |                                      | 3. The take-over declaration referred to in paragraph 1 shall have a unique identification number and contain at least the following information:      |          |
| Article 1, first paragraph, point (54), amending provision(3)(a)                 |   |                                      |  |          |
| 672  | (a) the unique fishing trip identifier(s) as referred to with Article 14(2)(a);   |                                      | (a) the unique fishing trip <del>identifier(s) as referred to with Article 14(2)(a)</del> <u>identification number;</u>                                |          |
| Article 1, first paragraph, point (54), amending provision(3)(a1)                |   |                                      |  |          |
| 672a   |   |                                      | <u>(a1) the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel;</u> |          |
| Article 1, first paragraph, point (54), amending provision(3)(b)                 |   |                                      |  |          |
| 673  |   |                                      |  |          |

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|  | (b) the port and date of landing;  |   | (b) the port and date of <del>the</del> landing;   |          |
| Article 1, first paragraph, point (54), amending provision(3)(c) |  |   |  |          |
| 674  | (c) the name of the vessel's operator or master;   |   | (c) the name of the vessel's operator or master;   |          |
| Article 1, first paragraph, point (54), amending provision(3)(d) |  |   |  |          |
| 675  | (d) the FAO alpha-3 code of each species and its relevant geographical area in which the catches were taken;   | (d) the FAO alpha-3 code, <del>scientific name and commercial common name</del> of each species and its relevant geographical area in which the catches were taken; | (d) the FAO alpha-3 code of each species and <del>its</del> <del>the</del> relevant geographical area in which the catches were taken;   |          |
| Article 1, first paragraph, point (54), amending provision(3)(e) |  |   |  |          |
| 676  | (e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals; |   | (e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation and <del>preservation</del> <del>state of processing</del> , or, where appropriate, the number of individuals; |          |
| Article 1, first paragraph, point (54), amending provision(3)(f) |  |   |  |          |
| 677  | (f) for all products subject to  |   | <del>(f) for all products subject to</del>   |          |

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|  | marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness; |                                      | <del>marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;</del>                         |          |
| Article 1, first paragraph, point (54), amending provision(3)(g) |  |                                      |   |          |
| 678  | (g) the registration number of the weigher;  |                                      | (g) the <del>registration</del> <u>name or an identification</u> number of the <del>weigher</del> <u>operator referred to in Article 60(1c)</u> ; |          |
| Article 1, first paragraph, point (54), amending provision(3)(h) |  |                                      |   |          |
| 679  | (h) the name and address of the facilities where the products are stored and its unique identifier;            |                                      | (h) the name and address of the facilities where the products are stored and its unique identifier;   |          |
| Article 1, first paragraph, point (54), amending provision(3)(i) |  |                                      |   |          |
| 680  | (i) where applicable, reference to the transport document specified in Article 68;                             |                                      | (i) where applicable, reference to the transport document <del>specified</del> <u>referred to</u> in Article 68;                                  |          |
| Article 1, first paragraph, point (54), amending provision(3)(j) |  |                                      |   |          |
| 681  | (j) where appropriate, the quantities in kilograms expressed in net weight, or the number of                   |                                      | (j) <del>where appropriate</del> <u>for fishery products below the minimum conservation reference size</u> , the                                  |          |



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|  | individuals, below the applicable minimum conservation reference size. | "                                    | quantities in kilograms expressed in net weight, or, <u>where appropriate</u> , the number of individuals, <del>below the applicable minimum conservation reference size</del> .  |          |
| Article 1, first paragraph, point (54), amending provision(4)    |  |                                      |   |          |
| 681a   |  |                                      | <u>4. Paragraph 3(a) of this Article shall apply from ... [24 months after the date of application of this Regulation].</u>   |          |
| Article 1, first paragraph, point (54), amending provision(5)    |  |                                      |   |          |
| 681b   |  |                                      | <u>5. By way of derogation from paragraph 3, in the case of fisheries referred to in Article 54d, the take-over declaration shall contain at least the following information:</u> |          |
| Article 1, first paragraph, point (54), amending provision(5)(a) |  |                                      |   |          |
| 681c   |  |                                      | <u>(a) the unique identifier in the system referred to in point (a) of Article 54d(2);</u>  |          |
| Article 1, first paragraph, point (54), amending provision(5)(b) |  |                                      |   |          |
| 681d   |  |                                      |   |          |

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|   |                     |                                      | <u>(b) the information referred to in points (d), (e), (h), (i) and (j) of paragraph 1 of this Article.</u>  |          |
| Article 1, first paragraph, point (54), amending provision(5a)              |                     |                                      |  |          |
| 681e  |                     |                                      | <u>5a. In the case of fisheries referred to in Article 54d, this Article shall apply from 124 months after the date of application of this Regulation.</u> |          |
| Article 1, first paragraph, point (54), amending provision(6)               |                     |                                      |  |          |
| 681f  |                     |                                      | <u>6. The Commission may, by means of implementing acts, lay down detailed rules on:</u>   |          |
| Article 1, first paragraph, point (54), amending provision(6)(a)            |                     |                                      |  |          |
| 681g  |                     |                                      | <u>(a) the format of the take-over declaration:</u>  |          |
| Article 1, first paragraph, point (54), amending provision(6)(b)            |                     |                                      |  |          |
| 681h  |                     |                                      | <u>(b) the submission of the take-over declaration.</u>  |          |
| Article 1, first paragraph, point (54), amending provision, ninth paragraph |                     |                                      |  |          |

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| 681i   |   |                                      | <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</i></u><br>" |          |
| Article 1, first paragraph, point (55)                                       |   |                                      |   |          |
| 682  | (55) Article 67 is deleted.   |                                      | (55) Article 67 is deleted.   |          |
| Article 1, first paragraph, point (56), introductory part                    |   |                                      |   |          |
| 683  | (56) Article 68 is replaced by the following:   |                                      | (56) Article 68 is replaced by the following:   |          |
| Article 1, first paragraph, point (56), amending provision, first paragraph  |   |                                      |   |          |
| 684  | "<br>Article 68   |                                      | "<br>Article 68   |          |
| Article 1, first paragraph, point (56), amending provision, second paragraph |   |                                      |   |          |
| 685  | Transport of fishery products and completion and submission of the transport document |                                      | Transport of fishery products and completion and submission of the transport document   |          |
| Article 1, first paragraph, point (56), amending provision(1)                |   |                                      |   |          |

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| 686   | 1. Fisheries products when transported before placing on the market or before the first sale in a third country shall be accompanied by a transport document covering the fisheries products and quantities transported.   |  | 1. <del>Fisheries</del> <u>Where fishery</u> products <del>when</del> <u>are</u> transported before <del>their</del> <u>first sale, including in the cases referred to in points (c) and (d) of Article 60(1a).</u> <del>placing on the market</del> or before <del>the</del> <u>their</u> first sale in a third country, <del>they</del> <u>shall</u> be accompanied by a transport document <del>covering the fisheries</del> <u>indicating the fishery</u> products and quantities transported. |          |
| Article 1, first paragraph, point (56), amending provision(2) |  |  |  |          |
| 687   | 2. Before the transport begins, the transporter shall transmit the transport document by electronic means to the competent authorities of the flag Member State, of the Member State of landing, the Member State(s) of transit, the Member State of destination of the fisheries product, as appropriate. | " 2. <del>Before the transport begins</del> <u>Within 48 hours of loading,</u> the transporter shall transmit the transport document by electronic means to the competent authorities of the flag Member State, of the Member State of landing, the Member State(s) of transit, <u>and</u> the Member State of destination of the fisheries product, as appropriate. | 2. Before the <del>transport</del> <u>transportation referred to in paragraph 1</u> begins, the transporter shall <del>transmit</del> <u>submit by electronic means</u> the transport document <del>by electronic means</del> to the competent authorities of the flag Member State, <del>of</del> the Member State of landing, the Member State(s) of transit, <u>and</u> the Member State of destination of the <del>fisheries product</del> <u>fishery products</u> , as appropriate.           |          |
| Article 1, first paragraph, point (56), amending provision(3) |  |  |  |          |
| 688   |  |  |  |          |

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|  | 3. The transporter shall be responsible for the accuracy of the transport document.   |                                      | 3. The transporter shall be responsible for the accuracy of the transport document.   |          |
| Article 1, first paragraph, point (56), amending provision(4), introductory part |   |                                      |   |          |
| 689  | 4. The transport document shall indicate:   |                                      | 4. The transport document <u>referred to in paragraph 1</u> shall <del>indicate</del> <u>have a unique identification number and shall contain at least the following information</u> : |          |
| Article 1, first paragraph, point (56), amending provision(4)(a)                 |   |                                      |   |          |
| 690  | (a) the place(s) of destination of the consignment(s) and the identification of the transport vehicle and of the transporter; |                                      | (a) the place(s) <u>and address(es)</u> of destination of the consignment(s) and the identification of the transport vehicle and of the transporter;                                    |          |
| Article 1, first paragraph, point (56), amending provision(4)(b)                 |   |                                      |   |          |
| 691  | (b) the unique fishing trip identifier, as referred to in Article 14(2)(a);   |                                      | (b) the unique fishing trip <del>identifier, as referred to in Article 14(2)(a)</del> <u>identification number</u> ;  |          |
| Article 1, first paragraph, point (56), amending provision(4)(b1)                |   |                                      |   |          |
| 691a   |   |                                      | <u>(b1) the CER number or where</u>   |          |

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|  |   |  | <u>that number is not available, another catching vessel identification number, and the name of the catching vessel;</u>   |          |
| Article 1, first paragraph, point (56), amending provision(4)(c) |   |  |  |          |
| 692  | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;  | (c) the FAO alpha-3 code, <u>scientific name and commercial common name</u> of each species and the relevant geographical area in which the catches were taken;  | (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;   |          |
| Article 1, first paragraph, point (56), amending provision(4)(d) |   |  |  |          |
| 693  | (d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals and where appropriate by places of destination; | (d) <u>(d)</u> the quantities of each species transported in kilograms in product weight, broken down by type of product presentation <del>or</del> <u>and</u> , where appropriate, the number of individuals and, where appropriate, by places of destination. <u>A margin of tolerance of 5 % shall be permitted when the distance to be travelled is less than 500 km or the travel time is five hours or less; the margin of tolerance shall be 15 % when the distance and travel time is greater than that;</u> | (d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation <u>and state of processing</u> or, where appropriate, the number of individuals and, where appropriate, by places of destination; |          |
| Article 1, first paragraph, point (56), amending provision(4)(e) |   |  |  |          |

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| 694  | (e) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness; |                                      | <del>(e) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;</del>          |          |
| Article 1, first paragraph, point (56), amending provision(4)(f) |  |                                      |  |          |
| 695  | (f) the registration number of the weigher;  |                                      | (f) the <del>registration</del> <u>name or an identification</u> number of the <del>weigher</del> <u>operator referred to in Article 60(1c), if applicable;</u>    |          |
| Article 1, first paragraph, point (56), amending provision(4)(g) |  |                                      |  |          |
| 696  | (g) the name(s), unique identification number and address(es) of the consignee(s) and place and address of destination;                        |                                      | (g) the name(s), unique <del>identification number</del> <u>identifier(s)</u> and address(es) of the consignee(s) <del>and place and address of destination;</del> |          |
| Article 1, first paragraph, point (56), amending provision(4)(h) |  |                                      |  |          |
| 697  | (h) the place and date and time of loading;  |                                      | (h) the place and date <del>and time</del> of loading;   |          |
| Article 1, first paragraph, point (56), amending provision(4)(i) |  |                                      |  |          |
| 698  |  |                                      |  |          |

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|  | (i) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size. |                                      | (i) <del>where appropriate</del> <u>for fishery products below the applicable minimum conservation reference size</u> , the quantities in kilograms expressed in net weight, or, <del>where appropriate</del> <u>the number of individuals, below the applicable minimum conservation reference size</u> <u>the number of individuals</u> . |          |
| Article 1, first paragraph, point (56), amending provision, numbered paragraph (4a)                    |   |                                      |   |          |
| 698a   |   |                                      | <u>4a. Paragraph 4(b) of this Article shall apply from ... 124 months after the date of application of this Regulation.</u>   |          |
| Article 1, first paragraph, point (56), amending provision, numbered paragraph (4b), introductory part |   |                                      |   |          |
| 698b   |   |                                      | <u>4b. By way of derogation from paragraph 4, in the case of fisheries referred to in Article 54d, the transport document shall contain at least the following information:</u>   |          |
| Article 1, first paragraph, point (56), amending provision, numbered paragraph (4b)(a)                 |   |                                      |   |          |
| 698c   |   |                                      | <u>(a) the unique identifier in the</u>   |          |



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|  |  |   | <u>system referred to in point (a) of Article 54d(2);</u>   |          |
| Article 1, first paragraph, point (56), amending provision, numbered paragraph (4b)(b) |  |   |   |          |
| 698d   |  |   | <u>(b) the information referred to in points (a), (c), (d), (e), (h) and (i) of paragraph 1 of this Article.</u>  |          |
| Article 1, first paragraph, point (56), amending provision(5)                          |  |   |   |          |
| 699  | 5. The competent authorities of Member States may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than 20 km from the place of landing. | 5. The competent authorities of Member States may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than <del>20</del> <u>50</u> km from the place of landing. | 5. The competent authorities of Member States may grant exemptions from the obligation set out in <del>paragraph 1</del> <u>paragraphs 1 and 2</u> if the <del>fisheries</del> <u>fishery</u> products are transported within a port area or not more than 20 km from the place of landing. |          |
| Article 1, first paragraph, point (56), amending provision(6)                          |  |   |   |          |
| 700  | 6. Where fisheries 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.  |   | 6. Where <del>fisheries</del> <u>fishery</u> 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.                                       |          |

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|  | "                   |                                      |  |          |
| Article 1, first paragraph, point (56), amending provision(6a) |                     |                                      |  |          |
| 700a   |                     |                                      | <u>6a. Member States may provide that the obligations and responsibilities of a transporter under this Article shall apply to any other operator.</u>  |          |
| Article 1, first paragraph, point (56), amending provision(7)  |                     |                                      |  |          |
| 700b   |                     |                                      | <u>7. The transporter shall be exempted from the obligations and responsibilities set out in this Article if the transport document referred to in paragraph 1 of this Article is replaced by a copy of the landing declaration provided for in Article 23 pertaining to the quantities of fishery products being transported.</u> |          |
| Article 1, first paragraph, point (56), amending provision(7a) |                     |                                      |  |          |
| 700c   |                     |                                      | <u>7a. In the case of fisheries referred to in Article 54d, this Article shall apply from ... 124 months after the date of application of this Regulation.</u>   |          |

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| Article 1, first paragraph, point (56), amending provision(8), introductory part    |                     |                                       |   |          |
| 700d  |                     |                                       | <u>8. The Commission may, by means of implementing acts, lay down detailed rules on:</u>                                    |          |
| Article 1, first paragraph, point (56), amending provision(8)(a)                    |                     |                                       |   |          |
| 700e  |                     |                                       | <u>(a) the content and format of transport documents;</u>   |          |
| Article 1, first paragraph, point (56), amending provision(8)(b)                    |                     |                                       |   |          |
| 700f  |                     |                                       | <u>(b) the submission of transport documents.</u>   |          |
| Article 1, first paragraph, point (56), amending provision, third paragraph         |                     |                                       |   |          |
| 700g  |                     |                                       | <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u> |          |
| Article 1, first paragraph, point (56), amending provision, numbered paragraph (6a) |                     |                                       |   |          |
| 700h  |                     | <u>6a. The transport document may</u> |   |          |

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|   |   | <p><u>be replaced by a copy of the landing declaration or any equivalent document pertaining to the quantities transported only when that document contains the same information as indicated in paragraph 4.</u></p> | "  |          |
| Article 1, first paragraph, point (57)  |   |   |  |          |
| 701                                     | (57) Chapter III of Title V is deleted. |   | (57) Chapter III of Title V is deleted.                      |          |
| Article 1, first paragraph, point (57a) |   |   |  |          |
| 701a                                    |   | <p><u>(57a) in Article 71(1), point (a) is replaced by the following:</u><br/> <u>"(a) sightings of fishing vessels by inspection vessels, surveillance aircrafts or other surveillance means;"</u></p>               |  |          |
| Article 1, first paragraph, point (57b) |   |   |  |          |
| 701b                                    |   | <p><u>(57b) in Article 71, paragraph 3 is replaced by the following:</u><br/> <u>"3. If the sighting or detection refers to a fishing vessel of another Member State or a third country</u></p>                       |  |          |

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|   |  | <u>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, the format of which shall be uniform throughout the Union, and shall transmit that report without delay, by electronic means, to the flag Member State or to the third country concerned. In case of a third country vessel, the surveillance report shall also be sent to the Commission or the body designated by it.</u> |   |          |
| Article 1, first paragraph, point (58), introductory part     |  |   |   |          |
| 702   | (58) in Article 71, paragraph 5 is replaced by the following:  |   | (58) in Article 71, paragraph 5 is replaced by the following:   |          |
| Article 1, first paragraph, point (58), amending provision(5) |  |   |   |          |
| 703   | "<br>5. The Commission may, by means of implementing acts, lay down rules on the format of the surveillance report. Those implementing acts shall be adopted |   | "<br>5. The Commission may, by means of implementing acts, lay down rules on the format of the surveillance report. Those implementing acts shall be adopted in accordance with |          |

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|  | in accordance with the examination procedure referred to in Article 119(2).<br>"   |   | the examination procedure referred to in Article 119(2).<br>"  |          |
| Article 1, first paragraph, point (59), introductory part        |  |   |  |          |
| 704  | (59) Article 73 is amended as follows:   |   | (59) Article 73 is amended as follows:   |          |
| Article 1, first paragraph, point (59)(a), introductory part     |  |   |  |          |
| 705  | (a) paragraph 1 and 2 are replaced by the following:   |   | (a) paragraph 1 and 2 are replaced by the following:   |          |
| Article 1, first paragraph, point (59)(a), amending provision(1) |  |   |  |          |
| 706  | "<br>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 fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents. | "<br>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, <u>with the rules applicable in the waters of the third country or in the high seas where the vessel is operating, including obligations related to</u> | "<br>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 <del>the fishing vessel's</del> compliance with the rules of the common fisheries policy <u>relating to the fishing vessel</u> . They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine |          |

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|   |   | <u>technical measures and the protection of the marine environment</u> . They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.  | relevant documents.   |          |
| Article 1, first paragraph, point (59)(a), amending provision(2), introductory part |   |  |   |          |
| 707   | 2. Control observers shall                                    |  | 2. Control observers shall  |          |
| Article 1, first paragraph, point (59)(a), amending provision(2)(a)                 |   |  |   |          |
| 708   | (a) be certified and trained for their tasks by Member State; | (a) be certified and trained, <u>in compliance with the rules of the common fisheries policy and the technical measures for the conservation of fishery resources and the protection of marine ecosystems, to carry out</u> <del>for</del> their tasks by <u>the</u> Member <del>State</del> <u>States</u> ; | (a) be <del>certified</del> <u>qualified</u> and trained for their tasks by Member <del>State</del> <u>States</u> ; |          |
| Article 1, first paragraph, point (59)(a), amending provision(2)(aa)                |   |  |   |          |
| 708a  |   | <u>(aa) receive regular training which enables them to adapt to changes in Union rules;</u>  | "   |          |

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| Article 1, first paragraph, point (59)(a), amending provision(2)(b) |  |   |  |                 |
| 709   | (b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member; |   | (b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member; |                 |
| Article 1, first paragraph, point (59)(a), amending provision(2)(c) |  |   |  |                 |
| 710   | (c) have no economic link with the operator;   |   | (c) have no economic link with the operator;   |                 |
| Article 1, first paragraph, point (59)(a), amending provision(2)(d) |  |   |  |                 |
| 711   | (d) accomplish their tasks in a non-discriminatory manner;   |   | (d) accomplish their tasks in a non-discriminatory manner;   |                 |
| Article 1, first paragraph, point (59)(a), amending provision(2)(e) |  |   |  |                 |
| 712   | (e) be equipped with a two way communication device independent from the vessel at sea.<br>"           |   | (e) be equipped with a two way communication device independent from the vessel at sea.<br>"           |                 |
| Article 1, first paragraph, point (59)(b), introductory part        |  |   |  |                 |
| 713   | (b) paragraph 4 is replaced by the following:  |   | (b) paragraph 4 is replaced by the following:  |                 |



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| Article 1, first paragraph, point (59)(b), amending provision(4) |   |  |  |          |
| 714  | " 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 their duties, they shall inform without delay the competent authorities of the flag Member State. " |  | " 4. In the event control observers notice a serious infringement, <del>including the act of obstructing or otherwise preventing the performance by control observers of their their duties,</del> they shall inform without delay the competent authorities of the flag Member State. " |          |
| Article 1, first paragraph, point (59)(ba)                       |   |  |  |          |
| 714a   |   | <u><i>(ba) paragraph 5 is replaced by the following:<br/>"5. Control observers shall draw up an observer report electronically and forward it without delay, using if deemed necessary electronic means of transmission on board the fishing vessel, to their competent authorities and to the competent authorities of the flag Member State. Member States shall insert the report in the database referred to in Article 78."</i></u> |  |          |
| Article 1, first paragraph, point (59)(bb)                       |   |  |  |          |
| 714b   |   |  |  |          |

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|  |                     | <p><u>(bb) paragraph 6 is replaced by the following:</u><br/> <u>"6. In the event that the observer report indicates that the vessel observed has engaged in fishing activities contrary to the rules of the common fisheries policy, the rules applicable in the waters of the third country or in the high seas where the vessel is operating, the competent authorities referred to in paragraph 4 shall take all appropriate action to investigate the matter. "</u></p> |  |          |
| Article 1, first paragraph, point (59)(bc) |                     |  |  |          |
| 714c                                       |                     | <p><u>(bc) paragraph 7 is replaced by the following:</u><br/> <u>"7. Masters of Union fishing vessels shall provide adequate accommodation for assigned control observers, facilitate their work and avoid interference with the discharge of their duties. Masters of Union fishing vessels shall also provide control observers with access to relevant parts of the vessel, including the catch, and to the vessel's documents including electronic files."</u></p>       |  |          |

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| Article 1, first paragraph, point (59)(bd)  |   |  |  |          |
| 714d  |   | <u><i>(bd) paragraph 8 is replaced by the following:<br/>"8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States."</i></u> |  |          |
| Article 1, first paragraph, point (59)(c), introductory part                        |   |  |  |          |
| 715   | (c) paragraph 9 is replaced by the following:   |  | (c) paragraph 9 is replaced by the following:  |          |
| Article 1, first paragraph, point (59)(c), amending provision(9), introductory part |   |  |  |          |
| 716   | "<br>9. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning: |  | "<br>9. The Commission <del>is empowered to adopt delegated acts in accordance with Article 119a concerning</del> <u>may, by means of implementing acts, lay down detailed rules on:</u> |          |
| Article 1, first paragraph, point (59)(c), amending provision(9)(a)                 |   |  |  |          |
| 717   | (a) the identification of vessels for the application of a control observer scheme;                     |  | (a) the identification of vessels for the application of a control observer scheme;  |          |

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| Article 1, first paragraph, point (59)(c), amending provision(9)(b) |  |   |   |                 |
| 718   | (b) format and content of observers reports;   | "<br>(b) format <u>– which shall be the same throughout the Union –</u> and content of observers reports; | (b) format and content of <u>control</u> observers reports;   |                 |
| Article 1, first paragraph, point (59)(c), amending provision(9)(c) |  |   |   |                 |
| 719   | (c) the communication system for control observers;  |   | (c) the communication system for control observers;   |                 |
| Article 1, first paragraph, point (59)(c), amending provision(9)(d) |  |   |   |                 |
| 720   | (d) rules pertaining to the security of control observers on vessels;                                |   | (d) rules pertaining to the security of control observers on vessels;   |                 |
| Article 1, first paragraph, point (59)(c), amending provision(9)(e) |  |   |   |                 |
| 721   | (e) measures to ensure independence of control observers including modalities of their remuneration; |   | (e) measures to ensure independence of control observers including modalities of their remuneration;                      |                 |
| Article 1, first paragraph, point (59)(c), amending provision(9)(f) |  |   |   |                 |
| 722   | (f) the duties of control observers including in the event of a suspicion of serious infringement.   |   | (f) the duties of control observers including <del>in</del> the event of <del>a</del> suspicion of serious infringement.; |                 |

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|   | "  |   |  |          |
| Article 1, first paragraph, point (59)(c), amending provision(9)(g)             |  |   |  |          |
| 722a  |  |   | <u><i>(g) minimum standards relating to the qualification and training of control observers.</i></u>                               |          |
| Article 1, first paragraph, point (59)(c), amending provision(9)(fa)            |  |   |  |          |
| 722b  |  | <u><i>(fa) minimum Union training requirements for Union control observers.</i></u> | "  |          |
| Article 1, first paragraph, point (59)(c), amending provision, second paragraph |  |   |  |          |
| 722c  |  |   | <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</i></u> | "        |
| Article 1, first paragraph, point (60), introductory part                       |  |   |  |          |
| 723   | (60) in Title VII, Chapter I is replaced as follows: |   | (60) in Title VII, Chapter I is replaced as follows:   |          |
| Article 1, first paragraph, point (60), amending provision, first paragraph     |  |   |  |          |

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| 724  | "<br>CHAPTER I  |   | "<br>CHAPTER I  |                 |
| Article 1, first paragraph, point (60), amending provision, second paragraph |   |   |   |                 |
| 725  | GENERAL PROVISIONS  |   | GENERAL PROVISIONS  |                 |
| Article 1, first paragraph, point (60), amending provision, third paragraph  |   |   |   |                 |
| 726  | Article 74  |   | Article 74  |                 |
| Article 1, first paragraph, point (60), amending provision, fourth paragraph |   |   |   |                 |
| 727  | Conduct of inspections  |   | Conduct of inspections  |                 |
| Article 1, first paragraph, point (60), amending provision(1)                |   |   |   |                 |
| 728  | 1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections. |   | 1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections. |                 |
| Article 1, first paragraph, point (60), amending provision(2)                |   |   |   |                 |
| 729  | 2. Officials shall carry out their duties in accordance with Union law. They shall prepare and conduct          | "<br>2. Officials shall carry out their duties in accordance with Union | 2. Officials shall carry out their duties in accordance with Union law. They shall prepare and conduct          |                 |

|  | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)  | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|  | inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.  | law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, <u>along the shoreline</u> , in ports, during transport, on processing premises and along the supply chain of the fisheries products. | inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.  |                 |
| Article 1, first paragraph, point (60), amending provision(3), introductory part |  |  |  |                 |
| 730  | 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:  |  | 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:  |                 |
| Article 1, first paragraph, point (60), amending provision(3)(a)                 |  |  |  |                 |
| 731  | (a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred, landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them; |  | (a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred, landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them; |                 |
| Article 1, first paragraph, point (60), amending provision(3)(b)                 |  |  |  |                 |
| 732  | (b) the legality of fishing gears used for the targeted species and for the  | (b) the legality of fishing gears used for the targeted <u>and by-catch</u> species  | (b) the legality of fishing <del>gears</del> <u>gear</u> used for the targeted species and for   |                 |

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|   | catches kept on board and the equipment used for the retrieval of the fishing gears as referred to in Article 48; | <del>and</del> , for the catches kept on board and the equipment used for the retrieval of the fishing gears as referred to in Article 48; | the catches kept on board, and the <del>equipment used</del> <u>compliance with other technical measures</u> for the <del>retrieval of the fishing gears as referred to in Article 48</del> <u>conservation of fishery resources and the protection of marine ecosystems</u> ; |          |
| Article 1, first paragraph, point (60), amending provision(3)(b1) |   |  |  |          |
| 732a  |   |  | <u>(b1) the presence on board of equipment for the retrieval of the fishing gear as referred to in Article 48;</u>   |          |
| Article 1, first paragraph, point (60), amending provision(3)(c)  |   |  |  |          |
| 733   | (c) if appropriate, the stowage plan and the separate stowage of species;   |  | (c) if <del>appropriate</del> <u>applicable</u> , the stowage plan and the separate stowage of species;  |          |
| Article 1, first paragraph, point (60), amending provision(3)(d)  |   |  |  |          |
| 734   | (d) the markings of the vessels and gears;  | (d) the markings <u>and identification</u> of the vessels and gears;   | (d) the markings of the vessels and <del>gears</del> <u>gear</u> ;   |          |
| Article 1, first paragraph, point (60), amending provision(3)(e)  |   |  |  |          |
| 735   | (e) the information on the engine   |  | (e) the information on the engine  |          |



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|  | referred to in Article 40;   |  | referred to in Article 40;  |          |
| Article 1, first paragraph, point (60), amending provision(3)(f) |  |  |   |          |
| 736  | (f) the use of CCTVs and other electronic monitoring devices;  | (f) the use of CCTVs, <u>where applicable</u> , and other electronic monitoring devices <u>such as Full Documentation of Fisheries when it is admitted</u> ; | (f) <u>if applicable</u> , the use <del>of CCTVs and other electronic monitoring devices</del> <u>and functioning of REM systems</u> ;                                  |          |
| Article 1, first paragraph, point (60), amending provision(3)(g) |  |  |   |          |
| 737  | (g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems.                        | (g) compliance with <u>the applicable</u> technical measures for the conservation of fishery resources and the protection of marine ecosystems.              | <del>(g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems.</del>                                    |          |
| Article 1, first paragraph, point (60), amending provision(3)(h) |  |  |   |          |
| 737a   |  |  | <u>(h) if applicable, the obligation to have on board control observers.</u>  |          |
| Article 1, first paragraph, point (60), amending provision(4)    |  |  |   |          |
| 738  | 4. Officials shall be able to examine all relevant areas, decks and rooms. They shall also be able to examine catches, processed or not, nets or | 4. Officials shall be able to examine all relevant areas, decks and rooms. They shall also be able to examine catches, processed or not, <del>nets or</del>  | 4. Officials <del>shall be able to</del> <u>may</u> examine all relevant areas, decks and rooms. They <del>shall also be able to</del> <u>may also</u> examine catches, |          |

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|   | other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to question persons deemed to have information on the matter that is the subject of the inspection. | <del>other gear</del> <u>fishing gear used and on board</u> , equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to question persons deemed to have information on the matter that is the subject of the inspection. | processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They <del>shall also be able to</del> <u>may</u> question persons deemed to have information on the matter that is the subject of the inspection. |          |
| Article 1, first paragraph, point (60), amending provision, numbered paragraph (4a) |   |   |   |          |
| 738a  |   | <u>4a. Inspectors shall receive the training necessary to perform the tasks assigned to them and shall be equipped with the tools necessary to conduct the inspections.</u>   |   |          |
| Article 1, first paragraph, point (60), amending provision(5)                       |   |   |   |          |
| 739   | 5. 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  | 5. 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. <del>They shall, as far as possible,</del> <u>in order to</u>  | 5. 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  |          |

|   | <b>Commission Proposal</b>                      | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)                 | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
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|   | degradation of the catch during the inspection. | prevent any degradation of the catch during the inspection. | degradation of the catch during the inspection.   |                 |
| Article 1, first paragraph, point (60), amending provision, numbered paragraph (5a) |   |   |   |                 |
| 739a  |   |   | <u>5a. Member States shall have procedures in place to ensure that any complaint regarding the conduct of inspections is properly investigated.</u>   |                 |
| Article 1, first paragraph, point (60), amending provision, numbered paragraph (5b) |   |   |   |                 |
| 739b  |   |   | <u>5b. 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.</u> |                 |
| Article 1, first paragraph, point (60), amending provision, numbered paragraph (5c) |   |   |   |                 |
| 739c  |   |   | <u>5c. Member States shall adopt a risk-based approach for the selection of targets for inspection.</u>   |                 |

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|  |   |  | <u>using all available information.</u>  |          |
| Article 1, first paragraph, point (60), amending provision(6), introductory part |   |  |  |          |
| 740  | 6. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set specific rules on the conduct of the inspections. Those rules may concern: |  | 6. The Commission <del>is empowered to adopt delegated acts in accordance with Article 119a in order to set</del> <u>may, by means of implementing acts, lay down</u> specific rules on the conduct of the inspections. Those rules may concern: |          |
| Article 1, first paragraph, point (60), amending provision(6)(a)                 |   |  |  |          |
| 741  | (a) the authorisation and qualification of the officials responsible to conduct inspection at sea or on land;   |  | (a) the authorisation and <u>minimum standards for the</u> qualification of the officials responsible to conduct <del>inspection</del> <u>inspections</u> at sea or on land;   |          |
| Article 1, first paragraph, point (60), amending provision(6)(b)                 |   |  |  |          |
| 742  | (b) the adoption by Member States of a risk-based approach for the selection of inspection targets;   | (b) the adoption by Member States of a risk-based approach for the selection of inspection targets <u>and minimum frequency of inspections</u> ; | <del>(b) the adoption by Member States of a risk-based approach for the selection of inspection targets;</del>   |          |
| Article 1, first paragraph, point (60), amending provision(6)(c)                 |   |  |  |          |

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| 743  | (c) the coordination of control inspection and enforcement activities among Member States;  |  | (c) the coordination of control, inspection and enforcement activities among Member States;  |          |
| Article 1, first paragraph, point (60), amending provision(6)(d) |   |  |  |          |
| 744  | (d) duties of officials during the preparation of the inspection;   |  | (d) <u>the</u> duties of officials during the preparation of <del>the inspection</del> <u>inspections</u> ;                                  |          |
| Article 1, first paragraph, point (60), amending provision(6)(e) |   |  |  |          |
| 745  | (e) the duties of officials authorised to conduct inspections;  |  | (e) the duties of officials <del>authorised to conduct</del> <u>when conducting</u> inspections;   |          |
| Article 1, first paragraph, point (60), amending provision(6)(f) |   |  |  |          |
| 746  | (f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections; |  | <del>(f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections;</del> |          |
| Article 1, first paragraph, point (60), amending provision(6)(g) |   |  |  |          |
| 747  | (g) inspections at sea and in ports, transport inspections, and market  | (g) inspections at sea, <u>along the shoreline</u> and in ports, transport | (g) <u>the conduct of</u> inspections at sea and in ports, transport inspections,  |          |

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|  | inspection.  | inspections, and market inspection.  | and market <del>inspection</del> <u>inspections</u> .   |          |
| Article 1, first paragraph, point (60), amending provision, fifth paragraph    |  |  |   |          |
| 747a   |  |  | <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u>   |          |
| Article 1, first paragraph, point (60), amending provision, eleventh paragraph |  |  |   |          |
| 748  | Article 75   |  | Article 75  |          |
| Article 1, first paragraph, point (60), amending provision, twelfth paragraph  |  |  |   |          |
| 749  | Duties of the operator and the master  |  | Duties of the operator and the master   |          |
| Article 1, first paragraph, point (60), amending provision(1)                  |  |  |   |          |
| 750  | 1. The operator and the master shall cooperate with officials in the performance of their duties. They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall ensure the safety of the officials and shall not obstruct, | 1. The operator and the master shall cooperate with officials in the performance of their duties. They shall facilitate the safe access to the vessel, <u>vessel holds</u> , transport vehicle, <u>containers or storage rooms</u> <del>or room</del> where the fisheries products are stored, processed or marketed, <u>or facilities where fishing</u> | 1. The operator and the master shall cooperate with <u>and follow instructions of</u> officials in the performance of their duties <u>relating to inspections</u> . They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall |          |

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|   | intimidate or interfere with the officials in the performance of their duties.   | <u>gears are stored or repaired</u> . They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties. | ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.  |          |
| Article 1, first paragraph, point (60), amending provision(2)                     |  |  |  |          |
| 751   | 2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties operators and masters during inspections. |  | 2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties <u>of</u> operators and masters <del>during</del> <u>relating to</u> inspections. |          |
| Article 1, first paragraph, point (60), amending provision, fifteenth paragraph   |  |  |  |          |
| 752   | Article 76   |  | Article 76   |          |
| Article 1, first paragraph, point (60), amending provision, sixteenth paragraph   |  |  |  |          |
| 753   | Inspection report  |  | Inspection report  |          |
| Article 1, first paragraph, point (60), amending provision(1), first subparagraph |  |  |  |          |
| 754   | 1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data                | 1. Officials shall draw up an inspection report after each inspection, <u>based on an electronic form which contains the same</u>  | 1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data  |          |

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|  | <p>contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p>                   | <p><u>information for all Member States</u>, and shall forward it to their competent authorities, <u>the European Fisheries Control Agency, and the operator or the master. Member States may include information additional to that contained in the common electronic form</u>. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p> | <p>contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p>  |          |
| Article 1, first paragraph, point (60), amending provision(1), second subparagraph |   |   |  |          |
| 755  | <p>In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected serious infringements.</p> | <p>In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned, <u>to the European Fisheries Control Agency, the operator and to the master</u> and to the Commission in the case of detected serious infringements.</p>  | <p>In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected serious infringements.</p> <p><u>1. A recital will explain that the term 'detected' was introduced in various</u></p> |          |



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|   |  |  | <u>Articles of the regulation to ensure the uniform use of one term for the same activity or situation. It will clarify that a detected infringement is different from a confirmed infringement, as the latter requires a decision by a competent authority.</u>   |          |
| Article 1, first paragraph, point (60), amending provision(1), third subparagraph |  |  |  |          |
| 756   | In case of an inspection carried out in the waters or ports under the jurisdiction of another Member State than the inspecting Member State or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country. | In case of an inspection carried out in the waters or ports under the jurisdiction of another Member State than the inspecting Member State or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country <u>and to the European Fisheries Control Agency, the operator and to the master.</u> | In case of an inspection carried out in the waters or ports under the jurisdiction of <del>another</del> <u>the</u> Member State <u>other</u> than the inspecting Member State, <u>in accordance with this Regulation, or in the waters or ports</u> <del>or</del> 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. |          |
| Article 1, first paragraph, point (60), amending provision(2)                     |  |  |  |          |
| 757   | 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. The operator's or master's comments shall be reflected in the inspection   |  | 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. <del>The operator's or master's</del> <u>Those</u> comments shall be reflected in the  |          |

|  | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|  | report. Officials shall indicate in the fishing logbook that an inspection has been made.  |   | inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.   |                 |
| Article 1, first paragraph, point (60), amending provision(3)                      |  |   |  |                 |
| 758  | 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.   | 3. A copy of the inspection report shall be sent, <u>preferably by electronic means</u> , 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. | 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.   |                 |
| Article 1, first paragraph, point (60), amending provision(4)                      |  |   |  |                 |
| 759  | 4. The Commission may, by means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |   | 4. The Commission may, by means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |                 |
| Article 1, first paragraph, point (60), amending provision, twenty-first paragraph |  |   |  |                 |
| 760  |  |   |  |                 |

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|   | Article 77   |                                      | Article 77   |          |
| Article 1, first paragraph, point (60), amending provision, twenty-second paragraph |  |                                      |  |          |
| 761   | Admissibility of inspection and surveillance reports   |                                      | Admissibility of inspection and surveillance reports   |          |
| Article 1, first paragraph, point (60), amending provision, twenty-third paragraph  |  |                                      |  |          |
| 762   | 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, they shall be treated as equivalent to inspection and surveillance reports of the Member States. |                                      | 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, <del>they</del> <u>inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials</u> shall be treated as equivalent to inspection and surveillance reports of the Member States. |          |
| Article 1, first paragraph, point (60), amending provision, twenty-fourth paragraph |  |                                      |  |          |
| 763   | Article 78   |                                      | Article 78   |          |

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| Article 1, first paragraph, point (60), amending provision, twenty-fifth paragraph |  |   |   |          |
| 764  | Electronic database  |   | Electronic database   |          |
| Article 1, first paragraph, point (60), amending provision(1)                      |  |   |   |          |
| 765  | 1. Member States shall set up and keep up to date an electronic database where they upload all inspection reports and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials or third country officials, as well as other inspections reports and surveillance report drawn up by their officials. | 1. Member States shall set up and keep up to date <del>an</del> electronic database <u>which shall be publicly accessible with respect to non-confidential and non-sensitive information</u> where they upload all inspection reports and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials, as well as other inspections reports and surveillance report drawn up by their officials. <u>The European Fisheries Control Agency shall centralise the Member States' databases.</u> | 1. <u>Each</u> Member <del>States</del> <u>State</u> shall set up and keep <del>up to date</del> <u>up-to-date</u> an electronic database where <del>they</del> <u>upload</u> <del>it uploads</del> all inspection reports and surveillance reports concerning <del>the</del> <u>operators established in its territory and</u> fishing vessels flying <del>their</del> <u>its</u> flag drawn up by <del>their</del> <u>officials or other Member States officials or third country</u> <u>its</u> officials, as well as other inspections reports and surveillance <del>report</del> <u>reports</u> drawn up by <del>their</del> <u>its</u> officials. |          |
| Article 1, first paragraph, point (60), amending provision(2)                      |  |   |   |          |
| 766  | 2. The Commission may, by means of implementing acts, lay down detailed rules concerning the   |   | 2. The Commission may, by means of implementing acts, lay down detailed rules concerning the  |          |

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|   | operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).   |   | operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).   |                 |
| Article 1, first paragraph, point (60), amending provision, twenty-eighth paragraph |  |   |  |                 |
| 767   | Article 79   |   | Article 79   |                 |
| Article 1, first paragraph, point (60), amending provision, twenty-ninth paragraph  |  |   |  |                 |
| 768   | Union inspectors   |   | Union inspectors   |                 |
| Article 1, first paragraph, point (60), amending provision(1)                       |  |   |  |                 |
| 769   | 1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called 'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States. |   | 1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called 'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States. |                 |
| Article 1, first paragraph, point (60), amending provision(2)                       |  |   |  |                 |

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| 770   | 2. Without prejudice to the primary responsibility of the 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. |   | 2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation <del>on the territory of Member States and</del> in Union waters, and on Union fishing vessels outside Union waters. |          |
| Article 1, first paragraph, point (60), amending provision, numbered paragraph (2a) |  |   |   |          |
| 770a  |  | <u>2a. Union inspectors shall report to the authorities of the Member State or to the Commission any non-compliant fishing activity by fishing vessels flying the flag of a third country in international waters subject to requirements and/or recommendations issued by a regional international body.</u> |   |          |
| Article 1, first paragraph, point (60), amending provision(3), introductory part    |  |   |   |          |
| 771   | 3. Union inspectors may be assigned in particular for:   |   | 3. Union inspectors may be assigned <del>in particular</del> for:   |          |
| Article 1, first paragraph, point (60), amending provision(3)(a)                    |  |   |   |          |
| 772   | (a) the implementation of the  |   | (a) the implementation of the   |          |

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|  | specific control and inspection programmes adopted in accordance with Article 95;   |   | specific control and inspection programmes adopted in accordance with Article 95;   |                 |
| Article 1, first paragraph, point (60), amending provision(3)(b)                                     |   |   |   |                 |
| 773  | (b) international fisheries control programmes, where the Union is under an obligation to provide for controls.           |   | (b) international fisheries control programmes, where the Union is under an obligation to provide for controls.           |                 |
| Article 1, first paragraph, point (60), amending provision(3)(ba)                                    |   |   |   |                 |
| 773a   |   | <u><i>(ba) the training of third country fisheries inspectors who provide support in the monitoring of Union vessels operating outside the Union.</i></u> |   |                 |
| Article 1, first paragraph, point (60), amending provision(4), first subparagraph, introductory part |   |   |   |                 |
| 774  | 4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to: |   | 4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to: |                 |
| Article 1, first paragraph, point (60), amending provision(4), first subparagraph(a)                 |   |   |   |                 |
| 775  | (a) all areas on board Union fishing  |   | (a) all areas on board Union fishing  |                 |

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|  | vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and   |   | vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and  |          |
| Article 1, first paragraph, point (60), amending provision(4), first subparagraph(b) |  |   |   |          |
| 776  | (b) all information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data, landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents; | (b) all information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licence, certification of engine power, <del>CCTVs data</del> <u>data from electronic monitoring devices</u> , landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents; | (b) all <u>relevant</u> information and documents which are needed to fulfil their tasks, <del>in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data, landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents;</del> |          |
| Article 1, first paragraph, point (60), amending provision(4), second subparagraph   |  |   |   |          |
| 777  | to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.   |   | to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.  |          |
| Article 1, first paragraph, point (60), amending provision(5)                        |  |   |   |          |
| 778  | 5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member   |   | 5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member  |          |



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|  | State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.                           |   | State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.                           |                 |
| Article 1, first paragraph, point (60), amending provision(6)  |  |   |  |                 |
| 779  | 6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers. |   | 6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers. |                 |
| Article 1, first paragraph, point (60), amending provision, numbered paragraph (6a)                  |  |   |  |                 |
| 779a   |  | <u><i>6a. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by setting out the powers and duties of Union inspectors.</i></u> |  |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph, introductory part |  |   |  |                 |
| 780  | 7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:  |   | 7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:  |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(a)                 |  |   |  |                 |

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| 781  | (a) the notification of Union inspectors to the Agency;                                  |   | (a) the notification of Union inspectors to the Agency;                                  |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(b) |  |   |  |                 |
| 782  | (b) the adoption and maintenance of the list of Union inspectors;                        |   | (b) the adoption and maintenance of the list of Union inspectors;                        |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(c) |  |   |  |                 |
| 783  | (c) the notification of Union inspectors to Regional Fisheries Management Organisations; |   | (c) the notification of Union inspectors to Regional Fisheries Management Organisations; |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(d) |  |   |  |                 |
| 784  | (d) the powers and duties of Union inspectors;   |   | (d) the powers and duties of Union inspectors;   |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(e) |  |   |  |                 |
| 785  | (e) the reports of Union inspectors;   |   | (e) the reports of Union inspectors;   |                 |
| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(f) |  |   |  |                 |
| 786  | (f) the follow-up of reports of Union inspectors.  |   | (f) the follow-up of reports of Union inspectors.  |                 |

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| Article 1, first paragraph, point (60), amending provision(7), first subparagraph(fa) |  |  |  |          |
| 786a  |  | <u><i>(fa) minimum training requirements for Union inspectors, covering in-depth knowledge of the common fisheries policy as well as relevant Union environmental law.</i></u> " |  |          |
| Article 1, first paragraph, point (60), amending provision(7), second subparagraph    |  |  |  |          |
| 787   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). " |  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). " |          |
| Article 1, first paragraph, point (61), introductory part                             |  |  |  |          |
| 788   | (61) in Article 80 paragraph 4 is replaced as follows:   |  | (61) in Article 80 paragraph 4 is replaced as follows:   |          |
| Article 1, first paragraph, point (61), amending provision(4)                         |  |  |  |          |
| 789   | "<br>4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member             |  | "<br>4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member             |          |

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|  | State in waters or ports of third countries in accordance with international agreements.<br>" |   | State in waters or ports of third countries in accordance with international agreements.<br>" |                 |
| Article 1, first paragraph, point (62), introductory part                    |   |   |   |                 |
| 790  | (62) the heading of Chapter III is replaced by the following:                                 |   | (62) the heading of Chapter III is replaced by the following:                                 |                 |
| Article 1, first paragraph, point (62), amending provision, first paragraph  |   |   |   |                 |
| 791  | Proceedings in the event of an infringement   |   | Proceedings in the event of an infringement   |                 |
| Article 1, first paragraph, point (63), introductory part                    |   |   |   |                 |
| 792  | (63) Article 82 is replaced by the following:   |   | (63) Article 82 is replaced by the following:   |                 |
| Article 1, first paragraph, point (63), amending provision, first paragraph  |   |   |   |                 |
| 793  | Article 82  |   | Article 82  |                 |
| Article 1, first paragraph, point (63), amending provision, second paragraph |   |   |   |                 |

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| 794  | Duties of officials in the event of an infringement   |   | Duties of officials in the event of an infringement   |                 |
| Article 1, first paragraph, point (63), amending provision(1), introductory part |   |   |   |                 |
| 795  | 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: |   | 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: |                 |
| Article 1, first paragraph, point (63), amending provision(1)(a)                 |   |   |   |                 |
| 796  | (a) note the detected infringement in the inspection report;  |   | (a) note the detected infringement in the inspection report;  |                 |
| Article 1, first paragraph, point (63), amending provision(1)(b)                 |   |   |   |                 |
| 797  | (b) take all necessary action to ensure safekeeping of the evidence pertaining to such detected infringement;   |   | (b) take all necessary action to ensure safekeeping of the evidence pertaining to such detected infringement;   |                 |
| Article 1, first paragraph, point (63), amending provision(1)(c)                 |   |   |   |                 |
| 798  | (c) immediately forward the   |   | (c) immediately forward the   |                 |

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|  | inspection report to his competent authority;  |                                      | inspection report to his competent authority;   |          |
| Article 1, first paragraph, point (63), amending provision(1)(d) |  |                                      |   |          |
| 799  | (d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in sanctions and the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report. |                                      | (d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in sanctions and the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report.                                |          |
| Article 1, first paragraph, point (63), amending provision(2)    |  |                                      |   |          |
| 800  | 2. In case of a detected serious infringement, officials shall be able remain on board a fishing vessel until the investigation as referred to in Article 85 has been carried out. "   |                                      | 2. <del>In case of a detected serious infringement, officials shall be able remain on board a fishing vessel until</del> <u>Officials may remain on board a fishing vessel until all necessary steps are taken in relation to</u> the investigation as referred to in Article 85 <del>has been carried out</del> <u>in particular in case of a detected serious infringement.</u> " |          |

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| Article 1, first paragraph, point (64)   |  |   |  |                 |
| 801  | (64) Article 84 is deleted.  |   | (64) Article 84 is deleted.  |                 |
| Article 1, first paragraph, point (65), first subparagraph, introductory part                    |  |   |  |                 |
| 802  | (65) In Title VII, the words:  |   | (65) In Title VII, the words:  |                 |
| Article 1, first paragraph, point (65), first subparagraph, amending provision, first paragraph  |  |   |  |                 |
| 803  | "<br>CHAPTER IV  |   | "<br>CHAPTER IV  |                 |
| Article 1, first paragraph, point (65), first subparagraph, amending provision, second paragraph |  |   |  |                 |
| 804  | Proceedings of infringements<br>detected in the course of inspections<br>" |   | Proceedings of infringements<br>detected in the course of inspections<br>" |                 |
| Article 1, first paragraph, point (65), second subparagraph                                      |  |   |  |                 |
| 805  | are deleted.   |   | are deleted.   |                 |
| Article 1, first paragraph, point (66), introductory part  |  |   |  |                 |
| 806  | (66) Articles 85 and 86 are replaced                                       |   | (66) Articles 85 and 86 are replaced                                       |                 |

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|  | by the following:  |                                      | by the following:  |          |
| Article 1, first paragraph, point (66), amending provision, first paragraph  |  |                                      |  |          |
| 807  | "<br>Article 85  |                                      | "<br>Article 85  |          |
| Article 1, first paragraph, point (66), amending provision, second paragraph |  |                                      |  |          |
| 808  | Proceedings  |                                      | Proceedings  |          |
| Article 1, first paragraph, point (66), amending provision(1)                |  |                                      |  |          |
| 809  | 1. Without prejudice to Article 72, Article 83(2) and Article 86, competent Member State shall immediately carry out an 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 third countries officials, or where any relevant data or information leads Member States' competent authorities to believe that an infringement of the rules of the common fisheries policy, has been committed. |                                      | 1. Without prejudice to Article 72, Article 83(2) and Article 86, <u>Member States shall take appropriate measures in accordance with Title VIII and</u> <del>competent Member State shall</del> immediately <u>proceed with the</u> <del>carry out an</del> 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 third countries officials, or where any relevant data or information leads <del>Member States' competent authorities</del> <u>competent authorities of Member States</u> to believe that an |          |



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|   |   |                                      | infringement of the rules of the common fisheries policy, has been committed.   |          |
| Article 1, first paragraph, point (66), amending provision(2)               |   |                                      |   |          |
| 810   | 2. Member States shall take immediate measures as provided in Article 91.   |                                      | 2. <u>In case of serious infringement</u> , Member States shall take <u>appropriate</u> immediate measures <del>as provided in</del> <u>in accordance with</u> Article 91.  |          |
| Article 1, first paragraph, point (66), amending provision, fifth paragraph |   |                                      |   |          |
| 811   | Article 86  |                                      | Article 86  |          |
| Article 1, first paragraph, point (66), amending provision, sixth paragraph |   |                                      |   |          |
| 812   | Transfer of proceedings   |                                      | Transfer of proceedings   |          |
| Article 1, first paragraph, point (66), amending provision(1)               |   |                                      |   |          |
| 813   | 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 |                                      | 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 |          |

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|   | offender holds the citizenship, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89.  |   | offender <del>holds the citizenship</del> <u>is a national</u> , with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89 <u>a(2)</u> .   |                 |
| Article 1, first paragraph, point (66), amending provision(2) |  |   |   |                 |
| 814   | 2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the Member State which has detected the infringement, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89.<br>" |   | 2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the Member State which has detected the infringement, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89 <u>a(2)</u> .<br>" |                 |
| Article 1, first paragraph, point (67)                        |  |   |   |                 |
| 815   | (67) Articles 87 is deleted.   |   | (67) Articles 87 is deleted.  |                 |
| Article 1, first paragraph, point (68), introductory part     |  |   |   |                 |
| 816   | (68) Article 88 is replaced by the following:  |   | (68) Article 88 is replaced by the following:   |                 |

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| Article 1, first paragraph, point (68), amending provision, first paragraph  |   |   |   |                 |
| 817  | "<br>Article 88   |   | "<br>Article 88   |                 |
| Article 1, first paragraph, point (68), amending provision, second paragraph |   |   |   |                 |
| 818  | Corrective measures in the absence of proceedings by the Member State of landing or transshipment   |   | Corrective measures in the absence of proceedings by the Member State of landing or transshipment   |                 |
| Article 1, first paragraph, point (68), amending provision(1)                |   |   |   |                 |
| 819  | 1. If the Member State of landing or transshipment 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, landed or transhipped in the breach of the rules of the common fisheries policy may be counted against the quota allocated to the Member State of landing or transshipment. |   | 1. If the Member State of landing or transshipment 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, landed or transhipped in the breach of the rules of the common fisheries policy may be counted against the quota allocated to the Member State of landing or transshipment. |                 |
| Article 1, first paragraph, point (68), amending provision(2)                |   |   |   |                 |
| 820  |   |   |   |                 |

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|   | 2. After consulting the flag Member State or the Member State of landing or transhipment, the Commission shall, by means of implementing acts, decide on the quantities of fish to be set against the quota of the Member State of landing or transhipment after the Commission has consulted the two Member States concerned.  |   | 2. <del>After consulting the flag Member State or the Member State of landing or transhipment,</del> The Commission shall, by means of implementing acts, decide on the quantities of fish to be set against the quota of the Member State of landing or transhipment after the Commission has consulted the <del>two</del> Member States concerned.                                  |          |
| Article 1, first paragraph, point (68), amending provision(3) |   |   |   |          |
| 821   | 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, landed or transhipped in the breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State. | "<br>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, <u>discarded</u> , landed or transhipped in the breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State. | 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, landed or transhipped in the breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State. |          |
| Article 1, first paragraph, point (69), introductory part     |   |   |   |          |
| 822   | (69) Title VIII is replaced by the  |   | (69) Title VIII is replaced by the  |          |

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|  | following:  |  | following:   |          |
| Article 1, first paragraph, point (69), amending provision, first paragraph  |   |  |  |          |
| 823  | "<br>TITLE VIII   |  | "<br>TITLE VIII  |          |
| Article 1, first paragraph, point (69), amending provision, second paragraph |   |  |  |          |
| 824  | ENFORCEMENT   |  | ENFORCEMENT  |          |
| Article 1, first paragraph, point (69), amending provision, third paragraph  |   |  |  |          |
| 825  | Article 89  |  | Article 89   |          |
| Article 1, first paragraph, point (69), amending provision, fourth paragraph |   |  |  |          |
| 826  | Measures to ensure compliance   |  | Measures <u>and sanctions</u> to ensure compliance   |          |
| Article 1, first paragraph, point (69), amending provision(1)                |   |  |  |          |
| 827  | 1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall lay down rules on administrative measures and | "<br>1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall lay down rules on | 1. <del>Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall</del> <u>Member States shall, in conformity with their national law</u> |          |

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|   | sanctions and ensure that they are systematically applied, in conformity with their national law, against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy.          | administrative measures and sanctions and ensure that they are systematically applied, in conformity with their national law, against the natural person having committed or a legal person held liable for <u>infringements resulting in</u> a breach of the rules of the common fisheries policy.<br><u>In respect of each specific act of infringement as referred to in the first subparagraph, no more than one Member State may initiate proceedings or impose sanctions against the natural or legal person concerned.</u> | <u>and with the provisions of this Regulation,</u> lay down rules on <del>administrative</del> measures and sanctions <del>and ensure that they are systematically applied, in conformity with their national law,</del> against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy. <u>Member States shall ensure that those measures and sanctions can be applied.</u> |          |
| Article 1, first paragraph, point (69), amending provision(2)                 |  |   |  |          |
| 828   | 2. Member States shall, by [24 months from date of entry into force of the present Regulation], notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof. |   | 2. Member States shall, by <del>...</del> [ <del>24</del> <u>36</u> months from date of entry into force of <del>the present this</del> Regulation], notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof.  |          |
| Article 1, first paragraph, point (69), amending provision, seventh paragraph |  |   |  |          |
| 829   | Article 89a  |   | Article 89a  |          |

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| Article 1, first paragraph, point (69), amending provision, eighth paragraph |  |  |   |                           |
| 830  | Sanctions  |  | Sanctions   |                           |
| Article 1, first paragraph, point (69), amending provision(1)                |  |  |   |                           |
| 831  | 1. Member States shall ensure that a natural person having committed or a legal person held liable for infringements of rules of common fisheries policy is punishable by effective, proportionate and dissuasive administrative sanctions.  | 1. Member States shall ensure that a natural person having committed or a legal person held liable for infringements of rules of common fisheries policy is punishable by effective, proportionate and dissuasive <u>criminal and/or</u> administrative sanctions. | 1. Member States shall ensure that a natural person having committed, or a legal person held liable for, infringements of <u>the</u> rules of common fisheries policy is punishable by effective, proportionate and dissuasive administrative sanctions. <u>Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.</u> | MT agrees with EP mandate |
| Article 1, first paragraph, point (69), amending provision(2)                |  |  |   |                           |
| 832  | 2. Member States shall ensure that the overall level of sanctions and accompanying sanctions set in accordance with this Regulation and the relevant provisions of national law is adequate in severity to discourage further infringements and effectively deprive those responsible of the economic benefit derived or |  | 2. Member States shall ensure that the overall level of sanctions and accompanying sanctions <u>set-applied</u> in accordance with this Regulation and the relevant provisions of national law is adequate in severity to discourage further infringements and effectively deprive those responsible of the economic benefit  |                           |

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|   | expected from their infringement without prejudice to the legitimate right to exercise their profession. For this purpose, account shall be taken of immediate measures taken pursuant to Article 91.   |   | derived or expected from their infringement without prejudice to the legitimate right to exercise their profession. For this purpose, account shall be taken of immediate <u>enforcement</u> measures taken pursuant to Article 91.  |          |
| Article 1, first paragraph, point (69), amending provision(3) |   |   |  |          |
| 833   | 3. When determining these sanctions the Member States shall take into account, in particular, the gravity of the infringement, including the level of environmental damage done, the value of the prejudice to the fishing resources, the nature and extent of the infringement, its duration or repetition, or the accumulation of simultaneous infringements. | 3. When determining these sanctions the Member States shall take into account, in particular, the gravity of the infringement, including the level of environmental damage done, the value of the prejudice to the fishing resources, the nature and extent of the infringement, its duration or repetition, or the accumulation of simultaneous infringements. <u>When setting the amount of those penalties, Member States shall also take the economic situation of the natural person concerned into account.</u> | 3. When determining these sanctions the Member States shall take into account, in particular, the gravity, <u>nature and extent</u> of the infringement, including the <del>level of environmental damage done, the value of the prejudice</del> <u>damage</u> to the fishing resources, <del>the nature and extent of the infringement</del> <u>and the marine environment concerned</u> , its duration or repetition, or the accumulation of simultaneous infringements. |          |
| Article 1, first paragraph, point (69), amending provision(4) |   |   |  |          |
| 834   | 4. Member States may apply a system whereby a fine is   | 4. Member States <del>may</del> <u>shall</u> apply a system whereby a fine is   | 4. Member States may apply a system whereby a fine is  |          |



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|   | proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement. | proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement.<br><u>taking into account the seriousness of the offence.</u> | proportionate to the turnover of the legal person, or to the economic benefit <del>achieved or envisaged by committing</del> <u>derived or expected from</u> the infringement. |          |
| Article 1, first paragraph, point (69), amending provision, numbered paragraph (4a) |   |   |  |          |
| 834a  |   | <u>4a. If an infringement is committed, different proceedings may not be brought or different sanctions may not be imposed against the same person for the same acts.</u>                         |  |          |
| Article 1, first paragraph, point (69), amending provision, thirteenth paragraph    |   |   |  |          |
| 835   | Article 90  |   | Article 90   |          |
| Article 1, first paragraph, point (69), amending provision, fourteenth paragraph    |   |   |  |          |
| 836   | Serious infringements   |   | Serious infringements  |          |
| Article 1, first paragraph, point (69), amending provision(1)                       |   |   |  |          |
| 837   | 1. For the purpose of this Regulation 'serious infringement' means any serious infringement   |   | 1. For the purpose of this Regulation 'serious infringement' means <del>any serious</del> <u>an</u> infringement   |          |

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|  | listed in paragraph 2 or considered as serious pursuant to paragraph 3.   |                                      | listed in paragraph 2 or considered as serious pursuant to paragraph 3.  |          |
| Article 1, first paragraph, point (69), amending provision(2), introductory part |   |                                      |  |          |
| 838  | 2. The following activities shall constitute serious infringements:   |                                      | 2. <i>Any of</i> the following activities shall constitute <u>a</u> serious <del>infringements</del> <u>infringement</u> .                       |          |
| Article 1, first paragraph, point (69), amending provision(2)(a)                 |   |                                      |  |          |
| 839  | (a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or   |                                      | <del>(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or</del>               |          |
| Article 1, first paragraph, point (69), amending provision(2)(b)                 |   |                                      |  |          |
| 840  | (b) falsifying or concealing markings of fishing vessel or fishing gear, identity or registration of a fishing vessel; or |                                      | (b) falsifying or concealing markings <del>of fishing vessel or fishing gear</del> , identity or registration of a fishing vessel; <del>or</del> |          |
| Article 1, first paragraph, point (69), amending provision(2)(c)                 |   |                                      |  |          |
| 841  | (c) concealing, tampering with or disposing of evidence relating to an investigation; or                                  |                                      | (c) concealing, tampering with, <u>or</u> disposing of, evidence relating to an investigation; <del>or</del>                                     |          |

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| Article 1, first paragraph, point (69), amending provision(2)(d) |   |   |   |          |
| 842  | (d) obstructing the work of officials or observers, in the exercise of their duties; or   | (d) obstructing the work of officials or observers, in the exercise of their duties, <u>except in the event of force majeure, such as situations where there is a danger to the safety of the crew</u> ; or | (d) obstructing the work of officials or observers, in the exercise of their duties; <del>or</del>  |          |
| Article 1, first paragraph, point (69), amending provision(2)(e) |   |   |   |          |
| 843  | (e) transhipping without the required authorisation or where such transhipment is prohibited; or  |   | (e) transhipping without the required authorisation or where such transhipment is prohibited; <del>or</del>   |          |
| Article 1, first paragraph, point (69), amending provision(2)(f) |   |   |   |          |
| 844  | (f) conducting transfer operations in breach of the common fisheries policy rules or the applicable conservation and management measures adopted by regional fisheries management organisations; or |   | (f) conducting transfer operations <u>or caging, in particular as referred to in Article 3 of Regulation (EU) 2016/1627</u> , in breach of the <u>rules of the</u> common fisheries policy, <u>including</u> <del>rules or</del> the applicable conservation and management measures adopted by regional fisheries management organisations; <del>or</del> <u>that are implemented in Union law</u> ; |          |
| Article 1, first paragraph, point (69), amending provision(2)(g) |   |   |   |          |

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| 845  | (g) transshipping from or to, or conducting transfer operations with, participating in joint fishing operations with, supporting or supplying vessels, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those 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 Council Regulation (EC) No 1005/2008; or                    |   | (g) transshipping from or to, <del>or</del> conducting transfer operations with, participating in joint fishing operations with, <u>or</u> supporting or supplying vessels, <del>engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those</del> 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 Council Regulation (EC) No 1005/2008; <del>or</del>  |          |
| Article 1, first paragraph, point (69), amending provision(2)(h) |   |   |  |          |
| 846  | (h) being involved in the operation, management, ownership of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those 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 Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a vessel engaged in IUU fishing; or | (h) being involved in the operation, management, ownership of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those 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 Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a vessel engaged in IUU fishing <u>or benefitting from, supporting or engaging in IUU</u> | (h) <del>being involved</del> <u>participating</u> in the operation, management, ownership of, or <del>being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those</del> <u>supplying services to operators connected to, a vessel</u> 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 <del>Council Regulation (EC) No 1005/2008</del> <del>or supplying services to operators connected to a vessel engaged in</del> |          |

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|  |  | <u><a href="#">fishing including as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers</a></u> ; or   | <del>IUU fishing</del> ; <del>or</del>  |          |
| Article 1, first paragraph, point (69), amending provision(2)(i) |  |   |   |          |
| 847  | (i) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth; or | (i) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth <u><a href="#">or distance to shore, including restricted or closed areas for the protection of sensitive species and sensitive habitats under Directive 2009/147/EC of the European Parliament and of the Council<sup>1</sup> or Council Directive 92/43/EEC<sup>2</sup></a></u> ; or<br><br><u><a href="#">1. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).</a></u><br><u><a href="#">2. Directive 92/43/EEC of the European Parliament and of the Council of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).</a></u> | <del>(i) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth</del> ; <del>or</del> |          |
| Article 1, first paragraph, point (69), amending provision(2)(j) |  |   |   |          |
| 848  |  |   |   |          |

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|   | (j) engaging in directed fishing, retaining on board, transshipping, transferring or landing species which are subject to a moratorium, a closed season or for which fishing is prohibited; or | (j) <del>engaging in directed</del> <u>conducting</u> fishing, <del>retaining on board, transshipping, transferring or landing</del> <u>activities directed at</u> species <del>which are</del> subject to a moratorium, a closed season or for which fishing is prohibited, <u>or retaining on board, transshipping or landing such species</u> ; or | (j) <del>engaging in directed fishing, retaining on board, transshipping, transferring or landing</del> <u>fishing prohibited species, 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</u> , species <del>which are</del> <u>whose quota is exhausted, or species</u> subject to a <u>fishing moratorium, a temporary prohibition or closed season, except accidental catches, or conducting fishing operations in closed areas or for</u> which <del>fishing is prohibited; or are</del> <u>closed for the purpose of protection or recovery of fishery resources, or in unauthorized depths</u> ; |          |
| Article 1, first paragraph, point (69), amending provision(2)(ja) |  |   |  |          |
| 848a  |  | <u>(ja) failure to comply with technical and other measures to reduce incidental catches of juveniles and protected species;</u>  |  |          |
| Article 1, first paragraph, point (69), amending provision(2)(k)  |  |   |  |          |
| 849   | (k) being a vessel with no nationality and therefore a stateless vessel, in accordance with  |   | (k) <del>being a</del> <u>operating, managing or owning a fishing</u> vessel <del>with</del> <u>having</u> no nationality and therefore a  |          |

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|  | international law; or   |                                      | stateless vessel, in accordance with international law; <del>or</del>   |          |
| Article 1, first paragraph, point (69), amending provision(2)(l) |   |                                      |   |          |
| 850  | (l) using prohibited fishing gear; or   |                                      | (l) using prohibited fishing gear; <del>or</del><br><u>or methods, as referred to in Article 7 of Council Regulation (EU) 2019/1241 or as established by a regional fisheries management organisation and implemented in Union law;</u> |          |
| Article 1, first paragraph, point (69), amending provision(2)(m) |   |                                      |   |          |
| 851  | (m) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation or landing fisheries products stemming from IUU fishing activities; or                                  |                                      | <del>(m) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation or landing fisheries products stemming from IUU fishing activities; or</del>                                   |          |
| Article 1, first paragraph, point (69), amending provision(2)(n) |   |                                      |   |          |
| 852  | (n) not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transshipment declaration or a transfer declaration, |                                      | <del>(n) not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transshipment declaration or a</del>                        |          |

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|  | when the operation has taken place outside the Union waters; or   |                                      | <del>transfer declaration, when the operation has taken place outside the Union waters; or</del>  |          |
| Article 1, first paragraph, point (69), amending provision(2)(o) |   |                                      |   |          |
| 853  | (o) falsifying documents, data or information or using of falsified or invalid documents, data or information required under the rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or |                                      | (o) falsifying documents, <del>data or information or using of falsified or invalid documents, data or information required under</del> <u>referred to in</u> the rules of the common fisheries policy, <del>including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or;</del><br><br><u>1. A recital will clarify that the term "document" is to be understood in a broad sense, in particular, that it includes documents in paper and electronic form.</u> |          |
| Article 1, first paragraph, point (69), amending provision(2)(p) |   |                                      |   |          |
| 854  | (p) conducting business directly connected to IUU fishing including the trade in, importation, exportation, processing, marketing, of fisheries products stemming from IUU fishing activities; or   |                                      | <del>(p) conducting business directly connected to IUU fishing including the trade in, importation, exportation, processing, marketing, of fisheries products stemming from IUU fishing activities; or</del>  |          |
| Article 1, first paragraph, point (69), amending provision(2)(q) |   |                                      |   |          |



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| 855  | (q) manipulating an engine or continuous engine power monitoring devices with the aim of increasing the power of the vessel beyond the maximum continuous engine power according to the engine certificate.   |  | <del>(q) manipulating an engine or continuous engine power monitoring devices with the aim of increasing the power of the vessel beyond the maximum continuous engine power according to the engine certificate.</del>   |          |
| Article 1, first paragraph, point (69), amending provision(2)(qa)                |   |  |  |          |
| 855a   |   | <u>(qa) intentionally discarding of fishing gears and marine litter at sea from fishing vessels.</u> |  |          |
| Article 1, first paragraph, point (69), amending provision(3), introductory part |   |  |  |          |
| 856  | 3. The following activities shall constitute serious infringements depending on the gravity of the infringement in question which shall be determined by the competent authority of the Member State concerned taking into account one or more of the alternative criteria defined in accordance with Annex IV: |  | 3. The following activities shall constitute serious infringements <del>depending on the gravity of the infringement in question which shall be determined by</del> <u>where</u> the competent authority of the Member State concerned <del>taking into account one or more</del> <u>determines that at least one</u> of the <del>alternative</del> criteria defined in <u>Annex IV is met</u> <del>accordance with Annex IV</del> : |          |
| Article 1, first paragraph, point (69), amending provision(3)(aa)                |   |  |  |          |
| 856a   |   |  |  |          |

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|   |   |                                      | <p><u>(aa) using falsified or invalid documents<sup>1</sup> referred to in the rules of the common fisheries policy;</u></p> <p><u>I. A recital will clarify that the term "document" is to be understood in a broad sense, in particular, that it includes paper and electronic documents.</u></p> |          |
| Article 1, first paragraph, point (69), amending provision(3)(ab) |   |                                      |   |          |
| 856b  |   |                                      | <p><u>(ab) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;</u></p>   |          |
| Article 1, first paragraph, point (69), amending provision(3)(ac) |   |                                      |   |          |
| 856c  |   |                                      | <p><u>(ac) failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation;</u></p>  |          |
| Article 1, first paragraph, point (69), amending provision(3)(a)  |   |                                      |   |          |
| 857   | (a) not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior |                                      | (a) not fulfilling <del>of</del> obligations to accurately record, <u>store</u> and report data relating to fishing activities, including data to be transmitted by vessel monitoring <u>system</u>   |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|  | notices, as required under the rules of the common fisheries policy; or  |  | <del>and</del> <u>systems, as well as data with regard to</u> prior <del>notices,</del> <u>notifications, catch declarations, landing declarations, weighing records, takeover declarations, transport documents or sales notes</u> as required under the rules of the common fisheries policy; <del>or</del> |          |
| Article 1, first paragraph, point (69), amending provision(3)(b) |  |  |   |          |
| 858  | (b) not making available a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403(*); or |  | <del>(b) not making available a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403(*); or</del>   |          |
| Article 1, first paragraph, point (69), amending provision(3)(c) |  |  |   |          |
| 859  | (c) using non-compliant fishing gear; or   |  | <del>(c) using non-compliant fishing gear; or</del>   |          |
| Article 1, first paragraph, point (69), amending provision(3)(d) |  |  |   |          |
| 860  | (d) not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy; or  | (d) not fulfilling obligations related to the use of fishing <del>gears</del> <u>gear or obligations related to technical measures and the protection of the</u> | (d) not fulfilling obligations related to the <u>characteristics or</u> use of fishing <del>gears as set in gear, acoustic deterrent devices, selectivity or</del>  |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments                          |
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|   |   | <p><u>marine environment</u> as set in the rules of the common fisheries policy <del>and, in particular, obligations related to the implementation of measures to reduce incidental catches of sensitive species</del>; or</p> | <p><u>fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation, or processing or not complying with measures to reduce incidental catches of sensitive species as required under</u> the rules of the common fisheries policy; <del>or</del></p>   | <p>MT agrees with EP mandate.</p> |
| <p>Article 1, first paragraph, point (69), amending provision(3)(e)</p> |   |  |   |                                   |
| 861   | <p>(e) failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply; or</p> |  | <p>(e) failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any <del>undersized catches in contravention of the legislation in force or</del> catches of species subject to the landing obligation <del>set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations, including for regional fisheries management organisation areas or subject to exemptions provided for in</del> <u>undersized catches, in breach of</u> the rules of the common fisheries policy <del>in</del> <u>applicable to</u> fisheries or fishing</p> |                                   |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|  |  |                                      | zones <del>where such rules apply;</del> <sup>or</sup>  |          |
| Article 1, first paragraph, point (69), amending provision(3)(f) |  |                                      |   |          |
| 862  | (f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation in the case where these activities are not considered as serious infringement under paragraph 2 of this Article; or |                                      | (f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, the conservation and management measures of that organisation <u>implemented in Union law</u> in the case where <del>these</del> <sup>those</sup> activities are not considered as serious infringement under paragraph 2 <u>or under other points</u> of this <del>Article</del> <sup>paragraph</sup> ; <sup>or</sup> |          |
| Article 1, first paragraph, point (69), amending provision(3)(g) |  |                                      |   |          |
| 863  | (g) making available on the market fishery products in breach of the rules of the common fisheries policy in the case where this activity is not considered as serious infringement under paragraph 2 of this Article; or  |                                      | (g) making available on the market fishery <u>or aquaculture</u> products in breach of the rules of the common fisheries policy in the case where <del>this activity is</del> <u>those activities are</u> not considered as serious infringement under paragraph 2 <del>of this Article;</del> <sup>or</sup>  |          |
| Article 1, first paragraph, point (69), amending provision(3)(h) |  |                                      |   |          |
| 864  |  |                                      |   |          |

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|  | (h) conducting recreational fishing activities in breach of rules of the common fisheries policy or selling of catches from recreational fisheries; or |                                      | (h) conducting recreational fishing activities in breach of <u>the</u> rules of the common fisheries policy or <del>selling of catches</del> <u>the sale of fishery products</u> from recreational fisheries;<br><del>or</del>   |          |
| Article 1, first paragraph, point (69), amending provision(3)(i) |  |                                      |  |          |
| 865  | (i) committing multiple infringements which together constitute a serious disregard of the rules of the common fisheries policy.                       |                                      | (i) committing <u>in the course of the same event, multiple infringements referred to in this paragraph; or</u> <del>multiple infringements which together constitute a serious disregard of the rules of the common fisheries policy.</del>   |          |
| Article 1, first paragraph, point (69), amending provision(3)(j) |  |                                      |  |          |
| 865a   |  |                                      | <u>(j) conducting any of the activities referred to in point (g) of paragraph 2 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;</u> |          |
| Article 1, first paragraph, point (69), amending provision(3)(k) |  |                                      |  |          |

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| 865b  |                     |   | <u>(k) manipulating or using an engine power beyond the maximum continuous engine power certified and recorded in the Member State fleet register or manipulating a continuous engine power monitoring device;</u> |          |
| Article 1, first paragraph, point (69), amending provision(3)(l)                    |                     |   |  |          |
| 865c  |                     |   | <u>(l) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation;</u>  |          |
| Article 1, first paragraph, point (69), amending provision(3)(m)                    |                     |   |  |          |
| 865d  |                     |   | <u>(m) conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing.</u>                                     |          |
| Article 1, first paragraph, point (69), amending provision, numbered paragraph (3a) |                     |   |  |          |
| 865e  |                     | <u>3a. The Commission shall publish, prior to implementation of the provisions on sanctions, guidelines</u> |  |          |

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|   |  | <u>to ensure standard determination of the seriousness of infringements in the Union and uniform interpretation of the various sanctions applicable. Those guidelines shall be published on the Commission's website and made available to the general public.</u> |  |          |
| Article 1, first paragraph, point (69), amending provision, numbered paragraph (3b) |  |  |  |          |
| 865f  |  | <u>3b. By ... [two years after the date of entry into force of this amending Regulation], the Agency shall draw up a report on the implementation of the guidelines at Union level.</u>  |  |          |
| Article 1, first paragraph, point (69), amending provision, eighteenth paragraph    |  |  |  |          |
| 866   | Article 91   |  | Article 91   |          |
| Article 1, first paragraph, point (69), amending provision, nineteenth paragraph    |  |  |  |          |
| 867   | Immediate enforcement measures for serious infringements |  | Immediate enforcement measures for serious infringements     |          |
| Article 1, first paragraph, point (69), amending provision(1), introductory part    |  |  |  |          |
| 868   | 1. Where a natural person is                             | 1. Where a natural person is   | 1. Where a natural person is                                 |          |



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|  | <p>suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with the provisions of Article 85, shall immediately in conformity with their national law, take relevant and immediate measures such as:</p> | <p><del>suspected of having committed or is caught in the act while committing a serious infringement or a</del><br/> <u>legal serious infringement has been detected in the course of an inspection in relation to that natural</u> person, <u>or there is evidence that a legal person is</u> <del>is suspected of being</del> liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with the provisions of Article 85, shall immediately in conformity with their national law, take relevant and immediate measures such as:</p> | <p>suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with <del>the provisions of</del> Article 85, shall <del>immediately</del>, in conformity with their national law, take relevant <del>and</del> immediate measures, such as:</p> |          |
| Article 1, first paragraph, point (69), amending provision(1)(a) |  |  |   |          |
| 869  | (a) the immediate cessation of fishing activities;   |  | (a) the <del>immediate</del> cessation of fishing activities;   |          |
| Article 1, first paragraph, point (69), amending provision(1)(b) |  |  |   |          |
| 870  | (b) the immediate rerouting to a port;   |  | (b) the <del>immediate</del> <del>rerouting</del> <u>rerouting of the fishing vessel</u> to a port;   |          |
| Article 1, first paragraph, point (69), amending provision(1)(c) |  |  |   |          |
| 871  |  |  |   |          |

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|  | (c) the rerouting of the transport vehicle to another location for inspection;  |   | (c) the rerouting of the transport vehicle to another location for inspection;  |                 |
| Article 1, first paragraph, point (69), amending provision(1)(d) |   |   |   |                 |
| 872  | (d) the ordering of a bond;   |   | (d) the ordering of a bond;   |                 |
| Article 1, first paragraph, point (69), amending provision(1)(e) |   |   |   |                 |
| 873  | (e) the seizure of fishing gear, catches or fisheries products or the profit earned from the sale of the catches or fisheries products; |   | (e) the seizure of <u>the fishing vessel, transport vehicle,</u> fishing gear, catches or fisheries products or the profit earned from the sale of the catches or fisheries products; |                 |
| Article 1, first paragraph, point (69), amending provision(1)(f) |   |   |   |                 |
| 874  | (f) restriction to or prohibition of the placing on the market of fisheries products;   |   | (f) restriction to, or prohibition of, the placing on the market of fisheries products;   |                 |
| Article 1, first paragraph, point (69), amending provision(1)(g) |   |   |   |                 |
| 875  | (g) the temporary immobilisation of the fishing vessel or transport vehicle concerned;  |   | (g) the temporary immobilisation of the fishing vessel or transport vehicle concerned;  |                 |
| Article 1, first paragraph, point (69), amending provision(1)(h) |   |   |   |                 |

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| 876  | (h) the suspension of the authorisation to fish;   |                                      | (h) the suspension of the authorisation to fish;  |          |
| Article 1, first paragraph, point (69), amending provision(1)(i) |  |                                      |   |          |
| 877  | (i) the temporary cessation of business activities.  |                                      | (i) the temporary cessation of business activities.   |          |
| Article 1, first paragraph, point (69), amending provision(2)    |  |                                      |   |          |
| 878  | 2. The immediate enforcement measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious infringement concerned, to take all necessary action to ensure safekeeping of the evidence pertaining to such suspected serious infringement and to allow the competent authorities to complete their investigation. |                                      | 2. The immediate <del>enforcement</del> measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious infringement concerned, to <del>take all</del> <u>enable all the</u> necessary action to <del>ensure</del> <u>be taken for ensuring</u> safekeeping of the evidence pertaining to such <del>suspected serious</del> infringement and to allow the competent authorities to complete their investigation. |          |
| Article 1, first paragraph, point (69), amending provision(3)    |  |                                      |   |          |
| 879  | 3. The Member State shall immediately and, in compliance with its procedures under national law, notify the flag State concerned   |                                      | 3. The Member State <u>concerned</u> shall immediately, and, <del>in</del> <u>compliance in conformity</u> with its <del>procedures under</del> national law,   |          |

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|   | of the measures referred to in paragraph 1.   |   | notify the flag State <del>concerned</del> of the measures referred to in paragraph 1.  |          |
| Article 1, first paragraph, point (69), amending provision, twenty-third paragraph  |   |   |   |          |
| 880   | Article 91a   |   | Article 91a   |          |
| Article 1, first paragraph, point (69), amending provision, twenty-fourth paragraph |   |   |   |          |
| 881   | Sanctions for serious infringements   |   | Sanctions for serious infringements   |          |
| Article 1, first paragraph, point (69), amending provision(1), introductory part    |   |   |   |          |
| 882   | 1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where the serious infringement has lead to obtaining fishery products, Member States shall impose fines for which: | 1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where the serious infringement has <del>lead</del> <u>led</u> to obtaining fishery products, Member States shall impose fines for which: | 1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where <del>the serious infringement has lead</del> <u>it has led</u> to obtaining fishery products, Member States shall impose <del>fin</del> <u>es for</u> <del>which:</del> <u>administrative financial penalties.</u> |          |
| Article 1, first paragraph, point (69), amending provision(1), first indent         |   |   |   |          |
| 883   | - the minimum shall be at least three times the value of the fishery  | - the minimum shall be at least <del>three times</del> <u>twice</u> the value of the  | - <del>the minimum shall be at least three times the value of the fishery</del>   |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)                                  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|   | products obtained by committing the serious infringement, and  | fishery products obtained by committing the serious infringement, and | <del>products obtained by committing the serious infringement, and</del>   |          |
| Article 1, first paragraph, point (69), amending provision(1), first subparagraph |  |   |  |          |
| 884   | - the maximum shall be at least five times the value of the fishery products obtained by committing the serious infringement.  |   | -<br>- the maximum <u>of which</u> shall be at least five times the value of the fishery products obtained <del>by</del> <u>from</u> committing the serious infringement.  |          |
| Article 1, first paragraph, point (69), amending provision(2), introductory part  |  |   |  |          |
| 885   | 2. In case of any repeated serious infringement where the serious infringement leads to obtaining fishery products within a three-year period, the Member States shall impose fines for which: |   | 2. In case of <del>any</del> <u>g</u> repeated serious infringement where <del>the serious infringement leads</del> <u>it has led</u> to obtaining fishery products within a three-year period, <del>the</del> Member States shall impose <del>fines for which:</del> <u>administrative financial penalties.</u> |          |
| Article 1, first paragraph, point (69), amending provision(2), first indent       |  |   |  |          |
| 886   | - the minimum shall be at least five times the value of the fishery products obtained by committing the serious infringement, and  |   | -<br><del>the minimum shall be at least five times the value of the fishery products obtained by committing the serious infringement, and</del>  |          |
| Article 1, first paragraph, point (69), amending provision(2), first subparagraph |  |   |  |          |

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| 887   | - the maximum shall be at least eight times the value of the fishery products obtained by committing the serious infringement.  |                                      | -<br>- the maximum <u>of which</u> shall be at least eight times the value of the fishery products obtained <del>by</del> <u>from</u> committing the serious infringement.   |          |
| Article 1, first paragraph, point (69), amending provision(3) |   |                                      |  |          |
| 888   | 3. The amounts referred to in paragraphs 1 and 2 shall be calculated on the value of the fisheries products according to the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices in auction halls or prices identified on principal international markets relevant for the species and fishing area concerned shall be applicable and the higher price prevail. |                                      | 3. <del>The amounts referred to in paragraphs 1 and 2 shall be calculated on</del> <u>When calculating</u> the value of the <del>fisheries</del> <u>fishery</u> products <del>according to the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices in auction halls</del> <del>or</del> <u>obtained from 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</u> prices <del>identified on principal international markets relevant for the species and fishing area concerned shall be applicable and the higher price</del> |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |   |                                      | <del>prevail</del> of the <u>European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform, at the time when the infringement was committed.</u>   |          |
| Article 1, first paragraph, point (69), amending provision(4) |   |                                      |   |          |
| 889   | 4. Where the serious infringement did not lead to obtaining fishery products, the fines shall be determined by the Member States in accordance with Article 89a, at a level leading to a deterrent effect similar to the effect of the fines set in paragraphs 1 and 2. |                                      | 4. Where the serious infringement did not lead to obtaining fishery products, the <del>fin</del> es <u>administrative financial penalties</u> shall be determined by the Member States in accordance with Article 89a, at a level <del>leading to a deterrent effect similar to the effect of the fines set in paragraphs 1 and 2</del> <u>ensuring that these penalties are effective, proportionate and dissuasive.</u> |          |
| Article 1, first paragraph, point (69), amending provision(5) |   |                                      |   |          |
| 889a  |   |                                      | <u>5. Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.<sup>1</sup></u><br><br><u>1. A recital will clarify how this provision can be implemented in Member States with specific legal systems.</u>   |          |

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| Article 1, first paragraph, point (69), amending provision, numbered paragraph (4a) |   |   |   |          |
| 889b  |   | <u><i>4a. In all cases, no more than one Member State may institute proceedings or impose sanctions for each act of infringement.</i></u> |   |          |
| Article 1, first paragraph, point (69), amending provision, twenty-ninth paragraph  |   |   |   |          |
| 890   | Article 91b   |   | Article 91b   |          |
| Article 1, first paragraph, point (69), amending provision, thirtieth paragraph     |   |   |   |          |
| 891   | Accompanying sanctions  |   | Accompanying sanctions  |          |
| Article 1, first paragraph, point (69), amending provision(1), introductory part    |   |   |   |          |
| 892   | The sanctions provided for in Articles 89, 89a and 91a and measures provided for in Article 91 may be accompanied by other dissuasive sanctions or measures, in particular: |   | <u><i>L</i></u> The sanctions provided for in Articles 89, 89a and 91a <del>and measures provided for in Article 91</del> may be accompanied by other <del>dissuasive</del> sanctions <del>or measures</del> , in particular: |          |
| Article 1, first paragraph, point (69), amending provision(1)                       |   |   |   |          |
| 893   | (1) the sequestration of the fishing vessel(s) involved in the infringement;  |   | <del><i>(1) the sequestration of the fishing vessel(s) involved in the infringement;</i></del>  |          |



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| Article 1, first paragraph, point (69), amending provision(1)(a) |  |                                      |   |          |
| 894  | (2) the temporary immobilisation of the fishing vessel;                                      |                                      | <del>(2)</del> (a) the <del>temporary</del> immobilisation of the fishing vessel <u>(s) or vehicle(s) involved in the infringement;</u> |          |
| Article 1, first paragraph, point (69), amending provision(1)(b) |  |                                      |   |          |
| 895  | (3) the confiscation of the vessel(s), prohibited fishing gear, catches or fishery products; |                                      | <del>(3)</del> (b) the confiscation of the vessel(s), <u>vehicle(s)</u> , prohibited fishing gear, catches or fishery products;         |          |
| Article 1, first paragraph, point (69), amending provision(1)(c) |  |                                      |   |          |
| 896  | (4) the suspension or withdrawal of the fishing license or fishing authorisation;            |                                      | <del>(4)</del> (c) the suspension or withdrawal of the fishing license or fishing authorisation;  |          |
| Article 1, first paragraph, point (69), amending provision(1)(d) |  |                                      |   |          |
| 897  | (5) the reduction or withdrawal of fishing rights;   |                                      | <del>(5)</del> (d) the reduction or withdrawal of fishing rights;   |          |
| Article 1, first paragraph, point (69), amending provision(1)(e) |  |                                      |   |          |
| 898  | (6) the temporary or permanent   |                                      | <del>(6)</del> (e) the <del>temporary or permanent</del>  |          |

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|  | exclusion from the right to obtain new fishing rights;  |   | exclusion from the right to obtain new fishing rights;  |          |
| Article 1, first paragraph, point (69), amending provision(1)(f) |   |   |   |          |
| 899  | (7) the temporary or permanent ban on access to public assistance or subsidies;   |   | <del>(7)</del> <b>(f)</b> the <del>temporary or permanent</del> ban on access to public assistance or subsidies;  |          |
| Article 1, first paragraph, point (69), amending provision(1)(g) |   |   |   |          |
| 900  | (8) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3) of Regulation (EC) No 1005/2008; |   | <del>(8)</del> <b>(g)</b> the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3) of Regulation (EC) No 1005/2008; |          |
| Article 1, first paragraph, point (69), amending provision(1)(h) |   |   |   |          |
| 901  | (9) the withdrawal of the ship certificate of national registry;  |   | <del>(9)</del> <b>(h)</b> the withdrawal of the ship certificate <del>effrom the</del> national <del>registry</del> <b>register</b> ;                                 |          |
| Article 1, first paragraph, point (69), amending provision(1)(i) |   |   |   |          |
| 902  | (10) the temporary suspension of the economic activity or its permanent cessation;  | (10) the temporary suspension of the <del>fishing-related</del> economic activity or its permanent cessation; | <del>(10)</del> <b>(i)</b> the <del>temporary</del> suspension of the economic activity <del>or its permanent cessation</del> ;                                       |          |

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| Article 1, first paragraph, point (69), amending provision(1)(j)                    |   |   |  |          |
| 903   | (11) the temporary or permanent withdrawal of the authorisation to engage in fish trade activities. |   | <del>(11)</del> (i) the <del>temporary or permanent</del> withdrawal of the authorisation to engage in fish <del>trade</del> trading activities. |          |
| Article 1, first paragraph, point (69), amending provision(1), point (11a)          |   |   |  |          |
| 903a  |   | <u>(11a) the use of continuously recording closed-circuit television (CCTV) systems incorporating data storage in the event of serious infringements of common fisheries policy landing obligation rules.</u> |  |          |
| Article 1, first paragraph, point (69), amending provision(2)                       |   |   |  |          |
| 903b  |   |   | <u>2. Member States shall determine, in accordance with their national law, the duration of the sanctions referred to in paragraph 1.</u>        |          |
| Article 1, first paragraph, point (69), amending provision, thirty-second paragraph |   |   |  |          |
| 904   | Article 92  |   | Article 92   |          |
| Article 1, first paragraph, point (69), amending provision, thirty-third paragraph  |   |   |  |          |
| 905   |   |   |  |          |

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|   | Point system for serious infringements  |                                      | Point system for serious infringements   |          |
| Article 1, first paragraph, point (69), amending provision(1) |   |                                      |  |          |
| 906   | 1. Member States shall apply a point system for infringements referred to in Article 90, except for serious infringements referred to in paragraph 1 points (k) and (p) and in paragraph (2) points (g) and (h) of that Article.                        |                                      | 1. Member States shall apply a point system for infringements referred to in Article 90, except for serious infringements referred to in <del>paragraph 1 points (k) and (p) and in paragraph (2)</del> <u>point (k) of paragraph 2 and points (g), (h), and (m) of paragraph 3</u> <del>and (h)</del> of that Article <u>and for infringements under Article 90(3)(a) of obligations not applicable to the holder of the fishing licence or the master.</u> |          |
| Article 1, first paragraph, point (69), amending provision(2) |   |                                      |  |          |
| 907   | 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. |                                      | 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.  |          |
| Article 1, first paragraph, point (69), amending provision(3) |   |                                      |  |          |

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| 908   | 3. While remaining attached to the licence holder who sold the fishing vessel, points shall also be assigned to any new holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement. | 3. <del>While remaining</del> <u>Points shall continue to be</u> attached to the licence holder who <u>has committed the infringement and has subsequently</u> sold the fishing vessel, <del>points shall also be assigned to any new holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement in the event of sale, transfer or any other change of ownership after the date of the infringement. Under no circumstances shall they be assigned to the new holder of the fishing licence for the fishing vessel concerned.</del> | 3. <del>While remaining attached to the licence holder who sold the fishing vessel, points</del> <u>The points assigned</u> shall <del>also be assigned</del> <u>be transferred</u> to any <del>new</del> <u>future</u> holder of the fishing licence for the fishing vessel concerned where the vessel <u>or the licence</u> is sold, transferred or otherwise changes ownership after the date of the infringement, <u>including to another Member State.</u> |          |
| Article 1, first paragraph, point (69), amending provision(4) |   |   |   |          |
| 909   | 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 following a serious infringement committed aboard the vessel under his or her command.                                       | 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 following a serious infringement committed aboard the vessel under his or her command. <u>The assigned points to the master of the vessel shall be recorded in the official certification</u>  | 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 <u>following as a result of</u> a serious infringement committed <del>aboard the vessel under his or her command</del> <u>by the master in accordance with Annex III.</u>  |          |

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|   |  | <u>document with the indication of date of assignment as well as the date of deletion of the assigned points.</u> |   |          |
| Article 1, first paragraph, point (69), amending provision(5) |  |   |   |          |
| 910   | 5. When two or more serious infringements by the same natural or legal person holding the licence 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.  |   | 5. When two or more serious infringements by the same natural or legal person holding the <u>fishing</u> licence <u>or by the master</u> 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.  |          |
| Article 1, first paragraph, point (69), amending provision(6) |  |   |   |          |
| 911   | 6. When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel shall be automatically suspended for a period of at least two months. That period shall be four months if the suspension is occurring a second time and the points equals or exceeds 36 points, eight months if the suspension is occurring a third |   | 6. When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel <u>as a master</u> shall be automatically suspended for a period of at least two months. That period shall be: four months if the suspension <del>is occurring</del> <u>occurs the</u> second time and the points equals or exceeds 36 points; eight months if the |          |

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|   | time and the number of points equals or exceeds 54 points and one year if the suspension is occurring a fourth time and the number of points equals or exceeds 72 points. In case the suspension is occurring for a fifth time and the number of points equals or exceeds 90 points, the fishing licence shall be permanently withdrawn and the fishing vessel shall not be used anymore for commercial exploitation of marine biological resources. |  | suspension <del>is occurring</del> <u>occurs the</u> third time and the number of points equals or exceeds 54 points; and one year if the suspension <del>is occurring</del> <u>occurs the</u> fourth time and the number of points equals or exceeds 72 points. In case the suspension <del>is occurring for</del> <u>occurs for the</u> fifth time and the number of points equals or exceeds 90 points, the fishing licence shall be <del>permanently</del> withdrawn and the fishing vessel <del>shall</del> <u>may</u> not be used <del>anymore</del> for commercial exploitation of marine biological resources. |          |
| Article 1, first paragraph, point (69), amending provision(7)                       |  |  |  |          |
| 912   | 7. The accumulation of 90 points by the holder of a fishing license or a master shall trigger automatically the permanent withdrawal of the fishing licence or of the right to command a fishing vessel as a master.   |  | 7. The accumulation of 90 points by the holder of a fishing license or <del>by</del> <u>the</u> master shall trigger automatically the <del>permanent</del> withdrawal of the fishing licence or of the right to command a fishing vessel as a master.   |          |
| Article 1, first paragraph, point (69), amending provision, numbered paragraph (7a) |  |  |  |          |
| 912a  |  | <u>7a. Fishing licence holders or masters of vessels that have not committed serious infringements</u> |  |          |

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|   |   | <p><u>for a period of at least five consecutive calendar years, calculated from 1 January of ... [the year of the entry into force of this amending Regulation], shall be allocated two priority points in the national rankings used by the European Maritime and Fisheries Fund under Regulation (EU) No 508/2014.</u></p> |  |          |
| Article 1, first paragraph, point (69), amending provision(8) |   |  |  |          |
| 913   | <p>8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of the committing of the last serious confirmed infringement, all points shall be deleted.</p>       |  | <p>8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of <del>the</del> committing <del>of</del> the last serious confirmed infringement, all points shall be deleted.</p>  |          |
| Article 1, first paragraph, point (69), amending provision(9) |   |  |  |          |
| 914   | <p>9. The coastal State is competent to determine under its national laws whether a serious infringement has been committed in its waters and to decide about the number of points to be assigned in accordance with Annex III.</p> |  | <p>9. <del>The</del> <u>When a</u> coastal <u>Member State</u> <del>is competent to determine</del> <u>other than the flag Member State has determined,</u> under its national <del>laws</del> <u>whether law, that</u> a serious infringement has been committed in its waters, <u>it shall notify it to the flag Member State in order for the</u></p> |          |



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|  |   |                                      | <del>latter to determine and assign</del> <del>and to decide about</del> the number of points <del>to be assigned</del> in accordance with Annex III.  |          |
| Article 1, first paragraph, point (69), amending provision(10) |   |                                      |  |          |
| 915  | 10. Where the serious infringement is detected in a Member State other than the flag State, the points assigned in accordance with this Article shall be recognized by the competent authorities of the flag Member State.  |                                      | <del>10. Where the serious infringement is detected in a Member State other than the flag State, the points assigned in accordance with this Article shall be recognized by the competent authorities of the flag Member State.</del>  |          |
| Article 1, first paragraph, point (69), amending provision(11) |   |                                      |  |          |
| 916  | 11. Member States shall designate the competent national authorities which shall be responsible for setting up the system for the attribution of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and master and transferring the points in accordance with paragraph 3. |                                      | 11. Member States shall designate the competent national authorities <del>which shall be</del> responsible for setting up the system for the attribution of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and <del>to the</del> master and transferring the points in accordance with paragraph 3. |          |
| Article 1, first paragraph, point (69), amending provision(12) |   |                                      |  |          |
| 917  |   |                                      |  |          |

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|   | 12. Member States shall ensure that the application of national proceedings does not render the point system ineffective.   |  | 12. Member States shall ensure that the application of national proceedings does not render the point system ineffective.  |          |
| Article 1, first paragraph, point (69), amending provision(13), introductory part |   |  |  |          |
| 918   | 13. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:   |  | 13. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:  |          |
| Article 1, first paragraph, point (69), amending provision(13)(a)                 |   |  |  |          |
| 919   | (a) the amendment of the threshold of points triggering the suspension and permanent withdrawal of a fishing licence or of the right to command a fishing vessel as a master; | (a) <del>the amendment of the threshold of points triggering the suspension and permanent withdrawal of a fishing licence or of the right to command a fishing vessel as a master;</del> | (a) the amendment of the threshold of points triggering the suspension and <del>permanent</del> withdrawal of <del>a</del> the fishing licence or of the right to command a fishing vessel as a master;. |          |
| Article 1, first paragraph, point (69), amending provision(13)(b)                 |   |  |  |          |
| 920   | (b) the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;                                     |  | (b) <del>the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;</del>   |          |
| Article 1, first paragraph, point (69), amending provision(13)(c)                 |   |  |  |          |

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| 921   | (c) measures to be taken in case of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master; |                                      | <del>(e) measures to be taken in case of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;</del> |          |
| Article 1, first paragraph, point (69), amending provision(13)(d)                                     |  |                                      |   |          |
| 922   | (d) conditions justifying the deletion of points;  |                                      | <del>(d) conditions justifying the deletion of points;</del>  |          |
| Article 1, first paragraph, point (69), amending provision(13)(e)                                     |  |                                      |   |          |
| 923   | (e) the registration of masters authorized to exercise fishing activity.   |                                      | <del>(e) the registration of masters authorized to exercise fishing activity.</del>   |          |
| Article 1, first paragraph, point (69), amending provision(14), first subparagraph, introductory part |  |                                      |   |          |
| 924   | 14. The Commission shall, by means of implementing acts, lay down detailed rules concerning:   |                                      | 14. The Commission shall, by means of implementing acts, lay down detailed rules concerning:  |          |
| Article 1, first paragraph, point (69), amending provision(14), first subparagraph(a)                 |  |                                      |   |          |
| 925   | (a) the notifications of decisions on  |                                      | <del>(a) the notifications of decisions on</del>  |          |

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|   | assignment of points;   |                                      | <del>assignment of points;</del>   |          |
| Article 1, first paragraph, point (69), amending provision(14), first subparagraph(b) |   |                                      |  |          |
| 926   | (b) the transfer of the points when ownership of vessels for which points where assigned, is transferred;   |                                      | (b) the transfer of the points <del>when ownership of vessels for which points where assigned, is transferred</del> <u>in accordance with paragraph 3<sup>1</sup>;</u><br><br><u>1. A recital will clarify that the Implementing Act could, for example, cover the assignments of points in the case of merging or splitting fishing capacity and when the vessel and licence are not sold to the same person.</u> |          |
| Article 1, first paragraph, point (69), amending provision(14), first subparagraph(c) |   |                                      |  |          |
| 927   | (c) the deletion of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements from relevant lists; |                                      | <del>(c) the deletion of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements from relevant lists;</del>   |          |
| Article 1, first paragraph, point (69), amending provision(14), first subparagraph(d) |   |                                      |  |          |
| 928   | (d) the obligations of information on the point system for masters of fishing vessels established by the Member States.   |                                      | <del>(d) the obligations of information on the point system for masters of fishing vessels established by the Member States.</del>   |          |

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|      | Article 1, first paragraph, point (69), amending provision(14), second subparagraph                                  |   |  |                 |
| 929  | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). |                 |
|      | Article 1, first paragraph, point (69), amending provision, numbered paragraph (14a)                                 |   |  |                 |
| 929a |  | <u><i>14a. The Commission shall publish guidelines clarifying the interpretation of the rules on infringements and sanctions to limit disparities in treatment from Member State to Member State.</i></u> |  |                 |
|      | Article 1, first paragraph, point (69), amending provision, forty-eighth paragraph                                   |   |  |                 |
| 930  | Article 92a  |   | Article 92a  |                 |
|      | Article 1, first paragraph, point (69), amending provision, forty-ninth paragraph                                    |   |  |                 |
| 931  | Liability of legal persons   |   | Liability of legal persons   |                 |
|      | Article 1, first paragraph, point (69), amending provision(1), introductory part                                     |   |  |                 |
| 932  | 1. Legal persons shall be held liable  |   | 1. Legal persons shall be held liable  |                 |

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|  | 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, based on: |   | 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, <u>concerned</u> based on <u>any of the following</u> : |                 |
| Article 1, first paragraph, point (69), amending provision(1)(a) |   |   |   |                 |
| 933  | (a) a power of representation of the legal person,  |   | (a) a power of representation of the legal person,;   |                 |
| Article 1, first paragraph, point (69), amending provision(1)(b) |   |   |   |                 |
| 934  | (b) an authority to take decisions on behalf of the legal person, or  |   | (b) an authority to take decisions on behalf of the legal person,; or   |                 |
| Article 1, first paragraph, point (69), amending provision(1)(c) |   |   |   |                 |
| 935  | (c) an authority to exercise control within the legal person.   |   | (c) an authority to exercise control within the legal person.   |                 |
| Article 1, first paragraph, point (69), amending provision(2)    |   |   |   |                 |
| 936  | 2. A legal person may be held liable where the lack of supervision or   |   | 2. A legal person may be held liable where the lack of supervision or   |                 |

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|  | 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. |   | 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. |                 |
| Article 1, first paragraph, point (69), amending provision(3)                      |   |   |   |                 |
| 937  | 3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned.                             |   | 3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned.                             |                 |
| Article 1, first paragraph, point (69), amending provision, fifty-third paragraph  |   |   |   |                 |
| 938  | Article 92b   |   | Article 92b   |                 |
| Article 1, first paragraph, point (69), amending provision, fifty-fourth paragraph |   |   |   |                 |
| 939  | Obligation to notify definitive ruling  |   | Obligation to notify definitive ruling  |                 |
| Article 1, first paragraph, point (69), amending provision(1), first subparagraph  |   |   |   |                 |
| 940  | 1. The competent authorities of the Member State having jurisdiction in the event of an infringement shall, without delay and in compliance   |   | 1. The competent authorities of the Member State having jurisdiction in <del>the event</del> <u>respect</u> of an infringement shall, without delay and in  |                 |

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|  | with their procedures under national law, notify the flag States, the State of which the offender holds the citizenship or is incorporated, or any other State with an interest in following up the administrative and other relevant criminal proceedings or other measures taken, of any definitive ruling relating to such infringement, including the number of points assigned in accordance with Article 92. |                                      | compliance with their procedures under national law, notify the flag <del>States</del> <u>State</u> , the State of which the offender holds the citizenship or is incorporated, <del>or any other State with an interest in following up the administrative and other relevant criminal proceedings or other measures taken</del> <u>and, where appropriate, the coastal, port or processing State</u> , of any definitive ruling <del>relating</del> <u>related</u> to such infringement, <del>including the number of points assigned in accordance with Article 92.</del> |          |
| Article 1, first paragraph, point (69), amending provision(1), second subparagraph |  |                                      |  |          |
| 941  | They shall also notify to the European Commission without delay definitive rulings 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.   |                                      | <del>They shall also notify to the European Commission without delay definitive rulings</del> 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, <u>the competent authorities of the Member State concerned shall also, without delay, notify the European Commission of any definitive ruling related to such infringements.</u>   |          |
| Article 1, first paragraph, point (69), amending provision(2)                      |  |                                      |  |          |



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| 942   | 2. In case of a notification from 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 for the fishing vessel concerned.  |   | 2. In case of a notification <del>from</del> <u>by</u> 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 <del>for</del> <u>of</u> the fishing vessel concerned.  |          |
| Article 1, first paragraph, point (69), amending provision, fifty-seventh paragraph |  |   |  |          |
| 943   | Article 93   |   | Article 93   |          |
| Article 1, first paragraph, point (69), amending provision, fifty-eighth paragraph  |  |   |  |          |
| 944   | National register of infringements   |   | National register <del>of</del> <u>on</u> infringements  |          |
| Article 1, first paragraph, point (69), amending provision(1)                       |  |   |  |          |
| 945   | 1. Member States shall enter in a national register all suspected and confirmed infringements of the rules of the common fisheries policy committed by vessels flying their flag or the flag of a third country or by their nationals, including all decisions and sanctions they incurred and the number of points assigned. Infringements of fishing vessels flying their flag or by their | 1. Member States shall enter in a national register all <del>suspected and</del> confirmed infringements of the rules of the common fisheries policy committed by vessels flying their flag or the flag of a third country or by their nationals, including all decisions and sanctions they incurred and the number of points assigned. Infringements of fishing vessels flying their flag or by their | 1. Member States shall enter in a national register all <del>suspected and</del> confirmed infringements of the rules of the common fisheries policy committed by <u>fishing</u> vessels flying their flag or <u>by their nationals and by fishing vessels flying</u> the flag of a third country or by <u>nationals of a third country having committed infringements within the waters under</u> their <del>nationals</del> <u>jurisdiction or</u> |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | nationals prosecuted 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.  | nationals prosecuted 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.  | <u>on their territory</u> , including all decisions and sanctions they incurred and the number of points assigned. Infringements <del>efby</del> fishing vessels flying their flag or by their nationals prosecuted 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. <del>92b</del> <u>92h</u> . |          |
| Article 1, first paragraph, point (69), amending provision(2) |   |   |   |          |
| 946   | 2. When following up an infringement of 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 of having committed the infringement in question or caught in the act of committing the infringement in question. | 2. When following up an infringement of rules of the common fisheries policy, a Member State may <del>request other Member States to provide</del> <u>consult the</u> information contained in <del>their national</del> <u>the Union</u> register <u>of infringements referred to in Article 93a</u> on the fishing vessels and persons <del>suspected of</del> having committed the infringement in question or caught in the act of committing the infringement in question. | 2. When following up an infringement of <u>the</u> 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 <u>by the requesting Member State</u> of having committed the infringement in question or caught in the act of committing the infringement in question.  |          |
| Article 1, first paragraph, point (69), amending provision(3) |   |   |   |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| 947   | 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 physical or legal persons involved in the infringement.         | 3. <del>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 physical or legal persons involved in the infringement.</del>   | 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 <del>physical</del> <u>natural</u> or legal persons involved in the infringement.             |          |
| Article 1, first paragraph, point (69), amending provision(4)                     |  |   |  |          |
| 948   | 4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but always for a minimum of five calendar years, starting from the year following that in which the information is recorded. | 4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but always for a minimum of five calendar years, starting from the year following that in which the information is recorded- <u>in compliance with all applicable rules on the protection of privacy and processing of personal data.</u> " | 4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but <del>always</del> <u>in any case</u> for a minimum of five calendar years, starting from the year following that in which the information is recorded. |          |
| Article 1, first paragraph, point (69), amending provision, sixty-third paragraph |  |   |  |          |
| 949   | (*) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on   |   | <del>(*) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the</del>  |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|  | the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).<br>" |  | <i>sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).</i><br>" |          |
| Article 1, first paragraph, point (69a), introductory part                               |   |  |  |          |
| 949a   |   | <u>(69a) The following Article is inserted:</u>  |  |          |
| Article 1, first paragraph, point (69a), amending provision, article                     |   |  |  |          |
| 949b   |   | "<br><u>Article -93a</u><br><u>Union register of infringements</u>   |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |   |  |  |          |
| 949c   |   | <u>1. The Commission shall establish a Union register of infringements (the Union register) centralising information from the Member States concerning the infringements referred to in Article 93(1), as well as information on lost gear as referred to in Article 48(5). For that purpose Member States</u> |  |          |

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|  |                     | <u><i>shall ensure that the information stored in their national registers as referred to in Article 93, as well as information collected and recorded in accordance with Article 48(5), is also entered in the Union register.</i></u>   |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |
| 949d   |                     | <u><i>2. Information relating to an infringement by a natural person of the rules of the common fisheries policy that has led to a conviction as defined in Article 2 of Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States and falling within the scope of that Decision shall not be included in the Union register.</i></u> |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |
| 949e   |                     | <u><i>3. Information relating to an infringement by a natural person of the rules of the common fisheries</i></u>   |  |          |

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|  |                     | <p><u><i>policy that has led to a conviction as defined in Article 3 of Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 and falling within the scope of that Regulation shall not be included in the Union register.</i></u></p> |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |  |  |          |
| 949f   |                     | <p><u><i>4. The Union register shall be composed of a central system, a national central access point in each Member State, interface software enabling the connection of the competent authorities to the central system via the national central access points and communication infrastructure between the central system and the national central access points.</i></u></p>   |  |          |

|  | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |
| 949g   |                     | <p><u>5. The competent authorities of the Member States may only consult the Union register to verify whether, in respect of a Union fishing vessel or a natural person, any Member State holds information on infringements concerning that vessel or that natural person, as well as information on lost gear.</u></p>  |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |
| 949h   |                     | <p><u>6. The Member States may at any time rectify or erase the data they have entered into the central system of Union register. If a Member State other than the Member State which entered the data has reason to believe that data recorded in the central system are inaccurate, it shall contact the central access point of the Member State without undue delay, with a view to rectification of inaccurate data.</u></p> |  |          |

|  | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |  |  |          |
| 949i   |                     | <p><u>7. Data contained in the Union register shall only be stored for as long as the corresponding data are stored in the national register in accordance with Article 93(4). Member States shall ensure that, when data in the national register are erased, those data are immediately erased from the central system of the Union register.</u></p>  |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |  |  |          |
| 949j   |                     | <p><u>8. Each Member State shall be responsible for ensuring a secure connection between its national register and the national central access point, ensuring a connection between its national systems and the Union register, and the management of and arrangements for access of duly authorised staff of the central authorities to the Union register in accordance with this Regulation. Each Member State shall give the staff of its competent authority who have a right to access the Union register</u></p> |  |          |



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|  |                     | <p><u>appropriate training covering, in particular, data security and data protection rules and applicable rules concerning fundamental rights, before authorising them to process data stored in the Union register.</u></p>   |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |
| 949k   |                     | <p><u>9. In accordance with applicable Union data protection rules, each Member State, together with the Commission, shall ensure that the data recorded in the Union register are registered lawfully, and in particular that only duly authorised staff have access to the data for the performance of their tasks, that the data are collected lawfully in a manner that fully respects the human dignity and fundamental rights of the individual concerned, that the data are entered into the Union register lawfully, and that the data are accurate and up-to-date when they are entered.</u></p> |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |

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| 949l   |                     | <p><u>10. The European Fisheries Control Agency shall have direct access to the Union register for the purpose of fulfilling its tasks in accordance with Regulation (EU) 2019/473. In accordance with applicable Union data protection rules, the European Fisheries Control Agency shall ensure that only duly authorised staff have access to the data.</u></p>  |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |                     |   |  |          |
| 949m   |                     | <p><u>11. The Commission shall adopt implementing acts laying down detailed rules on the technical development and implementation of the Union register in particular concerning the transfer of data from the national registers to the central system of the Union register, the technical specifications of the interface software, maintaining and accessing the Union register in accordance with paragraph 3, performance and availability requirements of the Union register. Those implementing acts shall be adopted</u></p> |  |          |

|  | Commission Proposal                                      | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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|  |  | <u><i>in accordance with the examination procedure referred to in Article 119(2).</i></u>  |  |          |
| Article 1, first paragraph, point (69a), amending provision, article, numbered paragraph |  |  |  |          |
| 949n   |  | <u><i>12. The costs incurred in connection with the establishment and operation of the central system, the communication infrastructure, and the interface software shall be borne by the EMFE. The costs of connection of the European Fisheries Control Agency to the Union register shall be borne by the European Fisheries Control Agency's budget. Other costs shall be borne by the Member States, specifically the costs incurred by the connection of the existing national registers, and the competent authorities to the Union register.</i></u> |  |          |
| Article 1, first paragraph, point (70), introductory part                                |  |  |  |          |
| 950  | (70) in Title IX, the following Article 93a is inserted: |  | (70) in Title IX, the following Article 93a is inserted:     |          |

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| Article 1, first paragraph, point (70), amending provision, first paragraph        |  |   |   |          |
| 951  | "<br>Article 93a   |   | "<br>Article 93a  |          |
| Article 1, first paragraph, point (70), amending provision, second paragraph       |  |   |   |          |
| 952  | National control programmes and annual reports   |   | National control programmes and annual reports  |          |
| Article 1, first paragraph, point (70), amending provision(1), first subparagraph  |  |   |   |          |
| 953  | 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.          | "<br>1. Member States shall establish annual or multiannual national control programmes for <del>the inspections and the</del> <u>inspections, surveillance and</u> control of the rules of the common fisheries policy.  | 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.   |          |
| Article 1, first paragraph, point (70), amending provision(1), second subparagraph |  |   |   |          |
| 954  | National control programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures. | National control programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures <u>and the conclusions of the annual evaluation report referred to in paragraph 2b.</u> | National control programmes shall be risk-based and shall be updated <del>at least once a year</del> <u>when necessary</u> , in particular taking into account newly adopted conservation and control measures <u>and any additional data</u> . |          |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (70), amending provision(1), third subparagraph                      |   |   |  |          |
| 955  | National control programmes shall be notified to the Commission before the 31 December of each year and shall cover at least the following calendar year.   |   | National control programmes shall be notified to the Commission before the 31 December of each <del>year</del> <u>period</u> and shall cover at least the following calendar year <u>or years</u> .  |          |
| Article 1, first paragraph, point (70), amending provision(2)  |   |   |  |          |
| 956  | 2. By 30 June every year, Member States shall submit to the Commission a report on inspections and controls performed in the previous year, in accordance with the national control programmes and in compliance with the present Regulation. | 2. By <del>30 June</del> <u>31 March</u> every year, Member States shall submit to the Commission a report on inspections, <u>surveillance</u> and controls performed in the previous year, in accordance with the national control programmes and in compliance with <u>this Regulation. Those reports shall be made public on the official website of the Member States by 31 March every year</u> <del>the present Regulation.</del> | 2. <del>By 30 June every year</del> <u>Within 6 months after the end of the respective period referred in paragraph 1</u> , Member States shall submit to the Commission a report on inspections and controls performed <del>in the previous year</del> , in accordance with the national control programmes and in compliance with the present Regulation. <u>For the purpose of reporting, Member States may refer to information provided under the implementing act referred to in Article 95.</u> |          |
| Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a), introductory part |   |   |  |          |
| 956a   |   | <u>2a. The report on inspections.</u>   |  |          |

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|  |                     | <u><i>surveillance and controls referred to in paragraph 2 shall contain, at least, the following information:</i></u> |  |          |
| Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(a) |                     |  |  |          |
| 956b   |                     | <u><i>(a) the total budget allocated to fisheries control;</i></u>   |  |          |
| Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(b) |                     |  |  |          |
| 956c   |                     | <u><i>(b) the number and type of inspections, surveillance and controls performed;</i></u>                             |  |          |
| Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(c) |                     |  |  |          |
| 956d   |                     | <u><i>(c) the number and type of suspected and confirmed infringements, including serious infringements;</i></u>       |  |          |
| Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(d) |                     |  |  |          |
| 956e   |                     | <u><i>(d) the type of follow-up actions to</i></u>   |  |          |

|   | Commission Proposal                                       | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>         | Comments |
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|   |   | <u>confirmed infringements (such as simple warning, administrative sanction, criminal sanction, immediate enforcement measure or number of penalty points administered).</u>   |  |          |
| Article 1, first paragraph, point (70), amending provision, numbered paragraph (2b) |   |  |  |          |
| 956f  |   | <u>2b. By 1 September every year, the Commission shall publish a report with an evaluation of the implementation of the national control programmes. That report shall include the main findings of the reports referred to in paragraph 2, and shall also analyse the application of this Regulation by fishing vessels registered in third countries fishing in Union waters, particularly fishing vessels registered in neighbouring countries of the Union. That report shall be made public on the website of the Commission.</u> |  |          |
| Article 1, first paragraph, point (70), amending provision(3)                       |   |  |  |          |
| 957   | 3. The Commission is empowered to adopt delegated acts in |  | 3. The Commission <del>is empowered to adopt delegated acts in</del> |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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|   | accordance with Article 119a to adopt minimum requirements for national control programmes and annual reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments. | "                                    | <del>accordance with Article 119a to adopt</del> <u>may, by means of implementing acts, lay down</u> minimum requirements for national control programmes and <del>annual</del> reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments. <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u> | "        |
| Article 1, first paragraph, point (71), introductory part     |  |                                      |  |          |
| 958   | (71) in Article 95, paragraph 1 is replaced by the following:  |                                      | (71) in Article 95, paragraph 1 is replaced by the following:  |          |
| Article 1, first paragraph, point (71), amending provision(1) |  |                                      |  |          |
| 959   | 1. Certain fisheries may be 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    |                                      | 1. Certain fisheries may be 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  |          |



|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | 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). |   | 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). |          |
| Article 1, first paragraph, point (71a), introductory part                      |   |   |   |          |
| 959a  |   | <u>(71a) in Article 101, the following paragraph is added:</u>  |   |          |
| Article 1, first paragraph, point (71a), amending provision, numbered paragraph |   |   |   |          |
| 959b  |   | <u>4a. If, after the action has been adopted, the Member State concerned still fails to remedy the situation and act on the shortcomings in its control system, the Commission shall start an investigation with the aim of initiating an infringement procedure against that Member State.</u> | "   |          |
| Article 1, first paragraph, point (72), introductory part                       |   |   |   |          |
| 960   |   |   |   |          |

|   | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|   | (72) in Article 102, paragraphs 3 and 4 are replaced by the following:   |   | (72) in Article 102, paragraphs 3 and 4 are replaced by the following:   |                 |
| Article 1, first paragraph, point (72), amending provision(3) |  |   |  |                 |
| 961   | "<br>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. This 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.       |   | "<br>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. This 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.       |                 |
| Article 1, first paragraph, point (72), amending provision(4) |  |   |  |                 |
| 962   | 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 |   | 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 |                 |

|  | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|  | implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan.<br>"   |   | implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan.<br>"   |                 |
| Article 1, first paragraph, point (73), introductory part        |  |   |  |                 |
| 963  | (73) Article 104 is amended as follows:  |   | (73) Article 104 is amended as follows:  |                 |
| Article 1, first paragraph, point (73)(a), introductory part     |  |   |  |                 |
| 964  | (a) paragraph 1 is replaced by the following:  |   | (a) paragraph 1 is replaced by the following:  |                 |
| Article 1, first paragraph, point (73)(a), amending provision(1) |  |   |  |                 |
| 965  | "<br>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 |   | "<br>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 |                 |

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|  | close the fisheries affected by those shortcomings for the Member State concerned.<br>"   |   | close the fisheries affected by those shortcomings for the Member State concerned.<br>"   |                 |
| Article 1, first paragraph, point (73)(b), introductory part                 |   |   |   |                 |
| 966  | (b) paragraph 4 is replaced by the following:   |   | (b) paragraph 4 is replaced by the following:   |                 |
| Article 1, first paragraph, point (73)(b), amending provision(4)             |   |   |   |                 |
| 967  | "<br>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.<br>" |   | "<br>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.<br>" |                 |
| Article 1, first paragraph, point (73a), introductory part                   |   |   |   |                 |
| 967a   |   |   | <u><a href="#">(73a) in Chapter III of Title XI the heading is replaced by the following:</a></u>   |                 |
| Article 1, first paragraph, point (73a), amending provision, first paragraph |   |   |   |                 |
| 967b   |   |   |   |                 |

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|  |  |                                      | "<br><u>CHAPTER III</u>  |          |
| Article 1, first paragraph, point (73a), amending provision, second paragraph  |  |                                      |  |          |
| 967c   |  |                                      | <u>Deduction and adjustments of quotas and fishing effort</u><br>"   |          |
| Article 1, first paragraph, point (74), introductory part                      |  |                                      |  |          |
| 968  | (74) Article 105 is amended as follows:  |                                      | (74) Article 105 is amended as follows:  |          |
| Article 1, first paragraph, point (74)(a), introductory part                   |  |                                      |  |          |
| 969  | (a) in paragraph 2, the introductory sentence of the first subparagraph is replaced by the following:  |                                      | (a) in paragraph 2, the introductory sentence of the first subparagraph is replaced by the following:  |          |
| Article 1, first paragraph, point (74)(a), amending provision, first paragraph |  |                                      |  |          |
| 970  | "<br>In the case of an 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, operate |                                      | "<br>In the case of an 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 <u>and after</u> |          |

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|  | 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:" " |                                      | <u>consultation of the Member State concerned</u> , 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:" "   |          |
| Article 1, first paragraph, point (74)(a1), introductory part      |   |                                      |   |          |
| 970a   |   |                                      | <u>(a1) the following paragraphs are inserted:</u>  |          |
| Article 1, first paragraph, point (74)(a1), amending provision(2a) |   |                                      |   |          |
| 970b   |   |                                      | "<br><u>2a. By way of derogation from paragraph 2, in the case of an overfishing by one or more Member States of a quota, allocation or share of a stock or a group of stocks established under an international agreement for the European Union, 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</u> |          |

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|  |  |                                      | <u>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.</u>  | "        |
| Article 1, first paragraph, point (74)(a1), amending provision(3a) |  |                                      |  |          |
| 970c   |  |                                      | "<br><u>3a. By way of derogation from paragraphs 2 and 3, in case 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.</u> | "        |
| Article 1, first paragraph, point (74)(b), introductory part       |  |                                      |  |          |
| 971  | (b) paragraphs 4, 5 and 6 are replaced by the following: |                                      | (b) paragraphs 4, 5 and 6 are replaced by the following:   |          |
| Article 1, first paragraph, point (74)(b), amending provision(4)   |  |                                      |  |          |
| 972  |  |                                      |  |          |

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|  | <p>"</p> <p>4. In the case of an 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, deduct quotas from future quotas of that Member State to take account of the level of overfishing.</p>  |                                      | <p>"</p> <p>4. In the case of an 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 <u>and after consultation of the Member State concerned</u>, deduct quotas from future quotas of that Member State to take account of the level of overfishing.</p>   |          |
| Article 1, first paragraph, point (74)(b), amending provision(5) |  |                                      |   |          |
| 973  | <p>5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such 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, 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.</p> |                                      | <p>5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such 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 <u>and after consultation of the Member State concerned</u>, 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</p> |          |



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|  |   |   | accordance with paragraph 1.   |                 |
| Article 1, first paragraph, point (74)(b), amending provision(6) |   |   |  |                 |
| 974  | 6. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the adapted quota against which the excess of utilisation shall be calculated. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |   | 6. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the adapted quota against which the excess of utilisation shall be calculated <u>and the estimated duration of the deductions</u> . These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                 |
| Article 1, first paragraph, point (75), introductory part        |   |   |  |                 |
| 975  | (75) Article 106 is amended as follows:   |   | (75) Article 106 is amended as follows:  |                 |
| Article 1, first paragraph, point (75)(a), introductory part     |   |   |  |                 |
| 976  | (a) paragraph 1 is replaced by the following:   |   | (a) paragraph 1 is replaced by the following:  |                 |
| Article 1, first paragraph, point (75)(a), amending provision(1) |   |   |  |                 |
| 977  |   |   |  |                 |

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|  | "<br>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, operate deductions from future fishing effort of that Member State."<br>"   |   | "<br>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 <u>and after consultation of the Member State concerned</u> , operate deductions from future fishing effort of that Member State."<br>"                               |                 |
| Article 1, first paragraph, point (75)(b), introductory part                   |  |   |   |                 |
| 978  | (b) in paragraph 2, the introductory phrase is replaced by the following:  |   | (b) in paragraph 2, the introductory phrase is replaced by the following:   |                 |
| Article 1, first paragraph, point (75)(b), amending provision, first paragraph |  |   |   |                 |
| 979  | "<br>If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall, by means of implementing acts, 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 |   | "<br>If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall, by means of implementing acts <u>and after consultation of the Member State concerned</u> , operate deductions in the following year or years from the fishing effort available to that Member State for the geographical |                 |

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|  | factor according to the following table:"<br>"   |                                      | area or the fishery concerned by applying a multiplying factor according to the following table:!"<br>"   |          |
| Article 1, first paragraph, point (75)(c), introductory part     |  |                                      |   |          |
| 980  | (c) paragraphs 3 and 4 are replaced by the following:  |                                      | (c) paragraphs 3 and 4 are replaced by the following:   |          |
| Article 1, first paragraph, point (75)(c), amending provision(3) |  |                                      |   |          |
| 981  | "<br>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, by means of implementing acts, may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2. |                                      | "<br>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, by means of implementing acts <u>and after consultation of the Member State concerned</u> , may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2. |          |
| Article 1, first paragraph, point (75)(c), amending provision(4) |  |                                      |   |          |

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| 982  | 4. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the maximum available effort against which the excess of utilisation shall be calculated. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |   | 4. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the maximum available effort against which the excess of utilisation shall be calculated <u>and the estimated duration of the deductions</u> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>" |                 |
| Article 1, first paragraph, point (76), introductory part        |  |   |   |                 |
| 983  | (76) Article 107 is amended as follows:  |   | (76) Article 107 is amended as follows:   |                 |
| Article 1, first paragraph, point (76)(a), introductory part     |  |   |   |                 |
| 984  | (a) paragraph 1 is replaced by the following:  |   | (a) paragraph 1 is replaced by the following:   |                 |
| Article 1, first paragraph, point (76)(a), amending provision(1) |  |   |   |                 |
| 985  | "<br>1. Where there is evidence that rules on the common fisheries policy are  |   | "<br>1. Where there is evidence that rules on the common fisheries policy are   |                 |

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|   | 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, 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 group of stocks available to that Member State, applying the proportionality principle by taking into account the damage caused to the stocks. |                                      | 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, 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 group of stocks available to that Member State, applying the proportionality principle by taking into account the damage caused to the stocks. |          |
| Article 1, first paragraph, point (76)(b), introductory part                        |  |                                      |  |          |
| 986   | (b) paragraph 4 is replaced by the following:  |                                      | (b) paragraph 4 is replaced by the following:  |          |
| Article 1, first paragraph, point (76)(b), amending provision(4), introductory part |  |                                      |  |          |
| 987   | "<br>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the deadline for Member States to demonstrate that the fisheries can be safely exploited, the   |                                      | "<br>4. The Commission <del>is empowered to adopt delegated acts in accordance with Article 119a</del> <u>may, by means of implementing acts, lay down detailed rules</u> concerning the deadline for Member States to   |          |

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|  | material to be included by Member States in their reply and the determination of the quantities to be deducted by taking into account: |   | 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: |                 |
| Article 1, first paragraph, point (76)(b), amending provision(4)(a)            |  |   |  |                 |
| 988  | (a) the extent and nature of non-compliance,   |   | (a) the extent and nature of non-compliance,   |                 |
| Article 1, first paragraph, point (76)(b), amending provision(4)(b)            |  |   |  |                 |
| 989  | (b) the gravity of the threat to conservation,   |   | (b) the gravity of the threat to conservation,   |                 |
| Article 1, first paragraph, point (76)(b), amending provision(4)(c)            |  |   |  |                 |
| 990  | (c) the damage caused to the stock by non-compliance.<br>"   |   | (c) the damage caused to the stock by non-compliance.  |                 |
| Article 1, first paragraph, point (76)(b), amending provision, first paragraph |  |   |  |                 |
| 990a   |  |   | <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</i></u>   |                 |

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|   |                     |                                      | "  |          |
| Article 1, first paragraph, point (76a), introductory part                    |                     |                                      |  |          |
| 990b  |                     |                                      | <u><i>(76a) Article 107a is inserted as follows:</i></u>   |          |
| Article 1, first paragraph, point (76a), amending provision, first paragraph  |                     |                                      |  |          |
| 990c  |                     |                                      | "<br><u><i>Adjustment of fishing opportunities in case of reduction of the Union quota under international agreements</i></u>  |          |
| Article 1, first paragraph, point (76a), amending provision, second paragraph |                     |                                      |  |          |
| 990d  |                     |                                      | <u><i>Where overfishing by one or more Member States of a quota, allocation or share of a stock or a group of stocks established under an international agreement for the European Union leads to a reduction of the Union's quota under that international agreement, the Council shall make the following adjustments when allocating the fishing opportunities for that stock or group of stocks under Article 43(3) TFEU and</i></u> |          |

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|  |   |  | <u>Article 16 of Regulation 1380/2013 for the year for which that reduction is made: the quota of the Member States which have not overfished shall be increased to the quota which those Member States would have received if the Union share under the international agreement would not have been reduced. If such adjustment cannot be done in a given year due to an insufficient Union share, the remaining quantities shall be adjusted in the following year.</u> | "        |
| Article 1, first paragraph, point (77), introductory part        |   |  |   |          |
| 991  | (77) Article 109 is amended as follows:               |  | (77) Article 109 is amended as follows:   |          |
| Article 1, first paragraph, point (77)(a), introductory part     |   |  |   |          |
| 992  | (a) paragraphs 1 and 2 are replaced by the following: |  | (a) paragraphs 1 and 2 are replaced by the following:   |          |
| Article 1, first paragraph, point (77)(a), amending provision(1) |   |  |   |          |
| 993  | "<br>1. Member States shall set up a                  | "<br>1. Member States shall, <u>by ... /31</u> | "<br>1. Member States shall set up a  |          |



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|  | computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data.          | <u>December of the third year after the date of entry in force of this amending Regulation</u> ], set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data. <u>The set of data from the Member States' databases shall be transferred to a single database managed by the European Fisheries Control Agency.</u> | computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data.   |          |
| Article 1, first paragraph, point (77)(a), amending provision(2), introductory part    |   |  |  |          |
| 994  | 2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted by operators within deadlines laid down in the common fisheries policy rules. In particular: |  | 2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted by operators, <u>masters or other authorised persons</u> within deadlines laid down in the common fisheries policy rules. <del>In particular:</del> | "        |
| Article 1, first paragraph, point (77)(a), amending provision(2)(a), introductory part |   |  |  |          |
| 995  | (a) Member States shall validate the following data through automated   |  | Moved to row 1009c   |          |

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|  | computerised algorithms and mechanisms:   |   |   |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(a)(i)                 |   |   |   |                 |
| 996  | (i) vessel position data;   |   | Moved to row 1009d  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(a)(ii)                |   |   |   |                 |
| 997  | (ii) fishing activity data, in particular the fishing logbook, the landing declaration, the transshipment declaration and prior notification; |   | Moved to row 1009e  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(a)(iii)               |   |   |   |                 |
| 998  | (iii) data from take-over declarations, transport documents and sales notes;  |   | Moved to row 1009f  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b), introductory part |   |   |   |                 |
| 999  | (b) Member States shall also validate the data listed above with the following data where applicable:   |   | Moved to row 1009i  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(i)                 |   |   |   |                 |

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| 1000   | (i) vessel detection system data;   |   | Moved to row 1009j  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(ii)  |   |   |   |                 |
| 1001   | (ii) data on sightings;   |   | Moved to row 1009k  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(iii) |   |   |   |                 |
| 1002   | (iii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3; |   | Moved to row 1009l  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(iv)  |   |   |   |                 |
| 1003   | (iv) data on entries into and exits from fishing areas,   |   | Moved to row 1009m  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(v)   |   |   |   |                 |
| 1004   | (v) automatic identification system data;   |   | Moved to row 1009n  |                 |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(vi)  |   |   |   |                 |
| 1005   | (vi) data from fishing licences and   |   |   |                 |

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|   | fishing authorisations;  |   | Moved to row 1009o   |          |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(vii)  |  |   |  |          |
| 1006  | (vii) data from inspection reports and data contained in national register of infringements;   |   | Moved to row 1009p   |          |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(viii) |  |   |  |          |
| 1007  | (viii) data on engine power;   |   | Moved to row 1009q   |          |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(ix)   |  |   |  |          |
| 1008  | (ix) control observers reports;  |   | Moved to row 1009r   |          |
| Article 1, first paragraph, point (77)(a), amending provision(2)(b)(x)    |  |   |  |          |
| 1009  | (x) data from close circuit television systems on board of fishing vessels and other electronic monitoring of the landing obligation in accordance with Article 25a. | (x) data from <del>close circuit television systems on board of fishing vessels and other electronic</del> <u>electronic devices for</u> monitoring of the landing obligation <del>in accordance with Article 25a.</del> <u>"</u> | Moved to row 1009s   |          |
| Article 1, first paragraph, point (77)(a1), introductory part             |  |   |  |          |

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| 1009a   |  |                                      | <u>(a1) the following paragraph is inserted:</u>  |          |
| Article 1, first paragraph, point (77)(aa), amending provision(2a), introductory part |  |                                      |   |          |
| 1009b   |  |                                      | "<br><u>2a. For the purpose of paragraphs 1 and 2:</u>  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(a)                 |  |                                      |   |          |
| 1009c   | (a) Member States shall validate the following data through automated computerised algorithms and mechanisms:<br><br><u>Moved reference text</u> |                                      | (a) Member States shall validate the following data, <u>including data recorded in the context of fisheries agreements referred to in Article 3(1)</u> , through automated computerised algorithms and mechanisms:<br><br><u>Moved from row 995</u> |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(a)(i)              |  |                                      |   |          |
| 1009d   | (i) vessel position data;<br><br><u>Moved reference text</u>   |                                      | (i) vessel position data;<br><br><u>Moved from row 996</u>  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(a)(ii)             |  |                                      |   |          |
| 1009e   |  |                                      |   |          |

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|   | (ii) fishing activity data, in particular the fishing logbook, the landing declaration, the transshipment declaration and prior notification;<br><br>Moved reference text |                                      | (ii) fishing activity data, in particular <u>data on entries into and exits from fishing areas, on</u> the fishing logbook, <u>on</u> the landing declaration, <u>on</u> the transshipment declaration and <u>on</u> prior notification;<br><br>Moved from row 997 |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(a)(iii)                    |   |                                      |  |          |
| 1009f   | (iii) data from take-over declarations, transport documents and sales notes;<br><br>Moved reference text  |                                      | (iii) data from take-over declarations, transport documents and sales notes;<br><br>Moved from row 998   |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(a)(iv)                     |   |                                      |  |          |
| 1009g   |   |                                      | <u>(iv) data from fishing licences and fishing authorisations;</u>   |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(a)(v)                      |   |                                      |  |          |
| 1009h   |   |                                      | <u>(v) data on control of engine power.</u>  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b), introductory paragraph |   |                                      |  |          |
| 1009i   |   |                                      |  |          |

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|  | (b) Member States shall also validate the data listed above with the following data where applicable:<br><br>Moved reference text                   |                                      | (b) Member States shall also validate the data listed above <del>with</del> <b>using in particular</b> the following data, where <del>applicable</del> <b>available</b> :<br><br>Moved from row 999 |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(i)   |   |                                      |   |          |
| 1009j  | (i) vessel detection system data;<br><br>Moved reference text   |                                      | (i) vessel detection system data;<br><br>Moved from row 1000  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(ii)  |   |                                      |   |          |
| 1009k  | (ii) data on sightings;<br><br>Moved reference text   |                                      | (ii) data on sightings;<br><br>Moved from row 1001  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(iii) |   |                                      |   |          |
| 1009l  | (iii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;<br><br>Moved reference text |                                      | <del>(iii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;</del><br><br>Moved from row 1002                                       |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(iv)  |   |                                      |   |          |
| 1009m  | (iv) data on entries into and exits   |                                      | <del>(iv) data on entries into and exits</del>  |          |

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|   | from fishing areas,<br>Moved reference text  |                                      | <del>from fishing areas;</del><br>Moved from row 1003  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(v)    |  |                                      |  |          |
| 1009n   | (v) automatic identification system data;<br>Moved reference text  |                                      | (v) automatic identification system data;<br>Moved from row 1004   |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(vi)   |  |                                      |  |          |
| 1009o   | (vi) data from fishing licences and fishing authorisations;<br>Moved reference text                                  |                                      | <del>(vi) data from fishing licences and fishing authorisations;</del><br>Moved from row 1005                                  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(vii)  |  |                                      |  |          |
| 1009p   | (vii) data from inspection reports and data contained in national register of infringements;<br>Moved reference text |                                      | (vii) data from inspection reports <del>and data contained in national register of infringements;</del><br>Moved from row 1006 |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(viii) |  |                                      |  |          |
| 1009q   | (viii) data on engine power;<br>Moved reference text   |                                      | <del>(viii) data on engine power;</del><br>Moved from row 1007   |          |



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| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(ix)                |  |                                      |  |          |
| 1009r  | (ix) control observers reports;<br><i>Moved reference text</i>   |                                      | (ix) control observers reports;<br><i>Moved from row 1008</i>  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(b)(x)                 |  |                                      |  |          |
| 1009s  | (x) data from close circuit television systems on board of fishing vessels and other electronic monitoring of the landing obligation in accordance with Article 25a.<br>"<br><i>Moved reference text</i> |                                      | (x) data from <del>close circuit television systems on board of fishing vessels and other electronic monitoring of the landing obligation</del> in accordance with Article <del>25a</del> <u>13</u> .<br>"<br><i>Moved from row 1009</i> |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(c), introductory part |  |                                      |  |          |
| 1010   | (b) paragraph 5 is replaced by the following:  |                                      | <del>(b)</del> <u>(c)</u> paragraph 5 is replaced by the following:  |          |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(c)(5)                 |  |                                      |  |          |
| 1011   | "<br>5. If an inconsistency in the data has been identified, the Member State concerned shall undertake and document the necessary   |                                      | "<br>5. If an inconsistency in the data has been identified, the Member State concerned shall undertake and document the necessary   |          |

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|  | 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 carry out investigations and take the necessary immediate measures in accordance with Articles 85 and 91.<br>" |   | 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 <b>also</b> carry out investigations and take the necessary immediate measures in accordance with Articles 85 and 91.<br>" |                 |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(d), introductory part |  |   |  |                 |
| 1012   | (c) paragraph 8 is replaced by the following:  |   | <del>(c)</del> (d) paragraph 8 is replaced by the following:   |                 |
| Article 1, first paragraph, point (77)(a1), amending provision(2a)(d)(8)                 |  |   |  |                 |
| 1013   | "<br>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 points (a) and (b) of paragraph 2 and the follow-up of inconsistencies. The plan shall define the Member State priorities for the validation of data and subsequent follow up on                                      |   | "<br>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 points (a) and (b) of paragraph 2 and the follow-up of inconsistencies. The plan shall define the Member State priorities for the validation of data and subsequent follow up on  |                 |

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|   | inconsistencies, following a risk-based approach.<br>"  |   | inconsistencies, following a risk-based approach.<br>"  |                 |
| Article 1, first paragraph, point (78), introductory part                           |   |   |   |                 |
| 1014  | (78) Articles 110 and 111 are replaced by the following:  |   | (78) Articles 110 and 111 are replaced by the following:  |                 |
| Article 1, first paragraph, point (78), amending provision, first paragraph         |   |   |   |                 |
| 1015  | "<br>Article 110  |   | "<br>Article 110  |                 |
| Article 1, first paragraph, point (78), amending provision, second paragraph        |   |   |   |                 |
| 1016  | Access to, storage and processing of data   |   | Access to, storage and processing of data   |                 |
| Article 1, first paragraph, point (78), amending provision(1), introductory part    |   |   |   |                 |
| 1017  | 1. Member States shall ensure the remote access at all time and without prior notice, for the Commission or the body(ies) designated by it, of the following data in a non-aggregated form: |   | 1. Member States shall ensure <del>the</del> <u>and grant</u> remote access at all time and without prior notice, for the Commission or the body(ies) designated by it, of the following data in a non-aggregated form: |                 |
| Article 1, first paragraph, point (78), amending provision(1)(a), introductory part |   |   |   |                 |

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| 1018  | (a) fishing activity data:  |   | (a) fishing activity data, <u>including data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3:</u>                                   |                 |
| Article 1, first paragraph, point (78), amending provision(1)(a)(i)   |   |   |   |                 |
| 1019  | (i) vessel position data;   |   | (i) vessel position data;   |                 |
| Article 1, first paragraph, point (78), amending provision(1)(a)(ii)  |   |   |   |                 |
| 1020  | (ii) fishing activity data, in particular fishing logbooks, landing declarations, transshipment declarations and prior notifications; |   | (ii) fishing activity data, in particular <u>data on entries into and exits from fishing areas.</u> fishing logbooks, landing declarations, transshipment declarations and prior notifications; |                 |
| Article 1, first paragraph, point (78), amending provision(1)(a)(iii) |   |   |   |                 |
| 1021  | (iii) data from take-over declarations, transport documents and sales notes;  |   | (iii) data from take-over declarations, transport documents and sales notes;  |                 |
| Article 1, first paragraph, point (78), amending provision(1)(a)(iv)  |   |   |   |                 |
| 1022  | (iv) data on fishing effort.  |   | (iv) data on fishing effort.  |                 |

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| Article 1, first paragraph, point (78), amending provision(1)(b), introductory part |  |                                      |   |          |
| 1023  | (b) other control data:  |                                      | (b) other control data:   |          |
| Article 1, first paragraph, point (78), amending provision(1)(b)(i)                 |  |                                      |   |          |
| 1024  | (i) data on sightings;   |                                      | (i) data on sightings;  |          |
| Article 1, first paragraph, point (78), amending provision(1)(b)(ii)                |  |                                      |   |          |
| 1025  | (ii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3; |                                      | <del>(ii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;</del> |          |
| Article 1, first paragraph, point (78), amending provision(1)(b)(iii)               |  |                                      |   |          |
| 1026  | (iii) data on entries into and exits from fishing areas,   |                                      | <del>(iii) data on entries into and exits from fishing areas,</del>   |          |
| Article 1, first paragraph, point (78), amending provision(1)(b)(iv)                |  |                                      |   |          |
| 1027  | (iv) data from fishing licences and fishing authorisations;  |                                      | (iv) data from fishing licences and fishing authorisations;   |          |
| Article 1, first paragraph, point (78), amending provision(1)(b)(v)                 |  |                                      |   |          |

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| 1028   | (v) inspection reports;  |   | (v) inspection reports;   |                 |
| Article 1, first paragraph, point (78), amending provision(1)(b)(vi)   |  |   |   |                 |
| 1029   | (vi) data on engine power;   |   | (vi) data on <u>control of</u> engine power;  |                 |
| Article 1, first paragraph, point (78), amending provision(1)(b)(vii)  |  |   |   |                 |
| 1030   | (vii) control observers reports;   |   | (vii) control observers reports;  |                 |
| Article 1, first paragraph, point (78), amending provision(1)(b)(viii) |  |   |   |                 |
| 1031   | (viii) national control action programmes;   |   | (viii) national control <del>action</del> programmes;   |                 |
| Article 1, first paragraph, point (78), amending provision(1)(b)(ix)   |  |   |   |                 |
| 1032   | (ix) list of national officials.   |   | (ix) list of national officials.  |                 |
| Article 1, first paragraph, point (78), amending provision(1)(c)       |  |   |   |                 |
| 1033   | (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; |   | (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;. |                 |

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| Article 1, first paragraph, point (78), amending provision(1)(d) |  |                                      |   |          |
| 1034   | (d) the national register of infringements as referred to in Article 93.   |                                      | <del>(d) the national register of infringements as referred to in Article 93.</del>   |          |
| Article 1, first paragraph, point (78), amending provision(2)    |  |                                      |   |          |
| 1035   | 2. The Commission or the body designated by it may collect data, where necessary including personal data, 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. |                                      | 2. The Commission or the body designated by it may <del>collect data, where necessary including personal data</del> <u>process the data referred to in paragraph 1</u> , 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. |          |
| Article 1, first paragraph, point (78), amending provision(3)    |  |                                      |   |          |
| 1036   | 3. Member States shall grant access to Commission officials or staff of the body designated by the Commission to the data referred to in paragraph 1.  |                                      | <del>3. Member States shall grant access to Commission officials or staff of the body designated by the Commission to the data referred to in paragraph 1.</del>  |          |

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| Article 1, first paragraph, point (78), amending provision(4), first subparagraph  |   |   |  |          |
| 1037   | 4. Vessel position data may be provided to and used by scientific bodies of Member States and scientific bodies of the Union in order to perform scientific research and provide scientific advice if this data no longer contains the reference to the vessel identification numbers and does not allow for the identification of natural persons. |   | 4. Vessel position data may be provided to and used by scientific bodies of Member States and scientific bodies of the Union in order to perform scientific research and provide scientific advice <i>if this data no longer contains the reference to the vessel identification numbers and does not allow for the identification of natural persons.</i>   |          |
| Article 1, first paragraph, point (78), amending provision(4), second subparagraph |   |   |  |          |
| 1038   | Data listed in paragraph 1(a)(ii) and (iii) may be provided to scientific bodies of Member States, scientific bodies of the Union and Eurostat.   | "<br>Data listed in paragraph 1(a)(ii) and (iii) may be provided to scientific bodies of Member States, scientific bodies of the Union and Eurostat. <i>Those data shall be in an anonymised format, so as not to permit the identification of individual vessels or natural persons.</i> | Data listed in paragraph 1(a)(ii) <i>to (iv) and data concerning catches, discards and landings contained in data listed in paragraph 1(b)(v) and (##vii)</i> may be provided to scientific bodies of Member States, <i>and</i> scientific bodies of the Union <i>in order to perform scientific research and provide scientific advice. Data listed in paragraph 1(a)(ii) to (iv) may be provided to and</i> Eurostat <i>in order to perform its mission.</i> |          |
| Article 1, first paragraph, point (78), amending provision(4), third subparagraph  |   |   |  |          |
| 1038a  |   |   | <i>These bodies shall ensure that in</i>   |          |



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|   |   |                                      | <u><i>any advice or other publications based on such data, that data is anonymised.</i></u>   |          |
| Article 1, first paragraph, point (78), amending provision(5)                       |   |                                      |   |          |
| 1039  | 5. Member States shall establish, implement and host the relevant fisheries data bases containing the data referred to in paragraph 1. Access to these data bases shall be granted by means of secured access with control of access and specific user profiles, solely for the purpose of reporting, statistics, inspections and the investigation of infringements. |                                      | 5. Member States shall establish, implement and host the relevant fisheries data bases containing the data referred to in paragraph 1. Access to these data bases shall be granted by means of secured access with control of access and specific user profiles, solely for the purpose of reporting, statistics, inspections and the investigation of infringements. |          |
| Article 1, first paragraph, point (78), amending provision, numbered paragraph (5a) |   |                                      |   |          |
| 1039a   |   |                                      | <u><i>5a. When necessary and justified, Member States shall upon request transmit data on infringements to the Commission or the body(ies) 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.</i></u>                      |          |

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| Article 1, first paragraph, point (78), amending provision, numbered paragraph (5a) |  |  |  |          |
| 1039b   |  | <u><a href="#">5a. Member States shall publish annually their annual reports on national control programmes on the website of their competent authorities.</a></u> | "  |          |
| Article 1, first paragraph, point (79), introductory part                           |  |  |  |          |
| 1040  | Article 111  |  | <u><a href="#">(79)</a></u> Article 111<br><br>Due to an error in the column of the Commission proposal ((79) missing), the numbering of the recitals as of recital (79) has been modified within the Council mandate. |          |
| Article 1, first paragraph, point (79), amending provision, ninth paragraph         |  |  |  |          |
| 1041  | Exchange of data   |  | Exchange of data   |          |
| Article 1, first paragraph, point (79), amending provision(1), introductory part    |  |  |  |          |
| 1042  | 1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other |  | 1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other   |          |

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|  | Member States, and where appropriate, the Commission or the body(ies) designated by it, in particular:                   |                                      | Member States <u>concerned</u> , and where appropriate, the Commission or the body(ies) designated by it, in particular:  |          |
| Article 1, first paragraph, point (79), amending provision(1)(a) |  |                                      |   |          |
| 1043   | (a) vessel position data when its vessels are present in another Member State's waters;                                  |                                      | (a) vessel position data when its vessels are present in another Member State's waters;   |          |
| Article 1, first paragraph, point (79), amending provision(1)(b) |  |                                      |   |          |
| 1044   | (b) fishing logbook information when its vessels are fishing, landing or transshipping in another Member State's waters; |                                      | (b) fishing logbook information when its vessels are fishing, landing or transshipping in another Member State's waters;  |          |
| Article 1, first paragraph, point (79), amending provision(1)(c) |  |                                      |   |          |
| 1045   | (c) landing declarations and transshipment declarations when such operations take place in another Member State's ports; |                                      | (c) landing declarations and transshipment declarations when <del>such operations</del> <u>landings or transshipments</u> take place in another Member State's ports; |          |
| Article 1, first paragraph, point (79), amending provision(1)(d) |  |                                      |   |          |
| 1046   | (d) prior notification when the  |                                      | (d) prior notification when the   |          |

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|  | intended port is in another Member State;  |                                      | intended port is in another Member State;   |          |
| Article 1, first paragraph, point (79), amending provision(1)(e)                                       |  |                                      |   |          |
| 1047   | (e) sales notes, transport documents and take-over declarations when one or more of those operations take place in another Member State; |                                      | (e) sales notes, transport documents and take-over declarations when <del>one or more of those operations take</del> <u>the sale, transport or take-over takes</u> place in another Member State; |          |
| Article 1, first paragraph, point (79), amending provision(1)(f)                                       |  |                                      |   |          |
| 1048   | (f) inspection and surveillance reports;   |                                      | (f) inspection and surveillance reports; <u>and risk analysis for vessels flying its flag being inspected in another Member States's waters or ports.</u>   |          |
| Article 1, first paragraph, point (79), amending provision(1)(g)                                       |  |                                      |   |          |
| 1049   | (g) the national register of infringements.  |                                      | <del>(g) the national register of infringements.</del>  |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a), introductory part |  |                                      |   |          |
| 1049a  |  |                                      | <u>1a. Each flag Member State shall ensure the direct electronic</u>  |          |

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|  |                     |                                      | <u>exchange of relevant information concerning vessels flying its flag to the Commission or the body(ies) designated by it, in particular:</u> |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a)(a) |                     |                                      |  |          |
|  | 1049b               |                                      | <u>(a) vessel position data;</u>   |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a)(b) |                     |                                      |  |          |
|  | 1049c               |                                      | <u>(b) fishing logbook information when the Union fishing vessels operate outside Union waters;</u>  |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a)(c) |                     |                                      |  |          |
|  | 1049d               |                                      | <u>(c) landing declarations and transshipment declarations, when the Union fishing vessels operate outside Union waters;</u>                   |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a)(d) |                     |                                      |  |          |
|  | 1049e               |                                      | <u>(d) prior notification when the</u>   |          |

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|  |   |                                      | <u><i>Union fishing vessels operate outside Union waters;</i></u>   |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a)(e)               |   |                                      |   |          |
| 1049f  |   |                                      | <u><i>(e) sales notes, transport documents and take-over declarations, when the Union fishing vessels operate outside Union waters;</i></u>   |          |
| Article 1, first paragraph, point (79), amending provision, numbered paragraph (1a)(f)               |   |                                      |   |          |
| 1049g  |   |                                      | <u><i>(f) inspection and surveillance reports.</i></u>  |          |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph, introductory part |   |                                      |   |          |
| 1050   | 2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States and, where appropriate, the Commission or the body(ies) designated by it, in particular by sending: |                                      | 2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States <u><i>concerned</i></u> and, where appropriate, the Commission or the body(ies) designated by it, in particular by sending: |          |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph(a)                 |   |                                      |   |          |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|--|---|---|---|-----------------|
| 1051   | (a) sales notes' information to the flag Member State when a first sale originates from another Member State's fishing vessel;                              |   | (a) sales notes' information to the flag Member State when a first sale originates from another Member State's fishing vessel;                              |                 |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph(b) |   |   |   |                 |
| 1052   | (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; |   | (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; |                 |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph(c) |   |   |   |                 |
| 1053   | (c) sales notes and take-over declaration information to the Member State where the landing took place;   |   | (c) sales notes and take-over declaration information to the Member State where the landing took place;   |                 |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph(d) |   |   |   |                 |
| 1054   | (d) transport documents to the flag Member State, Member State of destination and transit of the transport.   |   | (d) transport documents to the flag Member State, Member State of destination and transit of the transport.   |                 |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph(e) |   |   |   |                 |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|--|--------------------------------------|--|----------|
| 1055   | (e) inspection and surveillance reports;   |                                      | (e) inspection and surveillance reports.   |          |
| Article 1, first paragraph, point (79), amending provision(2), first subparagraph(f) |  |                                      |  |          |
| 1056   | (f) the national register of infringements.  |                                      | <del>(f) the national register of infringements.</del>   |          |
| Article 1, first paragraph, point (79), amending provision(2), second subparagraph   |  |                                      |  |          |
| 1057   | -----<br>-----   |                                      | -----<br>-----   |          |
| Article 1, first paragraph, point (79), amending provision(2), third subparagraph    |  |                                      |  |          |
| 1058   | (* 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).<br>" |                                      | (* 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).<br>" |          |
| Article 1, first paragraph, point (80), introductory part                            |  |                                      |  |          |



|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|--|---|---|---|-----------------|
| 1059   | (79) the following Article 111a is inserted:  |   | ( <del>79</del> 80) the following Article 111a is inserted:   |                 |
| Article 1, first paragraph, point (80), amending provision, first paragraph                    |   |   |   |                 |
| 1060   | "<br>Article 111a   |   | "<br>Article 111a   |                 |
| Article 1, first paragraph, point (80), amending provision, second paragraph                   |   |   |   |                 |
| 1061   | Uniform conditions for the implementation of provisions on data   |   | Uniform conditions for the implementation of provisions on data   |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, introductory part |   |   |   |                 |
| 1062   | For the purpose of implementing Articles 110 and 111, the Commission may, by means of implementing acts, lay down detailed rules on |   | For the purpose of implementing Articles 110 and 111, the Commission may, by means of implementing acts, lay down detailed rules on |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, first indent      |   |   |   |                 |
| 1063   | - data quality, compliance with deadlines for submission of data by operators, validation of the data,                              |   | - data quality, compliance with deadlines for submission of data by operators, validation of the data,                              |                 |

|  | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>           | <b>Comments</b> |
|--|--|---|---|-----------------|
|  | including cross-checks, analysis, verification,                      |   | including cross-checks, analysis, verification,                               |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, second indent |  |   |   |                 |
| 1064   | - exchange of data between Member States,                            |   | - exchange of data between Member States,                                     |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, third indent  |  |   |   |                 |
| 1065   | - access to the data by the Commission or body designated by it,     |   | - access to the data by the Commission or body <i>(ies)</i> designated by it, |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, fourth indent |  |   |   |                 |
| 1066   | - access to the data by scientific bodies of the Union and Eurostat, |   | - access to the data by scientific bodies of the Union and Eurostat,          |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, fifth indent  |  |   |   |                 |
| 1067   | - interoperability and standardisation of databases                  |   | - interoperability and standardisation of databases                           |                 |
| Article 1, first paragraph, point (80), amending provision, third paragraph, sixth indent  |  |   |   |                 |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|--|---|---|---|-----------------|
| 1068   | - data listed in Article 110(1) and (2), including additional specific safeguards for processing of personal data and security rules applicable to the databases. |   | - data listed in Article 110(1) and (2), including additional specific safeguards for processing of personal data and security rules applicable to the databases. |                 |
| Article 1, first paragraph, point (80), amending provision, fourth paragraph |   |   |   |                 |
| 1069   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"   |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"   |                 |
| Article 1, first paragraph, point (81), introductory part                    |   |   |   |                 |
| 1070   | (80) Article 112 is replaced by the following:  |   | <del>(80)</del> Article 112 is replaced by the following:   |                 |
| Article 1, first paragraph, point (81), amending provision, first paragraph  |   |   |   |                 |
| 1071   | "<br>Article 112  |   | "<br>Article 112  |                 |
| Article 1, first paragraph, point (81), amending provision, second paragraph |   |   |   |                 |
| 1072   | Protection of personal data   |   | Protection of personal data   |                 |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 1, first paragraph, point (81), amending provision(1)                    |   |                                      |  |          |
| 1073   | 1. Data referred to in Article 110(1) with the exception of data referred to in paragraph 1(b) (viii), and in Article 110(2) may include personal data. |                                      | 1. Data referred to in Article 110(1), with the exception of data referred to in <del>paragraph 1(b) (viii)</del> <u>point (viii) of paragraph 1(b) of that Article</u> , and in Article 110(2) may include personal data. |          |
| Article 1, first paragraph, point (81), amending provision(2), introductory part |   |                                      |  |          |
| 1074   | 2. The Commission may process personal data to which it has access pursuant to Article 110(1) and (2) for the following purposes:                       |                                      | 2. The Commission may process personal data to which it has access pursuant to Article 110(1) and (2) for the following purposes:  |          |
| Article 1, first paragraph, point (81), amending provision(2)(a)                 |   |                                      |  |          |
| 1075   | (a) monitoring of fishing opportunities including quota consumption;  |                                      | (a) monitoring of fishing opportunities including quota consumption;   |          |
| Article 1, first paragraph, point (81), amending provision(2)(b)                 |   |                                      |  |          |
| 1076   | (b) validation of data;   |                                      | (b) validation of data;  |          |
| Article 1, first paragraph, point (81), amending provision(2)(c)                 |   |                                      |  |          |
| 1077   | (c) monitoring of fishing activities  |                                      | (c) monitoring of fishing activities   |          |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>                         | <b>Comments</b> |
|--|---|---|---|-----------------|
|  | carried out by Union fishing vessels, or fishing activities of vessels within Union waters; |   | carried out by Union fishing vessels, or fishing activities of vessels within Union waters; |                 |
| Article 1, first paragraph, point (81), amending provision(2)(d) |   |   |   |                 |
| 1078   | (d) monitoring Member States' controls of fishing activities and in the supply chain;       |   | (d) monitoring Member States' controls of fishing activities and in the supply chain;       |                 |
| Article 1, first paragraph, point (81), amending provision(2)(e) |   |   |   |                 |
| 1079   | (e) inspections, verifications, audits and enquiries;                                       |   | (e) inspections, verifications, audits and enquiries;                                       |                 |
| Article 1, first paragraph, point (81), amending provision(2)(f) |   |   |   |                 |
| 1080   | (f) preparation of, and compliance with international agreements and conservation measures; |   | (f) preparation of, and compliance with international agreements and conservation measures; |                 |
| Article 1, first paragraph, point (81), amending provision(2)(g) |   |   |   |                 |
| 1081   | (g) policy evaluations and impact assessments;  |   | (g) policy evaluations and impact assessments;  |                 |
| Article 1, first paragraph, point (81), amending provision(2)(h) |   |   |   |                 |
| 1082   |   |   |   |                 |

|  | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|  | (h) scientific research and scientific advice;  |   | (h) scientific research and scientific advice;  |          |
| Article 1, first paragraph, point (81), amending provision(2)(i) |   |   |   |          |
| 1083   | (i) enquiries pertaining to complaints and infringements.   |   | (i) enquiries pertaining to complaints and infringements.   |          |
| Article 1, first paragraph, point (81), amending provision(3)    |   |   |   |          |
| 1084   | 3. Personal data contained in information referred to in Article 110(1) and (2) shall not be stored for a period longer than 5 years, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, which may be retained for 10 years. If the information listed in Article 110(1) and (2) is retained for a longer period of time, the data shall be anonymized. | "<br>3. Personal data contained in information referred to in Article 110(1) and (2) shall not be stored for a period longer than <del>5 years</del> <u>one year</u> , except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, which may be retained for 10 years. If the information listed in Article 110(1) and (2) is retained for a longer period of time, the data shall be <del>anonymized</del> <u>anonymised</u> .<br>" | 3. Personal data contained in information referred to in Article 110(1) and (2) shall not be stored for a period longer than <del>5</del> <u>five</u> years, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, <del>which may be retained for</del> <u>until the completion of the procedure concerned and for no longer than</u> 10 years. If the information <del>referred to</del> <u>referred to-listed</u> in Article 110(1) and (2) is retained for a longer period of time, the <u>personal</u> data shall be anonymized. |          |
| Article 1, first paragraph, point (81), amending provision(3a)   |   |   |   |          |

|  | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|---------------------|--------------------------------------|---|----------|
| 1084a  |                     |                                      | <p><u>3a. By way of derogation from paragraph 3, personal data contained in the information referred to in points (a) and (b) of Article 110(1) may be stored for a period of up to 25 years if that is justified and done solely for the purpose of performing scientific research and providing scientific advice. That data may be stored for longer periods if it is anonymised or pseudonymised.</u></p>   |          |
| Article 1, first paragraph, point (81), amending provision(3b) |                     |                                      |   |          |
| 1084b  |                     |                                      | <p><u>3b. Personal data contained in CCTV footage/images collected under Article 13 shall be stored on board the vessel only until it has been accessed by the competent authority of the Member State(s) concerned and in any case for no longer than 1 year. Such data shall not be stored by Member State competent authorities for a period longer than 1 year except where necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, until</u></p> |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |   |                                      | <u><a href="#">the completion of the procedure concerned and for no longer than 10 years.</a></u>   |          |
| Article 1, first paragraph, point (81), amending provision(4) |   |                                      |   |          |
| 1085  | 4. Member States shall be regarded as a controller as defined in Article 4(7) of Regulation (EU) 2016/679(*) in relation with the processing of personal data which they collect pursuant to this Regulation.   |                                      | 4. Member States <u>authorities</u> shall be regarded as a controller as defined in Article 4(7) of Regulation (EU) 2016/679(*) in relation with the processing of personal data which they collect pursuant to this Regulation.  |          |
| Article 1, first paragraph, point (81), amending provision(5) |   |                                      |   |          |
| 1086  | 5. The Commission shall be regarded as a controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/2018 of the European Parliament and of the Council(**) in relation with the processing of personal data which it has collected pursuant to Article 110(1) and (2) of this Regulation. |                                      | 5. The Commission shall be regarded as a controller as defined <del>in point (b) of</del> Article <del>3(2)</del> <u>3(8)</u> of Regulation (EU) <del>2018/2018</del> <u>2018/1725</u> of the European Parliament and of the Council(**) in relation with the processing of personal data which it has collected pursuant to Article 110(1) and (2) of this Regulation. |          |
| Article 1, first paragraph, point (81), amending provision(6) |   |                                      |   |          |
| 1087  | 6. The Commission or body   |                                      | 6. The Commission or body   |          |



|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
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|  | designated by it and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. The Commission or body designated by it and the Member State authorities shall cooperate on security-related tasks. |   | designated by it and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. The Commission or body designated by it and the Member State authorities shall cooperate on security-related tasks. |                 |
| Article 1, first paragraph, point (81), amending provision(7), introductory part |   |   |   |                 |
| 1088   | 7. 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:   |   | 7. 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:   |                 |
| Article 1, first paragraph, point (81), amending provision(7)(a)                 |   |   |   |                 |
| 1089   | (a) physically protect data, including by making contingency plans for the protection of critical infrastructure;   |   | (a) physically protect data, including by making contingency plans for the protection of critical infrastructure;   |                 |
| Article 1, first paragraph, point (81), amending provision(7)(b)                 |   |   |   |                 |
| 1090   | (b) prevent the unauthorised reading, copying, modification or removal of data media;   |   | (b) prevent the unauthorised reading, copying, modification or removal of data media;   |                 |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
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| Article 1, first paragraph, point (81), amending provision(7)(c) |   |   |   |                 |
| 1091   | (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;   |   | (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;   |                 |
| Article 1, first paragraph, point (81), amending provision(7)(d) |   |   |   |                 |
| 1092   | (d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;   |   | (d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;   |                 |
| Article 1, first paragraph, point (81), amending provision(7)(e) |   |   |   |                 |
| 1093   | (e) ensure that persons authorised to access the relevant fisheries data bases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only; |   | (e) ensure that persons authorised to access the relevant fisheries data bases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only; |                 |
| Article 1, first paragraph, point (81), amending provision(7)(f) |   |   |   |                 |
| 1094   | (f) ensure that it is possible to verify and establish to which bodies  |   | (f) ensure that it is possible to verify and establish to which bodies  |                 |

|  | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|  | personal data may be transmitted and what data has been processed in the relevant fisheries data bases, when, by whom and for what purpose;  |   | personal data may be transmitted and what data has been processed in the relevant fisheries data bases, when, by whom and for what purpose;  |                 |
| Article 1, first paragraph, point (81), amending provision(7)(g) |  |   |  |                 |
| 1095   | (g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries data bases or during the transport of data media, in particular by means of appropriate encryption techniques; |   | (g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries data bases or during the transport of data media, in particular by means of appropriate encryption techniques; |                 |
| Article 1, first paragraph, point (81), amending provision(7)(h) |  |   |  |                 |
| 1096   | (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.  |   | (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.  |                 |
| Article 1, first paragraph, point (81), amending provision(8)    |  |   |  |                 |
| 1097   | 8. Member States shall take measures equivalent to those   |   | 8. Member States <u>authorities</u> shall take measures equivalent to those  |                 |

|  | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
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|  | referred to in paragraph 7 as regards security in respect of the processing of personal data by the authorities having a right to access any of the relevant fisheries data bases.  |   | referred to in paragraph 7 as regards security in respect of the processing of personal data by the authorities having a right to access any of the relevant fisheries data bases.   |                 |
| Article 1, first paragraph, point (81), amending provision, eleventh paragraph |   |   |  |                 |
| 1098   | (* ) 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) 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).                                |                 |
| Article 1, first paragraph, point (81), amending provision, twelfth paragraph  |   |   |  |                 |
| 1099   | (**) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals 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      |   | <i>(**) Proposal for a Regulation Regulation (EU) 2018/1725</i> of the European Parliament and of the Council <i>of 23 October 2018</i> on the protection of <i>individuals</i> <i>natural persons</i> 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 |                 |

|   | Commission Proposal                         | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | 1247/2002/EC (COM (2017)8 final, 10.1.2017) | "  | repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ( <del>COM (2017)8 final, 10.1.2017</del> <a href="#">OJL 295, 21.11.2018, p. 39</a> ). | "        |
| Article 1, first paragraph, point (80a) |   |  |   |          |
| 1099a                                   |   | <u><a href="#">(80a) Article 113 is amended as follows</a></u><br><u><a href="#">(a) paragraph 2 is replaced by the following:</a></u><br><u><a href="#">"2. The data exchanged between Member States and the Commission may be transmitted to persons other than those in Member States or Community institutions whose functions require them to have such access unless the Member States transmitting the data provide a reasoned refusal to disclose the data."</a></u> |   |          |
| Article 1, first paragraph, point (80b) |   |  |   |          |
| 1099b                                   |   | <u><a href="#">(80b) Article 113 is amended as follows</a></u><br><u><a href="#">(b) paragraph 3 is replaced by the following:</a></u><br><u><a href="#">"3. The data referred to in</a></u>   |   |          |

|   | Commission Proposal | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
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|   |                     | <p><u>paragraph 1 may be used for a purpose other than that provided for in this Regulation unless the authorities providing the data provide a reasoned refusal for it to be so used."</u></p>  |  |          |
| Article 1, first paragraph, point (80c) |                     |  |  |          |
| 1099c                                   |                     | <p><u>(80c) Article 113 is amended as follows</u><br/> <u>(c) the following paragraph is added:</u><br/> <u>"7a. This Article is without prejudice to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents and Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies."</u></p> |  |          |
| Article 1, first paragraph, point (80d) |                     |  |  |          |
| 1099d                                   |                     |  |  |          |

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| Article 1, first paragraph, point (82), introductory part                    |  |   |  |          |
| 1100   | (81) Articles 114 and 115 are replaced by the following:   |   | <del>(81)</del> Articles 114 and 115 are replaced by the following:  |          |
| Article 1, first paragraph, point (82), amending provision, first paragraph  |  |   |  |          |
| 1101   | "<br>Article 114   |   | "<br>Article 114   |          |
| Article 1, first paragraph, point (82), amending provision, second paragraph |  |   |  |          |
| 1102   | Official website   |   | Official website   |          |
| Article 1, first paragraph, point (82), amending provision, third paragraph  |  |   |  |          |
| 1103   | "For the purpose of this Regulation, each Member State shall set up and keep up-to date an official website for operators and the general public, containing as a minimum the information listed in Article 115. | "<br><del>For</del> For the purpose of this Regulation, each Member State <i>or region</i> shall set up and keep up-to date an official website <i>or websites</i> for operators and the general public, containing as a minimum the information listed in Article 115. | "For the purpose of this Regulation, each Member State shall set up and keep up-to date an official website for operators and the general public, containing as a minimum the information listed in Article 115. |          |
| Article 1, first paragraph, point (82), amending provision, fourth paragraph |  |   |  |          |
| 1104   | Article 115  |   | Article 115  |          |

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|--|---|---|---|-----------------|
| Article 1, first paragraph, point (82), amending provision, fifth paragraph                    |   |   |   |                 |
| 1105   | Content of the website  |   | Content of the website  |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph, introductory part |   |   |   |                 |
| 1106   | On their websites, Member States shall publish without delay, or provide a direct link to, the following information:                                   | On their websites, Member States <u>or regions</u> shall publish without delay, or provide a direct link to, the following information: | On their websites, Member States shall publish without delay, or provide a direct link to, the following information:                                   |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(a)                 |   |   |   |                 |
| 1107   | (a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7; |   | (a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7; |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(b)                 |   |   |   |                 |
| 1108   | (b) the list of designated ports for the purpose of transshipment specifying their operating hours, as referred to in Article 20;                       |   | (b) the list of designated ports for the purpose of transshipment specifying their operating hours, as referred to in Article 20;                       |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(c)                 |   |   |   |                 |
| 1109   |   |   |   |                 |



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|--|--|---|--|-----------------|
|  | (c) one month after the entry into force of a multiannual plan, and after 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; |   | (c) one month after the entry into force of a multiannual plan, and after 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; |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(d) |  |   |  |                 |
| 1110   | (d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);  |   | (d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);  |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(e) |  |   |  |                 |
| 1111   | (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   |   | (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   |                 |

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|  | documents as referred to in Articles 14, 17, 20, 23, 55, 62, 66 and 68;   |   | documents as referred to in Articles 14, 17, 20, 23, 55, 62, 66 and 68;   |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(f) |   |   |   |                 |
| 1112   | (f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure; |   | (f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure; |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(g) |   |   |   |                 |
| 1113   | (g) the decision to close a fishery under Article 35 and all necessary details;   |   | (g) the decision to close a fishery under Article 35 and all necessary details;   |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(h) |   |   |   |                 |
| 1114   | (h) a list of the fishing restricted areas and corresponding restrictions   |   | (h) a list of the fishing restricted areas and corresponding restrictions   |                 |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(i) |   |   |   |                 |
| 1115   | (i) a list of registered weighers specifying the port and the weighing facility in accordance with Article  |   | (i) a list of <u>operators who may carry out weighing under Article 60(1c)</u> <del>registered weighers</del>   |                 |

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|  | 59a.<br>"  |  | specifying the port and the weighing facility <i>in accordance with Article 59a.</i><br>" |          |
| Article 1, first paragraph, point (82), amending provision, sixth paragraph(ia)                      |  |  |   |          |
| 1115a  |  | <u>(ia) the national control programme set, the results and the evaluation report made by the Commission at least 30 days after the dates established in Article 93a.</u><br>" |   |          |
| Article 1, first paragraph, point (83)   |  |  |   |          |
| 1116   | (82) Article 116 is deleted.                                       |  | <del>(8283)</del> Article 116 is deleted.   |          |
| Article 1, first paragraph, point (84), introductory part  |  |  |   |          |
| 1117   | (83) in Article 117, paragraph 4 is replaced by the following:     |  | <del>(8384)</del> in Article 117, paragraph 4 is replaced by the following:               |          |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph, introductory part |  |  |   |          |
| 1118   | "<br>4. The Commission may by means of implementing acts, lay down |  | "<br>4. The Commission may by means of implementing acts, lay down rules                  |          |

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|  | rules on mutual assistance concerning:   |                                      | on mutual assistance concerning:  |          |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(a) |  |                                      |   |          |
| 1119   | (a) administrative cooperation between Member States, third countries, the Commission and the body designated by it; |                                      | (a) administrative cooperation between Member States, third countries, the Commission and the body <i>(ies)</i> designated by it; |          |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(b) |  |                                      |   |          |
| 1120   | (b) costs of executing a requests for assistance;  |                                      | <del>(b) costs of executing a requests for assistance;</del>  |          |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(c) |  |                                      |   |          |
| 1121   | (c) designation of Member States' single authority;  |                                      | (c) designation of Member States' single authority;   |          |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(d) |  |                                      |   |          |
| 1122   | (d) communication of follow-up measures taken by national authorities further to exchange of information;            |                                      | (d) communication of follow-up measures taken by national authorities further to exchange of information;                         |          |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(e) |  |                                      |   |          |

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| 1123   | (e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies; |   | (e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies; |                 |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(f) |   |   |   |                 |
| 1124   | (f) information without prior request;  |   | (f) information without prior request;  |                 |
| Article 1, first paragraph, point (84), amending provision(4), first subparagraph(g) |   |   |   |                 |
| 1125   | (g) Member States' relations with the Commission and with third countries.  |   | (g) Member States' relations with the Commission and with third countries.  |                 |
| Article 1, first paragraph, point (84), amending provision(4), second subparagraph   |   |   |   |                 |
| 1126   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"   |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"   |                 |
| Article 1, first paragraph, point (85), introductory part                            |   |   |   |                 |
| 1127   | (84) in Article 118, paragraph 5 is   |   | ( <del>84</del> 85) in Article 118, paragraph 5   |                 |

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|  | replaced by the following:  |   | is replaced by the following:   |                 |
| Article 1, first paragraph, point (85), amending provision(5), first subparagraph  |   |   |   |                 |
| 1128   | "<br>5. The Commission may, by means of implementing act, lay down rules concerning the content and format of the reports by Member States. |   | "<br>5. The Commission may, by means of implementing act, lay down rules concerning the content and format of the reports by Member States. |                 |
| Article 1, first paragraph, point (85), amending provision(5), second subparagraph |   |   |   |                 |
| 1129   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"                   |   | Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).<br>"                   |                 |
| Article 1, first paragraph, point (86), introductory part                          |   |   |   |                 |
| 1130   | (85) Article 119 is replaced by the following   |   | <del>(85)</del> <sup>86</sup> Article 119 is replaced by the following  |                 |
| Article 1, first paragraph, point (86), amending provision, first paragraph        |   |   |   |                 |
| 1131   | "<br>Article 119  |   | "<br>Article 119  |                 |
| Article 1, first paragraph, point (86), amending provision, second paragraph       |   |   |   |                 |

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|---|---|---|---|-----------------|
| 1132  | Committee procedure   |   | Committee procedure   |                 |
| Article 1, first paragraph, point (86), amending provision(1)               |   |   |   |                 |
| 1133  | 1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) 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 (*). |   | 1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) 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 (*). |                 |
| Article 1, first paragraph, point (86), amending provision(2)               |   |   |   |                 |
| 1134  | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.   |   | 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.   |                 |
| Article 1, first paragraph, point (86), amending provision, fifth paragraph |   |   |   |                 |
| 1135  | (* 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,                      |   | (* 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,                      |                 |

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|  | 28.2.2011, p. 13)<br>"   |                                      | 28.2.2011, p. 13)<br>"   |          |
| Article 1, first paragraph, point (87), introductory part                    |  |                                      |  |          |
| 1136   | (86) the following Article 119a is inserted:   |                                      | ( <del>86</del> 87) the following Article 119a is inserted:  |          |
| Article 1, first paragraph, point (87), amending provision, first paragraph  |  |                                      |  |          |
| 1137   | "<br>Article 119a  |                                      | "<br>Article 119a  |          |
| Article 1, first paragraph, point (87), amending provision, second paragraph |  |                                      |  |          |
| 1138   | Exercise of the delegation   |                                      | Exercise of the delegation   |          |
| Article 1, first paragraph, point (87), amending provision(1)                |  |                                      |  |          |
| 1139   | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. |                                      | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. |          |
| Article 1, first paragraph, point (87), amending provision(2)                |  |                                      |  |          |
| 1140   | 2. The delegation of powers referred to in Articles 7(6), 9(7),  |                                      | 2. The delegation of powers referred to in Articles <del>7(6), 9(7),</del>   |          |



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|   | 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) shall be conferred for an indeterminate period of time.   |                                      | <del>9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6),</del> <u>41(3), 44(4), 46a,</u> 75(2), 92( <del>10</del> <u>13</u> ), <del>93a(3), and 107(4)</del> shall be conferred for an indeterminate period of time.   |          |
| Article 1, first paragraph, point (87), amending provision(3)                       |   |                                      |  |          |
| 1141  | 3. The delegation of powers referred to in Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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. |                                      | 3. The delegation of powers referred to in Articles <del>7(6), 9(7), 9a(4), 15a(1),</del> 17(6), 21(6), <del>22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6),</del> <u>41(3), 44(4), 46a,</u> 75(2), 92( <del>10</del> <u>13</u> ), <del>93a(3), and 107(4)</del> may be revoked at any time by the European Parliament or by the Council. <del>A decision of revocation 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.</del> |          |
| Article 1, first paragraph, point (87), amending provision, numbered paragraph (3a) |   |                                      |  |          |
| 1141a   |   |                                      | <u>3a. A decision of revocation shall</u>  |          |

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|   |   |                                      | <u><i>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.</i></u> |          |
| Article 1, first paragraph, point (87), amending provision, numbered paragraph (3b) |   |                                      |   |          |
| 1141b   |   |                                      | <u><i>3b. 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-Making.</i></u>  |          |
| Article 1, first paragraph, point (87), amending provision(4)                       |   |                                      |   |          |
| 1142  | 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. |                                      | 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.   |          |
| Article 1, first paragraph, point (87), amending provision(5)                       |   |                                      |   |          |
| 1143  | 5. A delegated act adopted pursuant   |                                      | 5. A delegated act adopted pursuant   |          |

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|  | to Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 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 2 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 2 months at the initiative of the European Parliament or the Council. " |                                      | to Articles <del>7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6)</del> <b>41(3), 44(4), 46a</b> , 75(2), 92( <del>10</del> <b>13</b> ), <del>93a(3), and 107(4)</del> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council. " |          |
| Article 1, first paragraph, point (88) |   |                                      |  |          |
| 1144                                   | (87) Annex I is deleted.  |                                      | ( <del>87</del> <b>88</b> ) Annex I is deleted.  |          |
| Article 1, first paragraph, point (89) |   |                                      |  |          |
| 1145                                   | (88) The texts set out in Annex I to this Regulation are added as Annexes III and IV.   |                                      | ( <del>88</del> <b>89</b> ) The texts set out in Annex I to this Regulation are added as Annexes III and IV.   |          |
| Article 2                              |   |                                      |  |          |

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| 1146   | Article 2<br>Amendments to Regulation (EC) No<br>768/2005   |                                      | Article 2<br>Amendments to Regulation<br>( <del>ECEU</del> ) <del>No 768/2005</del> <u>2019/473</u>  |          |
| Article 2(1), introductory part                    |   |                                      |  |          |
| 1147   | (1) Article 1 is replaced by the<br>following:  |                                      | (1) Article 1 is replaced by the<br>following:   |          |
| Article 2(1), amending provision, first paragraph  |   |                                      |  |          |
| 1148   | "<br>Article 1  |                                      | "<br>Article 1   |          |
| Article 2(1), amending provision, second paragraph |   |                                      |  |          |
| 1149   | Objective   |                                      | Objective  |          |
| Article 2(1), amending provision(1)                |   |                                      |  |          |
| 1150   | 1. This Regulation establishes a<br>European Fisheries Control Agency<br>(‘the Agency’) for the purpose of<br>ensuring a high, uniform and<br>effective level of control and<br>compliance with the rules of the<br>Common Fisheries Policy, including<br>its external dimension. |                                      | 1. This Regulation establishes a<br>European Fisheries Control Agency<br>(‘the Agency’) for the purpose of<br>ensuring a high, uniform and<br>effective level of control. <u>inspection</u><br>and compliance with the rules of the<br>Common Fisheries Policy, including<br>its external dimension. |          |

|                                      | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
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| Article 2(1), amending provision(2)  |   |                                      |  |          |
| 1151                                 | 2. To that end, the Agency shall cooperate with the Member States and the Commission and provide them technical, operational and scientific assistance as regards the fields mentioned in paragraph 1 of this Article within the limits of the missions and tasks set out in Chapter II.<br>" |                                      | 2. To that end, the Agency shall cooperate with the Member States and the Commission and provide them <del>technical, operational and scientific</del> assistance as regards the fields mentioned in paragraph 1 of this Article within the limits of the missions and tasks set out in Chapter II.  |          |
| Article 2(1), amending provision(2a) |   |                                      |  |          |
| 1151a                                |   |                                      | <u>2a. When providing the assistance referred to in paragraph 2, the Agency shall organise the operational coordination of fisheries control and inspection activities by the Member States and contribute to the overall efficiency of the control, inspection and combat of IUU fishing activities, to facilitate the uniform application of the rules of the Common Fisheries Policy relating to control and inspection.</u><br>" |          |

|  | Commission Proposal                         | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup> | Comments |
|--|---|--|--|----------|
| Article 2(1a)  |   |  |  |          |
| 1151b  |   | <p><u><i>1a. In Article 2(1), point (a) is replaced by the following:</i></u><br/> <u><i>"(a) 'control and inspection' means any measures taken by Member States to control and inspect fishing activities within the scope of the common fisheries policy including surveillance and monitoring activities such as vessel monitoring systems and observer schemes: "</i></u></p> <p>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473.</p> |  |          |
| Article 2(2), introductory part                              |   |  |  |          |
| 1152   | (2) Article 3 is amended as follows:        |  | (2) Article 3 is amended as follows:                         |          |
| Article 2(2), point (a), introductory part                   |   |  |  |          |
| 1153   | (a) point (e) is replaced by the following: |  | (a) point (e) is replaced by the following:                  |          |
| Article 2(2), point (a), amending provision, first paragraph |   |  |  |          |
| 1154   | "   | "  | "  |          |

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|  | (e) to assist Member States and the Commission in harmonising the application of the common fisheries policy;   | (e) to assist Member States and the Commission in harmonising the application <u>and ensuring the sustainability</u> of the common fisheries policy <u>including its external dimension</u> ; | (e) to assist Member States and the Commission in harmonising the application of the common fisheries policy;  |          |
| Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473. Article 3(e) of Regulation (EC) No 768/2005 corresponds to Article 3(e) of Regulation (EU) 2019/473. |   |   |  |          |
| Article 2(2), point (b), introductory part   |   |   |  |          |
| 1155   | (b) point (f) is replaced by the following:   |   | (b) point (f) is replaced by the following:  |          |
| Article 2(2), point (b), amending provision, first paragraph   |   |   |  |          |
| 1156   | "<br>(f) to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques and to initiate research into and development of control and |   | "<br>(f) to contribute to <u>and where relevant, participate in</u> the work of Member States and the Commission on <del>research into and development of control and inspection techniques</del> <u>and to initiate</u> research into and |          |

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|  | inspection techniques;<br>"              |   | development of control and inspection techniques;<br>"       |          |
| Article 2(2), point (ba)                                     |  |   |  |          |
| 1156a  |  | <p><u><i>(ba) In Article 3, the following point is added:<br/>"(ja) to work together with the European Environment Agency and the European Maritime Safety Agency in sharing relevant data and information to support the creation and common use of knowledge on the marine environment."</i></u></p> <p>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473.</p> |  |          |
| Article 2(2), point (c), introductory part                   |  |   |  |          |
| 1157   | (c) the following point (k) is added:    |   | (c) the following point (k) is added:                        |          |
| Article 2(2), point (c), amending provision, first paragraph |  |   |  |          |
| 1158   | "<br>(k) to assist the Commission in the |   | "<br>(k) to assist the Commission in the                     |          |



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|   | performance of tasks assigned to the Commission in legislative acts of the Union with regard to the objectives of the Agency.<br>" |  | performance of tasks assigned to the Commission in legislative acts of the Union with regard to the objectives of the Agency.<br>" |          |
| Article 2(2), point (ca), introductory part                   |  |  |  |          |
| 1158a   |  | <u><i>(ca) In Article 3, the following paragraph is added:</i></u>   |  |          |
| Article 2(2), point (ca), amending provision, first paragraph |  |  |  |          |
| 1158b   |  | "<br><u><i>1a. The Commission shall draw up a partnership protocol between the agencies referred to in point (ja) of the first paragraph as the framework for their enhanced cooperation.</i></u><br>" |  |          |
|   |  | Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473.  |  |          |
| Article 2(3), introductory part                               |  |  |  |          |
| 1159  | (3) Article 16 is replaced by the  |  | (3) Article <del>16</del> <sup>17</sup> is replaced by the   |          |

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|  | following:   |                                      | following:   |          |
| Article 2(3), amending provision, first paragraph  |  |                                      |  |          |
| 1160   | "<br>Article 16  |                                      | "<br>Article <del>16</del> <sup>17</sup>   |          |
| Article 2(3), amending provision, second paragraph |  |                                      |  |          |
| 1161   | Exchange and processing of data<br>and information   |                                      | Exchange and processing of data<br>and information   |          |
| Article 2(3), amending provision(1)                |  |                                      |  |          |
| 1162   | 1. The Commission, the Agency<br>and the competent authorities of<br>Member States shall exchange<br>relevant data and information<br>available to them regarding joint<br>control and inspection activities<br>within Union and international<br>waters in accordance with<br>Regulation (EC) No 1224/2009. |                                      | 1. The Commission, the Agency<br>and the competent authorities of<br>Member States shall exchange<br>relevant data and information<br>available to them regarding joint<br>control and inspection activities<br>within <u>the territory of Member<br/>States and</u> Union and international<br>waters in accordance with<br>Regulation (EC) No 1224/2009. |          |
| Article 2(3), amending provision(2)                |  |                                      |  |          |
| 1163   | 2. The Agency shall take, in<br>accordance with the relevant Union   |                                      | 2. The Agency shall take, in<br>accordance with the relevant Union   |          |

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|   | legislation, measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Regulation in accordance with Article 113 of Regulation (EC) No 1224/2009.                                     |                                      | legislation, measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Regulation in accordance with Article 113 of Regulation (EC) No 1224/2009.  |          |
| Article 2(3), amending provision(3)                       |   |                                      |  |          |
| 1164  | 3. Regulation (EU) 2018/XX of the European Parliament and of the Council(*) shall apply to the processing of personal data carried out by the Agency.   |                                      | 3. Regulation (EU) <del>2018/XX</del> <u>2018/1725</u> of the European Parliament and of the Council(*) shall apply to the processing of personal data carried out by the Agency.  |          |
| Article 2(3), amending provision(4)                       |   |                                      |  |          |
| 1165  | 4. In relation to the processing of personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009, the Agency shall be regarded as a controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/XX. |                                      | 4. In relation to the processing of personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009, the Agency shall be regarded as a controller as defined in <del>point (b) of</del> Article <del>3(2)</del> <u>3(8)</u> of Regulation (EU) <del>2018/XX</del> <u>2018/1725</u> . |          |
| Article 2(3), amending provision, numbered paragraph (4a) |   |                                      |  |          |
| 1165a   |   | "                                    |  |          |

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|                                     |  | <p><u>4a. Article 17g is replaced by the following:</u><br/> <u>Article 17g</u><br/> <u>Cooperation in maritime affairs</u><br/> <u>"The Agency shall contribute to and help 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 European Parliament, the Commission and the Member States thereof at an early stage of such negotiations."</u></p> <p>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473.<br/> Article 17g of Regulation (EC) No 768/2005 corresponds to Article 25 of Regulation (EU) 2019/473.</p> |  |          |
| Article 2(3), amending provision(5) |  |   |  |          |
| 1166                                | 5. The Agency shall process personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009 for the purpose of |   | 5. The Agency <del>shall</del> <u>may</u> process personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009 for the purpose of |          |

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|   | coordinating controls and inspections, assisting Member States and the Commission to conduct their tasks under the common fisheries policy, and coordinating operations to combat illegal, unreported and unregulated fishing. |   | coordinating controls and inspections, assisting Member States and the Commission to conduct their tasks under the common fisheries policy, and coordinating operations to combat illegal, unreported and unregulated fishing. |          |
| Article 2(3), amending provision, numbered paragraph (5a) |  |   |  |          |
| 1166a   |  | <p><u><i>5a. In point (c) of Article 23(2), the first subparagraph is replaced by the following:</i></u><br/> <u><i>"adopt by 31 October each year, and taking into account the opinion of the European Parliament, the Commission and the Member States, the work programme of the Agency for the coming year and forward it to the European Parliament, the Council, the Commission and the Member States."</i></u></p> <p>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473. Article 23 of Regulation (EC) No 768/2005 corresponds to Article 32 of Regulation (EU) 2019/473.</p> |  |          |

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| Article 2(3), amending provision, numbered paragraph (5b) |                     |   |  |          |
| 1166b   |                     | <p><u>5b. In point (c) of Article 23(2), the second subparagraph is replaced by the following:</u></p> <p><u>"The work programme shall contain the priorities of the Agency. It shall give priority to the duties of the Agency relating to control and surveillance programmes. It shall be adopted without prejudice to the annual Community budgetary procedure. In case the European Parliament or the Commission expresses, within 30 days from the date of adoption of the work programme, its disagreement with that programme, the Administrative Board shall re-examine the programme and adopt it, possibly amended, within a period of two months, in a second reading;"</u></p> <p>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473. Article 23 of Regulation (EC) No 768/2005 corresponds to Article 32 of Regulation (EU) 2019/473.</p> |  |          |
| Article 2(3), amending provision(6), first subparagraph   |                     |   |  |          |

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| 1167  | 6. Personal data referred to in Article 110(1) and (2) of Regulation (EC) 1224/2009 shall not be stored for a period longer than 5 years, except for personal data that is necessary to allow the follow-up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings which may be retained for 10 years. |                                      | 6. Personal data referred to in Article 110(1) and (2) of Regulation (EC) 1224/2009 shall not be stored for a period longer than <del>5</del> <u>five</u> years, except for personal data that is necessary to allow the follow-up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings <del>which may be retained for</del> <u>until the completion of the procedure concerned and for no longer than</u> 10 years. |          |
| Article 2(3), amending provision(6), second subparagraph  |   |                                      |   |          |
| 1168  | If the information is retained for a longer period of time, the data shall be anonymized.   |                                      | If the information is retained for a longer period of time, the data shall be anonymized.   |          |
| Article 2(3), amending provision, numbered paragraph (6a) |   |                                      |   |          |
| 1168a   |   |                                      | <u>6a. Personal data contained in CCTV footage/images collected under Article 13 shall be not be stored for a period longer than 1 year except where necessary to allow the follow up of a complaint, an infringement, an inspection, a</u>   |          |

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|   |  |                                      | <u>verification or an audit or on-going judicial or administrative proceedings, until the completion of the procedure concerned and for no longer than 10 years.</u>  |          |
| Article 2(3), amending provision(7)               |  |                                      |   |          |
| 1169  | 7. The transfer of the following personal data contained in fishing activity data to a third Country or to an international organization shall only be performed in accordance with Chapter V of Regulation (EU) 2018/XX and in compliance with agreement with that third country or with the applicable rules of that international organisation. |                                      | 7. The transfer of the following personal data contained in fishing activity data to a third Country or to an international organization shall only be performed in accordance with Chapter V of Regulation (EU) <del>2018/XX</del> 2018/1725 and in compliance with agreement with that third country or with the applicable rules of that international organisation. |          |
| Article 2(3), amending provision, tenth paragraph |  |                                      |   |          |
| 1170  | (*) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals 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  |                                      | <u>Regulation</u> ( <del>*EU</del> )- <del>Proposal for a Regulation</del> 2018/1725 of the European Parliament and of the Council <u>of 23 October 2018</u> on the protection of <del>individuals</del> <u>natural persons</u> with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free                  |          |



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|  | 45/2001 and Decision No 1247/2002/EC (COM (2017)8 final, 10.1.2017)<br>"   |                                      | movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ( <del>COM (2017)8 final, 10.1.2017</del> <a href="#">OJL 295, 21.11.2018, p. 39</a> ).<br>" |          |
| Article 2(4), introductory part                    |  |                                      |   |          |
| 1171   | (4) Article 17a is replaced by the following:  |                                      | (4) Article <del>17a</del> <a href="#">19</a> is replaced by the following:   |          |
| Article 2(4), amending provision, first paragraph  |  |                                      |   |          |
| 1172   | "<br>Article 17a   |                                      | "<br>Article <del>17a</del> <a href="#">19</a>  |          |
| Article 2(4), amending provision, second paragraph |  |                                      |   |          |
| 1173   | Assignment of Agency officials as Union inspectors   |                                      | Assignment of Agency officials as Union inspectors  |          |
| Article 2(4), amending provision, third paragraph  |  |                                      |   |          |
| 1174   | Officials of the Agency may be assigned as Union inspectors in accordance with Article 79 of Regulation (EC) No 1224/2009. |                                      | Officials of the Agency may be assigned as Union inspectors in accordance with Article 79 of Regulation (EC) No 1224/2009.  |          |

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|  | "   |                                      | "  |          |
| Article 2(4a), introductory part                             |   |                                      |  |          |
| 1174a  |   |                                      |  |          |
| Article 2(4a), amending provision, numbered paragraph        |   |                                      |  |          |
| 1174b  |   |                                      |  |          |
| Article 2(5), introductory part                              |   |                                      |  |          |
| 1175   | (5) in Article 23, paragraph 2, is amended as follows:              |                                      | (5) in Article <del>23</del> <sup>32</sup> , paragraph 2, is amended as follows:                       |          |
| Article 2(5), point (a)                                      |   |                                      |  |          |
| 1176   | (a) in point (b) the terms '30 April' are replaced by '30 June'.    |                                      | (a) in point (b) the terms '30 April' are replaced by ' <del>30 June</del> <sup>L</sup> <u>July</u> '. |          |
| Article 2(5), point (b), introductory part                   |   |                                      |  |          |
| 1177   | (b) the following point is inserted:                                |                                      | (b) the following point is inserted:   |          |
| Article 2(5), point (b), amending provision, first paragraph |   |                                      |  |          |
| 1178   | "<br>(i) ensure that the findings and recommendations stemming from |                                      | "<br>(i) ensure <del>that the</del> <u>adequate follow-up to</u> findings and                          |          |

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|               | <p>evaluations carried out in accordance with Article 39 are adequately followed up in investigations conducted by the European Anti-Fraud Office (OLAF) and internal or external audits.</p> <p style="text-align: right;">"</p> |   | <p>recommendations stemming from <del>evaluations carried out in accordance with Article 39 are adequately followed up in the</del> <u>internal or external audit reports and evaluations, as well as from investigations conducted by of</u> the European Anti-Fraud Office (OLAF) <del>and internal or external audits.</del></p> <p style="text-align: right;">"</p> |          |
| Article 2(5a) |   |   |   |          |
| 1178a         |   | <p><u>5a. in Article 24, paragraph 1 is replaced by the following:</u><br/> <u>"1. The Administrative Board shall be composed of representatives of Member States, six representatives of the Commission and representatives of the European Parliament. Each Member State shall be entitled to appoint one member. The European Parliament shall be entitled to appoint two representatives. The Member States, the Commission and the European Parliament shall appoint one alternate to each member who will represent the member in his/her absence."</u></p> |   |          |

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|  |   | Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473. Article 24(1) of Regulation (EC) No 768/2005 corresponds to Article 33(1) of Regulation (EU) 2019/473. |   |          |
| Article 2(6), introductory part                    |   |  |   |          |
| 1179   | (6) Article 26, is replaced by the following:   |  | (6) Article <del>2635</del> , is replaced by the following:   |          |
| Article 2(6), amending provision, first paragraph  |   |  |   |          |
| 1180   | "<br>Article 26   |  | "<br>Article <del>2635</del>  |          |
| Article 2(6), amending provision, second paragraph |   |  |   |          |
| 1181   | Meetings  |  | Meetings  |          |
| Article 2(6), amending provision(1)                |   |  |   |          |
| 1182   | 1. The meetings of the Administrative Board shall be convened by its Chairperson. The agenda shall be determined by the |  | 1. The meetings of the Administrative Board shall be convened by its Chairperson. The agenda shall be determined by the |          |

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|                                     | Chairperson, taking into account the proposals of members of the Administrative Board and the Executive Director of the Agency.   |   | Chairperson, taking into account the proposals of members of the Administrative Board and the Executive Director of the Agency.   |                 |
| Article 2(6), amending provision(2) |   |   |   |                 |
| 1183                                | 2. The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.  |   | 2. The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.  |                 |
| Article 2(6), amending provision(3) |   |   |   |                 |
| 1184                                | 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. |   | 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. |                 |
| Article 2(6), amending provision(4) |   |   |   |                 |
| 1185                                | 4. The Administrative Board may invite a representative of relevant Union institutions to attend its meetings.  |   | <del>4. The Administrative Board may invite a representative of relevant Union institutions to attend its meetings.</del>   |                 |

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| Article 2(6), amending provision(5) |   |                                      |  |          |
| 1186                                | 5. The Administrative Board may invite any person whose opinion may be of interest to attend its meetings as an observer.   |                                      | 5. The Administrative Board may invite <u>a representative of relevant Union institutions or</u> any person whose opinion may be of interest to attend its meetings as an observer.  |          |
| Article 2(6), amending provision(6) |   |                                      |  |          |
| 1187                                | 6. 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 as referred to in paragraph 4 and the person(s) referred to in paragraph 5. Detailed rules for the application of this provision may be laid down in the rules of procedure. |                                      | 6. 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 <del>as referred to in paragraph 4</del> and the person(s) referred to in paragraph 5. Detailed rules for the application of this provision may be laid down in the rules of procedure. |          |
| Article 2(6), amending provision(7) |   |                                      |  |          |
| 1188                                | 7. The members of the Administrative Board may, subject   |                                      | 7. The members of the Administrative Board may, subject  |          |

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|   | to the provisions of its rules of procedure, be assisted by advisers or experts.   |   | to the provisions of its rules of procedure, be assisted by advisers or experts.   |                 |
| Article 2(6), amending provision(8)               |  |   |  |                 |
| 1189  | 8. The secretariat for the Administrative Board shall be provided by the Agency.<br>"  |   | 8. The secretariat for the Administrative Board shall be provided by the Agency.<br>"  |                 |
| Article 2(7), introductory part                   |  |   |  |                 |
| 1190  | (7) in Article 29(3), point (a) is replaced by the following:  |   | (7) in Article <del>29(3)</del> <u>38(3)</u> , point (a) is replaced by the following:   |                 |
| Article 2(7), amending provision, first paragraph |  |   |  |                 |
| 1191  | "<br>(a) he/she shall prepare the draft annual work programme and the draft multiannual work programme and submit them to the Administrative Board after consultation with the Commission and the Member States. He/she shall take the necessary steps for the implementation of the work programme and multiannual work programme within the limits | "<br>(a) he/she shall prepare the draft annual work programme and the draft multiannual work programme and submit them to the Administrative Board after consultation with the <u>European Parliament</u> , the Commission and the Member States. He/she shall take the necessary steps for the implementation of the work programme and multiannual work | "<br>(a) he/she shall prepare the draft annual work programme and the draft multiannual work programme and submit them to the Administrative Board after consultation with the Commission and the Member States. He/she shall take the necessary steps for the implementation of the work programme and multiannual work programme within the limits |                 |

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|  | specified by this Regulation, its implementing rules and any applicable law;<br>"                | programme within the limits specified by this Regulation, its implementing rules and any applicable law;<br>"<br><br>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473. Article 29 of Regulation (EC) No 768/2005 corresponds to Article 38 of Regulation (EU) 2019/473. | specified by this Regulation, its implementing rules and any applicable law;<br>"                |                 |
| Article 2(8), introductory part                        |  |   |  |                 |
| 1192   | (8) in Article 35, paragraph 1 is replaced by the following:                                     |   | (8) in Article <del>35</del> <sup>44</sup> , paragraph 1 is replaced by the following:           |                 |
| Article 2(8), amending provision(1), introductory part |  |   |  |                 |
| 1193   | "<br>1. The revenue of the Agency shall consist, without prejudice to other types of income, of: |   | "<br>1. The revenue of the Agency shall consist, without prejudice to other types of income, of: |                 |
| Article 2(8), amending provision(1), point (a)         |  |   |  |                 |
| 1194   | (a) a contribution from the Union entered in the general budget of the                           |   | (a) a contribution from the Union entered in the general budget of the                           |                 |



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|   | European Union (Commission section);   |   | European Union (Commission section);  |                 |
| Article 2(8), amending provision(1), point (b)  |  |   |   |                 |
| 1195  | (b) charges for services provided by the Agency to Member States in accordance with Article 6; |   | (b) charges for services provided by the Agency to Member States in accordance with Article 6;  |                 |
| Article 2(8), amending provision(1), point (c)  |  |   |   |                 |
| 1196  | (c) charges for publications, training and/or any other services provided by the Agency;       |   | (c) charges for publications, training and/or any other services provided by the Agency;  |                 |
| Article 2(8), amending provision(1), point (c1) |  |   |   |                 |
| 1196a   |  |   | <u><i>(c1) 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.</i></u> |                 |
| Article 2(8), amending provision(1), point (d)  |  |   |   |                 |
| 1197  | (d) Union funding in the form of   |   | (d) Union funding in the form of  |                 |

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|  | delegation agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article 38 and with the provision of the relevant instruments supporting the policies of the Union. " |                                      | delegation agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article <del>38</del> <sup>47</sup> and with the provision of the relevant instruments supporting the policies of the Union. " |          |
| Article 2(9), introductory part                        |   |                                      |  |          |
| 1198   | (9) Article 39 is replaced by the following:  |                                      | (9) Article <del>39</del> <sup>48</sup> is replaced by the following:  |          |
| Article 2(9), amending provision, first paragraph      |   |                                      |  |          |
| 1199   | " Article 39  |                                      | " Article <del>39</del> <sup>48</sup>  |          |
| Article 2(9), amending provision, second paragraph     |   |                                      |  |          |
| 1200   | Evaluation  |                                      | Evaluation   |          |
| Article 2(9), amending provision(1), introductory part |   |                                      |  |          |
| 1201   | 1. Within five years from the date of the Agency having taken up its responsibilities, and every five years thereafter, an evaluation of the Agency shall be performed. The                                 |                                      | 1. <del>Within five years from the date of the Agency having taken up its responsibilities, and</del> <u>At regular intervals, and at least</u> every five years <del>thereafter, an evaluation of the</del>                         |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   | Commission shall commission an independent external evaluation to assess in particular:  |                                      | <del>Agency shall be performed.</del> the Commission shall <u>carry out an commission an independent external</u> evaluation to assess in particular: |          |
| Article 2(9), amending provision(1), point (a)    |  |                                      |   |          |
| 1202  | (a) the results achieved by the Agency having regard to its objectives, mission and tasks;   |                                      | (a) the results achieved by the Agency having regard to its objectives, mission and tasks;  |          |
| Article 2(9), amending provision(1), point (b)    |  |                                      |   |          |
| 1203  | (b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation 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.  |          |
| Article 2(9), amending provision, third paragraph |  |                                      |   |          |
| 1203a   |  |                                      | <u>The Commission shall consult the Administrative Board on the terms of reference for each evaluation.</u>   |          |
| Article 2(9), amending provision(2)               |  |                                      |   |          |
| 1204  | 2. The Commission shall send the evaluation report together with its   |                                      | 2. The Commission shall send the evaluation report together with its  |          |

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|   | conclusions on the report to the European Parliament, to the Council and to the Administrative Board. The Administrative board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public. |   | conclusions on the report to the European Parliament, to the Council and to the Administrative Board. The Administrative Board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public. |                 |
| Article 3                                     |  |   |  |                 |
| 1205  | Article 3<br>Amendments to Regulation (EC) No 1967/2006  |   | Article 3<br>Amendments to Regulation (EC) No 1967/2006  |                 |
| Article 3, first paragraph, introductory part |  |   |  |                 |
| 1206  | Regulation (EC) No 1967/2006 is amended as follows:  |   | Regulation (EC) No 1967/2006 is amended as follows:  |                 |
| Article 3, first paragraph, point (1)         |  |   |  |                 |
| 1207  | (1) in Article 17, paragraphs 2 to 6 are deleted.  |   | (1) in Article 17, paragraphs 2 to 6 are deleted.  |                 |
| Article 3, first paragraph, point (2)         |  |   |  |                 |
| 1208  |  |   |  |                 |

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|  | (2) in Article 20(1), the second sentence is deleted.  |   | (2) in Article 20(1), the second sentence is deleted.  |                 |
| Article 3, first paragraph, point (3)                    |  |   |  |                 |
| 1209   | (3) Article 21 is deleted.   |   | (3) Article 21 is deleted.   |                 |
| Article 4  |  |   |  |                 |
| 1210   | Article 4<br>Amendments to Regulation (EC) No<br>1005/2008   |   | Article 4<br>Amendments to Regulation (EC) No<br>1005/2008   |                 |
| Article 4, first paragraph, introductory part            |  |   |  |                 |
| 1211   | Regulation (EC) No 1005/2008 is amended as follows:  |   | Regulation (EC) No 1005/2008 is amended as follows:  |                 |
| Article 4, first paragraph, point (1)                    |  |   |  |                 |
| 1212   | (1) In the title of the Regulation, in the Articles, in the headings of Articles and Chapters and in the Annexes, the noun 'Community' or the corresponding adjective is replaced by 'Union', with any grammatical changes being made. |   | (1) In the title of the Regulation, in the Articles, in the headings of Articles and Chapters and in the Annexes, the noun 'Community' or the corresponding adjective is replaced by 'Union', with any grammatical changes being made. |                 |
| Article 4, first paragraph, point (2), introductory part |  |   |  |                 |

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| 1213  | (2) in Article 2, point 17 is replaced by the following:  |                                      | (2) in Article 2, point 17 is replaced by the following:  |          |
| Article 4, first paragraph, point (2), amending provision(17)               |   |                                      |   |          |
| 1214  | "<br>17. 'sighting' means any observation by a Member State's competent authority responsible for inspection at sea, or by the master of a Community or third country fishing vessel of a fishing vessel engaged in activities that may be considered as IUU fishing in accordance with the provisions of Article 3.<br>" |                                      | "<br>17. 'sighting' means any observation by a Member State's competent authority responsible for inspection at sea, or by the master of a <del>Community</del> <u>Union</u> or third country fishing vessel of a fishing vessel engaged in activities that may be considered as IUU fishing in accordance with the provisions of Article 3.<br>" |          |
| Article 4, first paragraph, point (3), introductory part                    |   |                                      |   |          |
| 1215  | (3) Article 3 is replaced as follows:   |                                      | (3) Article 3 is replaced as follows:   |          |
| Article 4, first paragraph, point (3), amending provision, first paragraph  |   |                                      |   |          |
| 1216  | "<br>Article 3  |                                      | "<br>Article 3  |          |
| Article 4, first paragraph, point (3), amending provision, second paragraph |   |                                      |   |          |

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| 1217  | Fishing vessels engaged in IUU fishing   |                                      | Fishing vessels engaged in IUU fishing  |          |
| Article 4, first paragraph, point (3), amending provision, third paragraph, introductory part |  |                                      |   |          |
| 1218  | A fishing vessel shall be presumed to be engaged in IUU fishing if it is shown that, contrary to the conservation and management measures applicable in the fishing area concerned, it carried out one or more activities: |                                      | A fishing vessel shall be <del>presumed</del> <del>to be</del> <u>considered to have been</u> engaged in IUU fishing if it is <del>shown</del> <u>confirmed</u> that, contrary to the conservation and management measures applicable in the fishing area concerned, it carried out one or more activities: |          |
| Article 4, first paragraph, point (3), amending provision, third paragraph, first indent      |  |                                      |   |          |
| 1219  | - listed in points from (a) to (n) of Article 90(2) of Regulation (EC) No 1224/2009, or  |                                      | - listed in points from <del>(a) to (n)</del> <u>(b) to (l)</u> of Article 90(2) of Regulation (EC) No 1224/2009, or  |          |
| Article 4, first paragraph, point (3), amending provision, third paragraph, second indent     |  |                                      |   |          |
| 1220  | - considered as serious infringements pursuant to points (a), (c), (e), (f) and (i) of Article 90(3) of Regulation (EC) No 1224/2009.<br>"   |                                      | - considered as serious infringements pursuant to points <del>(a), (c), (e), (f) and (i)</del> <u>(b), (ac), (a), (d) (a), (e), (e), (f), (h), (i), (j) and (l) and (i)</u> of Article 90(3) of Regulation (EC) No  |          |

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|   |   |   | 1224/2009.<br>"   |                 |
| Article 4, first paragraph, point (4), introductory part                    |   |   |   |                 |
| 1221  | (4) Article 10 is replaced by the following:  |   | (4) Article 10 is replaced by the following:  |                 |
| Article 4, first paragraph, point (4), amending provision, first paragraph  |   |   |   |                 |
| 1222  | "<br>Article 10   |   | "<br>Article 10   |                 |
| Article 4, first paragraph, point (4), amending provision, second paragraph |   |   |   |                 |
| 1223  | Inspection procedure  |   | Inspection procedure  |                 |
| Article 4, first paragraph, point (4), amending provision, third paragraph  |   |   |   |                 |
| 1224  | 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.<br>" |   | 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.<br>" |                 |



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| Article 4, first paragraph, point (5), introductory part                        |  |                                      |  |          |
| 1225  | (5) in Article 11, paragraphs 1 and 2 are replaced by the following:   |                                      | (5) in Article 11, paragraphs 1 and 2 are replaced by the following:   |          |
| Article 4, first paragraph, point (5), amending provision(1), introductory part |  |                                      |  |          |
| 1226  | "<br>1. If the information collected during the inspection provides evidence that leads the official to believe that a fishing vessel has engaged in IUU fishing in accordance with Article 3, the official shall: |                                      | "<br>1. If the information collected during the inspection <u>or any other relevant data or information</u> provides evidence that leads the official to believe that a fishing vessel has engaged in IUU fishing in accordance with Article 3, the official shall: <u>carry out the duties set out in Article 82 of Regulation (EC) No 1224/2009.</u> |          |
| Article 4, first paragraph, point (5), amending provision(1)(1)                 |  |                                      |  |          |
| 1227  | (1) record the suspected infringement in the inspection report;  |                                      | <del>(1) record the suspected infringement in the inspection report;</del>   |          |
| Article 4, first paragraph, point (5), amending provision(1)(2)                 |  |                                      |  |          |
| 1228  | (2) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected   |                                      | <del>(2) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected</del>  |          |

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|  | infringement;  |                                      | <del>infringement;</del>   |          |
| Article 4, first paragraph, point (5), amending provision(1)(3)            |  |                                      |  |          |
| 1229   | (3) immediately forward the inspection report to the competent authority.  |                                      | <del>(3)</del> immediately forward the inspection report to the competent authority.   |          |
| Article 4, first paragraph, point (5), amending provision(2)               |  |                                      |  |          |
| 1230   | 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 vessels to land or tranship their catch or to have access to port services.<br>" |                                      | 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 vessels to land or tranship their catch or to have access to port services.<br>" |          |
| Article 4, first paragraph, point (6), introductory part                   |  |                                      |  |          |
| 1231   | (6) the following Articles 12a to 12e are inserted:  |                                      | (6) the following Articles 12a to 12e are inserted:  |          |
| Article 4, first paragraph, point (6), amending provision, first paragraph |  |                                      |  |          |
| 1232   | "  |                                      | "  |          |

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|   | Article 12a   |                                      | Article 12a  |          |
| Article 4, first paragraph, point (6), amending provision, second paragraph |   |                                      |  |          |
| 1233  | Integrated computerised information exchange, management and storage, submission, validation and quantity management under the Catch Certification Scheme for importation and exportation of fishery products (CATCH)   |                                      | Integrated computerised information exchange, management and storage, submission, validation and quantity management under the Catch Certification Scheme for importation and exportation of fishery products (CATCH)  |          |
| Article 4, first paragraph, point (6), amending provision(1)                |   |                                      |  |          |
| 1234  | 1. For the purpose of allowing the integrated management, handling, storage and exchange of information and documents relevant for official checks, verifications, controls and other relevant official activities concerning importation and exportation of fishery products, a digital information management system (CATCH) for the Catch Certification Scheme shall be established by the Commission in line with Articles 12b to 12d. The CATCH shall be integrated in the Information Management System for Official Controls (IMSOC) established by Regulation |                                      | 1. For the purpose of allowing the integrated management, handling, storage and exchange of information and documents relevant for official checks, verifications, controls and other relevant official activities concerning importation and <del>exportation</del> <u>re-exportation</u> of fishery products, a digital information management system (CATCH) for the Catch Certification Scheme shall be established by the Commission in line with Articles 12b to 12d. The CATCH shall be integrated in <del>the Information Management System for Official Controls (IMSOC)</del> <u>TRACES referred to in Regulation (EU)</u> |          |

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|  | 2017/625(*)   |                                      | <i>established by Regulation 2017/625(2017/625(*)</i>  |          |
| Article 4, first paragraph, point (6), amending provision(2) |   |                                      |  |          |
| 1235   | 2. All exchanges of information in relation to the importation of fishery products and related checks, risk management, verifications and controls, documents such as importer declarations, catch certificates, declarations and authorisations of transshipments, processing statements, applications or decisions, between the importer and the competent authorities of Member States, between Member States competent authorities or between Member States competent authorities and the Commission as foreseen in this Regulation, shall be made using CATCH. |                                      | 2. <del>All</del> Exchanges of information <u>and data</u> in relation to the importation <u>and re-exportation</u> of fishery products and related checks, risk management, verifications and controls, documents <u>referred to in this Chapter</u> such as importer declarations, catch certificates, <del>declarations and authorisations of transshipments, processing re-export certificates</del> statements, applications or decisions, between the importer <u>and re-exporter</u> and the competent authorities of Member States, between Member States competent authorities or between Member States competent authorities and the Commission as foreseen in this Regulation, shall be made using CATCH. |          |
| Article 4, first paragraph, point (6), amending provision(3) |   |                                      |  |          |
| 1236   | 3. The Commission is empowered to adopt delegated acts in accordance with the Article 54b   |                                      | 3. The Commission is empowered to adopt delegated acts in accordance with the Article 54b  |          |

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|  | concerning the cases where, and the conditions under which, temporary exemptions from the application of paragraph 3 of this Article can be established.  |   | concerning the cases where, and the conditions under which, temporary exemptions from the application of paragraph 3 <sup>2</sup> of this Article can be established.   |                 |
| Article 4, first paragraph, point (6), amending provision(4)                 |   |   |   |                 |
| 1237   | 4. Member States' competent authorities shall use the information submitted by importers by use of the CATCH, as established under paragraph 16(1), for quantity management as well as, based on risk management, for carrying out their checks and verifications and for taking decisions as established under this Chapter and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation. |   | 4. Member States' competent authorities shall use the information submitted by importers by use of the CATCH, as established under <del>paragraph</del> <u>Article</u> 16(1), for quantity management as well as, based on risk management, for carrying out their checks and verifications and for taking decisions as established under this Chapter and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation. |                 |
| Article 4, first paragraph, point (6), amending provision, seventh paragraph |   |   |   |                 |
| 1238   | Article 12b   |   | Article 12b   |                 |
| Article 4, first paragraph, point (6), amending provision, eighth paragraph  |   |   |   |                 |
| 1239   | General functionalities of the CATCH  |   | General functionalities of the CATCH  |                 |

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| Article 4, first paragraph, point (6), amending provision(1)    |   |                                      |   |          |
| 1240  | The CATCH shall:  |                                      | <u>L</u> . The CATCH shall:   |          |
| Article 4, first paragraph, point (6), amending provision(1)(a) |   |                                      |   |          |
| 1241  | (a) allow for the computerised submission, handling, management and exchange of information, data and documents necessary for the performance of checks, risk management, verifications, controls and decisions as referred to in this Chapter, the related rules in Commission Regulation (EC) No. 1010/2009 and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation, among Member States' competent authorities, between Member States' competent authorities and the Commission and, where appropriate, between Member States' competent authorities and the Commission with competent authorities of flag States, countries of processing and other third countries concerned, importers and exporters; |                                      | (a) allow for the computerised submission, handling, management and exchange of information, data and documents necessary for the performance of checks, risk management, verifications, controls, <u>quantity management</u> and decisions as referred to in this Chapter, <u>and</u> the related <del>rules in Commission Regulation (EC) No. 1010/2009 and</del> delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation, among Member States' competent authorities, between Member States' competent authorities and the Commission and, where appropriate, between Member States' competent authorities <del>and the Commission,</del> with competent authorities of flag States, countries of processing and other third countries concerned, importers and exporters; |          |

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| Article 4, first paragraph, point (6), amending provision(1)(b) |  |                                      |   |          |
| 1242  | (b) provide for a quantity management mechanism, which ensures that the product weight declared by the importers for imports under one catch certificate are not higher than the weight recorded and validated in such catch certificate;  |                                      | (b) provide for a quantity management mechanism, which ensures that the <del>product</del> weight <del>declared by the importers for imports</del> <u>of the raw material for one or several importations</u> under one <u>single</u> catch certificate <del>are</del> <u>is</u> not higher than the weight <del>recorded and</del> validated in such <del>catch</del> certificate;   |          |
| Article 4, first paragraph, point (6), amending provision(1)(c) |  |                                      |   |          |
| 1243  | (c) provide for the possibility of exchange of information, data and documents relevant for the importation and exportation of fishery products in accordance with the provisions of this Chapter and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation, with other Member States' authorities and with Member States' customs authorities through the EU Single Window; |                                      | (c) <u>by ... 124 months after the date of application of this Regulation</u> provide for the possibility of exchange of information, data and documents relevant for the importation and <del>exportation re-</del> <u>exportation</u> of fishery products in accordance with the provisions of this Chapter and <u>the related</u> delegated and implementing acts <del>referred to in this Chapter and in Article 54a of this Regulation</del> , with other Member States' authorities and with Member States' customs authorities through the EU Single Window; |          |
| Article 4, first paragraph, point (6), amending provision(1)(d) |  |                                      |   |          |

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| 1244  | (d) provide for the possibility of electronic risk management and analysis.   |   | (d) provide for the possibility of electronic risk management and analysis.   |                 |
| Article 4, first paragraph, point (6), amending provision(2)                                    |   |   |   |                 |
| 1244a   |   |   | <u>2. The CATCH may interoperate with other systems relevant for the fight against IUU fishing, including through an interface with existing and fully functioning national IT-systems.</u> |                 |
| Article 4, first paragraph, point (6), amending provision, tenth paragraph                      |   |   |   |                 |
| 1245  | Article 12c   |   | Article 12c   |                 |
| Article 4, first paragraph, point (6), amending provision, eleventh paragraph                   |   |   |   |                 |
| 1246  | The functioning of the CATCH  |   | The functioning of the CATCH  |                 |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph, introductory part |   |   |   |                 |
| 1247  | In accordance with the rules laid down for IMSOC, the Commission may adopt implementing acts for the functioning of the CATCH which |   | In accordance with the rules laid down for <del>IMSOC</del> <u>TRACES</u> , the Commission may adopt implementing acts for the  |                 |



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|   | lay down:   |                                      | functioning of the CATCH which lay down:   |          |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph(a) |   |                                      |  |          |
| 1248  | (a) the technical specifications of the CATCH as a system component of IMSOC, including the electronic data exchange mechanism for exchanges with existing national systems, identification of applicable standards, definition of message structures, data dictionaries, exchange of protocols and procedures; |                                      | (a) the technical specifications of the CATCH as a system component of <del>IMSOC</del> <u>TRACES</u> , including the electronic data exchange mechanism for exchanges with existing national <u>and other</u> systems, identification of applicable standards, definition of message structures, <u>access condition</u> , data dictionaries, exchange of protocols and procedures; |          |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph(b) |   |                                      |  |          |
| 1249  | (b) the specific rules for the functioning of the CATCH and of its system components to ensure protection of personal data and security of exchange of information;   |                                      | (b) the specific rules for the functioning of the CATCH and of its system components to ensure protection of personal data and security of exchange of information;  |          |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph(c) |   |                                      |  |          |
| 1250  | (c) contingency arrangements to be applied in the event of unavailability of any of the functionalities of the  |                                      | (c) contingency arrangements to be applied in the event of unavailability of any of the functionalities of the   |          |

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|   | CATCH;   |                                      | CATCH;  |          |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph(d) |  |                                      |   |          |
| 1251  | (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 may be granted partial access to the functionalities of the CATCH and the practical arrangements of such access; |                                      | (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 <u>or other international organisations</u> may be granted partial access to the functionalities of the CATCH and the <del>practical arrangements</del> <u>technical specifications</u> of such access; |          |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph(e) |  |                                      |   |          |
| 1252  | (e) the rules under which electronic documents, including the electronic signature, validated or endorsed by the competent authorities of third countries can be accepted by the competent authorities;  |                                      | (e) the rules under which electronic documents, <del>including the electronic signature, are</del> validated <del>or endorsed by the competent authorities of third countries can be accepted by the competent authorities</del> <u>in accordance with the Regulation (EU) 2014/910;</u>  |          |
| Article 4, first paragraph, point (6), amending provision, twelfth paragraph(f) |  |                                      |   |          |
| 1253  | (f) the templates, forms and rules, including for electronic formats, for  |                                      | (f) the templates, forms and rules, including for electronic formats, for   |          |

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|   | the issuance of official documents foreseen under this Regulation, other than the specimen foreseen in Annex II and its Appendix as well as the form foreseen in Annex IV of this Regulation. |   | the issuance of official documents foreseen under this Regulation, other than the specimen foreseen in <del>Annex II and its Appendix as well as the form foreseen in Annex IV of this Regulation.</del> <u>this Chapter and related Annexes</u> |                 |
| Article 4, first paragraph, point (6), amending provision, thirteenth paragraph |   |   |  |                 |
| 1254  | Those implementing acts shall be adopted in accordance with the procedure referred to in Article 54(2).   |   | Those implementing acts shall be adopted in accordance with the procedure referred to in Article 54(2).  |                 |
| Article 4, first paragraph, point (6), amending provision, fourteenth paragraph |   |   |  |                 |
| 1255  | Article 12d   |   | Article 12d  |                 |
| Article 4, first paragraph, point (6), amending provision, fifteenth paragraph  |   |   |  |                 |
| 1256  | Protection of personal data   |   | Protection of personal data  |                 |
| Article 4, first paragraph, point (6), amending provision(1)                    |   |   |  |                 |
| 1257  | 1. Regulation (EU) 2016/679 of the European Parliament and of the Council(**) and Regulation (EU) 2018/XX of the European   |   | 1. Regulation (EU) 2016/679 of the European Parliament and of the Council(**) and Regulation (EU) 2018/XX of the European  |                 |

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|   | Parliament and of the Council(***) shall apply to the extent that the information processed through the CATCH contains personal data as defined in Article 4(1) of Regulation (EU) 2016/679.   |   | Parliament and of the Council(***) shall apply to the extent that the information processed through the CATCH contains personal data as defined in Article 4(1) of Regulation (EU) 2016/679.   |                 |
| Article 4, first paragraph, point (6), amending provision(2)                      |  |   |  |                 |
| 1258  | 2. In relation to their responsibilities to transmit the relevant information to the 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(7) of Regulation (EU) 2016/679. |   | 2. In relation to their responsibilities to transmit the relevant information to the 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(7) of Regulation (EU) 2016/679. |                 |
| Article 4, first paragraph, point (6), amending provision(3), first subparagraph  |  |   |  |                 |
| 1259  | 3. The Commission shall be regarded as controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/XX in relation to its responsibility to manage the CATCH and the processing of any personal data that might result from that activity.   |   | 3. The Commission shall be regarded as controller as defined in point <del>(b)</del> (8) of Article <del>3(2)</del> 3 of Regulation (EU) <del>2018/XX</del> 2018/1725 in relation to its responsibility to manage the CATCH and the processing of any personal data that might result from that activity.        |                 |
| Article 4, first paragraph, point (6), amending provision(3), second subparagraph |  |   |  |                 |

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| 1260  | Member States and the Commission shall ensure that the CATCH complies with the rules on personal data protection established under Articles 134 and 135 of Regulation (EU) 2017/625. |   | Member States and the Commission shall ensure that the CATCH complies with the rules on personal data protection established under Articles 134 and 135 of Regulation (EU) 2017/625. |                 |
| Article 4, first paragraph, point (6), amending provision, nineteenth paragraph |  |   |  |                 |
| 1261  | Article 12e  |   | Article 12e  |                 |
| Article 4, first paragraph, point (6), amending provision, twentieth paragraph  |  |   |  |                 |
| 1262  | Data security<br>"   |   | Data security<br>"   |                 |
| Article 4, first paragraph, point (7)   |  |   |  |                 |
| 1263  | (7) Member States and the Commission shall ensure that the CATCH complies with the rules on data security established under Articles 134 and 136 of Regulation (EU) 2017/625.        |   | (7) Member States and the Commission shall ensure that the CATCH complies with the rules on data security established under Articles 134 and 136 of Regulation (EU) 2017/625.        |                 |
| Article 4, first paragraph, point (7a), introductory part                       |  |   |  |                 |
| 1263a   |  |   | <a href="#"><u>(7a) in Article 14, paragraph 1 is</u></a>  |                 |

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|  |                     |                                      | <u>replaced by the following:</u>   |          |
| Article 4, first paragraph, point (7a), amending provision(1), introductory part |                     |                                      |   |          |
| 1263b  |                     |                                      | " <u>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 State of processing referred to in paragraph 2 of this Article, the importer shall submit to the authorities of the Member States of importation:</u> |          |
| Article 4, first paragraph, point (7a), amending provision(1)(a)                 |                     |                                      |   |          |
| 1263c  |                     |                                      | <u>(a) the catch certificate(s) validated by the flag State and, if relevant, the statement endorsed referred to in paragraph 2 of this Article, as follows:</u>  |          |
| Article 4, first paragraph, point (7a), amending provision(1)(a)(i)              |                     |                                      |   |          |
| 1263d  |                     |                                      | <u>(i) the original catch certificate(s) and, if relevant, the original of the statement referred to in paragraph 2 of this Article, of the fishery products concerned if the total</u>   |          |

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|   |                     |                                      | <u>consignment is exported; or</u>  |          |
| Article 4, first paragraph, point (7a), amending provision(1)(a)(ii)        |                     |                                      |   |          |
| 1263e   |                     |                                      | <u>(ii) a copy of the original catch certificate(s) and, if relevant, a copy of the statement referred to in paragraph 2 of this Article where only a part of the fishery products concerned is exported in the consignment; and</u>  |          |
| Article 4, first paragraph, point (7a), amending provision(1)(b)            |                     |                                      |   |          |
| 1263f   |                     |                                      | <u>(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.</u> |          |
| Article 4, first paragraph, point (7a), amending provision, first paragraph |                     |                                      |   |          |
| 1263g   |                     |                                      | <u>Documented evidence shall be provided by means of:</u>   |          |
| Article 4, first paragraph, point (7a), amending provision(1)(b)(i)         |                     |                                      |   |          |

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| 1263h   |                     |                                      | <p><u>(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 processing State through that third country; or</u></p> |          |
| Article 4, first paragraph, point (7a), amending provision(1)(b)(ii)                |                     |                                      |  |          |
| 1263i   |                     |                                      | <p><u>(ii) if the original consignment related to a catch certificate and, if relevant, to the statement referred to in paragraph 2 is split, a document issued by the competent authorities of that third country:</u></p>  |          |
| Article 4, first paragraph, point (7a), amending provision(1)(b)(ii), first indent  |                     |                                      |  |          |
| 1263j   |                     |                                      | <p><u>- giving an exact description of the fishery products and the weight of the exported consignment, the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and</u></p>  |          |
| Article 4, first paragraph, point (7a), amending provision(1)(b)(ii), second indent |                     |                                      |  |          |



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| 1263k   |  |                                      | - <u>indicating the name and approval number of the storage facility and the conditions under which the fishery products remained in that third country.</u>   |          |
| Article 4, first paragraph, point (7a), amending provision, second paragraph                        |  |                                      |  |          |
| 1263l   |  |                                      | <u>Where the species concerned are subject to a regional fisheries management organisation catch documentation scheme which has been recognised under Article 13, the documents referred to above may be replaced by the reexport certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly.</u> |          |
| Article 4, first paragraph, point (8), introductory part  |  |                                      |  |          |
| 1264  | (8) in Article 14, paragraph 2 is replaced by the following: |                                      | (8) in Article 14, paragraph 2 is replaced by the following:   |          |
| Article 4, first paragraph, point (8), amending provision(2), first subparagraph, introductory part |  |                                      |  |          |

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| 1265   | 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 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 in Annex IV: |   | 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 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 in Annex IV: |                 |
| Article 4, first paragraph, point (8), amending provision(2), first subparagraph(a)                    |   |   |   |                 |
| 1266   | (a) giving an exact description of the unprocessed and processed products and their respective quantities;  |   | (a) giving an exact description of the unprocessed and processed products and their respective quantities;  |                 |
| Article 4, first paragraph, point (8), amending provision(2), first subparagraph(b)                    |   |   |   |                 |
| 1267   | (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  |   | (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  |                 |
| Article 4, first paragraph, point (8), amending provision(2), first subparagraph(c), introductory part |   |   |   |                 |

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| 1268   | (c) accompanied by:  |                                      | (c) accompanied by:  |          |
| Article 4, first paragraph, point (8), amending provision(2), first subparagraph(c)(i)               |  |                                      |  |          |
| 1269   | (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  |                                      | (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  |          |
| Article 4, first paragraph, point (8), amending provision(2), first subparagraph(c)(ii)              |  |                                      |  |          |
| 1270   | (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. |                                      | (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. |          |
| Article 4, first paragraph, point (8), amending provision(2), second subparagraph, introductory part |  |                                      |  |          |
| 1271   | For the purposes of trade facilitation, the endorsement of the statement by competent authorities is not required if:  |                                      | <del>For the purposes of trade facilitation, the endorsement of the statement by competent authorities is not required if:</del>   |          |
| Article 4, first paragraph, point (8), amending provision(2), second subparagraph(d)                 |  |                                      |  |          |

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| 1272   | (d) the fishery products concerned are caught by fishing vessels flying the flag of the country where those fishery products are processed and;   |                                      | <del>(d) the fishery products concerned are caught by fishing vessels flying the flag of the country where those fishery products are processed and;</del>  |          |
| Article 4, first paragraph, point (8), amending provision(2), second subparagraph(e) |   |                                      |   |          |
| 1273   | (e) the competent authority for endorsement is identical to the flag State authority competent for catch certificate validation as notified to the Commission in accordance with Article 20(1) of this Regulation.  |                                      | <del>(e) the competent authority for endorsement is identical to the flag State authority competent for catch certificate validation as notified to the Commission in accordance with Article 20(1) of this Regulation.</del>   |          |
| Article 4, first paragraph, point (8), amending provision(2), third subparagraph     |   |                                      |   |          |
| 1274   | Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been 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. |                                      | Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been 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. |          |
| Article 4, first paragraph, point (8), amending provision(2), fourth subparagraph    |   |                                      |   |          |

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| 1275   | (* 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 (OJ L 95, 7.4.2017, p. 1)         |                                      | (* 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 (OJ L 95, 7.4.2017, p. 1)         |          |
| Article 4, first paragraph, point (8), amending provision(2), fifth subparagraph |  |                                      |  |          |
| 1276   | (**) 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 L119, 4.5.2016, p. 1). |                                      | (**) 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 L119, 4.5.2016, p. 1). |          |
| Article 4, first paragraph, point (8), amending provision(2), sixth subparagraph |  |                                      |  |          |
| 1277   | (***) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the   |                                      | <del>(***) Proposal for a Regulation</del><br><u>Regulation (EU) 2018/1725</u> of the European Parliament and of the Council <u>of 23 October 2018</u> on the protection of <del>individuals</del> <u>natural</u>  |          |

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|  | 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 (COM (2017)8 final, 10.1.2017).<br>"  |                                      | <u>persons</u> 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 ( <del>COM (2017)8 final, 10.1.2017</del> <u>OJL 295, 21.11.2018, p. 39</u> ).<br>"   |          |
| Article 4, first paragraph, point (9), introductory part     |   |                                      |  |          |
| 1278   | (9) in Article 16, paragraph 1 is replaced by the following:  |                                      | (9) in Article 16, paragraph 1 is replaced by the following:   |          |
| Article 4, first paragraph, point (9), amending provision(1) |   |                                      |  |          |
| 1279   | "<br>1. The importer of fishery products into the Union shall submit the catch certificate, as established in Article 12(4), together with its transport details as specified in appendix of 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 |                                      | "<br>1. The importer of fishery products into the Union shall submit the catch certificate, as established in Article 12(4), together with its transport details as specified in appendix of 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 |          |

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|   | <p>Member State in which the product is intended to be imported. The catch certificate together with its transport details, the statement of the processing plant and other information as required in Articles 12 and 14 have to 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 transport means 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.</p> | "                                    | <p>State in which the product is intended to be imported. The catch certificate together with <del>its transport details, the statement of the processing plant and other information as required in Articles 12 and 14</del> have <u>all the relevant accompanying documents</u> has to 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 transport means 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.</p> | "        |
| Article 4, first paragraph, point (9a), introductory part |  |                                      |   |          |
| 1279a   |  |                                      | <u>(9a) In Article 17, paragraph 3 is replaced by the following:</u>  |          |

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| Article 4, first paragraph, point (9a), amending provision,(3)                 |                     |  |   |          |
| 1279b  |                     |  | <p>"</p> <p><u>3. Verification 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 Union criteria shall be determined in accordance with the examination procedure referred to in Article 54(2).</u></p> <p>"</p> |          |
| Article 4, first paragraph, point (9a), introductory part                      |                     |  |   |          |
| 1279c  |                     | <u>(9a) in Article 18, paragraph 3 is replaced by the following:</u>   |   |          |
| Article 4, first paragraph, point (9a), amending provision, numbered paragraph |                     |  |   |          |
| 1279d  |                     | "<br><u>3. In the event that the importation of fishery products is refused pursuant to paragraphs 1 or 2,</u> |   |          |



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|   |  | <u>Member States may confiscate and destroy, dispose of or sell such fishery products in accordance with national law. The profits from the sale shall be used for charitable purposes.</u> | "  |          |
| Article 4, first paragraph, point (10), introductory part     |  |   |  |          |
| 1280  | (10) in Article 27, paragraph 8 is replaced by the following:  |   | (10) in Article 27, paragraph 8 is replaced by the following:  |          |
| Article 4, first paragraph, point (10), amending provision(8) |  |   |  |          |
| 1281  | "<br>8. Community fishing vessels shall not be included in the Community IUU vessel list if the flag Member State has taken action pursuant to this Regulation and Regulation 1224/2009 against breaches constituting serious infringements as laid down in Article 42(1) without prejudice to the action taken by regional fisheries management organisations.<br>" |   | "<br>8. <del>Community</del> <u>Union</u> fishing vessels shall not be included in the <del>Community</del> <u>Union</u> IUU vessel list if the flag Member State has taken action pursuant to this Regulation and Regulation 1224/2009 against breaches constituting serious infringements as laid down in Article 42(1) without prejudice to the action taken by regional fisheries management organisations.<br>" |          |
| Article 4, first paragraph, point (10a), introductory part    |  |   |  |          |

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| 1281a  |                                   | <u><i>(10a) The following Article is inserted:</i></u>   |  |          |
| Article 4, first paragraph, point (10a), amending provision, article |                                   |  |  |          |
| 1281b  |                                   | <p style="text-align: center;"><u><i>Article 32a</i></u></p> <p style="text-align: center;">"</p> <p style="text-align: center;"><u><i>Safeguard measures</i></u><br/> <u><i>Where a third country has been notified, in accordance with Article 32, of the possibility of being identified as a non-cooperating third country, the Commission may introduce safeguard measures under which preferential tariffs for fishery and aquaculture products are temporarily suspended. Those safeguard measures may apply for as long as the Commission has evidence of specific weaknesses notified and resulting in possible or confirmed IUU activities and therefore the proceedings initiated vis-a-vis that third country have not been terminated.</i></u></p> <p style="text-align: center;">"</p> |  |          |
| Article 4, first paragraph, point (11), introductory part            |                                   |  |  |          |
| 1282   | (11) The heading of Chapter IX is |  | (11) The heading of Chapter IX is                            |          |

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|  | replaced by the following:                       |   | replaced by the following:  |                 |
| Article 4, first paragraph, point (11), amending provision, first paragraph  |  |   |   |                 |
| 1283   | “<br>CHAPTER IX                                  |   | “<br>CHAPTER IX   |                 |
| Article 4, first paragraph, point (11), amending provision, second paragraph |  |   |   |                 |
| 1284   | PROCEEDINGS AND<br>ENFORCEMENT<br>”              |   | PROCEEDINGS AND<br>ENFORCEMENT<br>”                                 |                 |
| Article 4, first paragraph, point (12), introductory part                    |  |   |   |                 |
| 1285   | (12) Article 42 is replaced by the<br>following: |   | (12) Article 42 is replaced by the<br>following:                    |                 |
| Article 4, first paragraph, point (12), amending provision, first paragraph  |  |   |   |                 |
| 1286   | ”<br>Article 42                                  |   | ”<br>Article 42   |                 |
| Article 4, first paragraph, point (12), amending provision, second paragraph |  |   |   |                 |
| 1287   | Serious infringements                            |   | Serious infringements   |                 |
| Article 4, first paragraph, point (12), amending provision, third paragraph  |  |   |   |                 |

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| 1288   | "For the purpose of this Regulation, 'serious infringement' means any infringements listed in points (a) to (n), (o) and (p) of Article 90(2) of Regulation (EC) No 1224/2009 or considered as serious infringements pursuant to points (a), (c), (e), (f) and (i) of Article 90(3) of that Regulation (EC) No 1224/2009. | "<br>"For the purpose of this Regulation, 'serious infringement' means any infringements listed in points (a) to <del>(n), (o) and (p)</del> of Article 90(2) of Regulation (EC) No 1224/2009 or considered as serious infringements pursuant to points (a), (c), (e), (f) and (i) of Article 90(3) of that Regulation (EC) No 1224/2009. | "<br>"For the purpose of this Regulation, 'serious infringement' means any infringements listed in <del>points (a) to (n), (o) and (p)</del> of Article 90(2) of Regulation (EC) No 1224/2009 or considered as serious infringements pursuant to <del>points (a), (c), (e), (f) and (i)</del> of Article 90(3) of that <del>Regulation (EC) No 1224/2009</del> <u>Regulation</u> . |          |
| Article 4, first paragraph, point (13), introductory part                    |   |   |  |          |
| 1289   | (13) The following Article 42a is inserted:   |   | (13) The following Article 42a is inserted:  |          |
| Article 4, first paragraph, point (13), amending provision, first paragraph  |   |   |  |          |
| 1290   | "<br>Article 42a  |   | "<br>Article 42a   |          |
| Article 4, first paragraph, point (13), amending provision, second paragraph |   |   |  |          |
| 1291   | Proceedings in case of serious infringements  |   | Proceedings in case of serious infringements   |          |
| Article 4, first paragraph, point (13), amending provision, third paragraph  |   |   |  |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)                                     | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|--|--|--|--|----------|
| 1292   | Without prejudice to Articles 11(4) and 50 of this Regulation, Member States shall apply provisions of Article 85 of Regulation (EC) No 1224/2009 where a serious infringement is detected.<br>" |  | Without prejudice to Articles 11(4) and 50 of this Regulation, Member States shall apply provisions of Article 85 of Regulation (EC) No 1224/2009 where a serious infringement is detected.<br>" |          |
| Article 4, first paragraph, point (14), introductory part                    |  |  |  |          |
| 1293   | (14) Article 43 is replaced by the following:  |  | (14) Article 43 is replaced by the following:  |          |
| Article 4, first paragraph, point (14), amending provision, first paragraph  |  |  |  |          |
| 1294   | "<br>Article 43  |  | "<br>Article 43  |          |
| Article 4, first paragraph, point (14), amending provision, second paragraph |  |  |  |          |
| 1295   | Measures to ensure compliance  |  | <del>Measures to ensure compliance</del> <u>Sanctions and measures</u>   |          |
| Article 4, first paragraph, point (14), amending provision(1)                |  |  |  |          |
| 1296   | 1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose  | "<br>1. Without prejudice to the powers of the Member States to initiate | 1. <del>Without prejudice to the powers of the Member States to initiate criminal proceedings and impose</del>   |          |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076)   | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|---|---|--|---|----------|
|   | <p>criminal sanctions, Member States shall, in conformity with their national law, systematically apply administrative measures and sanctions against the natural person having committed or a legal person held liable for serious infringements as defined in this Regulation.</p>  | <p>criminal proceedings and impose criminal sanctions, Member States shall, in conformity with their national law, systematically apply administrative measures and sanctions against the natural person having committed or a legal person held liable for serious infringements as defined in this Regulation.</p> <p><u>In respect of each specific act of infringement as referred to in the first subparagraph, no more than one Member State may initiate proceedings or impose sanctions against the natural or legal person concerned.</u></p> | <p><del>criminal sanctions</del> <u>In case of suspected and committed serious infringements referred to in Article 42</u>, Member States shall, <del>in conformity with their national law, systematically</del> apply <del>administrative</del> measures and sanctions <del>against the natural person having committed or a legal person held liable for serious infringements as defined in this Regulation</del> <u>in accordance with Title VIII of Regulation (EC) No 1224/2009.</u></p> |          |
| Article 4, first paragraph, point (14), amending provision(2) |   |  |   |          |
| 1297  | <p>2. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such a serious infringement in accordance with this Regulation, Member States shall, in conformity with their national law, immediately take relevant and immediate measures in accordance with Article 91 of Regulation (EC) No 1224/2009.</p> | <p>2. Where a natural person is <del>suspected of having committed or is caught in the act while committing a serious infringement or a legal</del> <u>serious infringement has been detected in the course of an inspection in relation to that natural person, or there is evidence that a legal person is</u> <del>is suspected of being held</del> liable for such a serious infringement in accordance with this Regulation, Member States shall, in conformity with their national law,</p>  | <p>2. <del>Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such a serious infringement in accordance with this Regulation, Member States shall, in conformity with their national law, immediately take relevant and immediate measures in accordance with Article 91 of Regulation (EC) No 1224/2009.</del></p>  |          |

|   | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
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|   |  | immediately take relevant and immediate measures in accordance with Article 91 of Regulation (EC) No 1224/2009. | "   |          |
| Article 4, first paragraph, point (14), amending provision(3) |  |   |   |          |
| 1298  | 3. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, in accordance with the provisions of Articles, 89a, 91a, 91b and 92a of Regulation (EC) No 1224/2009. Member States shall also apply measures in accordance with Article 92 of Regulation (EC) No 1224/2009. | "   | <del>3. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, in accordance with the provisions of Articles, 89a, 91a, 91b and 92a of Regulation (EC) No 1224/2009. Member States shall also apply measures in accordance with Article 92 of Regulation (EC) No 1224/2009.</del> | "        |
| Article 4, first paragraph, point (15)                        |  |   |   |          |
| 1299  | (15) Articles 44 to 47 are deleted.  |   | (15) Articles 44 to 47 are deleted.   |          |
| Article 4, first paragraph, point (16), introductory part     |  |   |   |          |
| 1300  | (16) the following Articles 54a and 54b are inserted:  |   | (16) the following Articles 54a and 54b are inserted:   |          |

|  | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|--|--|--------------------------------------|---|----------|
| Article 4, first paragraph, point (16), amending provision, first paragraph  |  |                                      |   |          |
| 1301   | "<br>Article 54a   |                                      | "<br>Article 54a  |          |
| Article 4, first paragraph, point (16), amending provision, second paragraph |  |                                      |   |          |
| 1302   | Amendment of Annexes   |                                      | Amendment of Annexes  |          |
| Article 4, first paragraph, point (16), amending provision, third paragraph  |  |                                      |   |          |
| 1303   | The Commission is empowered to adopt delegated acts in accordance with Article 54b amending Annex II with its Appendix and Annex IV, 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 the CATCH. |                                      | The Commission is empowered to adopt delegated acts in accordance with Article 54b amending Annex <u>I</u> , II with its Appendix, <u>Annex IV and documents referred to in Article 14 (1) and Annex IV</u> , 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 the CATCH. |          |
| Article 4, first paragraph, point (16), amending provision, fourth paragraph |  |                                      |   |          |
| 1304   | Article 54b  |                                      | Article 54b   |          |



|   | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|---|---|---|---|-----------------|
| Article 4, first paragraph, point (16), amending provision, fifth paragraph |   |   |   |                 |
| 1305  | Exercise of the delegation  |   | Exercise of the delegation  |                 |
| Article 4, first paragraph, point (16), amending provision(1)               |   |   |   |                 |
| 1306  | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.  |   | 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.  |                 |
| Article 4, first paragraph, point (16), amending provision(2)               |   |   |   |                 |
| 1307  | 2. The delegation of powers referred to in Articles 12a(3) and 54a shall be conferred for an indeterminate period of time.  |   | 2. The delegation of powers referred to in Articles 12a(3) and 54a shall be conferred for an indeterminate period of time.  |                 |
| Article 4, first paragraph, point (16), amending provision(3)               |   |   |   |                 |
| 1308  | 3. The delegation of powers referred to in Articles 12a(3) and 54a may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following |   | 3. The delegation of powers referred to in Articles 12a(3) and 54a may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following |                 |

|   | <b>Commission Proposal</b>   | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076) | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | <b>Comments</b> |
|---|--|---|--|-----------------|
|   | 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.   |   | 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.   |                 |
| Article 4, first paragraph, point (16), amending provision(4) |  |   |  |                 |
| 1309  | 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.  |   | 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.  |                 |
| Article 4, first paragraph, point (16), amending provision(5) |  |   |  |                 |
| 1310  | 5. A delegated act adopted pursuant to Articles 12a(3) and 54a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council. |   | 5. A delegated act adopted pursuant to Articles 12a(3) and 54a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council. |                 |

|   | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>  | Comments |
|---|---|--------------------------------------|---|----------|
|   | "   |                                      | "   |          |
| Article 4, first paragraph, point (17)                                      |   |                                      |   |          |
| 1311  | (17) Annex II and its Appendix are replaced by the text set out in Annex II to this Regulation.   |                                      | (17) Annex II and its Appendix are replaced by the text set out in Annex II to this Regulation.   |          |
| Article 4, first paragraph, point (18), introductory part                   |   |                                      |   |          |
| 1312  | (18) in Annex IV, the introductory sentence is replaced by the following:   |                                      | (18) in Annex IV, the introductory sentence is replaced by the following:   |          |
| Article 4, first paragraph, point (18), amending provision, first paragraph |   |                                      |   |          |
| 1312a   |   |                                      | “<br><u><i>DOCUMENT NUMBER (insert document number)</i></u>   |          |
| Article 4, first paragraph, point (18), amending provision, first paragraph |   |                                      |   |          |
| 1313  | “<br>I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches under the following catch certificate(s):” |                                      | I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches under the following catch certificate(s):”<br>“ |          |

|                             | Commission Proposal   | EP Mandate<br>(P9_TA-PROV(2021)0076) | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>                      | Comments |
|-----------------------------|---|--------------------------------------|---|----------|
|                             | “   |                                      |   |          |
| Article 5                   |   |                                      |   |          |
| 1314                        | Article 5<br>Amendments to Regulation (EU) No<br>2016/1139          |                                      | Article 5<br>Amendments to Regulation (EU) No<br>2016/1139                        |          |
| Article 5, first paragraph  |   |                                      |   |          |
| 1315                        | In Regulation (EC) No 2016/1139,<br>Articles 12 and 13 are deleted. |                                      | In Regulation (EC) No 2016/1139,<br>Articles 12 and 13 are deleted.               |          |
| Article 5a                  |   |                                      |   |          |
| 1315a                       |   |                                      | <u><a href="#">Article 5a<br/>Amendments to Regulation (EU)<br/>2017/2403</a></u> |          |
| Article 5a, first paragraph |   |                                      |   |          |
| 1315b                       |   |                                      | <u><a href="#">In Regulation (EU) 2017/2403,<br/>Chapter VI is deleted.</a></u>   |          |
| Article 6                   |   |                                      |   |          |
| 1316                        | Article 6<br>Entry into force                                       |                                      | Article 6<br>Entry into force   |          |

|                             | Commission Proposal  | EP Mandate<br>(P9_TA-PROV(2021)0076)  | Council Mandate<br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | Comments |
|-----------------------------|--|---|--|----------|
| Article 6, first paragraph  |  |   |  |          |
| 1317                        | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. |   | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. |          |
| Article 6, second paragraph |  |   |  |          |
| 1318                        | Articles 1, 3, 4, 5 shall apply from [24 months after date of entry into force].   | Articles 1, 3, 4, 5 shall apply from [24 months after <u>the</u> date of entry into force <u>of this Regulation</u> ] with <u>the exception of points 6, 11, 12, 21, 22, 23, 44 and 46 of Article 1, which shall apply from... [four years after the date of entry into force of this Regulation]</u> . | Articles 1, 3, 4, 5 shall apply from [24 months after date of entry into force].   |          |
| Article 6, third paragraph  |  |   |  |          |
| 1319                        | This Regulation shall be binding in its entirety and directly applicable in all Member States.   |   | This Regulation shall be binding in its entirety and directly applicable in all Member States.   |          |
| Formula                     |  |   |  |          |
| 1320                        | Done at Brussels,  |   | Done at Brussels,  |          |

|   | <b>Commission Proposal</b>  | <b>EP Mandate</b><br>(P9_TA-PROV(2021)0076)   | <b>Council Mandate</b><br>(doc. 9390/2/21 REV 2 ADD 1) <sup>1</sup>   | <b>Comments</b> |
|---|---|---|---|-----------------|
| Formula                                     |   |   |   |                 |
| 1321  | For the European Parliament   |   | For the European Parliament   |                 |
| Formula                                     |   |   |   |                 |
| 1322  | The President   |   | The President   |                 |
| Formula                                     |   |   |   |                 |
| 1323  | For the Council   |   | For the Council   |                 |
| Formula                                     |   |   |   |                 |
| 1324  | The President   |   | The President   |                 |
| Annex I, first paragraph, introductory part |   |   |   |                 |
| 1325  | Annex I is not included, as it is not supported by the IT tool used to create this 4-column document. Please consult the original document or ADD 1 to this document. | Annex I is not included, as it is not supported by the IT tool used to create this 4-column document. Please consult the original document or ADD 1 to this document. | Annex I is not included, as it is not supported by the IT tool used to create this 4-column document. Please consult the original document or ADD 1 to this document. |                 |