



Brussels, 5 October 2022
(OR. en)

12919/22

LIMITE

PECHE 360
CODEC 1432

**Interinstitutional File:
2018/0193(COD)**

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control
- Preparation of the trilogue

In view of the trilogue scheduled on 13 October 2022, delegations will find hereafter the Presidency's suggested proposal for a revised mandate for the following sequences:

- Sequence 9 ("Tracking of fishing vessels and fishing restricted areas"),
- Sequence 10 ("Enforcement, infringements and sanctions"),
- Sequence 17 ("Regionalisation"), and
- Sequence 18 ("Safeguard measures").

Delegations are reminded that the institutions work under the premise that "nothing is agreed until everything is agreed". Where the table mentions that institutions agree on specific text or an approach, this only means a tentative agreement. Recitals will need to be examined once an agreement has been reached on the related articles and are thus currently excluded from the tables.

The attached 4-column tables on sequences 9, 10, 17 and 18 are based on preparatory work set out in documents WK 12044/2022 REV 2, WK 12044/2022 ADD 1 REV2 and WK 12513/2022 REV 1. As regards sequence 10, please note that Annex IV to the control regulation, which contains criteria for serious infringements under Article 90(3), is not included in the attached document. Where proposals are made for specific criteria, those appear in the row of the relevant point of Article 90(3).

**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)**

Sequence 9 (“Tracking of fishing vessels and fishing restricted areas”)

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency’s suggested way forward
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:	(d) point 12 is replaced by the following: Sequence 9
Article 1, first paragraph, point (1)(d), amending provision(12)				
140	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; ”		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; ”	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; ” Sequence 9
Article 1, first paragraph, point (1)(e), introductory part				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
141	(e) point 14 is replaced by the following:		(e) point 14 is replaced by the following:	(e) point 14 is replaced by the following: Sequence 9
Article 1, first paragraph, point (1)(e), amending provision(14)				
142	" 14. 'fishing restricted area' means any marine area where fishing activities are temporarily or permanently restricted or prohibited;	" 14. 'fishing restricted area' means any marine area where fishing activities are temporarily temporarily or permanently restricted or prohibited by either regional, national, Union or international legislation ; EP AM 40, EX AM 7 (Rapporteur)	"14. 'fishing restricted area' means any marine area where fishing activities are temporarily or permanently restricted or prohibited under the rules of the common fisheries policy ; "	In view of a compromise, flexibility to accept the following COM proposal, as modified by the Presidency (modification underlined): Commission's Proposal 15.06.2022 'fishing restricted area' means a geographically-defined marine area where all or certain fishing activities are temporarily or permanently restricted or prohibited in order to improve the conservation of marine biological resources or the protection of marine ecosystems under the rules of the common fisheries policy ; Sequence 9
Article 1, first paragraph, point (1)(ea)				
142a				Agreed (in line with the revised

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><i><u>(ea) point 15 is replaced by the following:</u></i> <i><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></i></p> <p>EP AM 41, EX AM 194 (S&D)</p>		<p>mandate of 17.6.2022).</p> <p><i><u>(ea) point 15 is replaced by the following:</u></i> <i><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></i></p> <p>Sequence 9</p>
Article 1, first paragraph, point (6), introductory part				
183	(6) Article 9 is replaced by the following:		(6) Article 9 is replaced by the following:	(6) Article 9 is replaced by the following: Sequence 9
Article 1, first paragraph, point (6), amending provision, first paragraph				
184	Article 9		Article 9	Article 9 Sequence 9
Article 1, first paragraph, point (6), amending provision, second paragraph				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
185	Vessel monitoring systems		Vessel monitoring systems	Vessel monitoring systems Sequence 9
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.	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 as well as fishing vessels in the Member States' their waters through the collection and analysis of vessel position data. Each flag Member State shall ensure the continuous and systematic monitoring collect vessel position data and monitor and control of the its accuracy of the vessel position data on a continuous and systematic basis. EP AM 57, EX CA 4A	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 collect the vessel position data and ensure its continuous and systematic monitoring.	Support the following Council proposal, which merges EP amendment and the GA: Council proposal on 6/9/2022 1. Member States shall operate vessel monitoring systems for effective monitoring of position and movement of the fishing vessels flying their flag, wherever those vessels may be, as well as of fishing vessels in their waters. Each flag Member State shall collect and analyse the vessel position data and ensure its monitoring on a continuous and systematic basis. Sequence 9
Article 1, first paragraph, point (6), amending provision(2), first subparagraph				
187				Agreed (in line with the revised mandate of 17.6.2022).

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	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. EP AM 58, EX CA 4A	2. <u>Each</u> Union fishing vessels <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.	2. <u>Each</u> Union fishing vessels <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>automatically the</u> vessel position data at regular intervals. Sequence 9
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 <u>or other technology that ensures data security and that is available for data transmission and communication.</u> EP AM 59, EX CA 4A	The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a <u>referred to in Article 9a</u> 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.	Agreed (in line with flexibility granted in the revised mandate of 17.6.2022). The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a <u>referred to in Article 9a</u> 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 <u>where possible, may use</u> a land-based mobile network when in reach of such network <u>or other equivalent technology.</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 9
Article 1, first paragraph, point (6), amending provision(3), first subparagraph				
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 <u>entering port/the landing operations begin</u>.</p> <p>EP AM 60, EX CA 4A</p>	<p>3. By way of derogation from paragraph 2, masters of a flag <u>Member State may determine that</u> Union fishing vessels below 12 metres' length overall may carry on board a mobile device which allows the vessel <u>does not have</u> to be automatically located and identified by <u>ainstalled on board</u> <u>and which allows the</u> 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, <u>to be automatically located and identified while at sea through recording and transmitting</u> 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 <u>at regular intervals through satellite connection or any other</u> network and at the latest before entering</p>	<p>Agreed (in line with the revised mandate of 17.6.2022).</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 mobile device which allows the vessel <u>does not have</u> to be automatically located and identified by <u>ainstalled on board</u> <u>and which allows the</u> 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, <u>to be automatically located and identified while at sea through recording and transmitting</u> 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 <u>at regular intervals through satellite connection or any other</u> network and at the latest before entering port.</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			port.	Sequence 9
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 developed at national or Union level. If one or more Member States so request by ... [4 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</u></p>	<p>Agreed (in line with the revised mandate of 17.6.2022).</p> <p><u>3a. For the purpose of applying the first subparagraph, Member States shall make available such an alternative vessel monitoring system. Such system may be developed at national or Union level. If one or more Member States so request by ... [4 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. A requesting Member State shall implement the system as developed by the Commission.</u></p> <p><u>The vessel monitoring system shall allow the fisheries monitoring centre of the flag Member State referred to in Article 9a to poll the position of the fishing vessel through satellite connection or, where possible, any</u></p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			<u>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>	<u>other network . 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 automatically as soon as the vessel is in reach of a such network. Connection with the network must be re-established at the latest before entering a port or landing site.</u> Sequence 9
NOTE: Rows 189b to 189h are not included in this Table, as the co-legislators will only discuss the topic of exemptions from the obligation to use VMS at a later point in time.				
Article 1, first paragraph, point (6), amending provision(4)				
190	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	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	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	GA accepted. 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

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	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.	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 activities. EP AM 61, EX CA 4A	Member States. The vessel position data shall also be made available data received 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. <u>fisheries monitoring centre of the coastal Member State.</u>	Member States. The vessel position data shall also be made available data received 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. <u>fisheries monitoring centre of the coastal Member State.</u> Sequence 9
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 operates <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.	Support the following text: 5. If a Union fishing vessel operates <u>engages in fishing activities</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 shall also be made available to that country or organisation.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		EP AM 62, EX CA 4A		Sequence 9
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 Article.		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 position data at regular intervals in the same way as Union fishing vessels under this Article ¹ . <u>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.</u>	Support the following text, (text is in line with flexibility granted in revised mandate of 17.6.2022) 6. <u>Without prejudice to Regulation (EU) 2017/2403, all</u> third country fishing vessels operating <u>authorised to conduct fishing activities</u> 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 <u>the</u> vessel position data at regular intervals in the same way as Union fishing vessels under this Article. Sequence 9

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (6), amending provision, numbered paragraph (6a)				
192a		<p><u>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.</u></p> <p>EP AM 63, EX CA 4A</p>		<p>Reject EP amendment.</p> <p>Sequence 9</p>
NOTE: Rows 193 to 199 are not included in this Table, as the co-legislators will only discuss the topic of delegated acts/implementing acts at a later point in time.				
Article 1, first paragraph, point (7), introductory part				
200	(7) The following Article 9a is inserted:		(7) the following Article 9a is inserted:	(7) The following Article 9a is inserted: Sequence 9
Article 1, first paragraph, point (7), amending provision, first paragraph				
201	Article 9a		Article 9a	Article 9a Sequence 9

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (7), amending provision, second paragraph				
202	Fisheries monitoring centres		Fisheries monitoring centres	Fisheries monitoring centres <u>Sequence 9</u>
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 that particular Member State.	“ 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 that particular Member State <u>and fishing vessels flying the flag of a third country concerning which rules and/or recommendations exist that have</u>	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 <u>each</u> Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating <u>operate</u> 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 that particular Member State.	Support the following text (minor adjustment to GA): 1. <u>Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular <u>each</u> Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating <u>operate</u> 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 <u>authorised to which vessel monitoring system provisions applies operating conduct fishing activities</u> in the waters under the sovereignty or the jurisdiction of that particular Member State.</u>

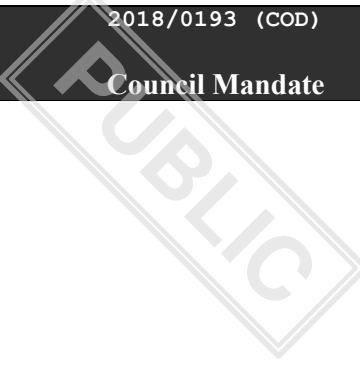


	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
		<p><u><i>been issued by a regional international body. Fisheries monitoring centres shall also report on the number of abandoned, lost or otherwise discarded fishing gear and actions to prevent and mitigate the presence of such gear.</i></u></p> <p>EP AM 66, EX ENVI 32</p>		<p>Sequence 9</p>
<p>Article 1, first paragraph, point (7), amending provision(2)</p>				
<p>204</p>	<p>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.</p>	<p>2. Each flag Member State shall appoint, <u><i>from among the national or regional</i></u> the competent authorities, <u><i>a lead competent authority</i></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><i>analysis, control, monitoring</i></u> and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate</p>	<p>2. Each flag Member State shall appoint the competent authorities responsible for the <u><i>functioning of its</i></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><i>electronic data transmission</i></u> and electronic data transmission <u><i>data monitoring 7 days a week and 24 hours a day.</i></u>¹ Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries</p>	<p>Support the following text which merges the GA and the EP amendment:</p> <p>2. Each flag Member State shall appoint the competent authorities responsible for the <u><i>functioning of its</i></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><i>analysis, control,</i></u> and <u><i>electronic data transmission and data monitoring 7 days a week and 24 hours a day.</i></u>¹ Member States shall provide for back-up</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		a joint fisheries monitoring centre. EP AM 67, EX AM 26 (Rapporteur) and 269 (S&D)	monitoring centre. <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>	and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre. <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> Sequence 9
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. EP AM 68, EX AM 27 (Rapporteur)	3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and, in particular, data 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, data as listed in Articles 109 and 110 and operate 7 days a week and 24 hours a day. Sequence 9
Article 1, first paragraph, point (7), amending provision, numbered paragraph (3a)				
205a		<u>3a. Fisheries monitoring centres shall support real-time monitoring</u>		Agreed (in line with flexibility granted in revised mandate of 17.6.2022) <u>3a. Fisheries monitoring centres shall support real-time monitoring</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<u>of vessels so as to enable immediate enforcement action.</u> " EP AM 69, EX AMs 273 (Greens/EFA) and ENVI 35		<u>of vessels so as to enable enforcement action.</u> Sequence 9
NOTE: Rows 206 to 210a are not included in this Table, as the co-legislators will only discuss the topic of delegated acts/implementing acts at a later point in time.				
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:	(8) Article 10 is replaced by the following: Sequence 9
Article 1, first paragraph, point (8), amending provision, first paragraph				
212	" Article 10		" Article 10	" Article 10 Sequence 9
Article 1, first paragraph, point (8), amending provision, second paragraph				
213	Automatic identification system		<u>Transmission of data from automatic identification system</u> system systems	Support the following text: Automatic identification system systems

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 9
Article 1, first paragraph, point (8), amending provision, third paragraph				
214	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.	" 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 as a fully functioning automatic identification system which meets the performance standards drawn up by the International Maritime Organisation. EP AM 70, EX ENVI 37	<i>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. <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></i>	Support the following COM proposal: COM drafting proposal on 8/6/22 1. In accordance with Article 6a of Directive 2002/59/EC, Union fishing vessels exceeding 15 metres' length overall shall be fitted with and maintain in continuous operation an automatic identification system which meets the performance standards referred to in that Directive. Sequence 9
Article 1, first paragraph, point (8), amending provision, third paragraph a				
214a		<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</u>		Support the following COM proposal: COM drafting proposal on 8/6/22 1a. By way of derogation from

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>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 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> <p>EP AM 71, ENVI 38</p>		<p>paragraph 1, the master of a Union fishing vessel may switch off the continuous operation of the AIS system in exceptional circumstances when the master considers that the safety or security of the crew is imminently at risk of being compromised.</p> <p>Where the automatic identification system is switched off in accordance with the first sub-paragraph, the master shall report that action and the reason for doing so to the competent authorities of its flag Member State and, when relevant also to the competent authorities of the coastal State.</p> <p>When the situation referred to in subparagraph one has elapsed, the master shall restart the automatic identification system as soon as the source of danger has disappeared.</p> <p>Sequence 9</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</u></p>		<p>Support the following COM proposal:</p> <p>COM drafting proposal on 8/6/22</p> <p>2. Member States shall ensure that</p>

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	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
		<p><u>control purposes, including cross-checks of automatic identification system data with other available data, in accordance with Articles 109 and 110.</u></p> <p>EP AM 72, EX ENVI 39</p>		<p>data from the automatic identification systems are made available to their competent authorities responsible for fisheries control for control purposes, including cross-checks of automatic identification system data with other available data, in accordance with Article 109.</p> <p>Sequence 9</p>
Article 1, first paragraph, point (9), introductory part				
215	(9) Article 12 is replaced as follows:		(9) Article 12 is replaced as follows <u>by the following</u> :	(9) Article 12 is replaced as follows <u>by the following</u> : Sequence 9
Article 1, first paragraph, point (9), amending provision, first paragraph				
216	Article 12		Article 12	Article 12 Sequence 9
Article 1, first paragraph, point (9), amending provision, second paragraph				
217	Transmission of data for surveillance operations		Transmission of data for surveillance operations	Transmission of data for surveillance operations

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 9
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.	"	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, <u>when necessary</u> for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.	Flexibility to support text along the following lines (exact wording still to be developed): Data from the vessel monitoring system(s), the automatic identification <u>For the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement, data from the vessel monitoring system(s)</u> 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>in accordance with applicable Union and national law.</u> for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement. Sequence 9

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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 and the duration of the fishing trip ;	(e) the date and time of departure from, and of arrival to, port and the duration of the fishing trip ; Sequence 9 Sequence 7
NOTE: Row 229a is not included in this Table, as the co-legislators will only discuss the topic of exemptions from the obligation to use VMS at a later point in time.				
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:	(43) Article 50 is replaced by the following: Sequence 9
Article 1, first paragraph, point (43), amending provision, first paragraph				
501	Article 50		Article 50	Article 50 Sequence 9
Article 1, first paragraph, point (43), amending provision, second paragraph				
502	Control of fishing restricted areas	Control of fishing restricted areas	Control of fishing restricted areas	Control of fishing restricted areas

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<u>and marine protected areas</u> EP AM 145, EX AMs 604 (S&D) and ENVI 60		Sequence 9 "
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 areas</u> under its jurisdiction or sovereignty. EP AM 146, EX AMs 606 (S&D) and ENVI 61	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.	Defend GA. Sequence 9
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</u>	In order to achieve a compromise, revert from GA and accept original COM proposal. Note: no substantive change, as flag Member States may in any case only carry out actions that are

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		EP AM 147, EX AM 608 (S&D)	<u>under international law.</u>	permitted under international law, even if the control regulation imposes obligations. Sequence 9
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: EP AM 148, EX AMs 612 (S&D) and ENVI 63	3. Transit through a fishing restricted area is allowed for all fishing <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:	Accept the following COM proposal, as modified by the Presidency (modification underlined): Commission's Proposal 15.06.2022 3. Union <u>and third country</u> catching vessels that are not authorised to conduct fishing activities in fishing restricted areas may only transit through such areas subject to the following conditions: Sequence 9
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 gears <u>fishing gear</u> carried on board are <u>is</u> lashed and stowed during the transit; and	Defend GA. Sequence 9

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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 ease <u>cases</u> of force majeure or adverse <u>conditions</u> . 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>	Defend GA as regards the addition of “the transit is continuous”, but flexibility to accept the term “distress” as in other provisions/rows and as proposed by COM (see proposal below). <u>Commission's Proposal 15.06.2022</u> <u>(b) the speed during transit is not less than six knots except in cases of force majeure or distress. 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; and</u> <u>Sequence 9</u>
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 in <u>accordance with</u> <u>as referred to in</u> Article 9 is functioning-	Defend GA. <u>Sequence 9</u>
Article 1, first paragraph, point (43), amending provision, third paragraph				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
508a			<u><i>The frequency of transmission of the vessel position data shall be of at least once every 30 minutes.</i></u>	Flexibility to accept setting the frequency of transmission of the vessel position data in an implementing act. Commission's Proposal 15.06.2022 [Frequency to be set in an implementing act according to row 197] Sequence 9
Article 1, first paragraph, point (43), amending provision, numbered paragraph (3b)				
508b				Flexibility to accept the following COM proposal: COM proposal of 15.6.22 4. Paragraph 3 shall apply only insofar as the relevant restriction or prohibition of all or certain fishing activities in fishing restricted areas are in force. Sequence 9

Sequence 10 (“Enforcement, infringements and sanctions”)

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency’s suggested way forward
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> and 34 are inserted:	(k) the following points 33 are added: <u>Sequence 10</u>
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;	Flexibility to accept replacing the term “fishing vessel” by “catching vessel”. 33. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel; <u>Sequence 10</u>
Article 1, first paragraph, point (1)(ke)				
153h		<u>(ke) the following point is added:</u>		Reject the EP amendment. Linked to row 847.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>34e. 'sensitive habitat' means a sensitive habitat as defined in Article 6 of Regulation (EU) 2019/1241;</u></p> <p>EP AM 54, EX AM 212 (S&D)</p>		Sequence 10
Article 1, first paragraph, point (3), amending provision(3)				
160	<p>3. The flag Member State shall 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.</p>	<p>"</p> <p>3. The flag Member State shall suspend temporarily the fishing licence of <u>aan owner, operator or vessel</u> which is subject to temporary immobilisation decided<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. During the period of suspension, neither the vessel nor the licence may be sold, rented or transferred.</u>"</p> <p>EP AM 55, EX AMs 215 (EPP) and 214 (S&D)</p>	<p>3. The flag Member State shall 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.</p>	<p>Defend GA. Linked to row 903c.</p> <p>Sequence 10 Sequence 1 Sequence 3</p>
Article 1, first paragraph, point (3), amending provision(4)				
161				Defend GA.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	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 or which has had its fishing authorisation withdrawn in accordance with Article 91b.	Deletion of last part of sentence in GA is linked to row 903c. Sequence 3 Sequence 10
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, 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." "	Agreed (in line with revised mandate of 17.6.2022. Note that the wording will be adjusted after final agreement on Article 90). 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." Sequence 10 Sequence 6
Article 1, first paragraph, point (60), amending provision(1), second subparagraph				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
755	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.	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. EP AM 231, EX AM 848 (Renew)	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 ⁴ serious infringements. <u>1. A recital will explain that the term 'detected' was introduced in various 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>	GA accepted. 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 ⁴ serious infringements. Sequence 10 Sequence 6
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:	(62) the heading of Chapter III is replaced by the following: Sequence 10
Article 1, first paragraph, point (62), amending provision, first paragraph				
791				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	Proceedings in the event of an infringement		Proceedings in the event of an infringement	Proceedings in the event of an infringement " Sequence 10
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:	(63) Article 82 is replaced by the following: Sequence 10
Article 1, first paragraph, point (63), amending provision, first paragraph				
793	Article 82		Article 82	Article 82 Sequence 10
Article 1, first paragraph, point (63), amending provision, second paragraph				
794	Duties of officials in the event of an infringement		Duties of officials in the event of an infringement	Duties of officials in the event of an infringement Sequence 10
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		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	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

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	common fisheries policy has been committed, the official shall:		common fisheries policy has been committed, the official shall:	common fisheries policy has been committed, the official shall: Sequence 10
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;	(a) note the detected infringement in the inspection report; Sequence 10
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;	(b) take all necessary action <u>actions</u> to ensure safekeeping of the evidence pertaining to such detected infringement; Note: only linguistic correction. Sequence 10
Article 1, first paragraph, point (63), amending provision(1)(c)				
798	(c) immediately forward the inspection report to his competent authority;		(c) immediately forward the inspection report to his competent authority;	(c) immediately forward the inspection report to his <u>the</u> competent authority; Note: only linguistic change. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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.	(d) inform the natural or legal person suspected of having committed the infringement or which <u>that</u> 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 <u>That notification</u> shall be noted in the inspection report. " Note: only linguistic improvement of the text. Sequence 10
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. In case of a detected serious infringement, officials shall be able remain on board a fishing vessel until <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 has been carried out <u>in particular in case of a detected serious infringement.</u>	In view of a compromise, support the following text: 2. Officials may remain on board a fishing vessel until the necessary steps have been taken in relation to the investigation as referred to in Article 85. The same shall apply, mutatis mutandis, to inspections carried out on any premises where fishery or aquaculture products are landed, stored, processed or marketed, as well

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			"	as to inspections during the transport of those products. Where the inspection is carried out in respect of a vehicle used for transporting fishery or aquaculture products, the vehicle may not be authorised to continue until the necessary steps have been taken in relation to the investigation as referred to in Article 85. Sequence 10
Article 1, first paragraph, point (64)				
801	(64) Article 84 is deleted.		(64) Article 84 is deleted.	(64) Article 84 is deleted. Sequence 10
Article 1, first paragraph, point (65), first subparagraph, introductory part				
802	(65) In Title VII, the words:		(65) In Title VII, the words:	(65) In Title VII, the words: Sequence 10
Article 1, first paragraph, point (65), first subparagraph, amending provision, first paragraph				
803	" CHAPTER IV		" CHAPTER IV	" CHAPTER IV Sequence 10
Article 1, first paragraph, point (65), first subparagraph, amending provision,				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
second paragraph				
804	Proceedings of infringements detected in the course of inspections "		Proceedings of infringements detected in the course of inspections "	Proceedings of infringements detected in the course of inspections " Sequence 10
Article 1, first paragraph, point (65), second subparagraph				
805	are deleted.		are deleted.	are deleted. Sequence 10
Article 1, first paragraph, point (66), introductory part				
806	(66) Articles 85 and 86 are replaced by the following:		(66) Articles 85 and 86 are replaced by the following:	(66) Articles 85 and 86 are replaced by the following: Sequence 10
Article 1, first paragraph, point (66), amending provision, first paragraph				
807	" Article 85		" Article 85	" Article 85 Sequence 10
Article 1, first paragraph, point (66), amending provision, second paragraph				
808				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	Proceedings		Proceedings	Proceedings Sequence 10
Article 1, first paragraph, point (66), amending provision(1)				
809	<p>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.</p>		<p>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> competent Member State shall immediately <u>proceed with the</u> 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 <u>competent authorities of Member States</u> to believe that an infringement of the rules of the common fisheries policy, has been committed.</p>	<p>Flexibility to accept the following text with a small linguistic correction:</p> <p>1. Without prejudice to Article 72, Article 83(2) and Article 86, <u>the</u> competent <u>authorities of the</u> Member State<u>States</u> shall <u>take appropriate measures in accordance with Title VIII and</u> immediately carry out an<u>proceed with the</u> 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 the competent authorities of <u>the competent authorities of</u> Member States' competent authorities to believe that an infringement of the rules of the common fisheries policy, has been committed.</p> <p>Sequence 10</p>

		2018/0193 (COD)		
	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
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 as provided in <u>in accordance with</u> Article 91.	GA accepted. 2. <u>In case of serious infringement</u> , Member States shall take <u>appropriate</u> immediate measures as provided in <u>in accordance with</u> Article 91. Sequence 10
Article 1, first paragraph, point (66), amending provision, fifth paragraph				
811	Article 86		Article 86	Article 86 Sequence 10
Article 1, first paragraph, point (66), amending provision, sixth paragraph				
812	Transfer of proceedings		Transfer of proceedings	Transfer of proceedings Sequence 10
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		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	Support the following text (improvement by lawyer-linguists): 1. The Member State in the territory or waters of which an infringement has been detected may transfer proceedings relating

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	Member State or the Member State of which the 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.		Member State or the Member State of which the offender holds the citizenship <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> .	to that infringement to the competent authorities of the flag Member State or the Member State of which the offender holds the citizenship, with the person <u>suspected of having committed an infringement is a national, in agreement ofwith</u> the Member State concerned and on <u>the</u> condition that the transfer is more likely to achieve the result referred to in Article 89 <u>a(2)</u> . Sequence 10
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. "		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> . "	2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the Member State which has detected the <u>that</u> infringement, with the <u>in</u> agreement of <u>with</u> the Member State concerned and on <u>the</u> condition that the transfer is more likely to achieve the result referred to in Article 89 <u>a(2)</u> . Note: only linguistic changes. "

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
Article 1, first paragraph, point (67)				
815	(67) Articles 87 is deleted.		(67) Articles 87 is deleted.	(67) Articles 87 is deleted. Sequence 10
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:	(68) Article 88 is replaced by the following: Sequence 10
Article 1, first paragraph, point (68), amending provision, first paragraph				
817	" Article 88		" Article 88	" Article 88 Sequence 10
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	Corrective measures in the absence of proceedings by the Member State of landing or transshipment Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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.	Flexibility to accept the following text in order to align with row 821: 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, discarded , 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. Sequence 10
Article 1, first paragraph, point (68), amending provision(2)				
820	2. After consulting the flag Member State or the Member State of landing or transshipment, the Commission shall, by means of implementing acts, decide on the quantities of fish to be set against		2. After consulting the flag Member State or the Member State of landing or transshipment, The Commission shall, by means of implementing acts, decide on the quantities of fish to be set against	GA accepted. 2. After consulting the flag Member State or the Member State of landing or transshipment, The Commission shall, by means of implementing acts, decide on the quantities of fish to be set against

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	the quota of the Member State of landing or transshipment after the Commission has consulted the two Member States concerned.		the quota of the Member State of landing or transshipment after the Commission has consulted the two Member States concerned.	the quota of the Member State of landing or transshipment after the Commission has consulted the two Member States concerned. Sequence 10
Article 1, first paragraph, point (68), amending provision(3)				
821	3. If the Member State of landing or transshipment 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. "	3. If the Member State of landing or transshipment 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 transshipment 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. "	Support EP amendment: 3. If the Member State of landing or transshipment 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. "
		EP AM 240, EX AM 882 (Greens/EFA)		Sequence 10
Article 1, first paragraph, point (69), introductory part				
822	(69) Title VIII is replaced by the		(69) Title VIII is replaced by the	(69) Title VIII is replaced by the

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	following:		following:	following: Sequence 10
Article 1, first paragraph, point (69), amending provision, first paragraph				
823	" TITLE VIII		" TITLE VIII	" TITLE VIII Sequence 10
Article 1, first paragraph, point (69), amending provision, second paragraph				
824	ENFORCEMENT		ENFORCEMENT	ENFORCEMENT Sequence 10
Article 1, first paragraph, point (69), amending provision, third paragraph				
825	Article 89		Article 89	Article 89 Sequence 10
Article 1, first paragraph, point (69), amending provision, fourth paragraph				
826	Measures to ensure compliance		Measures and sanctions to ensure compliance	GA accepted. Measures and sanctions to ensure compliance Sequence 10
Article 1, first paragraph, point (69), amending provision(1)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
827	<p>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 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.</p>	<p>"</p> <p>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 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. <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>EP AM 241, EX CA 19A</p>	<p>1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall <u>Member States shall, in conformity with their national law and with the provisions of this Regulation,</u> lay down rules on 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 a breach of the rules of the common fisheries policy. <u>Member States shall ensure that those measures and sanctions can be applied.</u></p>	<p>Flexibility to accept the following text:</p> <p>In conformity with their national law and with the provisions of this Regulation, Member States shall lay down rules on measures and sanctions against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy, and shall systematically:</p> <p>(a) initiate proceedings in accordance with Article 85 of this Regulation;</p> <p>(b) take appropriate measures when an infringement is detected; and</p> <p>(c) apply sanctions under this Title against the natural or legal persons having committed or held liable for a breach of the rules of the common fisheries policy.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, numbered paragraph (1a)				
827a				Accept the following text with a minor correction (underlined) to respond to a concern by MS:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				<p>COM proposal of 8.9.22</p> <p>2 The competent authorities of the Member State having jurisdiction in the event of an infringement shall, without delay and in compliance with their national law, notify the flag Member State, the Member State of which the offender is a national, or any other Member State relevant for the administrative or criminal proceedings, of such proceedings or other measures taken under this Title.</p> <p>Sequence 10</p>
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 ... [24 36 months from date of entry into force of the present <u>this</u> Regulation], notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof.	<p>To be discussed later, together with other rows on entry into force/start of application.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, seventh paragraph				
829				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	Article 89a		Article 89a	Article 89a Sequence 10
Article 1, first paragraph, point (69), amending provision, eighth paragraph				
830	Sanctions		Sanctions	Sanctions Sequence 10
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. EP AM 242, EX CA 19B	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>	GA accepted (with minor linguistic improvement); 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 <u>subject to</u> effective, proportionate and dissuasive administrative sanctions. <u>Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.</u> Sequence 10
Article 1, first paragraph, point (69), amending provision(2)				
832	2. Member States shall ensure that		2. Member States shall ensure that	Flexibility to accept the following COM proposal:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	<p>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 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.</p>		<p>the overall level of sanctions and accompanying sanctions set <u>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 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.</p>	<p>COM proposal of 8.9.22</p> <p>2. Member States shall ensure that the overall level of sanctions and accompanying sanctions applied in accordance with this Regulation and the relevant provisions of national law is proportionate to the seriousness of infringements and adequate in severity to effectively discourage further infringements and deprive those responsible of the economic benefit derived or expected from their infringement without prejudice to the legitimate right to exercise their profession. For the purpose of the first subparagraph, account shall be taken of immediate enforcement measures taken pursuant to Article 91.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(3)				
833	<p>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</p>	<p>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</p>	<p>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 level of environmental damage done, the value of the prejudice <u>damage</u> to</p>	<p>Flexibility to support the following COM proposal, which merges GA and EP amendments:</p> <p>COM proposal of 8.9.22</p> <p>3. When determining these sanctions the Member States shall take into</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	resources, the nature and extent of the infringement, its duration or repetition, or the accumulation of simultaneous infringements.	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> EP AM 243, EX AM 892 (EPP)	the fishing resources, the nature and extent of the infringement and <u>the marine environment concerned</u> , - its duration or repetition, or the accumulation of simultaneous infringements.	account, in particular, the gravity, nature and extent of the infringement, including the prejudice or the level of the damage to the fishing resources, and the marine environment concerned, its duration or repetition, and the accumulation of simultaneous infringements. Member States may also take into account the economic situation of the offender to ensure the dissuasiveness of these sanctions. Sequence 10
Article 1, first paragraph, point (69), amending provision(4)				
834	4. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement.	4. Member States may <u>shall</u> apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement. <u>taking into account the seriousness of the offence.</u> EP AM 244, EX CA 19C	4. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing <u>derived or expected from</u> the infringement.	Flexibility to support the following COM proposal: COM proposal of 8.9.22 4. Member States may apply a system whereby a financial penalty is proportionate to the turnover of the legal person, or to the economic benefit derived or expected from the infringement. Sequence 10
Article 1, first paragraph, point (69), amending provision, numbered paragraph (4a)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
834a		<p><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></p> <p>EP AM 245, EX AM 897 (EPP)</p>		<p>Reject the EP amendment, but flexibility to agree to a solution recalling the <i>ne bis in idem</i> principle, e.g. in a recital.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, thirteenth paragraph				
835	Article 90		Article 90	<p>Article 90</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, fourteenth paragraph				
836	Serious infringements		Serious infringements	<p>Serious infringements</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(1)				
837	1. For the purpose of this Regulation 'serious infringement' means any serious infringement listed in paragraph 2 or considered as serious pursuant to paragraph 3.		1. For the purpose of this Regulation 'serious infringement' means <u>any-serious</u> infringement listed in paragraph 2 or considered as serious pursuant to paragraph 3.	<p>1. For the purpose of this Regulation 'serious infringement' means <u>any-serious</u> infringement listed in paragraph 2 or considered as serious pursuant to paragraph 3.</p> <p>Sequence 10</p>

		2018/0193 (COD)		
	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (69), amending provision(2), introductory part				
838	2. The following activities shall constitute serious infringements:		2. <u>Any of</u> the following activities shall constitute <u>a</u> serious infringements <u>infringement</u> .	GA accepted: 2. <u>Any of</u> the following activities shall constitute <u>a</u> serious infringements <u>infringement</u> . Sequence 10
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		(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or	Flexibility to accept text along the following lines (exact wording to be adjusted): Note: the proposed text has not been modified compared to REV 1. “fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State, <u>except where a request for a licence, authorisation or permit is pending and it is subsequently granted [or/and] where a request for a permit is submitted within two working days of the infringement and that permit for the fishery concerned is granted and provided that the same infringement was not committed in the previous 12 months;</u> ”

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Linked to 856b. Sequence 10
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 of fishing vessel or fishing gear , identity or registration of a fishing vessel; or	(b) falsifying or concealing markings of fishing vessel or fishing gear , identity or registration of a fishing vessel; or Sequence 10
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, or disposing of, evidence relating to an investigation; or	(c) concealing, tampering with, or disposing of, evidence relating to an investigation; or Sequence 10
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</u>	(d) obstructing the work of officials or observers, in the exercise of their duties; or	Reject the EP amendment. Sequence 10

		2018/0193 (COD)		
	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
		<u>danger to the safety of the crew</u> ; or EP AM 246, EX AM 902 (Greens/EFA)		
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; or	(e) transhipping without the required authorisation or where such transhipment is prohibited; or Sequence 10
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, including rules or the applicable conservation and management measures adopted by regional fisheries management organisations; or that are implemented in Union law;	Support the following Presidency proposal: (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; Sequence 10
Article 1, first paragraph, point (69), amending provision(2)(g)				
845				Defend GA.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	(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, or conducting transfer operations with, participating in joint fishing operations with, <u>or</u> 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	Sequence 10
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</u>	(h) being involved <u>participating</u> 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 <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 Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a vessel	Flexibility to accept text along the following lines in order to allow reaching a compromise with the EP (the proposal is largely based on a new Commission proposal): (h) being involved <u>participating</u> in the operation, management, ownership, including as beneficial owner as set out in Article 3(6) of Directive (EU) 2015/849* , of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those <u>supplying services, including</u>

Commission Proposal		EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>engaging in IUU fishing including as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers</u>; or</p> <p>EP AM 247, EX AMs 905 (Greens/EFA) and ENVI 94</p>	<p>engaged in IUU fishing; or</p>	<p>logistic, insurance and other financial services, to operators connected to, a vessel listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a vessel engaged in IUU fishing; or</p> <p>* Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).</p> <p>Sequence 10</p>
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,	(i) fishing in a restricted or closed area, or a fish stock recovery area,	(i) fishing in a restricted or closed area, or a fish stock recovery area,	Linked to row 848 and the flexibility regarding the definition in row 142 of Sequence 9.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	or during a closed season, or without or after attainment of a quota or beyond a closed depth; or	or during a closed season, or without or after attainment of a quota or beyond a closed depth <u>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 Council¹ or Council Directive 92/43/EEC²</u> ; or <u>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).</u> <u>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).</u> EP AM 248, EX AMs 907 (Greens/EFA), 908 (EPP), 909 (S&D) and ENVI 95	or during a closed season, or without or after attainment of a quota or beyond a closed depth; or	Flexibility to accept the COM proposal: (i) <u>carrying out fishing activities in contravention of the rules applicable in a fishing restricted area;</u> Note: GA in row 848 has been considered too restrictive and drafting too complex. Linked to sequence 9 Sequence 10
Article 1, first paragraph, point (69), amending provision(2)(j)				
848	(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) engaging in directed <u>conducting</u> fishing; retaining on board, transshipping, transferring or landing activities <u>directed at</u> species which are subject to a moratorium, a closed	(j) engaging in directed fishing, retaining on board, transshipping, transferring or landing <u>fishing prohibited species, species subject to catch limits for which the operator does not have a quota or</u>	Defend GA, but flexibility to align the wording and amend last part according to the proposed way forward in row 847. Linked to sequence 9

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		season or for which fishing is prohibited, <u>or retaining on board, transhipping or landing such species</u> ; or EP AM 249, EX AM 912 (EPP)	<u>does not have access to the quota of the flag Member State, species which are whose quota is exhausted, or species</u> subject to a <u>fishing moratorium, a temporary prohibition or</u> closed season, <u>except accidental catches, or conducting fishing operations in closed areas</u> or for which <u>fishing is prohibited; or are closed for the purpose of protection or recovery of fishery resources, or in unauthorized depths;</u>	Sequence 10
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> EP AM 250, EX AM 914 (Renew)		Reject EP amendment. Sequence 10
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 international law; or		(k) <u>being a operating, managing or owning a fishing</u> vessel with <u>having</u> no nationality and therefore a stateless vessel, in accordance with international law;	(k) <u>being a operating, managing or owning a fishing</u> vessel with <u>having</u> no nationality and therefore a stateless vessel, in accordance with international law;

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			or	or Sequence 10
Article 1, first paragraph, point (69), amending provision(2)(l)				
850	(l) using prohibited fishing gear; or		(l) using prohibited fishing gear; or <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>	Agree to the following Presidency proposal: (l) using prohibited fishing gear; or <u>or methods, as referred to in Article 7 of Council Regulation (EU) 2019/1241 or any other equivalent rules of the common fisheries policy;</u> Proposal for a recital: "Serious infringements should include [...] using prohibited fishing gear or methods as referred to in Article 7 of Council Regulation (EU) 2019/1241 or in any other equivalent rules of the CFP that contain similar general prohibitions to use certain fishing gear or methods". Note: This exact text of such recital will later need to be adjusted to fit into the broader recital(s) explaining the amended serious infringement provisions.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
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		(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	Defend GA (linked to row 865c and 865d). Sequence 10
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, when the operation has taken place outside the Union waters; or		(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, when the operation has taken place outside the Union waters; or	Defend GA (linked to row 857). Sequence 10
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		(o) falsifying documents, data or information or using of falsified or invalid documents, data or information required under	Flexibility to accept the following text, which responds to EP and Council concerns/preferences. It was preferred to further develop the relevant paragraph rather than

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or		<p><u>referred to in</u> the rules of the common fisheries policy; including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or</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 documents in paper and electronic form.</u></p>	<p>having a recital.</p> <p>“(o) falsifying documents, information or data, written on paper or stored in electronic form, referred to in the rules of the common fisheries policy.”</p> <p>Sequence 10</p>
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		<p>(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</p>	<p>Defend GA (linked to 865d).</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(2)(q)				
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		<p>(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</p>	<p>Linked to row 865b.</p> <p>Flexibility to revert to original COM proposal, while keeping a modified row 865b. Overall, the Presidency suggests splitting between two types of</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	engine certificate.		engine certificate.	<p>infringements: manipulating an engine and using a manipulated engine, like what the GA proposed for falsified documents (see rows 853 and 856a).</p> <p>Reject the following COM proposal:</p> <p>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, <u>or manipulating tampering with a vessel monitoring system, automatic identification system, remote electronic system, weighing system, or an element thereof.</u></p> <p>Sequence 10</p>
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>		<p>Reject EP amendment. See row 865e.</p> <p>Sequence 10</p>


		2018/0193 (COD)		
	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
		EP AM 251, EX ENVI 99		
855b				<p>Flexibility to accept a serious infringement related to the violation of the fundamental rights referred to in the following COM proposal, provided that they are sufficiently defined.</p> <p>(r) Conducting fishing activities in breach of essential and fundamental elements of human rights, as laid down by Articles 4, 5 and 32 of the Charter of Fundamental Rights of the European Union.</p>
Article 1, first paragraph, point (69), amending provision(3), introductory part				
856	<p>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:</p>		<p>3. The following activities shall constitute serious infringements depending on the gravity of the infringement in question which shall be determined by <u>where</u> the competent authority of the Member State concerned taking into account one or more <u>determines that at least one</u> of the alternative criteria defined in <u>Annex IV is met</u> accordance with Annex IV:</p>	<p>GA accepted (with only a minor linguistic change):</p> <p>3. The following activities shall constitute serious infringements depending on the gravity of the <u>serious</u> infringement in question which shall be determined by <u>where</u> the competent authority of the Member State concerned taking into account one or more <u>determines that at least one</u> of the</p>


	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				alternative criteria defined in <u>Annex IV is met</u> accordance with Annex IV : Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(aa)				
856a			<u>(aa) using falsified or invalid documents¹ referred to in the rules of the common fisheries policy;</u> <u>1. 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>	Flexibility to accept the following text (for an explanation, see above, row 853): “(aa) using falsified or invalid documents, information or data, written on paper or stored in electronic form, referred to in the rules of the common fisheries policy.” Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(ab)				
856b			<u>(ab) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;</u>	Withdraw GA. Linked to row 839. See proposed way forward in row 839. Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(ac)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
856c			<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>	Linked to row 842. Withdraw GA (EP and COM insist that there is no or hardly any difference between rows 842 and 856c). <u>Sequence 10</u>
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 notices, as required under the rules of the common fisheries policy; or		(a) not fulfilling of obligations to accurately record, <u>store</u> and report data relating to fishing activities, including data to be transmitted by vessel monitoring system <u>and systems , as well as data with regard to</u> prior notices, <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; or	Defend GA a regards the text of the paragraph. Flexibility to accept a small modification of criterion (c) related to that paragraph 9 (bold text): c. interference with the installation or functioning of the vessel monitoring system, automatic identification system, logbook, REM, weighing system , continuous engine power monitoring device or any other applicable monitoring system of the Member State, including its switch off, except where authorised by the fisheries monitoring centres;

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
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		(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	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(c)				
859	(c) using non-compliant fishing gear; or		(c) using non-compliant fishing gear; or	Defend GA. Sequence 10
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 gears <u>gear or obligations related to technical measures and the</u>	(d) not fulfilling obligations related to the <u>characteristics or</u> use of fishing gears as set in gear, <u>acoustic deterrent devices.</u>	Accept the following COM proposal, but flexibility to align reference to sensitive species in line with text in row 240a and to modify exact wording. d) not fulfilling obligations related to the <u>characteristics or</u> use of fishing gears as set in gear,

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>protection of the marine environment</u> as set in the rules of the common fisheries policy <u>and, in particular, obligations related to the implementation of measures to reduce incidental catches of sensitive species</u>; or</p> <p>EP AM 252, EX AM 925 (The Left)</p>	<p><u>selectivity or 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; or</p>	<p><u>acoustic deterrent devices, selectivity or 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, unless the serious infringement is a serious infringement under paragraph 2; <u>in the case where those activities are not considered as serious infringement under paragraph 2</u>; or</p> <p>(For information: Text in row 240a is as follows:</p> <p>3a. In the case of the catches of sensitive species referred to in Article 10(1), Article 10(2) and Article 11(1) of Regulation (EU) 2019/1241, the information referred in paragraph 2(h) shall also contain the quantities in kilogram live-weight or in number of individuals, of the catches injured, dead or released alive.)</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				<p>Flexibility to accept the COM proposal for the criteria in Annex IV related to this infringement, but flexibility to further engage in discussions and find a solution on the best terminology for the concepts of “confirmed/sanctioned” infringements:</p> <ul style="list-style-type: none"> a. the infringement is related to with marking and identification of passive fishing gear and fishing aggregating devices; <ul style="list-style-type: none"> <i>aa. the required number of acoustic deterrent devices is not used or more than 10 % of the required acoustic deterrent devices used are not properly functioning;</i> b. the number of unauthorised passive fishing gear and fishing aggregating devices exceeds 20 % of the authorised number <u>of such gear or devices</u>; c. the size of the whole or part of the active fishing

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				<p>gear exceeds 20% the authorised dimension <u>of such gear by 20 %</u>;</p> <p>d. the selectivity of the fishing gear is reduced by 3mm or 5%, whichever is greater, in particular with regard to mesh size, yarn diameter, hook size or other methods or devices related to with the selectivity of the fishing gear;</p> <p>e. the equipment on board for grading, water separation is used for species subject to fishing opportunities, multiannual plans, inspection and control plans or landing obligations; or</p> <p>f. failure to respect restrictions relating to distances and depths; or</p> <p>g. the same infringement has been sanctioned/confirmed as a serious infringement in the preceding 12 months.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (69), amending provision(3)(e)				
861	(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		(e) failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any <i>undersized catches in contravention of the legislation in force or</i> catches of species subject to the landing obligation <i>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</i> <u>undersized catches, in breach of</u> the rules of the common fisheries policy <i>inapplicable to</i> fisheries or fishing zones <i>where such rules apply; or</i>	Defend GA. <u>Sequence 10</u>
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		(f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in	Flexibility to accept the following proposal, and to further engage in discussions and find a solution on the best terminology for the

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	<p>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</p>		<p>contravention of₂ the conservation and management measures of that organisation <u>implemented in Union law</u> in the case where these<u>those</u> activities are not considered as serious infringement under paragraph 2 <u>or under other points</u> of this Article<u>paragraph</u>; or</p>	<p>concepts of “confirmed/sanctioned” infringements:</p> <p>(f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with₂ or in contravention of₂ applicable conservation and management measures of that organisation <u>implemented in Union law unless the serious infringement is a serious infringement under paragraph 2</u> in the case where these<u>those</u> activities are not considered as serious infringement under paragraph 2 <u>or under other points</u> of this Article<u>paragraph</u>; or</p> <p>Criteria in Annex IV (see doc. 10406/21 ADD3 REV1 for Annex IV):</p> <ul style="list-style-type: none"> (a) qualified as a serious infringement under applicable rules of a regional fisheries management organisation that are binding on the Union; or (b) the same infringement has

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				been <i>sanctioned/confirmed</i> as a serious infringement in the preceding 12 months. Sequence 10
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 <i>or aquaculture</i> products in breach of the rules of the common fisheries policy in the case where this activity is <i>those activities are</i> not considered as serious infringement under paragraph 2 of this Article; or	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(h)				
864	(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 <i>the</i> rules of the common fisheries policy or selling of catches <i>the sale of fishery products</i> from recreational fisheries; or	Linked to row 519. Support the following text to improve the wording and clarify the scope: (h) conducting recreational fishing activities in breach of <i>the</i> rules of the common fisheries policy or selling of catches <i>marketing and selling of fishery products</i> from recreational fisheries; or

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
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> multiple infringements which together constitute a serious disregard of the rules of the common fisheries policy.	Flexibility to accept the following proposal as regards a paragraph and linked criteria for Annex IV, which takes into account the GA and responds to concern of MS: (i) committing multiple infringements of the rules of the common fisheries policy. Criteria in Annex IV: committing three or more simultaneous infringements referred to in Article 90(3), detected in the course of the same inspection, surveillance or investigation, and which are not individually considered as serious. Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(j)				
865a			<u>(i) conducting any of the activities referred to in point (g) of</u>	Defend GA, with flexibility to adjust the language in the criteria set out in Annex IV.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			<u>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>	Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(k)				
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>	Linked to row 855. Support the following text: <u>(k) 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> Sequence 10
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>	Sequence 10
Article 1, first paragraph, point (69), amending provision(3)(m)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
865d			<p><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></p>	<p>Defend GA.</p> <p>Reject (new) COM proposal for criterion (e) in Annex IV (see doc. 10406/21 ADD3 REV1 for Annex IV) and flexibility to further engage in discussions and find a solution on the best terminology for the concepts of “confirmed/sanctioned” infringements.</p> <ul style="list-style-type: none"> a. in case all legally required documents were not produced; b. cases where import has been refused under Article 18 of Regulation (EC) No 1005/2008; c. importing without complying with Article 16 of Regulation (EC) No 1005/2008 (submission of catch certificates to competent authorities); d. the vessel is included in the IUU vessel list of the Union or of a regional fisheries management organisation; or e. <u>the business activity concerns fishery</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				<p><i><u>products which were caught or produced committing a serious infringement;</u></i></p> <p>f. the same infringement has been sanctioned <i>confirmed</i> as a serious infringement in the preceding 12 months.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(3)(ie)				
865e				<p>Linked to row 855a</p> <p>Support COM proposal for a new paragraph and linked criteria in Annex IV, as slightly amended by the Presidency in response to concerns of MS:</p> <p>COM proposal of 8.9.22</p> <p>(n) illegally disposing of a fishing gear or a gear at sea from a fishing vessel.</p> <p>Annex IV Criteria</p> <p>(a) The disposal is deliberate and results or is likely to result in serious damage to the marine environment,</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				<p>including to marine biological resources and marine ecosystems; (b) The disposal is deliberate and occurs in a fishing restricted area; or (c) The disposal is deliberate and concerns a fishing gear that is prohibited under Article 7(1)(a), (b), (c), (d) and (g) of Regulation (EU) 2019/1241.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, numbered paragraph (3a)				
865f		<p><u><i>3a. The Commission shall publish, prior to implementation of the provisions on sanctions, guidelines 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.</i></u></p> <p>EP AM 253, EX AM 80 (Rapporteur)</p>		<p>Reject EP amendment.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, numbered paragraph				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
(3b)				
865g		<p><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></p> <p>EP AM 254, EX AM 932 (Renew)</p>		<p>Reject EP amendment. Linked to row 865f.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision, numbered paragraph (3c)				
865h				<p>Flexibility to accept a provision along the following lines (COM proposal), provided that the scope of delegated powers is circumscribed in more detail.</p> <p>COM proposal of 8.9.22</p> <p>(4) The Commission shall be empowered to adopt delegated acts in accordance with Article 119a to amend Annex IV of this Regulation.</p> <p>Note: Annex VI contains the exact criteria for each infringement under Article 90(3).</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
Article 1, first paragraph, point (69), amending provision, eighteenth paragraph				
866	Article 91		Article 91	Article 91 Sequence 10
Article 1, first paragraph, point (69), amending provision, nineteenth paragraph				
867	Immediate enforcement measures for serious infringements		Immediate enforcement measures for serious infringements	Immediate enforcement measures for serious infringements Sequence 10
Article 1, first paragraph, point (69), amending provision(1), introductory part				
868	1. 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 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:	1. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal <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> is <u>suspected of being</u> liable for such a serious infringement, Member States, in addition to the investigation of the infringement in	1. 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 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:	Defend GA, but flexibility to adjust wording as regards “suspected infringement”, if needed to reach a compromise. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p>accordance with the provisions of Article 85, shall immediately in conformity with their national law, take relevant and immediate measures such as:</p> <p>EP AM 255, EX CA 20</p>		
Article 1, first paragraph, point (69), amending provision(1)(a)				
869	(a) the immediate cessation of fishing activities;		(a) the <i>immediate</i> cessation of fishing activities;	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(b)				
870	(b) the immediate rerouting to a port;		(b) the <i>immediate</i> rerouting <u>rerouting of the fishing vessel</u> to a port;	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(c)				
871	(c) the rerouting of the transport vehicle to another location for inspection;		(c) the rerouting of the transport vehicle to another location for inspection;	(c) the rerouting of the transport vehicle to another location for inspection; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(d)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
872	(d) the ordering of a bond;		(d) the ordering of a bond;	(d) the ordering of a bond; Sequence 10
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;	(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; Sequence 10
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 ₁ or prohibition of ₁ the placing on the market of fisheries products;	(f) restriction to or prohibition of the placing on the market of fisheries products; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(g)				
875	(g) the temporary immobilisation of the fishing vessel or transport		(g) the temporary immobilisation of the fishing vessel or transport	(g) the temporary immobilisation of the fishing vessel or transport

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	vehicle concerned;		vehicle concerned;	vehicle concerned; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(h)				
876	(h) the suspension of the authorisation to fish;		(h) the suspension of the authorisation to fish;	(h) the suspension of the authorisation to fish; Sequence 10
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.	(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		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 <u>enable all the</u> necessary action to ensure be taken for ensuring safekeeping of the evidence pertaining to such suspected serious _infringement	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 <u>enable all the</u> necessary action to ensure be taken for ensuring safekeeping of the evidence pertaining to such suspected serious _infringement

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	to complete their investigation.		and to allow the competent authorities to complete their investigation.	and to allow the competent authorities to complete their investigation. Sequence 10
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 of the measures referred to in paragraph 1.		3. The Member State <i>concerned</i> shall immediately, and, in <i>compliance in conformity</i> with its procedures under national law, notify the flag State concerned of the measures referred to in paragraph 1.	3. The Member State <i>concerned</i> shall immediately, and, in <i>compliance in conformity</i> with its procedures under national law, notify the flag State concerned of the measures referred to in paragraph 1. Sequence 10
Article 1, first paragraph, point (69), amending provision, twenty-third paragraph				
880	Article 91a		Article 91a	Article 91a Sequence 10
Article 1, first paragraph, point (69), amending provision, twenty-fourth paragraph				
881	Sanctions for serious infringements		Sanctions for serious infringements	Sanctions for serious infringements Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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 lead <u>led</u> to obtaining fishery products, Member States shall impose fines for which: EP AM 256, EX AM 945 (EPP)	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 <u>it has led</u> to obtaining fishery products, Member States shall impose fin <u>es</u> for which: <u>administrative financial penalties.</u>	Defend GA, but flexibility to align the wording. Sequence 10
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 products obtained by committing the serious infringement, and	- the minimum shall be at least three times <u>twice</u> the value of the fishery products obtained by committing the serious infringement, and EP AM 257, EX AMs 947 (EPP), 948 (Renew) and 349 (EPP)	- the minimum shall be at least three times the value of the fishery products obtained by committing the serious infringement, and	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(1), first subparagraph				
884	- the maximum shall be at least		- the maximum <u>of which</u> shall be	Defend GA. - the maximum <u>of which</u> shall be

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	five times the value of the fishery products obtained by committing the serious infringement.		at least five times the value of the fishery products obtained by <u>from</u> committing the serious infringement.	at least five times the value of the fishery products obtained by <u>from</u> committing the serious infringement. Sequence 10 Text Origin: Council Mandate
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 any repeated serious infringement where the serious infringement leads <u>it has led</u> to obtaining fishery products within a three-year period, the Member States shall impose fines for which: <u>administrative financial penalties,</u>	Defend GA. Sequence 10
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		- the minimum shall be at least five times the value of the fishery products obtained by committing the serious infringement, and	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(2), first subparagraph				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
887	- the maximum shall be at least eight times the value of the fishery products obtained by committing the serious infringement.		- the maximum <i>of which</i> shall be at least eight times the value of the fishery products obtained <i>by from</i> committing the serious infringement.	Defend GA. Sequence 10
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. <i>The amounts referred to in paragraphs 1 and 2 shall be calculated on</i> <u>When calculating</u> the value of the fisheries <u>fishery</u> products <i>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</i> <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 <i>identified</i>	Defend GA. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			<i>on principal international markets relevant for the species and fishing area concerned shall be applicable and the higher price prevail of the <u>European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform, at the time when the infringement was committed.</u></i>	
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 fines <u>administrative financial penalties</u> 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 <u>ensuring that these penalties are effective, proportionate and dissuasive.</u>	Defend GA. <u>Sequence 10</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.¹</u>	Defend GA, but flexibility to withdraw the recital. <u>Sequence 10</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			<u>I. A recital will clarify how this provision can be implemented in Member States with specific legal systems.</u>	
Article 1, first paragraph, point (69), amending provision, numbered paragraph (4a)				
889b		<u>4a. In all cases, no more than one Member State may institute proceedings or impose sanctions for each act of infringement.</u> EP AM 258, EX AM 81 (Rapporteur)		Reject the EP amendment, but flexibility to agree to a solution recalling the <i>ne bis in idem</i> principle, e.g. in a recital. Sequence 10
Article 1, first paragraph, point (69), amending provision, twenty-ninth paragraph				
890	Article 91b		Article 91b	Article 91b Sequence 10
Article 1, first paragraph, point (69), amending provision, thirtieth paragraph				
891	Accompanying sanctions		Accompanying sanctions	Accompanying sanctions Sequence 10
Article 1, first paragraph, point (69), amending provision(1), introductory part				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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>1.</u> 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>1.</u> 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: Sequence 10
Article 1, first paragraph, point (69), amending provision(1)				
893	(1) the sequestration of the fishing vessel(s) involved in the infringement;		(1) the sequestration of the fishing vessel(s) involved in the infringement;	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(a)				
894	(2) the temporary immobilisation of the fishing vessel;		(2) <u>(a)</u> the temporary immobilisation of the fishing vessel (s) or vehicle(s) involved in the infringement;	Defend GA. Sequence 10
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;		(3) <u>(b)</u> the confiscation of the vessel(s), <u>vehicle(s)</u> , prohibited fishing gear, catches or fishery products;	Defend GA. (3) <u>(b)</u> the confiscation of the vessel(s), <u>vehicle(s)</u> , prohibited fishing gear, catches or fishery

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				products; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(c)				
896	(4) the suspension or withdrawal of the fishing license or fishing authorisation;		(4) (c) the suspension or withdrawal of the fishing license or fishing authorisation;	(4) (c) the suspension or withdrawal of the fishing license or fishing authorisation; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(d)				
897	(5) the reduction or withdrawal of fishing rights;		(5) (d) the reduction or withdrawal of fishing rights;	(5) (d) the reduction or withdrawal of fishing rights; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(e)				
898	(6) the temporary or permanent exclusion from the right to obtain new fishing rights;		(6) (e) the <i>temporary or permanent</i> exclusion from the right to obtain new fishing rights;	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(f)				
899				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	(7) the temporary or permanent ban on access to public assistance or subsidies;		(7) (f) the temporary or permanent ban on access to public assistance or subsidies;	Defend GA. Sequence 10
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;		(8) (g) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3)of Regulation (EC) No 1005/2008;	(8) (g) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3)of Regulation (EC) No 1005/2008; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(h)				
901	(9) the withdrawal of the ship certificate of national registry;		(9) (h) the withdrawal of the ship certificate off from the national registry <u>register</u> ;	Flexibility to accept the following COM proposal that improves the wording: COM proposal of 8.9.22 (9) the removal of the fishing vessel from the national register; Sequence 10
Article 1, first paragraph, point (69), amending provision(1)(i)				
902	(10) the temporary suspension of	(10) the temporary suspension of	(10) (i) the temporary suspension	Flexibility to accept the following text:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	the economic activity or its permanent cessation;	the <u>fishing-related</u> economic activity or its permanent cessation; EP AM 259, EX AM 957 (Renew)	of the economic activity or its permanent cessation;	(10) <i>the suspension or cessation</i> of all or part of the business activities of the operator concerned; Sequence 10
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.		(11)(i) the temporary or permanent withdrawal of the authorisation to engage in fish trade <u>trading</u> activities.	Support the following text: (11)(i) the temporary or permanent <u>suspension or</u> withdrawal of the authorisation to engage in fish trade <u>activities trading activities concerning fishery and aquaculture products</u> . Sequence 10
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>		Reject EP amendment. Sequence 10 Sequence 15

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		EP AM 260, EX AM 961 (EPP)		
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>	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision, thirty-first paragraph b				
903c				Support for the following Presidency proposal, linked to Article 6(3) and (4) (rows 160 and 161). Presidency proposal 29.7.2022 3. When a vessel is subject to an immobilisation under point (a) of paragraph 1 decided by its flag Member State or has its fishing authorisation suspended or withdrawn in accordance with point (c) of paragraph 1, the flag Member State shall suspend its fishing licence for the same duration or withdraw it. Sequence 10
Article 1, first paragraph, point (69), amending provision, thirty-second paragraph				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
904	Article 92		Article 92	Article 92 Sequence 10
Article 1, first paragraph, point (69), amending provision, thirty-third paragraph				
905	Point system for serious infringements		Point system for serious infringements	Point system for serious infringements Sequence 10
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 paragraph 1 points (k) and (p) and in paragraph (2) point (k) of paragraph 2 and points (g), (h), and (m) of paragraph 3 and (h) 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>	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(2)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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.	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. Sequence 10
Article 1, first paragraph, point (69), amending provision(3)				
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. While remaining attached to the <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, 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 <u>in the event of sale, transfer or any other change of ownership after the date of the infringement. Under no circumstances shall they be</u>	3. While remaining attached to the licence holder who sold the fishing vessel, points <u>The points assigned</u> shall also be assigned <u>be transferred</u> to any new <u>future</u> holder of the fishing licence for the fishing 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>	Flexibility to accept the following proposal (as amended by PSY: deletion of “also”): COM proposal of 8.9.22 The points assigned shall also be transferred to any future holder of the fishing licence for the catching vessel concerned where the vessel or the licence is sold, transferred or otherwise changes ownership after the date of the infringement, including to another Member State. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>assigned to the new holder of the fishing licence for the fishing vessel concerned.</u></p> <p>EP AM 261, EX AM 84 (Rapporteur)</p>		
Article 1, first paragraph, point (69), amending provision(4)				
909	<p>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.</p>	<p>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 document with the indication of date of assignment as well as the date of deletion of the assigned points.</u></p> <p>EP AM 262, EX AM 971 (S&D)</p>	<p>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 as a result of a serious infringement committed aboard the vessel under his or her command <u>by the master in accordance with Annex III.</u></p>	<p>Flexibility to accept the following COM proposal and reject the EP amendment:</p> <p>COM proposal of 8.9.22</p> <p>Member States shall also establish a point system under which the master of a vessel is assigned the same number of points as the holder of the fishing licence as a result of a serious infringement related to the vessel under his or her command, in accordance with Annex III.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(5)				
910	<p>5. When two or more serious infringements by the same natural or legal person holding the licence</p>		<p>5. When two or more serious infringements by the same natural or legal person holding the <u>fishing</u></p>	<p>Defend GA.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	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.		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 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		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 is occurring <u>occurs the</u> second time and the points equals or exceeds 36 points; eight months if the suspension is occurring <u>occurs the</u> third time and the number of points equals or exceeds 54 points; and one year if the suspension is occurring <u>occurs the</u> fourth time and the number of points equals or exceeds 72 points. In case the suspension is occurring for <u>occurs for the</u> fifth time and the	Defend GA. <u>Sequence 10</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	be permanently withdrawn and the fishing vessel shall not be used anymore for commercial exploitation of marine biological resources.		number of points equals or exceeds 90 points, the fishing licence shall be permanently withdrawn and the fishing vessel shall <i>may</i> not be used anymore 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 by the master shall trigger automatically the permanent withdrawal of the fishing licence or of the right to command a fishing vessel as a master.	Defend GA Sequence 10
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 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</u>		Reject the EP amendment. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>the national rankings used by the European Maritime and Fisheries Fund under Regulation (EU) No 508/2014.</u></p> <p>EP AM 263, EX AMs 973 (S&D) and 979 (Greens/EFA)</p>		
Article 1, first paragraph, point (69), amending provision(8)				
913	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.		8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of <i>the</i> committing of the last serious confirmed infringement, all points shall be deleted.	GA accepted. 8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of <i>the</i> committing of the last serious confirmed infringement, all points shall be deleted. Sequence 10
Article 1, first paragraph, point (69), amending provision(9)				
914	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.		9. <i>The</i> <u>When a coastal Member State is competent to determine other than the flag Member State has determined,</u> under its national laws whether <u>law,</u> <i>that</i> a serious infringement has been committed in its waters, <u>it</u>	Flexibility to accept the following text: 9. <i>The</i> <u>When a coastal Member State is competent to determine other than the flag Member State has determined,</u> under its national laws whether <u>law,</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
			<p><u>shall notify it to the flag Member State in order for the latter to determine and assign</u> and to decide about the number of points to be assigned in accordance with Annex III.</p>	<p><u>that</u> a serious infringement has been committed <u>within its jurisdiction in its waters, it shall notify it to the flag Member State in order for the latter to determine and assign</u> and to decide about the number of points to be assigned in accordance with Annex III.</p> <p>Note: The aim of the change (deletion of “coastal” and “in its waters”) is to not only cover coastal states but also to cover cases in which the port state determines that a serious infringement has been committed.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(10)				
915	<p>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.</p>		<p>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.</p>	<p>Defend GA.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
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 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 <u>to the</u> master and transferring the points in accordance with paragraph 3.	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 <u>to the</u> master and transferring the points in accordance with paragraph 3. Sequence 10
Article 1, first paragraph, point (69), amending provision(12)				
917	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.	12. Member States shall ensure that the application of national proceedings does not render the point system ineffective. Sequence 10
Article 1, first paragraph, point (69), amending provision(13), introductory part				
918	13. The Commission is empowered to adopt delegated acts		13. The Commission is empowered to adopt delegated acts	13. The Commission is empowered to adopt delegated acts

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	in accordance with Article 119a concerning:		in accordance with Article 119a concerning:	in accordance with Article 119a concerning: Sequence 10
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) 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; EP AM 264, EX AMs 982 (Greens/EFA), 983 (EPP) and 984 (EPP)	(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;	Defend GA. Sequence 10
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) the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;	Flexibility to revert to COM proposal, but to use implementing acts like under the current Implementing Regulation EU 404/2011(Articles 130 and 131). Sequence 10
Article 1, first paragraph, point (69), amending provision(13)(c)				
921				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	(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;		(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;	Flexibility to revert to COM proposal, but to use implementing acts like under the current Implementing Regulation EU (No) 404/2011 (Article 132). Sequence 10
Article 1, first paragraph, point (69), amending provision(13)(d)				
922	(d) conditions justifying the deletion of points;		(d) conditions justifying the deletion of points;	Flexibility to revert to COM proposal, but to use implementing acts like under the current Implementing Regulation EU (No) 404/2011 (Article 133). Sequence 10
Article 1, first paragraph, point (69), amending provision(13)(e)				
923	(e) the registration of masters authorized to exercise fishing activity.		(e) the registration of masters authorized to exercise fishing activity.	Defend GA. Sequence 10
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:	14. The Commission shall, by means of implementing acts, lay down detailed rules concerning:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (69), amending provision(14), first subparagraph(a)				
925	(a) the notifications of decisions on assignment of points;		(a) the notifications of decisions on assignment of points;	Flexibility to revert to COM proposal, but to use implementing acts like under the current Implementing Regulation EU (No) 404/2011 (Article 127). Sequence 10
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 when ownership of vessels for which points where assigned, is transferred <u>in accordance with paragraph 3¹;</u> <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>	Defend GA. Sequence 10
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		(c) the deletion of fishing licences or of the right to command a	Flexibility to revert to COM proposal, but to use implementing acts like under the current

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	fishing vessel as a master, for the person responsible for serious infringements from relevant lists;		<i>fishing vessel as a master, for the person responsible for serious infringements from relevant lists;</i>	Implementing Regulation EU (No) 404/2011 (Article 131). Sequence 10
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.		<i>(d) the obligations of information on the point system for masters of fishing vessels established by the Member States.</i>	Flexibility to revert to COM proposal, but to use implementing acts like under the current Implementing Regulation EU (No) 404/2011 (Article 134). Sequence 10
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).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). Sequence 10
Article 1, first paragraph, point (69), amending provision, numbered paragraph (14a)				
929a		14a. The Commission shall		Reject the EP amendment.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>publish guidelines clarifying the interpretation of the rules on infringements and sanctions to limit disparities in treatment from Member State to Member State.</u></p> <p>EP AM 265, EX AM 985 (EPP)</p>		Sequence 10
Article 1, first paragraph, point (69), amending provision, forty-eighth paragraph				
930	Article 92a		Article 92a	Article 92a Sequence 10
Article 1, first paragraph, point (69), amending provision, forty-ninth paragraph				
931	Liability of legal persons		Liability of legal persons	Liability of legal persons Sequence 10
Article 1, first paragraph, point (69), amending provision(1), introductory part				
932	1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ		1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ	GA accepted. 1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	of the legal person, and having a determining position within the legal person, based on:		of the legal person, and having a determining position within the legal person; <u>concerned</u> based on <u>any of the following</u> :	of the legal person, and having a determining position within the legal person; <u>concerned</u> based on <u>any of the following</u> : Sequence 10
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; <u>z</u>	(a) a power of representation of the legal person; <u>z</u> Sequence 10
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; <u>z</u> or	(b) an authority to take decisions on behalf of the legal person; <u>z</u> or Sequence 10
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.	(c) an authority to exercise control within the legal person. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (69), amending provision(2)				
936	2. A legal person may be held liable where the lack of supervision or control, by a natural person referred to in paragraph 1, has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority.		2. A legal person may be held liable where the lack of supervision or control, by a natural person referred to in paragraph 1, has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority.	2. A legal person may be held liable where the lack of supervision or control, by a natural person referred to in paragraph 1, has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority. Sequence 10
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.	3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned. Sequence 10
Article 1, first paragraph, point (69), amending provision, fifty-third paragraph				
938	Article 92b		Article 92b	Article 92b Sequence 10

		2018/0193 (COD)		
	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (69), amending provision, fifty-fourth paragraph				
939	Obligation to notify definitive ruling		Obligation to notify definitive ruling	Obligation to notify definitive ruling Sequence 10
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 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.		1. The competent authorities of the Member State having jurisdiction in the event <u>respect</u> of an infringement shall, without delay and in compliance with their procedures under national law, notify the flag States <u>State</u> , 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 <u>and, where appropriate, the coastal, port or processing State</u> , of any definitive ruling relating <u>related</u> to such infringement, including the number of points assigned in accordance with Article 92.	Defend GA. Sequence 10
Article 1, first paragraph, point (69), amending provision(1), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Presidency's suggested way forward
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.		<p>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, <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></p>	<p>GA accepted.</p> <p>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, <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></p> <p>Sequence 10</p>
Article 1, first paragraph, point (69), amending provision(2)				
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.		<p>2. In case of a notification <u>fromby</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 <u>forof</u> the fishing vessel concerned.</p>	<p>GA accepted.</p> <p>2. In case of a notification <u>fromby</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 <u>forof</u> the fishing vessel concerned.</p>


	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
Article 1, first paragraph, point (69), amending provision, fifty-seventh paragraph				
943	Article 93		Article 93	Article 93 Sequence 10
Article 1, first paragraph, point (69), amending provision, fifty-eighth paragraph				
944	National register of infringements		National register <i>ofon</i> infringements	National register <i>ofon</i> infringements Sequence 10
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 <i>suspected and</i> 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 <i>suspected and</i> confirmed infringements of the rules of the common fisheries policy committed by <i>fishing</i> vessels flying their flag or <i>by their nationals and by fishing vessels flying</i> the flag of a third country or by <i>nationals of a third country having committed infringements within the waters under</i> their <i>nationals jurisdiction or on their</i>	Defend GA. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	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. EP AM 266, EX CA 21	<u>territory</u> , including all decisions and sanctions they incurred and the number of points assigned. Infringements of <u>by</u> 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. 92b <u>92b</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 request other Member States to provide <u>consult the</u> information contained in their national <u>the Union</u> register of infringements referred to in Article 93a 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 <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.	Defend GA. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		EP AM 267, EX CA 21		
Article 1, first paragraph, point (69), amending provision(3)				
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. 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. EP AM 268, EX CA 21	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 natural or legal persons involved in the infringement.	Reject the EP amendment. Sequence 10
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 always <u>in any case</u> for a minimum of five calendar years, starting from the year following that in which the information is recorded.	Flexibility to accept the EP amendment, if the EP insists. Sequence 10


	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		" EP AM 269, EX CA 21		
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 the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81). "	"	(*) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81). "	Defend GA. Sequence 10
Article 1, first paragraph, point (69a), introductory part				
949a		(69a) The following Article is inserted: EP AM 270, EX CA 21		Reject the EP amendment. Sequence 10
Article 1, first paragraph, point (69a), amending provision, article				
949b		" Article -93a Union register of infringements EP AM 270, EX CA 21		Reject the EP amendment. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 1, first paragraph, point (69a), amending provision, article(1)				
949c		<p><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 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.</u></p> <p>EP AM 270, EX CA 21</p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69a), amending provision, article(2)				
949d		<p><u>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</u></p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>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.</u></p> <p>EP AM 270, EX CA 21</p>		
Article 1, first paragraph, point (69a), amending provision, article(3)				
949e		<p><u>3. 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 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)</u></p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>2018/1726 and falling within the scope of that Regulation shall not be included in the Union register.</u></p> <p>EP AM 270, EX CA 21</p>		
Article 1, first paragraph, point (69a), amending provision, article(4)				
949f		<p><u>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.</u></p> <p>EP AM 270, EX CA 21</p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69a), amending provision, article(5)				
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</u></p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>concerning that vessel or that natural person, as well as information on lost gear.</u></p> <p>EP AM 270, EX CA 21</p>		
Article 1, first paragraph, point (69a), amending provision, article(6)				
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> <p>EP AM 270, EX CA 21</p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69a), amending provision, article(7)				
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).</u></p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>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> <p>EP AM 270, EX CA 21</p>		
Article 1, first paragraph, point (69a), amending provision, article(8)				
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 appropriate training covering, in particular, data security and data protection rules and applicable rules concerning fundamental rights,</u></p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>before authorising them to process data stored in the Union register.</u></p> <p>EP AM 270, EX CA 21</p>		
Article 1, first paragraph, point (69a), amending provision, article(9)				
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> <p>EP AM 270, EX CA 21</p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (69a), amending provision, article(10)				
949l		<p><u>10. The European Fisheries</u></p>		<p>Reject the EP amendment.</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u><i>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.</i></u></p> <p>EP AM 270, EX CA 21</p>		Sequence 10
Article 1, first paragraph, point (69a), amending provision, article(11)				
949m		<p><u><i>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</i></u></p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		<p><u>shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u></p> <p>EP AM 270, EX CA 21</p>		
Article 1, first paragraph, point (69a), amending provision, article(12)				
949n		<p><u>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 EMFF. 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.</u></p> <p>EP AM 270, EX CA 21</p>		<p>Reject the EP amendment.</p> <p>Sequence 10</p>
Article 1, first paragraph, point (71a), introductory part				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
959a		<p><u>(71a) in Article 101, the following paragraph is added:</u></p> <p>EP AM 276, EX AM 85 (Rapporteur)</p>		<p>Reject the EP amendment.</p> <p>Sequence 10 Sequence 6</p>
Article 1, first paragraph, point (71a), amending provision, numbered paragraph (1)				
959b		<p>"</p> <p><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></p> <p>"</p> <p>EP AM 276, EX AM 85 (Rapporteur)</p>		<p>Reject the EP amendment.</p> <p>Sequence 10 Sequence 6</p>
Article 4, first paragraph, point (3), introductory part				
1215	(3) Article 3 is replaced as follows:		(3) Article 3 is replaced as follows:	(3) Article 3 is replaced as follows:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
Article 4, first paragraph, point (3), amending provision, first paragraph				
1216	" Article 3		" Article 3	" Article 3 Sequence 10
Article 4, first paragraph, point (3), amending provision, second paragraph				
1217	Fishing vessels engaged in IUU fishing		Fishing vessels engaged in IUU fishing	Fishing vessels engaged in IUU fishing Sequence 10
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 presumed to be considered to have been engaged in IUU fishing if it is shown <u>confirmed</u> that, contrary to the conservation and management measures applicable in the fishing area concerned, it carried out one or more activities:	Flexibility to support the following COM proposal to ensure consistency with the IUU Regulation and to increase clarity: 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

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				or more activities: Sequence 10
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 (a) to (n) (b) to (l) of Article 90(2) of Regulation (EC) No 1224/2009, or	Defend GA and ensure alignment with the final text of the Article 90 (2) and (3). Sequence 10
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. "		- considered as serious infringements pursuant to points (ab), (ac), (a), (d) (a), (e) , (e), (f), (h), (i), (j) and (l) and (i) of Article 90(3) of Regulation (EC) No 1224/2009. "	Defend GA and ensure alignment with the final text of the Article 90 (2) and (3). Sequence 10
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:	(5) in Article 11, paragraphs 1 and 2 are replaced by the following:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
				Sequence 10
Article 4, first paragraph, point (5), amending provision(1), introductory part				
1226	" 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:		" 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>	GA accepted. " 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> Sequence 10
Article 4, first paragraph, point (5), amending provision(1)(1)				
1227	(1) record the suspected infringement in the inspection report;		(1) record the suspected infringement in the inspection report;	GA accepted. (1) record the suspected infringement in the inspection report; Sequence 10
Article 4, first paragraph, point (5), amending provision(1)(2)				
1228				GA accepted.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	(2) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;		<i>(2) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;</i>	(2) <i>take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;</i> Sequence 10
Article 4, first paragraph, point (5), amending provision(1)(3)				
1229	(3) immediately forward the inspection report to the competent authority.		<i>(3) immediately forward the inspection report to the competent authority;</i>	GA accepted. (3) <i>immediately forward the inspection report to the competent authority;</i> Sequence 10
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. "		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. "	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. " Sequence 10
Article 4, first paragraph, point (11), introductory part				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
1282	(11) The heading of Chapter IX is replaced by the following:		(11) The heading of Chapter IX is replaced by the following:	(11) The heading of Chapter IX is replaced by the following: Sequence 10
Article 4, first paragraph, point (11), amending provision, first paragraph				
1283	“ CHAPTER IX		“ CHAPTER IX	“ CHAPTER IX Sequence 10
Article 4, first paragraph, point (11), amending provision, second paragraph				
1284	PROCEEDINGS AND ENFORCEMENT ”		PROCEEDINGS AND ENFORCEMENT ”	PROCEEDINGS AND ENFORCEMENT ” Sequence 10
Article 4, first paragraph, point (12), introductory part				
1285	(12) Article 42 is replaced by the following:		(12) Article 42 is replaced by the following:	(12) Article 42 is replaced by the following: Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
Article 4, first paragraph, point (12), amending provision, first paragraph				
1286	" Article 42		" Article 42	" Article 42 Sequence 10
Article 4, first paragraph, point (12), amending provision, second paragraph				
1287	Serious infringements		Serious infringements	Serious infringements " Sequence 10
Article 4, first paragraph, point (12), amending provision, third paragraph				
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.	" "For the purpose of this Regulation, 'serious infringement' means any <u>infringements</u> 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 <u>Regulation</u> (EC) No 1224/2009.	" "For the purpose of this Regulation, 'serious infringement' means any <u>infringements</u> 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 <u>Regulation</u> .	Defend GA. Sequence 10 "

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
		EP AM 296, EX ENVI 135		
Article 4, first paragraph, point (13), introductory part				
1289	(13) The following Article 42a is inserted:		(13) The following Article 42a is inserted:	(13) The following Article 42a is inserted: Sequence 10
Article 4, first paragraph, point (13), amending provision, first paragraph				
1290	" Article 42a		" Article 42a	" Article 42a Sequence 10
Article 4, first paragraph, point (13), amending provision, second paragraph				
1291	Proceedings in case of serious infringements		Proceedings in case of serious infringements	Proceedings in case of serious infringements Sequence 10
Article 4, first paragraph, point (13), amending provision, third paragraph				
1292	Without prejudice to Articles 11(4) and 50 of this Regulation, Member States shall apply provisions of		Without prejudice to Articles 11(4) and 50 of this Regulation, Member States shall apply provisions of	Without prejudice to Articles 11(4) and 50 of this Regulation, Member States shall apply provisions of

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	Article 85 of Regulation (EC) No 1224/2009 where a serious infringement is detected. "		Article 85 of Regulation (EC) No 1224/2009 where a serious infringement is detected. "	Article 85 of Regulation (EC) No 1224/2009 where a serious infringement is detected. " Sequence 10
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:	(14) Article 43 is replaced by the following: Sequence 10
Article 4, first paragraph, point (14), amending provision, first paragraph				
1294	" Article 43		" Article 43	" Article 43 Sequence 10
Article 4, first paragraph, point (14), amending provision, second paragraph				
1295	Measures to ensure compliance		Measures to ensure compliance <u>Sanctions and measures</u>	Defend GA. Sequence 10
Article 4, first paragraph, point (14), amending provision(1)				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
1296	1. Without prejudice to the powers of the Member States to initiate 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.	" 1. Without prejudice to the powers of the Member States to initiate 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. <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> EP AM 297, EX CA 24	1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions <u>In case of suspected and committed serious infringements referred to in Article 42</u> , 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 <u>in accordance with Title VIII of Regulation (EC) No 1224/2009.</u>	Defend GA, but flexibility to align the wording. Sequence 10
Article 4, first paragraph, point (14), amending provision(2)				
1297	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	2. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal <u>serious infringement has</u>	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	Defend GA. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	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><u><i>been detected in the course of an inspection in relation to that natural person, or there is evidence that a legal person is</i></u> is <i>suspected of being held</i> 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 style="text-align: right;">"</p> <p>EP AM 298, EX CA 24</p>	<p>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>	
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		<p>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</p>	Defend GA. Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's suggested way forward
	1224/2009.	"	1224/2009.	"
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:	(18) in Annex IV, the introductory sentence is replaced by the following: Sequence 10 Sequence 5
Article 4, first paragraph, point (18), amending provision, first paragraph				
1312a			“ <u>DOCUMENT NUMBER (insert document number)</u>	GA accepted. “ <u>DOCUMENT NUMBER (insert document number)</u> Sequence 10 Sequence 5
Article 4, first paragraph, point (18), amending provision, first paragraph				
1313	“ 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).” “	I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches under the following catch certificate(s).” “ Sequence 10 Sequence 5

Sequence 17 (“Regionalisation”)

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency’s proposed way forward
Article 1, first paragraph, point (41a), introductory part				
494a			<u>(41a) the following Chapter is inserted:</u>	Defend inclusion of a Chapter on “regionalisation”, but flexibility to adjust the cases for which delegated powers are granted in order to allow reaching a compromise with the EP, while maintaining that regional control rules can only supplement and not weaken common control rules. Sequence 17
Article 1, first paragraph, point (41a), amending provision, first paragraph				
494b			" <u>CHAPTER IIIa</u>	Sequence 17
Article 1, first paragraph, point (41a), amending provision, second paragraph				
494c			<u>Regionalisation</u>	Sequence 17
Article 1, first paragraph, point (41a), amending provision, third paragraph				
494d				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's proposed way forward
			Article 46a	Sequence 17
Article 1, first paragraph, point (41a), amending provision, fourth paragraph				
494e			Regional control measures	Sequence 17
Article 1, first paragraph, point (41a), amending provision, fifth paragraph, introductory part				
494f			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:	Sequence 17
Article 1, first paragraph, point (41a), amending provision, fifth paragraph point (a)				
494g			(a) regional measures to control the implementation of regional technical measures adopted on the basis of Article 15 of Regulation (EU) 2019/1241;	See row 494a. Sequence 17

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's proposed way forward
Article 1, first paragraph, point (41a), amending provision, fifth paragraph point (b)				
494h			<u>(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;</u>	See row 494a. Sequence 17
Article 1, first paragraph, point (41a), amending provision, fifth paragraph point (c)				
494i			<u>(c) regional control measures in respect of stocks that are not within safe biological limits.</u>	See row 494a. Sequence 17
Article 1, first paragraph, point (41a), amending provision, sixth paragraph				
494j			<u>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.</u>	Sequence 17 "

Sequence 18 (“Safeguard measures”)

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency’s proposed way forward
Article 4, first paragraph, point (10a), introductory part				
1281a		<p><u>(10a) The following Article is inserted:</u></p> <p>EP AM 295, EX CA 13</p>		<p>Reject EP amendment.</p> <p>Sequence 18</p>
Article 4, first paragraph, point (10a), amending provision, article				
1281b		<p><u>Article 32a</u></p> <p>"</p> <p><u>Safeguard measures</u> <u>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</u></p>		<p>Reject EP amendment.</p> <p>Sequence 18</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Presidency's proposed way forward
		<p><u><i>therefore the proceedings initiated vis-a-vis that third country have not been terminated.</i></u></p> <p>"</p> <p>EP AM 295, EX CA 13</p>		

