



Council of the
European Union

Brussels, 26 November 2021
(OR. en)

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

14446/21
ADD 1

LIMITE

**PECHE 459
CODEC 1556**

NOTE

From: General Secretariat of the Council

To: Delegations

No. prev. doc.: ST 14148/21 + ADD 1

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

- Presidency proposal for a revised mandate for sequences 1 to 6
- Portuguese comments

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

Comments – Portugal

1. Generally speaking the definitions need to be revised in line with the text and other legislation of the Union. The definitions of *fishing vessel* and *catching vessel* need to be fully revised in all text. For example, a tug vessel (ICCAT rules on cages of BFT, for example) is a fishing vessel to which a fishing license/authorization, VMS and e-logbook must apply. The text of the Regulation needs to be harmonized considering the external obligations of the EU.
2. Line 153: PT prefers “34. ‘catching vessel’ means a fishing vessel equipped or used for the purpose of the capture of marine biological resources;”
3. Line 169: Ok to Flexibility to agree to alternatives
4. Line 223a: PT agrees to defend GA and object EP proposed amendments, in particular as regards electronic logbooks for fishing without a fishing vessel. In Portugal foot shellfishing are in general obliged to fill monthly ‘catch declarations’ and a form regarding the daily catches (license no., name, place and date of catch, specie, quantity) document also used for food safety purpose, but it is not electronic. We don’t oppose in evolving to an electronic solution but we need clarity about the terms of implementation and specific obligations (individual or through an association or other entity?)

Although, as mentioned, sequence 6 has not entirely been addressed in inter-institutional negotiations (we assume that the mere reference to "sequence 6" means that this point has not been discussed):

5. Line 706: The Observer, article 59(a) is not applicable only to vessels (fishing and catching) but also in port. From this point of view and considering 3 proposals (EP, EC & DGMARE), adjustment proposed to the definition must include the provisions that are now in place “*1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers designated by Member States shall monitor, in particular, the fishing vessel's compliance with the rules of the common fisheries policy and with the rules applicable in the waters where the vessel is operating, as well as obligations related to technical measures, port State control and the protection of the marine environment. They shall fulfil all the tasks of the observer scheme and in particular record the fishing activities, fishing operations and examine and collect relevant documents.*”

6. Line 714d: As the Observer Program is 'control', all the costs of the program must be eligible to EMFFA, without prejudice to being initially borne by the administration of the Member State. As EMFFA consider these costs eligible the text of article 59(bd, paragraph 8) must be "*8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States without prejudice of being eligible to the EMFFA.*"
7. Line 701a: RPAS must be included in the definition of sighting, article 57(a). Sighting is for both fishing vessel and catching vessel.

Overall, we can support Presidency proposal for a revised mandate for sequences 1 to 6.