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NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: ST 14237/21 INIT PECHE 447 CODEC 1559

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
– Comments by the Netherlands

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

Dutch comments on document ST 14237/21

Row 21 and Row 38

As we have said several times, we believe that the recitals should make it clear that the new definition of fishing vessel does not affect the concept of fishing vessel in the basic regulation. Without further explanation, the new "categories" of fishing vessels would suddenly also count for the capacity ceiling and furthermore the entry/exit scheme also applies to the registration of these vessels.

Against this background, we find it undesirable for other vessels to be explicitly referred to as "other categories of fishing vessels" in recital 10. Therefore we are opposed that the sentence "While most of the provisions of this Regulation should relate to catching vessels, an effective Union fisheries control system requires that in certain cases other vessels, which play a role in the exploitation of marine biological resources are also covered" is replaced by "For the purposes of the effective Union fisheries control system it is appropriate to specify where provisions of this Regulation apply only to catching vessels or also to other categories of fishing vessels".

Replacing fishing vessels by catching vessels in Recital 27 does solve the problem of the capacity ceiling and the application of the entry/exit scheme. Moreover, this new wording means that only the verification of the tonnage of catching vessels is simplified and that therefore the verification of the other vessels is not simplified. The adaptation of this recital is difficult to understand without considering the articles concerned.

Finally, we note that in the Control Regulation the term "Union fishing vessel" is frequently used. There is no definition of "Union fishing vessel" in the Control Regulation and according to Article 5 the definition of Union fishing vessel in Article 4 of the basic Regulation applies: 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union.

Is this a fishing vessel in the concept of the basic Regulation or of the Control Regulation?

Row 150a

According to the EC's explanation, the terms Towing vessels and Auxiliary vessels refer to vessels active in tuna fishing. As a result, these vessels have a specific meaning that deviates from the normal meaning and to clarify this, these terms will have to be defined (just as happened with 'catching vessel' and 'aquaculture vessels').

We therefore propose to include the following definitions:

(31a) 'auxiliary vessel' means any vessel used to transport dead bluefin tuna (not processed) from a transport/farming cage, a purse seine net or a trap to a designated port and/or to a processing vessel;

(31b) 'towing vessel' means any vessel used for towing cages;