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The Permanent Representatives Committee will find a progress report on the proposal mentioned in the subject above.

The present report has been drawn up under the responsibility of the Presidency and is without prejudice to particular points of interest or further contributions of individual delegations. It sets out the work done so far in the Council's preparatory bodies and gives an account of the state of play in the examination of the above mentioned proposal.

PRESIDENCY PROGRESS REPORT ON THE PROPOSAL FOR A REGULATION 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

I. INTRODUCTION

1. On 30 May 2018, the Commission adopted a proposal¹ amending a set of regulations related to the Union fisheries control system in place. The Commission proposal mainly provides for a thorough revision of Council Regulation (EC) No 1224/2009² (the 'Control regulation'), which establishes the Union fisheries control system and constitutes one of the main pillars of the Common Fisheries Policy (CFP). The Commission proposal aims at aligning the current Control Regulation with the reformed CFP and the Treaty of Lisbon. It sets out important horizontal issues like the electronic monitoring of all vessels, the control of recreational fisheries, new IT tools for small-scale fisheries and an enhanced sanctions system.
2. The Commission proposal contains six articles whereby each article, with the exception of the last one (Article 6), covers the amendments proposed for a specific regulation. Article 1 of the proposal relates to amendments to the current Control regulation. This is the most extensive Article and proposes amendments to Articles 4 to 119a of that regulation. The Commission proposal was presented at the Agriculture and Fisheries Council on 18 June 2018, where Member States called for simplification and for the reduction of the administrative burden.

¹ Doc. 9317/18.

² Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

3. The Working Party on Internal and External Fisheries Policy examined the proposal under the Austrian, Romanian and Finnish Presidencies. During the Finnish Presidency, the first examination of the proposal was concluded.

II. PROGRESS DURING THE CROATIAN PRESIDENCY

4. The Croatian Presidency started the work on the compromise text. To this aim, the proposal was divided into four blocks. The first block includes the provisions from Article 4 to Article 55 under Article 1 of the Commission proposal; the second block continues from Article 56 to Article 68; the third block covers Articles 71 to 92b; the fourth encompasses all other provisions from Article 1 of the Commission proposal (Articles 93-119a) as well as all the remaining articles of the Commission proposal (from Article 2 to Article 6, mainly relating to amendments of regulations other than the Control regulation).
5. Between early March and the end of May, the Presidency gave the opportunity to delegations to submit written comments on the different versions of the Presidency compromises on the two blocks and organised numerous drafting sessions with the Commission in order to examine the comments from delegations and to find a compromise solution. The Presidency also held many bilateral meetings with delegations to examine their concerns.
6. The Presidency would like to emphasize that, based on the delegations' positions, there is a broad commitment amongst the Member States to reform fisheries control and to improve the existing measures. The system should be enhanced, simpler, more cost-effective and administratively less burdensome; it should facilitate the development of the culture of compliance, improve the availability, accuracy and reliability of fisheries data and contribute to achieving objectives of adjacent policies, such as the EU Plastics Strategy.

7. The Croatian Presidency thoroughly assessed the high number of comments received by almost all delegations³ and worked towards a Presidency compromise on the first two blocks (with the exclusion of Article 39 to Article 41a) in the exceptional circumstances related to the Covid-19 pandemic. The Croatian Presidency presented a first Presidency compromise on block 1 at the Working Party on 27 February and on block 2 at the Working Party on 5 March. Both blocks were then merged and a new version of the Presidency compromise was presented at the informal video-conference of the members of the Working Party on 27 May. This was followed by a revised version of the compromise presented at the Working Party on 4 June. With a final compromise text, the Presidency tried to accommodate the main remaining concerns of delegations. The Presidency compromise is annexed to the present progress report⁴.
8. The final Presidency compromise proposal received broad support for a large number of provisions. However, certain issues remain for further discussion, as the views of delegations continue to diverge, or some delegations consider their requests not to be sufficiently reflected. This report focusses on the state of play on the core issues identified by the Presidency.

a) Core provisions that gathered broad support from delegations

9. Definitions (Article 4)

In response to numerous comments by delegations, the Presidency has modified several of the proposed definitions, e.g., the definition on 'fishing restricted areas', which is now limited to areas identified under the rules of the CFP (Article 4(14)). The Presidency has also introduced four additional definitions ('fishing vessel', 'fishing operation', 'unique fishing trip identification number' and 'fishing trip') to enhance clarity of terms used and ensure a uniform interpretation and implementation of the Control regulation in all Member States. The Presidency notes that the majority of delegations support the proposed changes, while certain delegations would prefer a different approach, especially as regards the definition of 'fishing vessel'.

³ doc. 15184/2/19.

⁴ with the exception of Articles 55(2)(b) and 68(6a), which the Presidency modified after the Working Party of 4 June.

10. Completion of the fishing logbook: Margin of tolerance (Article 14(4))

Due to the concerns of most Member States that all catches have to be recorded in the logbook and, consequently, the application of a margin of tolerance to all catches, the Presidency has modified the respective paragraph by introducing a derogation depending on the amount of catches and the specific type of fishing practice applied. Member States have mostly been supportive of these modifications.

11. Electronic submission of the fishing logbook (Article 15)

Based on numerous requests to simplify the frequency of data transmission, this article has been significantly changed in terms of reducing the frequency of data transmission for vessels above 10 meters, while for vessels below 10 meters additional flexibility has been introduced in terms of the deadline for data submission. Those changes have been broadly supported by Member States.

12. Separate stowage of demersal catches (Article 44)

The Presidency has modified Article 44 to respond to various concerns raised by delegations. It has clarified that this provision only applies to catches that are not below minimum conservation reference sizes and, importantly, has foreseen powers for the Commission to adopt delegated acts exempting certain demersal stocks from the obligation of separate stowage. The Presidency considers that there is broad support of delegations for the proposed changes.

13. Fisheries without a vessel (new Chapter IVa and Article 54d)

Based on suggestions by some Member States, the Presidency has introduced a new Chapter on the 'control of fisheries without a fishing vessel', not covered by the current regulation. The proposal envisages a licencing or alternative system for persons commercially engaged in such fisheries, the recording of catches made in such fisheries and the application of several articles of the Control regulation to those catches (e.g., Article 64(2) on sales notes). The Presidency notes that there is broad support by delegations on the new Chapter.

14. Rules on weighing (Article 60)

Many delegations have proposed changes to the Commission proposal about the rules on the weighing of fishery products, although views on specific issues differ. The Presidency has thus significantly modified the proposal to reintroduce the existing four derogations from the general rule that requires to weigh on landing. These derogations replace the 'registered weigher', referred to in the Commission proposal. In addition, to ensure the most accurate data possible in the landing declaration, the Presidency has proposed to include the weighing data in the landing declaration, that can be submitted only after weighing has taken place (Article 24(1)). The Presidency notes that Member States broadly support the modifications.

15. Increased clarity of provisions and coherence

Throughout the entire text examined, the Presidency has introduced a number of drafting suggestions that aim at increasing the clarity of provisions, without modifying the substance. For the same purpose, the Presidency has proposed a series of new recitals, which are now included in footnotes of the text and can later be integrated. Furthermore, some modifications aim at a more precise use of specific terms and concepts, for example the terms 'first sale', 'placing on the market' and 'making available on the market'. Finally, certain modifications introduced by the Presidency aim at ensuring the overall coherence in the regulation, as well as with other legislative acts, for instance with Regulation (EU) 2017/2403⁵. The Presidency notes that, although some delegations prefer different solutions as regards some specific provisions, the majority of delegations supports the modifications introduced to improve clarity and coherence.

⁵ 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).

b) Core provisions that gathered considerable support but require further examination

16. Extension of VMS to small scale fleets (Article 9)

The Presidency final compromise maintains the Commission proposal to extend the use of vessel monitoring systems (VMS) to vessels below 12 meters length, but, to respond to specific concerns of small scale fleets, it has introduced a transition period for vessels below 10 metres length, foreseen that they can use any network to send vessel position data (Article 9(2)) and has provided that flag Member States can simplify specific VMS-related obligations for small vessels (e.g., to use VMS devices that do not have to be installed on board (Article 9(3)(a))). The Presidency compromise proposal has received wide support from the delegations. Nevertheless, several delegations ask for exceptions from the obligatory use of VMS for vessels below 12 metres length overall, suggesting that VMS is not in all cases a cost-efficient control tool, that the provision is disproportionate or that installing and maintaining VMS in these fleets involves high financial and administrative costs.

17. Remote electronic monitoring (REM, new Article 13)

One of the most difficult issues addressed while looking for compromise solutions, was the proposed Article of the Commission concerning the 'control of the landing obligation' (Article 25a). Delegations expressed strong concerns, therefore the Presidency has proposed a new provision (new Article 13) which envisages the installation of REM systems aboard vessels of 24 metres length and more, based on an assessment of the risk of non-compliance with rules on the landing obligation. The Presidency notes that numerous delegations agree on the necessity to provide for REM systems in the Control regulation and support the Presidency compromise, while several delegations consider that further studies and pilot projects on REM are needed. Delegations remain divided, particularly on the following issues: the proposed use of CCTV as element of REM systems, the methodology of the risk assessment to be used and the respective roles of the Commission, Member States and the European Fisheries Control Agency (EFCA), and the length of vessels that should be covered by the obligation.

18. Use of electronic reporting tools by small scale fleets (Articles 14, 15, 19a and 21 to 24)

The Presidency notes that a large number of delegations is in favour of extending the use of electronic reporting tools, for example the electronic fishing logbook (Articles 14 and 15), to small scale fleets. However, to facilitate the use of the tools by operators of smaller vessels, the Presidency has introduced transition periods for vessels below 10 metres length and has simplified obligations for such vessels, by allowing later deadlines to send the logbook data (Article 15(2)). Some delegations still demand that for safety reasons, the later deadline for submitting logbook data should also apply to vessels between 10 and 12 metres length overall. Despite all efforts made by the Croatian Presidency in order to simplify, adapt and make it more convenient to use electronic reporting tools, several delegations still oppose the extension of these tools due to the large number of vessels under 10 metres, technical and financial challenges for the installation and operation of these tools, and reasons of cost-efficiency. Some call for the continued use of paper logbooks, simpler technologies or IT solutions to be developed at Union level.

19. Regionalisation (new Chapter IIIa and Article 46a)

The Presidency has added a new Chapter on 'regionalisation' that allows for the adoption, in certain cases and if need be, of additional control rules for specific regions through delegated acts on the basis of joint recommendations, including in the framework of multiannual plans. Some delegations have welcomed the addition, others have reservations or need further time for reflection, as the new Chapter has only been added during the last revision of the text in early June. The Presidency notes that further discussions on that new Chapter are required.

20. Recreational Fisheries (Article 55)

Following requests by a high number of delegations, the Presidency has substantially modified the provision on recreational fisheries (Article 55). The Presidency notes that many delegations are satisfied with the introduced changes and support the underlying idea to focus on, firstly, improving data collection on all recreational fisheries (Article 55(1)) and secondly, having more and stricter obligations as regards fishing species subject to specific Union conservation measures (Article 55(2)). Some delegations nevertheless continue to have concerns as regards the envisaged registration or licensing system for persons engaged in, or vessels used in, recreational fisheries (Article 55(2)(b)). They consider the resulting administrative burden disproportionate and the tool inappropriate, and suggest to limit any licensing system to vessels commercially organising fishing trips. A few delegations called for avoiding new reporting obligations.

21. Traceability (Article 58)

Based on a large number of comments by delegations, the Presidency compromise on Article 58 focusses on setting out general traceability requirements for fishery and aquaculture products in terms of the data to be recorded and made available to competent authorities and operators. The Presidency suggests a broad scope of the Article, which should cover processed and non-processed fishery and aquaculture products, including freshwater products. It does not envisage the obligatory use of *digital* traceability systems in the Control regulation itself, but to be established through implementing acts. Like under current rules, Commission implementing acts are foreseen for details on the transmission of traceability information. Despite the support from many delegations to these provisions, several delegations continue to oppose Article 58, particularly the inclusion of processed products and possible unclear relationship with EU food law. For a small group of Member States, *digital* traceability systems should be included in the regulation, rather than leaving this to implementing acts.

22. Other issues

A few delegations oppose Article 19a on the prior notification of landing in third country ports, given that the rules set out therein are contrary to the objective of simplification. A small number of delegations continues to have concerns about Article 68 on transport, especially as regards the electronic transmission of the transport document and the responsibilities for its accuracy.

III. CONCLUSION

23. The Presidency considers that the Presidency compromise proposal in the annex to this progress report, even though not formally supported as a whole at this stage, constitutes a good basis for further discussions on the regulations subject of the revision, with a view to have an agreement on a Council position.
24. The Permanent Representative Committee (Part 1) is invited to take note of the present progress report from the Presidency.

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 Regulations (EU) No 2016/1139 and (EU) 2017/2403 of the European Parliament and of the Council as regards fisheries control⁶

Article 1

Amendments to Regulation (EC) No 1224/2009

Regulation (EC) No 1224/2009 is amended as follows:

(1) Article 4 is amended as follows:

(a) The introductory sentences ~~are~~ are replaced by the following:

"For the purposes of this ~~R~~regulation, the definitions set out in Article 4 of Regulation (EU) No 1380/2013 and Article 5 of Regulation (EU) No 1379/2013 shall apply, unless otherwise provided for in this ~~R~~regulation, as well as the following definitions:-"

(b) point 2 is replaced by the following:

"2. 'rules of the common fisheries policy' means legally binding Union acts, **including international agreements concluded by the Union**, on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;"

⁶ Changes to the Commission proposal are marked in **bold underline** and ~~**bold strikethrough**~~.

(c) point 9 is replaced by the following:

"9. 'fishing licence' means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of marine biological resources. ~~It contains minimum requirements concerning the identification, technical characteristics and fitting out of a fishing vessel;~~"

(d) point 12 is replaced by the following:

"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;"

(e) point 14 is replaced by the following:

"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;"

(f) point 20 is replaced by the following:

"20. 'lot' means a batch of units of fishery or aquaculture products;"

(g) point 24 is replaced by the following:

"24. 'multiannual plans' means plans referred to in Articles 9 and 10 of Regulation (EU) 1380/2013, conservation measures management plans adopted in accordance with Article 18 of Regulation (EU) 1380/2013 as well as other Union measures adopted on the basis of Article 43(3) of the Treaty ~~and~~ providing for specific management or recovery of particular fish stocks and covering a period of for more than one year;"

- (h) point 23 is deleted;
- (i) point 28 is replaced by the following:
- "28. 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport;"⁷
- (j) point 31 is ~~deleted~~, **replaced by the following:**
- "31. 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources, including catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;"**⁸
- (k) the following points 33, ~~and 34~~, **35, 36 and 37** are ~~inserted~~**added**:
- "33. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel;
34. 'catching vessel' means a fishing vessel used for the purpose of the capture of marine biological resources.;

⁷ A recital about recreational fisheries will clarify that such fisheries include fishing activities organised by commercial entities active in the tourism sector and in the sector of sports competition.

⁸ Recital (10) of the proposal will be replaced by the following: **The definition of a 'fishing vessel' should be replaced by a more detailed definition, which clarifies that the term covers any vessel equipped for commercial exploitation of marine biological resources, including catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products. While most of the provisions of this Regulation should relate to catching vessels, an effective Union fisheries control system requires that in certain cases other vessels, which play a role in the exploitation of marine biological resources are also covered. Container vessels should be excluded from the definition of a 'fishing vessel' used for the purpose of this Regulation. Vessels exclusively used for aquaculture should also not be covered by this definition. The specific definition of 'fishing vessel' set out in this regulation should apply only for the purposes of this regulation and be without prejudice to the definition of 'fishing vessel' in other acts for other purposes.**

35. 'fishing operation' means all activities in connection with searching for fish, the shooting, towing and hauling of active gear, setting, soaking, removing or resetting of passive gear and the removal of any catch from the gear and keep nets, or from a transport cage to fattening and farming cages;⁹

36. 'unique fishing trip identification number' means the specific number generated by the electronic fishing logbook for each fishing trip;

37. 'fishing trip' means any voyage of a catching vessel which starts at the moment when the vessel leaves a port and ends on arrival in port.";

- (2) In Article 5, paragraph 6 is deleted;
- (3) Article 6 is replaced by the following:

"Article 6

Fishing licence

1. A Union-~~fishing catching~~ vessel may be used for commercial exploitation of marine biological resources only if it has a valid fishing licence.
2. The flag Member State shall ensure that the **fishing licence meets the minimum information requirements concerning the identification, technical characteristics and fitting out of a catching vessel and that the** information contained in the fishing licence is accurate and consistent with that contained in the Union fishing fleet register referred to in Article 24**(3)** of Regulation (EU) No 1380/2013.

⁹ The following recital will be inserted: A definition of 'fishing operation' should be inserted to clarify the meaning of the term and to highlight that it is narrower in scope than the term 'fishing activities'. With the exception of transfers, only catching vessels can perform fishing operations.

- ~~3. The flag Member State shall suspend temporarily the fishing licence of a fishing 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.¹⁰~~
4. The flag Member State shall withdraw permanently the fishing licence of a **catching** vessel which is the subject of a **fishing** 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.~~
5. The Commission may, by means of implementing acts, lay down rules on the validity of fishing licences issued by the flag Member States as well as the minimum information **requirements concerning the identification, technical characteristics and fitting out of a catching vessel** contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”

(4) Article 7 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. Where a Member State has a specific national fishing authorisation scheme for fishing vessels flying its flag, it shall send to the Commission at its request a summary of the information contained in the **fishing** authorisation issued and the related aggregated ~~figures~~ **data** on fishing effort."

¹⁰ Moved to part on sanctions.

(b) paragraphs **4 and 5** ~~is-are~~ replaced by the following:

"4. A fishing authorisation shall not be issued for a catching vessel if the vessel concerned does not have a fishing licence obtained in accordance with Article 6 or if its fishing licence has been suspended or withdrawn. A fishing authorisation for a catching vessel shall be automatically withdrawn where the fishing licence corresponding to that vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.

5. The Commission may, by means of implementing acts, lay down **detailed** rules on the validity of fishing authorisations issued by the flag Member State ~~as well~~ **asand on** the minimum information **to be** contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(c) paragraph 6 is ~~inserted~~**added**:

"6. The Commission is empowered to adopt delegated acts in accordance with Article 119a providing for derogations from the obligation to obtain fishing authorisations for Union fishing vessels below 10 metres' length overall. Member States may exclude Union fishing vessels of less than 10 metres' length overall flying their flag which carry out fishing activities exclusively in their territorial waters from the obligation to have a fishing authorisation."

(5) Article 8 is amended as follows:

(a) the heading of Article 8 is replaced by the following:

"Article 8

Marking and identification of Union ~~fishing-catching~~ vessels and fishing gears"

(a1) in paragraph 1, 'fishing vessel' is replaced by 'Union catching vessel';

(b) paragraph 2 is replaced by the following:

“2. The Commission may, by means of implementing acts, lay down **detailed** rules on:

- (a) marking and identification of **catching** vessels;
- (b) vessel identification documents to be carried on board;
- (c) marking and identification of crafts and fishing aggregating devices;
- (d) marking and identification of fishing gears;
- (e) labels for the marking of **fishing** gears;
- (f) marking of buoys and setting of cords.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(6) Article 9 is replaced by the following:

“Article 9

Vessel monitoring systems

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 **collect the vessel position data and** ensure ~~its the~~ continuous and systematic monitoring ~~and control of the accuracy of the vessel position data~~.
2. **Each** 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 **the** vessel position data at regular intervals.

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~~ **any other** network when in reach of such network.

3. By way of derogation from paragraph 2, **a flag Member State may determine that:**
- (a) ~~masters of~~ Union fishing vessels below 12 metres' length overall may carry on board a ~~mobile~~ device which **does not have to be installed on board and which** allows the vessel to be automatically located and identified **while at sea** by a vessel monitoring system through recording and transmitting **the** vessel position data at regular intervals;
 - (b) ~~i~~n case the device **referred to in point (a)** 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 a such network and at the latest before entering **a port or other landing place**.
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 **of the data received** to the fisheries monitoring centre of the coastal Member States. ~~The vessel position data shall also be made available to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing activities.~~
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.
6. **Without prejudice to Regulation (EU) 2017/2403, all t**Third country fishing vessels operating in Union waters **without conducting fishing operations** 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 **the** vessel position data at regular intervals in the same way as Union fishing vessels under this Article.¹¹

7. **This Article shall apply to Union fishing vessels below 10 metres' length overall from ... [24 months after the date of application of this act].¹² The Commission is empowered to adopt delegated acts in accordance with Article 119a establishing detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the masters concerning the vessel monitoring devices.**
8. The Commission may, by means of implementing acts, lay down detailed rules on:
- (a) the format and content of vessel position data;
 - (b) the requirements and technical specifications of vessel monitoring devices;
 - (c) the frequency of transmission of the data concerning the position and movement of fishing vessels, including in fishing restricted areas;
 - (d) the transmission of data to coastal Member States;
 - (e) **the responsibilities of the masters of fishing vessels concerning the operation of vessel monitoring devices.**

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

¹¹ 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.

¹² This paragraph might be placed in the final provisions.

(7) ~~The~~ following Article 9a is inserted:

“Article 9a

Fisheries monitoring centres

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~~ each Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they ~~are operating~~ ing 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.
2. Each ~~flag~~ Member State shall appoint the competent authorities responsible for the functioning of its 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 and data monitoring 7 days a week and 24 hours a day. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre.
3. ~~Flag~~ Member States shall ensure that fisheries monitoring centres have access to all relevant data and, in particular, as data listed in Articles 109 and 110, ~~and operate 7 days a week and 24 hours a day~~.

4. The Commission ~~is empowered to adopt delegated~~ may, by means of implementing acts, lay down in accordance with Article 119a concerning detailed rules on ~~monitoring of fishing activities and fishing effort by the~~ fishing monitoring centres, in particular relating to:
- (a) the monitoring of entry into and exit from specific areas;
 - (b) the monitoring and recording of fishing activities~~y~~;
 - (c) the provisions applicable in case of a technical or communication failure or non-functioning of the vessel monitoring device;
 - (d) measures to be taken in case of non-receipt of data concerning the position and movement of fishing vessels."

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (8) Article 10 is replaced by the following:

"Article 10

Transmission of data from automatic identification systems

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. 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."

- (9) Article 12 is replaced **as by the followings**:

"Article 12

Transmission of data for surveillance operations

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, **when necessary** for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement."

- (10) Article 13 is **replaced by the following**:

"Article 13

Remote electronic monitoring

- 1. Member States shall ensure monitoring and control of fishing activities through remote electronic monitoring (REM) systems as set out in this Article.**
- 2. For the purpose of monitoring and control of the landing obligation and based on an assessment of the risk of non-compliance with the landing obligation, Member States shall ensure that certain categories of Union catching vessels of 24 metres' length overall or more flying their flag have installed on board and operate REM systems meeting the following minimum requirements:**
 - (a) ability to acquire data and video footage of adequate quality on fishing operations, such as handling of catch, discarding practices and catch composition, using geopositioning systems, sensors and CCTV cameras;**
 - (b) ability to store such data on board and to transmit them by electronic means to competent authorities responsible for fisheries control, upon their request.**

- 3. The Commission shall, by means of implementing acts, set out the categories of Union catching vessels to which paragraph 2 applies based on its assessment of the risk of non-compliance with the landing obligation following a regional approach¹³. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).**
- 4. Member States may provide that catching vessels below 24 metres' length overall flying their flag have on board and operate REM systems meeting the requirements set out in points (a) and (b) of paragraph 2, based on the risk of non-compliance with the landing obligation as assessed by the flag Member State or by the Commission.**
- 5. REM systems may also be used for monitoring and control of the compliance with the rules of the common fisheries policy other than those referred to in paragraph 2, in cases where there are no other appropriate control tools. The Commission may, by means of implementing acts, set out those cases when REM systems shall be used for this purpose and set out the minimum requirements of those systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).**
- 6. The Commission may, by means of implementing acts, lay down technical specifications and detailed rules on the installation, maintenance and functioning of REM systems referred to in paragraphs 2, 4 and 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."**

¹³ It will be explained in a recital that EFCA would be consulted in the process of drafting implementing acts.

(11) Article 14 is replaced **as by the followings**:

“Article 14

Completion of the fishing logbook²

1. The master of each Union catching vessel shall keep an electronic fishing logbook for the purpose of recording fishing activities.
2. The fishing logbook referred to in paragraph 1 shall contain **in particular at least** the following information:
 - (a) **at the** unique fishing trip identification number;
 - (b) the **common fleet register (CFR) number or, where that number is not available, another** vessel identification numbers and the name of the fishing vessel;
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the date and, ~~where appropriate,~~ **for vessels of 12 metres' length overall or more, the** time of catches;
 - (e) the date and time of departure from, and of arrival to, port ~~and the duration of the fishing trip~~;
 - (f) the type of **fishing** gear, **its** technical specifications and dimensions;
 - (g) the estimated quantities of each species **retained on board** in kilograms live weight or, where appropriate, the number of individuals, including, **as a separate entry**, the quantities or individuals below the applicable minimum conservation reference size, ~~as a separate entry~~; **f**For Union **fishing catching** vessels of 12 metres' length overall or more, this information shall be provided ~~per haul or~~ per fishing operation;

- (h) estimated **quantities of each species** discarded ~~in~~ **kilograms** live-weight ~~equivalent in volume~~ for any species not subject to the landing obligation;
- (i) ~~estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation (EU) No 1380/2013;~~ **estimated quantities of each sensitive species as defined in Article 6(8) of Regulation (EU) 2019/1241, retained on board or discarded, in kilograms live weight or, where appropriate, the number of individuals;**
- (j) **where applicable,** the conversion factor(s) used;
- (k) data required in application of fisheries agreements referred to in ~~paragraph 1 of~~ Article 3**(1)**.
3. In the case of fishing gears lost at sea, the logbook shall also contain **the following information:**
- (a) the type of lost gear;
- (b) the date and time when the gear was lost;
- (c) the position where the gear was lost;
- (d) the measures undertaken to retrieve the gear.
4. When compared with the quantities landed or **with** the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per **each** species. ~~For species retained on board that do not exceed 50kg live weight equivalent, the permitted margin of tolerance shall be 20% per species.~~

The tolerance limitation referred to in that subparagraph shall not apply to each species, irrespective of whether it is landed sorted or unsorted, retained on board that does not exceed 50kg live weight equivalent.

By way of derogation ~~from~~ the first subparagraph, in the case of fisheries referred to in the first and third indents of point (a) of Article 15(1)~~(a)~~ of Regulation (EU) No 1380/2013, ~~which for species which~~ are landed and which are covered by a sampling plan referred to in Article 60(1a), the following margins of tolerance shall apply, ~~the tolerance limitations set out in this paragraph shall not apply to catches of species which meet the following conditions:~~

- ~~(b) they represent less than 1% in weight of all species landed; and~~
- ~~(e) their total weight is less than 100 kg.~~
- (a) for small pelagic species and species for industrial purposes, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % of the total quantity of all species recorded in the fishing logbook, per each species;
- (b) for all other species, the permitted margin of tolerance in estimates recorded or not in the fishing logbook of the quantities in kilograms of fish retained on board shall be 200 kg or 1 %, whatever is greater, of the total quantity of all species recorded in the fishing logbook per each species.

Notwithstanding the provisions set out in points (a) and (b) of the third subparagraph, for the total quantity of all species, the permitted margin of tolerance in estimates recorded in the fishing logbook of the total quantity in kilograms of fish retained on board shall be 10 % of the total quantity of all species recorded in the fishing logbook.

5. In fisheries subject to a Union regime of fishing effort, masters of Union catching vessels shall record and account in their fishing logbooks for the time spent in an area as follows:
- (a) with regard to towed gear:
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;
 - (b) with regard to static gear:
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the date and time of setting or re-setting of the static gear in these areas;
 - (iv) the date and time of the completion of fishing operations using the static gear;
 - (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.

6. To convert stored or processed fish weight into live fish weight for the purposes of the logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 9.

~~7. Masters of third country catching vessels operating in Union waters shall record the information referred to in this Article in the same way as masters of Union fishing vessels.~~¹⁴

8. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.

8a. This Article shall apply to Union catching vessels below 10 metres' length overall from ... [24 months after the date of application of this act].¹⁵

9. The Commission may, by means of implementing acts, **establish conversion factors and lay down detailed rules on:**

(a) ~~lay down detailed rules on~~ the implementation of the margin of tolerance as defined in paragraph ~~43~~;

(b) ~~lay down detailed rules on~~ the use of conversion factors;

(c) ~~set conversion factors.~~

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”

¹⁴ The following recital will be added to explain the deletion: **Regulation (EU) 2017/2403 of the European Parliament and the Council sets out rules for third country fishing vessels conducting fishing operations in Union waters. Under Article 38(1) of that Regulation, third country fishing vessels authorised to fish in Union waters shall comply with the control rules governing the fishing operations of Union vessels in the fishing area in which they operate. To avoid repetition and ensure clarity, some provisions of Regulation (EC) No 1224/2009 which specifically set out rules for third country vessels should be deleted.**

¹⁵ This paragraph might be placed in the final provisions.

(12) Article 15 is replaced by the following:

“Article 15

Electronic submission of the fishing logbook

1. Masters of Union catching vessels ~~of 12 metres' length overall or more~~ shall submit by electronic means the information referred to in Article 14 to the competent authority of their flag Member State:
 - (a) ~~at least once a day,~~ **and where applicable, after each haul; and**
 - (b) ~~after the last fishing operation has been completed~~ and before entering **a port or other landing place.**
2. **By way of derogation from paragraph 1, m**Masters of Union catching vessels **below 10 metres' length overall of less than 12 metres' length overall** shall submit by electronic means the information referred to in Article 14 to the competent authority of their flag Member State after ~~the last fishing operation has been completed and before~~ entering **a port or a landing place and before weighing or, in the cases referred to in points (c) and (d) of Article 60(1a), before transport.**
3. Masters of Union catching vessels shall also ~~send~~ **submit by** electronic ~~means~~ **sally** the information referred to in Article 14 at the time of any inspection and upon request of the competent authority of their flag Member State. **In case the vessel is not within reach of a network, the information shall be recorded and submitted as soon as the vessel is in reach of a network.**

4. ~~**This Article shall apply to Union catching vessels below 10 metres' length overall from ... [24 months after the date of application of this act].¹⁶ The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1, 2 and 3.**~~
5. Masters of third country catching vessels operating in Union waters shall submit by electronic means the information referred to in Article 14 to the competent authority of the coastal Member State."

(13) the following Article 15a is inserted:

"Article 15a

~~**Delegated and implementing acts concerning fishing logbook requirements**~~

- ~~**1. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:¹⁷**~~
- ~~**(a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for logbook data;**~~
 - ~~**(b) measures to be taken in case of non-receipt of logbook data;**~~
 - ~~**(c) or the access to logbook data and measures to be taken in case of data access failure.**~~

¹⁶ This paragraph might be placed in the final provisions.

¹⁷ The previously modified version of paragraph 1 of this Article has been merged with paragraph 2 of this Article on implementing acts.

~~2.~~—The Commission may, by means of implementing acts, lay down detailed rules on:

- (a) the format, content and **procedure for** submission of the fishing logbook **data**;
- (b) the completion and ~~digital~~ **electronic** recording of information in the fishing logbook **data**;
- (c) the functioning of the electronic recording and reporting system for **fishing** logbook data;
- ~~(d) the requirements for the transmission of logbook data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities;~~
- ~~(e) the requirements and format for exchange of logbook information between Member States;~~¹⁸
- ~~(f) the tasks of the single authority referred to in Article 5(5) with regards to the fishing logbook;~~
- (g) the frequency of **fishing** logbook data ~~sub-trans~~missions;
- (h) **the procedures in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for fishing logbook data, and in cases of non-receipt of logbook data and of its access failure.**¹⁹

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

¹⁸ Covered by Article 111.

¹⁹ Moved from paragraph (1) of this Article.

(14) Article 16 is deleted. replaced by the following:

"Article 16

Catching vessels not subject to fishing logbook requirements during a transition period

1. During the period referred to in Article 14(8a)²⁰ Member States shall monitor, on the basis of sampling, the activities of Union catching vessels below 10 metres' length overall which are not subject to the requirements specified in Articles 14 and 15, in order to ensure compliance by those vessels with the rules of the common fisheries policy.
2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology referred to in paragraph 3 and transmit it every year by 31 January to the Commission.
3. The Commission shall, by way of implementing acts, adopt the methodology for establishing sampling plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
4. By way of derogation from paragraphs 1 and 2 of this Article, sales notes submitted in accordance with Articles 62 and 63 or paper fishing logbooks shall be accepted as an alternative measure to sampling plans."

²⁰ The reference will be adjusted in the final version, if the text that is now in Article 14(8a) is placed in the final provisions.

(15) Article 17 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres’ length overall or more shall ~~notify~~**submit** by electronic means **to** the competent authorities of their flag Member State at least four hours before the estimated time of arrival at **a** port or **other landing place of a Member State** ~~of~~ the following information:

- (a) the unique **fishing** trip identification number **and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches** as indicated in the logbook;
- (b) the **CFR number or, where that number is not available, another** vessel identification numbers and the name of the fishing vessel;
- (c) ~~the name of~~ the port **or other landing place** of destination and the purposes of the call, such as landing, transhipment or access to services;
- (d) the dates of the fishing trip ~~and the relevant geographical areas in which the catches were taken~~;
- (e) ~~the date and time of departure from port and~~ the estimated date and time of arrival at port;
- (f) the FAO alpha-3 code of each species **and the relevant geographical areas in which the catches were taken**;
- (g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;

(h) the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size.”

(b) **the following** paragraph ~~1a~~ is inserted:

"1a. The coastal Member State may set a shorter period of prior notification **for certain fisheries for vessels flying its flag which operate exclusively within its territorial waters**—provided that it does not impair the ability of Member States to carry out inspections."

(c) paragraph 6 is replaced by the following:

"6. The Commission is empowered to adopt delegated acts in accordance with Article 119a ~~concerning~~

(a) ~~the exempting of~~ certain categories of **Union** fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisheryies products to be landed.;"

(b) ~~the extension of the prior notification obligation set out in paragraph 1 to fishing vessels of less than 12 metres' length overall for specific fisheries;~~

(d) **paragraph 7 is added:**

"7. The Commission may, by means of implementing acts, lay down detailed rules applicable:

~~(e)(a) the provisions applicable~~ in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification;

~~(d)(b) measures to be taken~~ in case of non-receipt of prior notifications data;

~~(e)(c) the access to prior notification data and measures to be taken~~ in case of **prior notification** data access failure.²²

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(16) Article 18 is deleted.

(17) in Article 19, the words "in Articles 17 and 18" are replaced by the words "in Article 17".

(18) Article 19a is inserted:

"Article 19a

Prior notification of landing in third country ports

1. Union fishing vessels shall ~~only~~ be authorised to land in ports outside Union waters **only** if they have ~~notified~~ **submitted** by electronic means **to** the competent authorities of their flag Member State at least ~~three~~ **3** days before the estimated time of arrival at port, ~~of~~ the information **listed-referred to** in paragraph 3 and the flag Member State **concerned** has not denied the authorisation to land ~~within this period~~ **by the time of arrival at port.**

2. The flag Member State may set a shorter period, ~~of not less than four hours~~, for the prior notification referred to in paragraph 1 for fishing vessels flying ~~its~~their flag ~~carrying out fishing activities in third country waters~~, taking into account the type of fishery products, ~~and~~ the distance between the fishing grounds and port and the obligations set out in paragraph 4. The flag Member State shall communicate such shorter period to the Commission.
3. Masters of Union fishing vessels shall submit to the flag Member State, ~~in particular~~ the following information:
- (a) the unique fishing trip identification number and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches as provided on the logbook in accordance with Article 14(2)(a);
 - (b) the CFR number or, where that number is not available, another vessel identification number and the name of the fishing vessel;
 - (c) ~~the name of~~ the port or other landing place of destination and the purposes of the call, such as landing or access to services;
 - ~~(d) — the relevant geographical areas in which the catches were taken;~~
 - (e) ~~the date and time of departure from port and~~ the estimated date and time of arrival at port;
 - (f) the FAO alpha-3 code of each species and the relevant geographical areas in which the catches were taken;
 - (g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;

(h) the quantities of each species to be landed, **including, as a separate entry, those below the applicable minimum conservation reference size.**

4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the **Union** fishing vessel is not complying with the rules of the common fisheries policy, the competent authorities of ~~the~~**its** flag Member State shall request the cooperation of the third country where the vessel intends to land in view of a possible inspection. For this purpose the flag Member State may require the fishing vessel to land in a different port, or delay the time of arrival at port or of landing.

5. This Article shall apply to Union fishing vessels below 10 metres' length overall from ... [24 months after the date of application of this act].²¹

(19) in Article 20 the following paragraphs 2a and 2b are inserted:²²

"2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008 and Article 43(3) of this Regulation, ~~Union~~ donor ~~vessels~~ and ~~Union~~ receiving **Union fishing** vessels shall ~~only~~ be authorised to tranship at sea outside Union waters or in ports of third countries **only** subject to an authorisation received ~~from~~**by** their flag Member State(s).

2b. In order to apply for an authorisation to tranship under paragraph 2a, ~~the~~ masters of **donor and receiving** Union **fishing** vessels shall submit electronically to their flag Member State, at least 3 days before the planned transhipment operation, the following information:

²¹ This paragraph might be placed in the final provisions.

²² Given the revision of Article 20 of this regulation, Article 28 of Regulation (EU) 2017/2403 shall be deleted. **To that effect, the following** provision will later be inserted in this regulation:

"Article 5a

Amendment to Regulation (EU) 2017/2403

In Regulation (EU) 2017/2403, Chapter VI is deleted."

- (a) the unique fishing trip identification number and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches ~~as provided on the logbook in accordance with Article 14(2)(a)~~;
- (b) the **CFR number or, where that number is not available, another** vessel identification numbers and the name of both the donor and the receiving fishing vessels;
- (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation **and state of processing**;
- (e) the port of destination of the receiving fishing vessel;
- (f) **the** date and time of the planned transshipment;
- (g) the geographical position or the specific name of the port in which the transshipment operation is planned."

The Commission may, by means of implementing acts, lay down detailed rules on the description of the processed state of a fishery product or part thereof, in particular through codes and descriptions for the product presentation and the state of processing. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."²³

²³ Given that the terms 'product presentation' and 'state of processing' appear in several Articles of this Regulation, the position of this paragraph might change in the final version.

(20) Article 21 is replaced by the following:

“Article 21

Completion of the transshipment declaration

1. Masters of Union fishing vessels ~~of 10 metres’ length overall or more~~ involved in a transshipment operation shall complete an electronic transshipment declaration.
2. The transshipment declaration referred to in paragraph 1 shall contain at least the following information:
 - (a) the unique **fishing** trip identification number **and, in the case of vessels other than catching vessels, the unique fishing trip identification number related to the catches** ~~as provided on the logbook in accordance with Article 14(2)(a)~~;
 - (b) the **CFR number or, where that number is not available, another** vessel identification numbers and the name of both the donor and the receiving fishing vessels;
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation **and state of processing,** or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size;
 - (e) the port of destination of the receiving fishing vessel and estimated date and time of arrival;

- (f) date and time of transshipment;
 - (g) the geographical area or the designated port of transshipment;
 - (h) the conversion factor(s) used.
3. When compared with the quantities landed or **with** the result of an inspection, the permitted margin of tolerance in estimates recorded in the transshipment declaration of the quantities in kilograms of fish retained on board shall be **10 % per species that as set out in Article 14(4)**.
 4. ~~The m~~**M**asters of both the donor and the receiving fishing vessels shall each be responsible for the accuracy of the data recorded in their respective transshipment declarations.
 5. To convert stored or processed fish weight into live fish weight for the purposes of **the** transshipment declaration, masters of fishing vessels shall apply a conversion factor established ~~pursuant to~~ **in accordance with** Article 14(9).
- 5a. This Article shall apply to Union fishing vessels below 10 metres' length overall from ... [24 months after the date of application of this act].²⁴**
6. The Commission is empowered to adopt delegated acts in accordance with Article 119a ~~to exempting~~ certain categories of **Union** fishing vessels from the obligation laid down in paragraph 1 **of this Article**, taking into account the quantities and/or type of fishery products, **distance between the fishing grounds, transshipping places and ports where the vessels concerned in question are registered.**"

²⁴ This paragraph might be placed in the final provisions.

(21) Articles 22, 23, 24 and 25 are replaced by the following:

"Article 22

Electronic transmission of transhipment declaration data

1. Masters of Union fishing vessels ~~of 10 metres' length overall or more~~ shall **submit** ~~send~~ by electronic means the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transhipment operation.

~~2. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1.~~²⁵

3. When a Union fishing vessel tranships its catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the transhipment declaration data by electronic means to the competent authorities of the Member State where the catch was transhipped and where the catch is destined.

3a. This Article shall apply to Union fishing vessels below 10 metres' length overall from ... [24 months after the date of application of this act].

~~4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:~~²⁶

(a) ~~the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transhipment data;~~

²⁵ Covered by Article 111.

²⁶ The previously modified version of paragraph 4 of this Article has been merged with paragraph 5 of this Article on implementing acts.

- ~~(b) — measures to be taken in case of non-receipt of transshipment data;~~
- ~~(c) — the access to transshipment data and measures to be taken in case of data access failure.~~

5. The Commission may by means of implementing acts, lay down detailed rules on:

- (a) the format, ~~and~~ content **and procedure for submission** of the transshipment declaration;
- (b) the completion and electronic recording of **the** transshipment **declaration** data;
- (c) the functioning of the electronic recording and reporting system for transshipment data;
- ~~(d) the requirements for the transmission of transshipment data from a Union fishing vessel to the competent authorities of its flag Member State and return messages from the authorities of the flag Member State;~~
- ~~(e) the requirements and format for exchange of transshipment information between Member States;²⁷~~
- ~~(f) the tasks of the single authority referred to in Article 5(5) with regard to transshipments;~~
- ~~(g) the frequency of transshipment data transmissions.~~
- (h) **the procedures in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transshipment declaration data, and in cases of non-receipt of transshipment declaration data and of its access failure.**²⁸

²⁷ Covered by Article 111.

²⁸ Moved from paragraph (4) of this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 23

Completion of the landing declaration

1. The master of a Union fishing vessel, or ~~its~~ **his** representative, shall complete an electronic landing declaration.
2. The landing declaration referred to in paragraph 1 shall contain at least the following information:
 - (a) the unique fishing trip identification number;
 - (b) the **CFR number or, where that number is not available, another** vessel identification numbers, and the name of the fishing vessel;
 - (c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken;
 - (d) the quantities of each species landed in kilograms of product weighed in accordance with Article 60 and in live weight, broken down by type of product presentation **and state of processing,** or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size;
 - (e) the port of landing;
 - (f) date and time of landing;

(f1) date and time of weighing;

- (g) the ~~registration number of the weigher~~ name or an identification number of the operator referred to in Article 60(1c);
- (h) the conversion factors used.
3. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.
- 4. This Article shall apply to Union fishing vessels below 10 metres' length overall from from [24 months after the date of application of this act].²⁹**
5. **In order to** To convert stored or processed fish weight into live fish weight for the purposes of **the completion of** the landing declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9).

Article 24

Electronic transmission of landing declaration data

1. The master of a Union fishing vessel or ~~their~~ his representative shall submit by electronic means the information referred to in Article 23(2) to the competent authority of their flag Member State within 24 hours after ~~weighing completion of the landing.~~ **Where fishery products are weighed in accordance with Article 60(1a), the master shall submit that information within 24 hours after the weighing in accordance with the relevant sampling or control plan referred to in that Article.**
- ~~2. — By way of derogation for fisheries products for human consumption landed unsorted which are weighed in accordance with Article 60(5)(c), the master shall submit the information referred to in Article 23 as updated immediately after the second weighing, to include the result of the second weighing.~~

²⁹ This paragraph might be placed in the final provisions.

3. Where ~~ren~~ a Union fishing vessel lands ~~its~~ catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State in whose territory ~~ere~~ the catch was landed.

~~4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.~~³⁰

4a. This Article shall apply to Union fishing vessels below 10 metres' length overall from from [24 months after the date of application of this act].³¹

~~5. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:~~³²

~~(a) derogations concerning the submission of the landing declaration;~~

~~(b) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for landing declaration data;~~

~~(c) measures to be taken in case of non-receipt of landing declaration data;~~

~~(d) the access to landing declaration data and measures to be taken in case of data access failure.~~

³⁰ Moved to Article 111.

³¹ This paragraph might be placed in the final provisions.

³² The paragraph 4 of this Article has been modified and merged with paragraph 5 of this Article on implementing acts.

6. The Commission may, by means of implementing acts, lay down detailed rules on:
- (a) the format, ~~and~~ content **and procedure for submission** of the landing declaration;
 - (b) the completion and digital recording of landing declaration data;
 - (c) the functioning of the electronic recording and reporting systems for landing declaration data;
 - ~~(d) the requirements for the transmission of landing declaration data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities;~~
 - ~~(e) the requirements and format for exchange of landing declaration data between Member States;~~
 - ~~(f) the tasks of the single authority referred to in Article 5(5), as regards landing declarations;~~
 - ~~(g) the frequency of transmissions of landing declaration data.~~
 - (h) **the procedures in the event of technical or communication failure or non-functioning of the electronic recording and reporting systems for landing declaration data, and in cases of non-receipt of landing declaration data and of its access ailure.**³³

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

³³ Moved from paragraph 4.

Article 25

Fishing vessels not subject to landing declaration requirements during a transition period

- 1. During the period referred to in Article 24(4a), each Member State shall monitor, on the basis of sampling, the activities of fishing vessels which are not subject to the landing declaration requirements specified in Articles 23 and 24 in order to ensure compliance by those vessels with the rules of the common fisheries policy.**
- 2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology referred to in paragraph 3 and transmit it every year by 31 January to the Commission.**
- 3. The Commission shall, by means of implementing acts, adopt the methodology for establishing sampling plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).**
- 4. By way of derogation from paragraphs 1 and 2 of this Article, sales notes submitted in accordance with Article 62 or paper fishing logbooks shall be accepted as an alternative measure to sampling plans.”**

~~(22) Article 25 is deleted.~~

(23) — In Section 1 of Chapter 1 of Title IV, the following Article 25a is inserted:

~~“Article 25a³⁴~~

~~Control of the landing obligation~~

- ~~1. — Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed-Circuit Television (CCTV) systems incorporating data storage.~~
 - ~~2. — The percentage of fishing vessels referred to in paragraph 1 shall be established for different risk categories in specific control and inspection programmes adopted pursuant to Article 95. Those programmes shall also determine the risk categories and the types of fishing vessels included in such categories.~~
 - ~~3. — In addition to the CCTV systems referred to in paragraph 1, Member States may require the use of other electronic monitoring systems for the purpose of controlling the landing obligation.~~
 - ~~4. — The Commission may, by means of implementing acts, lay down detailed rules on the requirements, technical specifications, installation and functioning of the electronic monitoring systems for the control of the landing obligation, including continuously recording CCTV systems.~~
- ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”~~

³⁴ See new Article 13.

(23a) Article 26 is amended as follows:

(a) in paragraphs 1 and 6, 'fishing vessel' is replaced by 'catching vessel'.

(b) in paragraphs 2, 3 and 4, 'fishing vessels' is replaced by 'Union catching vessels'.

(23b) In Article 27, paragraph 1, 'fishing vessel' is replaced by 'Union catching vessel'.

(24) Article 28 is deleted.

(25) ~~in~~ Article 29 **is amended as follows:**

(a) in paragraphs 1, 2 and 3, 'fishing vessel' is replaced by 'Union catching vessel';

(b) in paragraph 3(3), the last sentence is deleted.

(25a) In Article 30, paragraphs 1 and 2, 'fishing vessel' is replaced by 'Union catching vessel'.

(25b) In Article 31, 'fishing vessels' is replaced by 'Union catching vessels'.

(26) Article 32 is deleted.

(27) Article 33 is replaced by the following:

“Article 33

Recording of catches and fishing effort

1. Each flag Member State **or, in the case of fisheries without a fishing vessel as referred to in Article 54d, each coastal Member State,** shall record all data related to catches and fishing effort referred to in this Regulation, in particular data referred to in Articles 14, 21, 23, **54d, 55, 59a,** 62, 66 and 68, and shall keep the originals of those data for a period of at least three years in accordance with national rules.

2. Before the 15th of each month, each flag Member State shall submit **by** electronic ~~means~~ally to the Commission or the body designated by it, the aggregated data **on**:
- (a) ~~on~~ the quantities of each **species, if applicable by** stock or group of stocks, caught and kept on board, and on the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as separate entries, those below the applicable minimum conservation reference size;
 - (b) ~~on~~ the fishing effort deployed during the preceding month for each fishing area subject to a fishing effort regime or, where appropriate, for each fishery subject to a fishing effort regime.
3. In cases where the data submitted by a Member States in accordance with paragraph 2 is based on estimates for **a species**, a stock or **a** group of stocks, the Member State shall ~~provide~~ **submit** to the Commission the corrected **data on** quantities established on the basis of landing declarations **or sales notes** as soon as available and no later than **30 March of the year following the calendar year of the catch**~~12 months after the date of landing~~. **In case where the measures concerning the fishing opportunities set out a reference period different from the calendar year, the Member State shall submit to the Commission the corrected data on quantities established on the basis of landing declarations as soon as available and no later than three months after the end of that period.**

4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, the Member State shall ~~submit~~**provide** to the Commission the corrected **data on** quantities established on the basis of that validation as soon as available and no later than **30 June of the year following the calendar year of the catch**~~12 months after the date of landing~~. **In case where the measures concerning the fishing opportunities set out a reference period different from the calendar year, the Member State shall submit to the Commission the corrected data on quantities established on the basis of that validation as soon as available and no later than six months after the end of that period.**
5. ~~All~~ Catches of **each species**, a stock or a group of stocks subject to **a** quota ~~made by Union fishing vessels~~ shall be counted against the quotas applicable to their ~~flag Member States~~ **for the stock or group of stocks in question, irrespective of the place of landing in accordance with Article 15 of Regulation (EU) No 1380/2013.**
6. Catches taken in the framework of scientific research which are marketed and sold, including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches shall be submitted to the Commission. They shall be counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the quotas concerned. This paragraph shall not apply to catches taken during **mandatory** research surveys at sea as referred to in **point (b) of** Article 5(1)~~(b)~~ of Regulation (EU) 2017/1004 of the European Parliament and of the Council(*).

7. Except for effort deployed by catching fishing-vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by Union catching fishing-vessels when carrying on board or, where appropriate, using a fishing gear ~~or gears~~-subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to the flag Member State.
8. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear ~~or gears~~-subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear ~~or gears~~ or such fishery and to such geographical area of its flag Member State, if the catches taken during the deployment of that is fishing effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. This paragraph shall not apply to catches taken during mandatory research surveys at sea as referred to in point (b) of Article 5(1)~~(b)~~ of Regulation (EU) 2017/1004.
9. The Commission may, by means of implementing acts, adopt formats for the transmission of the data referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).³⁵

(*) Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).”

³⁵ This paragraph will be examined together with Article 111a.

(28) Article 34 is replaced by the following:

“Article 34

Data on exhaustion of fishing opportunities

Where 80% of a quota for a stock or a group of stocks is deemed to be exhausted,

~~the~~ Commission may request a Member State to submit more detailed and more frequent information than as provided for in Article 33 ~~in the case it is established that 80 % of a quota for a stock or group of stocks is deemed to be exhausted.~~”

(29) ~~in~~ Article 35 **is amended as follows;** ~~paragraphs 1, 2 and 3 are replaced by the following:~~

(a) in paragraph 1, 'fishing vessel' is replaced by 'catching vessel'.

(b) paragraphs 2 and 3 are replaced by the following:

“2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing ~~operations~~**activities** either for the stock or group of stocks whose quota has been exhausted, in the relevant fishery, or when carrying on board the relevant fishing gear in the geographical area where the maximum allowable fishing effort has been reached, by all or part of the ~~catching~~ **fishing**-vessels flying its flag, and ~~it may~~**shall** ~~fix~~**decide on** a date ~~up to~~**by** which transhipments, transfers and landings or final declarations of catches ~~are permitted~~**have to be completed**.

3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the Commission. ~~If~~**The Commission** shall ~~be made~~**make it** publicly **available on its** website.”

(c) the following paragraph is inserted:

"3a. As from the date that the decision **referred to in paragraph 2** has been made public by the Member State concerned, **that** Member States shall ensure that no fishing **operationactivity concerning for** the stock or group of stocks concerned, by **catching fishing** vessels or a group of the vessels flying **its**the flag **of the Member State concerned**, take place in **their-its** waters **and on their territory.**"

(30) in Article 36, paragraph 2 is replaced by the following:

"2. Where the Commission finds that fishing opportunities available to the Union, a Member State or group of Member States are deemed to have been exhausted, the Commission shall inform the Member States concerned thereof and may, by means of implementing acts, prohibit fishing **operationsactivities** for the **respective-relevant** area, **fishing** gear, stock, group of stocks or fleet involved in those specific fishing **operationsactivities.**"

(31) Article 37 is amended as follows:

(a0) in paragraph 1, 'fishing' is replaced by 'fishing operations'.

(a) paragraph 2 is replaced by the following:

"2. If the prejudice suffered by the Member State for which fishing **operations** **haves** been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall, **by means of implementing acts,** adopt measures with the aim of remedying in an appropriate manner the prejudice caused, **by means of implementing acts.** Those implementing acts shall **be adopted in accordance with the examination procedure referred to in Article 119(2). Those measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted appropriately to the Member States whose fishing activities were prohibited before their fishing opportunities were exhausted.**"

(b) paragraph 4 is replaced by the following:

~~"4. The Commission shall, in particular, lay down; ~~by means of implementing acts:~~~~

- (a) the notification of a prejudice suffered;
- (b) the identification of **the** Member States which suffered prejudice and the amount of the prejudice;
- (c) the identification of the Member States₂ which have overfished₂ and the quantities of fish caught in excess;
- (d) the deductions to be made from the fishing opportunities of Member States₂ which have overfished₂ in proportion to the exceeded fishing opportunities;
- (e) the additions to be made to the fishing opportunities of the prejudiced Member States in proportion to the prejudice suffered;
- (f) the dates on which the additions and deductions shall take effect; ~~and,~~
- ~~(g) where appropriate, any other necessary measure on how to remedy the prejudice suffered.~~

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

(b) paragraph 4 is deleted.

(32) in Title IV, the heading of Chapter II is replaced by the following:

“CHAPTER II

Control of fishing capacity”

(33) Article 38 is replaced by the following:

"Article 38

Fishing capacity

1. Member States shall be responsible for carrying out the necessary checks in order to ensure that the total capacity corresponding to the fishing licences issued by a Member State **concerned**, in GT and in kW, shall at any moment not be higher than the maximum capacity levels for that Member State established in accordance with Article 22 of Regulation (EU) No 1380/2013.
2. The Commission may ~~adopt~~, by means of implementing acts, **lay down** detailed rules for the application of this ~~Article~~ **regarding concerning**:
 - (a) the verification of the engine power of **catching fishing** vessels;
 - (b) the verification of the tonnage of **catching fishing**-vessels;³⁶
 - (c) the verification of the type, number and characteristics of the fishing gear.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

³⁶ Will be discussed together with Articles 39a to 40 and therefore at a later stage.

[Articles 39a to 41 will be examined at a later stage].

- (38) in paragraph ~~23~~ of Article 42 the following words "Articles 60 and 61" are replaced by "Article 60".
- (39) Article 43 is amended as follows:

- (a) paragraphs 1 ~~and 2 are~~ replaced by the following:

"1. ~~In A~~ multiannual plan ~~may set~~ a threshold may be set applicable to the live weight of species subject to that plan, above which a Union fishing vessel shall be required to land ~~its~~ catches in a designated port or place close to the shore.

2. Where quantities exceeding the threshold referred to in paragraph 1 are retained on board, the master of a Union fishing vessel shall ensure that the landing of catches is carried out in a designated port or place close to the shore in the Union."

- (b) paragraph 7 is deleted.

(39a) Article 44 is replaced as follows:

"Article 44

Separate stowage of demersal catches subject to multiannual plans

- 1. Catches of demersal stocks subject to a multiannual plan which are retained on board a Union catching vessel of 12 metres' length overall or more and which are not below the minimum conservation reference size shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.**

2. Masters of Union catching vessels shall keep the catches referred to in paragraph 1 according to a stowage plan that describes the location of the different species in the holds.

3. It shall be prohibited to retain on board a Union catching vessel in any box, compartment or container any quantity of catches referred to in paragraph 1 mixed with any other fishery products.

4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the exemption of certain demersal stocks from the obligation set out in this Article.”

(40) Article 45 is deleted.

(41) Article 46 is deleted³⁷.

(41a) **the following Chapter is inserted:**

“CHAPTER IIIa

Regionalisation

Article 46a

Regional control measures

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 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement the control measures set out in this Regulation with:

³⁷ Will be discussed together with Article 93a.

- (a) regional measures to control regional technical measures adopted on the basis of Article 15 of Regulation (EU) 2019/1241;
- (b) regional measures to control measures adopted under multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013;
- (c) regional control measures in respect of stocks that are not in safe biological conditions.

The Commission shall adopt such delegated acts on the basis of a joint recommendation submitted in accordance with Article 18 of Regulation (EU) No 1380/2013."

(42) Article 48 is amended as follows:

(a0) paragraph 1 is replaced by the following:

"1. A Union catching vessel shall have the equipment on board to retrieve its lost gear".

(a00) In paragraph 2, 'fishing vessel' is replaced by 'catching vessel'.

(a) paragraph 3 is replaced by the following:

"3. If the lost gear cannot be retrieved, the ~~m~~**M**aster of the vessel shall include the information on the lost gear in the logbook pursuant to Article 14(3). The competent authority of ~~the~~its flag Member State shall ~~inform~~forward that information to the competent authority of the coastal Member State."

(a1) In paragraph 4, 'fishing vessel' is replaced by 'catching vessel'.

(b) paragraph 5 is replaced by the following:

"5. Member States shall collect and record information concerning lost gears and provide that information to the Commission upon request."

(42a) In Article 49, paragraph 1, 'fishing vessel' is replaced by 'catching vessel'.

(42b) In Article 49a, paragraphs 1 and 2(b), 'fishing vessel' is replaced by 'catching vessel'.

(43) Article 50 is replaced by the following:

"Article 50

Control of fishing restricted areas

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.
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, **to the extent permitted under international law.**
3. ~~Transit through a fishing restricted areas is allowed for all fishing~~ **Catching** vessels that are not authorised to fish in **fishing restricted** ~~such~~ areas **may only transit through such areas** subject to the following conditions:
 - (a) all **fishing** gears carried on board ~~are~~ **is** lashed and stowed during the transit;
and

- (b)
- (c) the **transit is continuous and the** speed during transit is not less than six knots except in cases 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; **and**
- (d) the tracking device providing position of the vessels ~~in accordance with~~ **referred to in** Article 9 is functioning."

The frequency of transmission of the vessel position data shall be of at least once every 30 minutes."

(43a) the following Chapter is inserted after Article 54:

"CHAPTER IVa

Control of fisheries without a fishing vessel

Article 54d

Fisheries without a fishing vessel³⁸

1. Member States shall ensure that fisheries without a fishing vessel exploiting marine biological resources on their territory and in Union waters[, such as on-shore fisheries and ice fishing activities,]³⁹ are conducted in a manner compatible with the objectives and rules of the common fisheries policy.

2. For the purpose referred to in paragraph 1, Member States shall:

- (a) **put in place a licensing or other alternative system for natural and legal persons conducting such activities; and**

³⁸ A recital will explain the scope of the new Article on "fishing without a vessel", in particular, its geographical scope and that it only relates to commercial fisheries. It should be stressed that the Article only covers the exploitation of 'marine biological resources', a term defined under Article 4(1)(2) of Regulation (EU) No 1380/2013.

³⁹ Text in brackets is just for illustration and will be part of a recital.

(b) ensure that the quantities of species, stocks or group of stocks caught are recorded and submitted by electronic means to the competent authorities.

3. This Article shall apply from ... [24 months after the date of application of this act].

4. The Commission may, by means of implementing acts, lay down detailed rules on the format, content and submission of the record of the quantities caught as referred to in point (b) of paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

5. This Article shall not apply to recreational fisheries."

(44) Article 55 is replaced by the following:

"Article 55

Recreational fisheries

1. Member States shall ensure that recreational fisheries⁴⁰ on their territory and in Union waters are conducted in a manner compatible with the objectives and rules of the common fisheries policy.

For this purpose Member States shall:

~~(a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries; and~~

⁴⁰ It is recalled that 'recreational fisheries' is defined as follows: "non-commercial fishing activities exploiting marine biological resources, including for recreation, tourism or sport" (see Article 4(28)). Therefore it does not include fishing in fresh waters.

- (b) collect collect data on catches from ~~such~~ **recreational** fisheries through ~~catch reporting or other~~ data collection mechanisms based on a methodology which shall be **determined by each Member State and** notified to the Commission. **Member States shall send those data to the Commission at least once a year. In order to comply with the obligation set out in this subparagraph, Member States may use the data collected under Regulation (EU) 2017/1004(*)**.
2. As regards **species**, stocks ~~or~~ groups of stocks ~~and species~~ that are subject to Union conservation measures **which apply specifically to recreational fisheries, such as quotas, catch-limits and bag limits**, ~~applicable to recreational fisheries~~⁴¹, Member States shall:
- (a) **ensure that the quantities of species, stocks or groups of stocks caught are recorded and submitted by electronic means to their competent authorities** ~~ensure that natural and legal persons involved in recreational fisheries for such stocks or species record and send catch declarations electronically to the competent authorities on a daily basis or after each fishing trip~~; and

⁴¹ Recital (31) will be amended as follows: A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy, **in particular in the Council regulations fixing for specific years the fishing opportunities for certain fish stocks or groups of fish stocks. The specific conservation measures already applied include quotas, catch-limits, bag-limits, and prohibitions to fish in certain periods or with certain gear. The conservation of particular species might require using other measures than those in the future.** The registration or licensing and catch registration systems should allow the effective control of **all of** those specific conservation measures.

(b) put in place a registration or licensing system for **natural and legal persons engaged or for** vessels used in such recreational fisheries⁴², ~~in addition to the registration or licencing system for natural and legal persons referred to in paragraph 1.~~⁴³

3. The **marketing or** sale of catches from recreational fisheries shall be prohibited.⁴⁴

4. ~~National control programmes referred to in Article 93a shall include specific control activities concerning the recreational fisheries.~~⁴⁵

4a. This Article shall not apply to Member States that are neither coastal nor flag states.

5. **With regard to catches referred to in point (a) of paragraph 2,** ~~t~~The Commission may, by ~~way~~ **means** of implementing acts, ~~adopt~~ **lay down** detailed rules **concerning**:

~~(a) the registration or licensing systems for recreational fisheries for specific species or stocks,~~

~~(b) the collection of data and the recording and submission of the catch data,~~

~~(c) the tracking of vessels used for recreational fisheries, and~~

⁴² **A recital will explain that Member States have a large degree of flexibility in choosing the most appropriate system, including a combination of registration and licensing systems for natural and legal persons and for vessels.**

⁴³ The following sentence, which had been included in the compromise before the Working Party on 4 June, was again removed after that date and upon further reflection: "The registration system put in place by Member States may foresee the registration before or after catching the concerned species, stocks or groups of stocks".

⁴⁴ See also Article 3 of the Commission's proposal amending the control regulation, which, amongst others, proposes to delete Article 17(3) of Regulation (EC) No 1967/2006. This deletion will remove an exception to the rule set out in the control regulation on the prohibition of marketing or sale of catches from recreational fisheries and ensure uniform rules throughout the Union.

⁴⁵ This provision will be discussed together with Article 93a.

~~(d) — the control and marking of gears used for recreational fisheries.~~

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

~~6. — This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition."~~

(45) the heading of Title V is replaced by the following:

"TITLE V

CONTROLS IN THE SUPPLY CHAIN".

(46) in Title V, Chapter I is replaced by the following:

"CHAPTER I

General Provisions

Article 56

Principles for the control of marketing

1. Each Member State shall be responsible for controlling on its territory the application of the rules of the common fisheries policy at all stages of marketing of fishery and aquaculture products, from their placing on the market to the retail sale, including transport. Member States shall in particular take measures to ensure that the use of fishery products below the applicable minimum conservation reference size that are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 is restricted to purposes other than direct human consumption.

2. Where a minimum size has been fixed for a given species in Union legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.

Article 56a

Lots

1. Fishery and aquaculture products ~~from catching or harvesting~~ shall be put into lots **by the operator** prior to **their** placing on the market.
2. A lot shall only contain fishery ~~or aquaculture~~ products of a single species, of the same **product** presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or **aquaculture products of a single species, of the same product presentation and** coming from the same aquaculture production unit.
3. By way of derogation from paragraph 2, **Member States may lay down that** quantities of fishery products, **other than fishery products below the applicable minimum conservation reference size,** totalling less than 30kg of fishery products of several species and coming from the same relevant geographical area and of the same **product** presentation, per **catching** vessel and per day, may be put into the same lot ~~by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer,~~ prior to **their** placing on the market.
4. By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area ~~and the same fishing vessel, or group of fishing vessels,~~ may be put into **the same** lots prior to the placing on the market for purposes other than direct human consumption.

5. After the ~~placing on the market~~**first sale**, a lot of fishery or aquaculture products may only be merged with, ~~another lot~~ or split **from, another lot of fishery or aquaculture products respectively**, if the lot created by merging or the lots created by splitting meet the following conditions:
- (a) they contain **either** fishery **products** or aquaculture products of a single species and of the same **product** presentation;
 - (b) the traceability information listed in Article 58 ~~(5) and (6) paragraphs 5 and 6~~ is provided for the newly created lot(s);
 - (c) the operator responsible for ~~placing the newly created~~ **the new** lot ~~on the market~~ is able to provide the information concerning the composition of the newly created lot(s), in particular ~~the information relating to each of the lots of fishery or aquaculture products which it contains and~~ the quantities of fishery or aquaculture products coming from each of the lots forming the new lot, **where possible**.
6. This Article shall ~~only~~ apply to fishery and aquaculture products falling under Chapter 3 ~~and under headings 1604 and 1605 of Chapter 16~~ of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.

Article 57

Common marketing standards

1. Member States shall ~~ensure~~**check** that the products to which common marketing standards apply are made available on the market in compliance with ~~these~~ standards. **Member States shall undertake checks to ensure such compliance.**
The

2. ~~C~~checks may take place at all stages in the supply chain, including transport. ~~In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature.~~
3. Operators ~~at all stages of the supply chain~~ responsible for purchasing, selling, stocking or transporting lots of fishery **and aquaculture** products shall at all stages of the supply chain be able to prove that the products comply, where applicable, with the ~~minimum~~ common marketing standards.

Article 58

Traceability

1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, lots of fishery or aquaculture products shall be traceable at all stages of production, processing and distribution, ~~from catching or harvesting to retail stage, including fisheries and aquaculture products which are destined for export.~~
2. ~~Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:~~
 - ~~(a) is kept on record in a digitalised way;~~
 - ~~(b) is made available upon request to competent authorities;~~
 - ~~(c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.~~⁴⁶

⁴⁶ Moved to paragraph 6a of this Article and modified.

3. Lots of fishery and aquaculture products ~~placed~~ **made available** on the market or likely to be ~~placed~~ **made available** on the market ~~in the Union, or exported or likely to be exported,~~ shall be adequately marked ~~or labelled~~ to ensure the traceability of each lot.
- ~~4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.~~
5. ~~For~~ **Information on** lots of fishery and aquaculture products, except products imported into the Union, **at least the following information referred to in paragraph 2 shall be made available:**
- (a) the identification number of the lot;
 - (b) the unique fishing trip identification number(s) ~~referred to in Article 14(2)(a) or the unique identifier(s) in the system referred to in point (a) of Article 54d(2) of for~~ all fishery products included in the lot, or the name and, **where available, the** registration number of the aquaculture production unit;
 - (c) the FAO alpha-3 code of the species and the scientific name;
 - (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area ~~as defined in Article 38(1) of Regulation (EU) No 1379/2013~~ for fishery products caught in freshwater and aquaculture products, **as referred to in Article 38(1) of Regulation (EU) No 1379/2013;**

- (e) for fishery products, the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;
 - (f) the date(s) of catches for fishery products, ~~or date(s) of harvest for aquaculture products, or and the date(s) of production **for products falling under headings 1604 and 1605 of Chapter 16 of the Combined nomenclature established by Regulation (EEC) No 2658/87* where applicable;**~~
 - (g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;
 - (h) whereif fishery products below the minimum conservation reference size are present in the lot, the quantities referred to in point (g), separate information on the quantities in kilograms expressed in net weight, ~~or the number of individuals below the minimum conservation reference size;~~
 - (i) for lots of products subject to common marketing standards, as appropriate, the individual size or weight, size category, product presentation and freshness.
6. ~~For information on~~ lots of fishery and aquaculture products imported into the Union, at least the following information ~~referred to in paragraph 2 shall include~~ shall be made available:
- (a) the identification number of the lot;
 - (b) the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and, where available, the registration number of the aquaculture production unit;

- (c) the FAO alpha-3 code of the species and the scientific name;
- (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area ~~as defined in Article 38(1) of Regulation (EU) No 1379/2013~~ for fishery products caught in freshwater and aquaculture products, **as referred to in Article 38(1) of Regulation (EU) No 1379/2013;**
- (e) **for fishery products,** the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013 ~~for fishery products;~~
 - (f) the date(s) of catches for fishery products, ~~or~~ date(s) of harvest for aquaculture products, ~~or and the~~ date(s) of production **for products falling under headings 1604 and 1605 of Chapter 16 of the Combined nomenclature established by Regulation (EEC) No 2658/87* where applicable;**
- (g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;
- (h) for lots of products subject to common marketing standards, as appropriate, the individual size or weight, size category, **product** presentation and freshness.

6a. Operators shall:

- (a) identify any operator from whom they have been supplied with lots of fishery or aquaculture products and to whom they have supplied those lots;**
- (b) ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:**
 - (i) is kept on record;**
 - (ii) is made available upon request to competent authorities; and**
 - (iii) is made available to the operator to whom the fishery or aquaculture product is supplied.**

6b. In order to comply with the obligations set out in paragraph 6a, Member States may require using a digital system.

- 7. Member States may exempt from the requirements set out in this Article small quantities of **fishery** products sold directly from **fishing-catching** vessels to consumers, provided that ~~those~~ **quantities** do not exceed 15kg of fishery products per consumer per day.
- 8. The Commission ~~is empowered to adopt delegated acts in accordance with the Article 119a concerning;~~ **may, by means of implementing acts, lay down detailed rules on:**
 - (a) digitalisation of the traceability information and its electronic transmission; the transmission of the information referred to in paragraphs 5 and 6;**

~~(b) the physical affixing of traceability information on lots of fishery and aquaculture products; the methods of marking lots and the physical affixing of traceability information on lots of fishery and aquaculture products;~~

(c) the cooperation between Member States on the access to information accompanying a lot and the methods of marking or labelling lots;

(d) the traceability requirements for lots **containing several species as referred to in Article 56a(3) and for lots** resulting from the merging or splitting of different lots **as** referred to in Article 56a(5) ~~and lots containing several species referred to in Article 56(3);~~

(e) the information on the relevant geographical area.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

~~9. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.~~

10. This ~~A~~article shall not apply to ornamental fish, **ornamental** crustaceans and **ornamental** molluscs."

(47) in Article 59, paragraphs 2 and 3 ~~are~~ is replaced by the following:

"2. The buyer of the fishery products at first sale shall be registered with the competent authorities of the Member State where the first sale takes place. For the purpose of registration, each buyer shall be identified according to its VAT number, tax identification number or other unique identifier in national databases.

3. This Article shall not apply to cConsumers ~~acquiring purchasing fishery products not exceeding up to an amount of 15kg of fishery product per consumer~~ per day which are not thereafter ~~placed on the markets~~ sold but used only for private consumption ~~shall be exempted from this Article."~~

(48) ~~the following Article is inserted:~~

"Article 59a

~~Weighing systems~~

~~1. Member States shall ensure that procedures are in place to enable that all fishery products are weighed upon landing on systems approved by the competent authorities and that weighing is carried out by operators registered for the weighing of fisheries products.~~

~~2. Before registration of an operator to perform the weighing of fishery products, Member States shall ensure that the operator is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered.~~

~~3. Member States may require the submission of the weighing records at regular intervals.~~

~~4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records."~~

(49) Article 60 is replaced by the following:

"Article 60

Weighing of fishery products

1. ~~Member States Masters~~ shall ensure that all quantities of fishery products are weighed per species on weighing systems, **approved by the competent authorities, and by operators registered pursuant to Article 59a immediately after on** landing, prior to the fishery products being held in storage, transported or placed on the market.

1a. By way of derogation from paragraph 1, Member States may permit fishery products to be weighed on weighing systems, approved by the competent authorities:

(a) on landing in accordance with a sampling plan adopted under paragraph 6, irrespective of whether they are sorted or unsorted;

(b) on board, in the case of sorted fishery products, provided that they are weighed on landing in accordance with a sampling plan adopted under paragraph 6;

(c) after transport to a destination on the territory of the Member State where the landing took place, in accordance with a control plan adopted under paragraph 6, irrespective of whether they are sorted or unsorted;

- (d) after transport to a destination on the territory of the flag Member State, in accordance with a common control programme of the Member States concerned as referred to in Article 94 and adopted under paragraph 7, irrespective of whether they are sorted or unsorted.
- 1b. Masters shall ensure that all quantities of fishery products landed are weighed by an operator referred to in paragraph 1c.**
- 1c. The weighing shall be carried out by an operator, which shall be a registered buyer, a registered auction, a producer organisation or any other natural or legal person, including the master, authorised by the competent authorities to carry out weighing activities. The operator carrying out the weighing shall be responsible for the accuracy of the weighing.**
- 1d. Member States shall check that the operators referred to in paragraph 1c are adequately equipped to carry out weighing activities.**
2. ~~The Operators registered referred to in paragraph 1c to perform the weighing of fishery products shall complete a weighing record for each landing and shall be responsible for the accuracy of the weighing. The registered weigher shall keep weighing records for a period of three years.~~
3. The ~~figure results from of~~ the weighing ~~record~~ shall be immediately transmitted to the master and, where applicable, to the transporter. They shall be used for the completion of the landing declaration and, where applicable, of the transport document.
- 3a. Member States may require the operators referred to in paragraph 1c to submit the weighing records at regular intervals, or upon request, to their competent authorities.**

4. The competent authorities of a Member State may require that any quantity of fishery products ~~first~~ landed in that Member State is weighed by, or weighed in the presence of, their officials before being transported elsewhere from the place of landing.
5. ~~By way of derogation from paragraph 1, Member States may permit fishery products to be weighed unsorted on landing if the following conditions are met:~~
- ~~(a) The weighing of the unsorted fishery product is performed upon landing on a system operated or controlled by the competent authorities before transport, storage or placing on the market;~~
 - ~~(b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan;~~
 - ~~(c) In the case of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall be transmitted to the master.~~
6. The Commission may, by ~~way~~ means of implementing acts, adopt sampling plans and control plans referred to in points (a), (b) and (c) of paragraph 1 a. determine a risk-based methodology for the establishment of the sampling plans referred to in paragraph 5(b) and approve those plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

7. The Commission may, by means of implementing acts, adopt a risk-based methodology for common control programmes referred to in point (d) of paragraph 1a and approve the common control programmes of Member States based on that methodology.

(50) the following Article 60a is inserted:

"Article 60a

Detailed rules on weighing

1. The Commission **may, by means of implementing acts, is empowered to** adopt **~~delegated acts in accordance with Article 119a in order to set general rules for the weighing. Those rules~~** **on** ~~may concern:~~
 - (a) the determination of weighing procedures;
 - (b) the weighing records, **including the keeping of those records;**
 - (c) the time of weighing;
 - (d) the weighing systems, **including weighing systems for control purposes;**
 - (e) the weighing of frozen fishery products;
 - (f) the deduction of ice and water;
 - (g) the access of competent authorities to the weighing systems, **and** weighing records, **~~written declarations and premises where the fisheries products are stored or processed;~~**

(h) the weighing of certain pelagic species;⁴⁷

(i) the weighing of catches from small pelagic fisheries and fisheries for industrial purposes landed fresh and unsorted.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

~~2. The Commission is also empowered to adopt delegated acts in accordance with Article 119a in order to set special rules for the weighing of certain pelagic species. Those rules may concern:~~

~~(a) the determination of weighing procedure for catches of herring, mackerel and horse mackerel;~~

~~(b) the ports of weighing;~~

~~(c) the information of competent authorities before entering into port;~~

~~(d) discharge;~~

~~(e) the fishing logbook;~~

~~(f) publically operated weighing facilities;~~

~~(g) privately operated weighing facilities;~~

~~(h) weighing of frozen fish;~~

~~(i) keeping of weighing records;~~

~~(j) sales note and takeover declaration;~~

⁴⁷ A recital will clarify in more detail that the aim of the implementing powers given under this sub-paragraph is to set out rules such as those that are currently included in Article 78 of Regulation (EU) No 404/2011.

~~(k) — cross checks;~~

~~(l) — monitoring of weighing."~~

(51) Article 61 is deleted.

(52) Article 62 is replaced by the following:

"Article 62

Completion and submission of sales notes

1. Registered buyers, registered auctions or producer organisations ~~other bodies or persons~~ authorised by Member States ~~which are responsible for placing on the market of fishery products landed in a Member State~~, shall record by electronic means the information referred to in Article 64(1) and shall submit by electronic means, within ~~24~~ 48 hours after the ~~placing on the market~~ first sale, a sales note containing such information to the competent authorities of the Member State in whose territory the first sale takes place. The accuracy of the sales note shall be the responsibility of ~~these~~ buyers, auctions, or producer organisations ~~bodies or persons~~.
2. ~~If~~ Where the Member State in whose territory the ~~fishery product is placed on the market~~ first sale takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the sales note, upon its receipt, is submitted by electronic means ~~sally~~, to the competent authorities of the flag Member State ~~upon receipt of the relevant information~~.

3. Where the ~~placing on the market~~first sale of fishery~~ies~~ products does not take place in the Member State where the products have been landed, the Member State ~~responsible for controlling in whose territory~~ the ~~placing on the market~~first sale takes place shall ensure that a copy of the sales note, upon its receipt, is submitted ~~by~~ electronic meansally to the competent authorities of the Member States where ~~responsible for controlling the landing of~~ the products concerned have been landed, ~~and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note.~~
4. Where ~~en the landing~~the first sale takes place outside the Union ~~and the first sale takes place in a third country~~, the master of the fishing Union catching vessel or ~~their~~his representative shall forward ~~by~~ electronic meansally a copy of the sales note, or any other equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale.
5. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC(*), the Member State concerned shall adopt the necessary provisions to ensure that the information on the quantities and on the price, excluding tax for deliveries of goods to the purchaser, is identical to that indicated on the invoice.

6. The Commission may, by means of implementing acts, lay down detailed rules **concerning**:

- (a)** the registration of buyers; ~~the indication of the price in sales notes;~~
- (b)** the format of sales notes;
- (c)** the electronic recording and the electronic submission of sales notes.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

(*) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1.”

(53) Article 63 is deleted.

(54) Articles 64, 65 and 66 are replaced by the following:

"Article 64

Content of the sales notes

1. The sales notes referred to in Article 62 shall have a unique identification number and contain the following data:

(a) the unique fishing trip identification ~~numberer, as referred to in with Article 14(2)(a);~~

(a1) the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel;

(a2) the port and date of the landing;

- (b) the name of the ~~fish~~ing-catching vessel's operator or master and, if different, the name of the seller;
- (c) the name of the buyer and the buyer's VAT number, the buyer's tax identification number, or other unique identifier;
- (d) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (e) the quantities of each species ~~placed on the market or registered at an auction in kilograms~~ in product weight, broken down by type of product presentation and ~~preservation~~state of processing, or, where appropriate, the number of individuals;
- (f) for all products subject to common marketing standards, ~~as appropriate~~, the individual size or weight, size category, product presentation and freshness, as appropriate;
- (g) for fishery products below the minimum conservation reference size, where appropriate, the quantities placed on the market or registered at an auction in kilograms expressed in net weight, or, where appropriate, the number of individuals, ~~below the applicable minimum conservation reference size, and the destination thereof~~;
- (h) the ~~registration~~name or an identification number of the ~~weigher~~operator referred to in Article 60(1c);
- (i) the place and the date of the sale;
- (j) where possible, the reference number and date of invoice and, where appropriate, of the sales contract;

- (k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;
- (l) the price, excluding taxes, and currency;
- (m) **where available, the intended use of fishery products, such as for human consumption or for use as animal by-products.**

2. By way of derogation from paragraph 1, in the case of fisheries referred to in Article 54d, the sales note shall contain the following data:

- (a) **the unique identifier in the system referred to in point (a) of Article 54d(2);**
- (b) **the information referred to in points (c), (d), (e), (f), (g), (i), (j), (l) and (m) of paragraph 1 of this Article.**

Article 65

Exemptions from sales notes requirements

Where a consumer acquiring purchases fishery products not exceeding 15 kg of fishery product per consumer per day which is ~~are~~ not thereafter placed on the market sold but used only for private consumption, shall be exempted from the provisions laid down in Articles 62 and 64 shall not apply.

Completion and submission of the take-over declaration

1. ~~Where~~**ren** the fishery products are intended for sale at a later stage, ~~registered buyers,~~
~~registered auctions or other bodies or persons~~**operators** which are responsible for
the storage ~~or placing on the market~~ of fishery**ies** products landed in a Member
State shall record by electronic means the information referred to in paragraph 3 and
shall submit **by electronic means a take-over declaration by electronic means,**
within ~~24~~**48** hours after ~~completion of~~ landing, **a take-over declaration containing**
such information to the competent authorities of the Member State ~~where in whose~~
territory the take-over takes place. Those ~~persons~~**operators shall be responsible**
for the submission of the take-over declaration and its accuracy of the take-over
declarations shall be the responsibility of these buyers, auctions or other bodies
or persons.

2. ~~Where~~**If** the Member State ~~in whose territory~~**where** the take-over takes place is
not the flag Member State of the fishing vessel that landed the fish, it shall ensure
that a copy of the take-over declaration, **upon its receipt,** is submitted **by** electronic
meansally to the competent authorities of the flag Member State ~~upon receipt of the~~
~~relevant information.~~

- 2a. Where the take-over takes place outside the Union, the master of the Union**
fishing vessel or his representative shall forward by electronic means a copy of
the take-over declaration or any other equivalent document containing the same
level of information to the competent authority of the flag Member State within
48 hours after the take-over.

3. The take-over declaration referred to in paragraph 1 shall have a unique identification number and contain at least the following information:

(a) the unique fishing trip identification number ~~(s) as referred to with Article 14(2)(a)~~;

(a1) the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel;

(b) the port and date of the landing;

(c) the name of the vessel's operator or master;

(d) the FAO alpha-3 code of each species and ~~its~~ the relevant geographical area in which the catches were taken;

(e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation and ~~preservation~~ state of processing, or, where appropriate, the number of individuals;

~~(f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;~~

(g) ~~the registration number of the weigher~~ the name or an identification number of the operator referred to in Article 60(1c);

(h) the name and address of the facilities where the products are stored and its unique identifier;

- (i) where applicable, reference to the transport document ~~specified~~ referred to in Article 68;
- (j) ~~where appropriate~~ for fishery products below the minimum conservation reference size, the quantities in kilograms expressed in net weight, or, where appropriate, the number of individuals, ~~below the applicable minimum conservation reference size."~~

4. By way of derogation from paragraph 3, in the case of fisheries referred to in Article 54d, the take-over declaration shall contain at least the following information:

(a) the unique identifier in the system referred to in point (a) of Article 54d(2);

(b) the information referred to in points (d), (e), (h), (i) and (j) of paragraph 1 of this Article.

5. The Commission may, by means of implementing acts, lay down detailed rules on:

(a) the format of the take-over declaration;

(b) the submission of the take-over declaration.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(55) Article 67 is deleted.

(56) Article 68 is replaced by the following:

"Article 68

Transport of fishery products and completion and submission of the transport document

1. **Where fishery products ~~when are~~ transported before ~~placing on the market their first sale, including in the cases referred to in points (c) and (d) of Article 60(1a),~~ or before their first sale in a third country, they shall be accompanied by a transport document ~~covering indicating~~ the fishery products and quantities transported.**
2. Before the transportation begins, the transporter shall **transmit submit by electronic means** the transport document **by electronic means** to the competent authorities of the flag Member State, ~~of~~ the Member State of landing, the Member State(s) of transit, **and** the Member State of destination of the fishery products, as appropriate.
3. The transporter shall be responsible for the accuracy of the transport document.
4. The transport document **referred to in paragraph 1** shall **have a unique identification number and contain at least the following information indicate:**
 - (a) the place(s) **and address(es)** of destination of the consignment(s) and the identification of the transport vehicle and of the transporter;
 - (b) the unique fishing trip identification **number**, ~~as referred to in Article 14(2)(a);~~
 - (b1) the CFR number or, where that number is not available, another catching vessel identification number, and the name of the catching vessel;**

- (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation **and state of processing** or, where appropriate, the number of individuals and, where appropriate, by places of destination;
- (e) ~~for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;~~
- (f) the ~~registration~~ **name or an identification** number of the ~~weigher~~ **operator** referred to in Article 60(1c), if applicable;
- (g) the name(s), unique identifier ~~(s)~~ **number** and address(es) of the consignee(s) ~~and place and address of destination;~~
- (h) the place and date ~~and time~~ of loading;
- (i) **for fishery products below the applicable minimum conservation reference size, where appropriate,** the quantities in kilograms expressed in net weight, or, **where appropriate,** the number of individuals, ~~below the applicable minimum conservation reference size.~~

4a. **By way of derogation from paragraph 4, in the case of fisheries referred to in Article 54d, the transport document shall contain at least the following information:**

(a) the unique identifier in the system referred to in point (a) of Article 54d(2);

(b) the information referred to in points (a), (c), (d), (g), (h) and (i) of paragraph 1 of this Article.

5. The competent authorities of Member States may grant exemptions from the obligation set out in paragraphs 1 and 2 if the fisheryies products are transported within a port area or not more than 20 km from the place of landing.
6. Where fisheryies products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove that a sales transaction has taken place."⁴⁸
- 7. The transporter shall be exempted from the obligations and responsibilities set out in this Article if the transport document referred to in paragraph 1 of this Article is replaced by a copy of the landing declaration provided for in Article 23 pertaining to the entire quantities of fishery products being transported.**
- 8. The Commission may, by means of implementing acts, lay down detailed rules on:**
- (a) the content and format of transport documents;**
- (b) the submission of transport documents.**
- Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."**
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⁴⁸ The following paragraph 6a, which had been included in the compromise before the Working Party on 4 June, was again removed after that date and upon further reflection: "6a. Member States may provide that the obligations and responsibilities of a transporter under this Article shall apply to any other operator".