Council of the
European Union

Brussels, 18 June 2021
(OR. en)

9390/21
ADD 1 REV 1

Interinstitutional File:
2018/0193(COD)

PECHE 179
CODEC 814

NOTE

From:	Presidency
To:	Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control – General Approach

Delegations will find attached the Presidency compromise for a General Approach.

ANNEX

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) …/…

of …

amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EU~~C~~) ~~No 768/2005~~ 2019/473, (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 control[1]

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

…

HAVE ADOPTED THIS REGULATION:[2]

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~~is~~** replaced by the following:

"For the purposes of this **R~~r~~**egulation, 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~~r~~**egulation**, as well as the following definitions:**~~.~~"

[1] Amendments to the Commission proposal are marked in **bold underline** (new text) and ~~**bold strikethrough**~~ (deleted text).

[2] The recitals have been removed from this document, as they have not been discussed in depth. Proposals to modify some recitals or to add new recitals are included in the footnotes throughout this document.

(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;"

(b1) **point 5 is replaced by the following:**

5. 'surveillance' means the observation of fishing activities on the basis of sightings by inspection vessels, official aircrafts or official remotely piloted aircraft systems (RPAS) and technical detection and identification methods;

(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 temporarely 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 plan~~s~~' means plans referred to in Articles 9 and 10 of Regulation (EU) **No** 1380/2013, **conservation measures** ~~management plans~~ adopted in accordance with Article 18 of Regulation (EU) **No** 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**~~a~~ 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;"[3]

[3] 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.

(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 transhipment and carrier vessels equipped for the transportation of fishery products, except container vessels;"[4]

(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~~.~~**;**

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;[5]

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.";

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4 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**.

5 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**.

(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.

~~**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.**~~

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 State**s** 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."

(b) paragraph**s 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 as~~**and 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 gear~~s~~"

(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 gear~~s~~;

(e) labels for the marking of **fishing** gear~~s~~;

(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 vessel~~**s**~~ 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 **of the flag Member State** referred to in Article 9a ~~**of the flag Member State**~~ to poll the fishing vessel at all times.

   The transmission of vessel position data and the polling shall ~~**either**~~ pass through a satellite connection~~**, or may use a land-based mobile network when in reach of such network**~~.

3. By way of derogation from paragraph 2, **a flag Member State may determine that** ~~**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 **through satellite connection or any other network**.

For the purpose of applying the first subparagraph, Member States may use a vessel monitoring system developed at national or Union level. If one or more Member States so request by ... [*4 months after the entry into force of this Regulation*], the Commission shall develop a vessel monitoring system for fishing vessels below 12 metres' length overall.

The vessel monitoring system shall also allow the fisheries monitoring centre of the flag Member State referred to in Article 9a to poll the fishing vessel through satellite connection, if such connection is used. In case the device **referred to in the first subparagraph** is not ~~with~~in 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**.

3a. Without prejudice to obligations under other Union legal acts, a Member State may exempt Union fishing vessels of less than 9 metres' length overall flying its flag from the requirement to be fitted with a vessel monitoring system if they:

(a) use only passive gear;

(b) operate exclusively in the waters up to six nautical miles from baselines under the sovereignty and jurisdiction of the flag Member State; and

(c) never spend more than 24 hours at sea from the time of departure from port to the return to port;

(d) are not subject to restrictions applicable in any fishing restricted area in which they operate.

3b. The masters of Union fishing vessels exempted from the requirement to be fitted with a vessel monitoring system under paragraph 3a shall notify the time of departure from port or landing place to the responsible authority before their departure and record the geographical position of setting the gear and the time of the haul in the fishing logbook and submit it in accordance with Article 15(2).

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 State~~s~~. ~~**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**~~T~~hird 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.[6]

[6] 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.

7. **This Article shall apply to Union fishing vessels below 12 metres' length overall from … *[24 months after the date of application of this Regulation*]. ~~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~~ **shall**, by means of implementing acts, lay down detailed rules on**:**

   (a) the format and content of vessel position data;

   (b) the **minimum** requirements and **minimum** 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). **They shall be adopted by … [18 months after the entry into force of this Regulation].**"

(7) t~~T~~he 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~~ operat**e**~~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**.[7] 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~~.

[7] A recital will clarify that this paragraph does not require the physical presence of staff 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 activit**ies**~~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 a~~A~~**utomatic 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** follow**ings**~~s~~:

"*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 ~~deleted~~ **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, Member States shall ensure that fleet segments of Union catching vessels of 24 metres' length overall or more flying their flag which pose a serious risk of non-compliance with the landing obligation have installed on board an operating REM system.

The REM system shall be able to effectively monitor and control the landing obligation and may include geopositioning systems, sensors and CCTV cameras.

The data from the REM system shall be stored on board. The competent authorities of the flag and coastal Member States responsible for fisheries control shall have equal access to those data, without prejudice to the relevant rules on the protection of personal data.

3. For the purpose of implementation of paragraph 2, the Commission shall, by means of implementing acts:

(a) determine the fleet segments of Union catching vessels to which the obligation to have installed on board the REM system shall apply, based on the assessment of the risk of non-compliance with the landing obligation;

(b) set out detailed rules on requirements, technical specifications, installation, maintenance and functioning of the REM system and the period for which the REM system must be operated, taking into account the latest technological and scientific developments. Those rules shall also ensure that CCTV footage, if used, should only concern the gear and the parts of the vessel where fishery products are brought on board, handled, stored and discarded;

(c) set out detailed rules on the storage of, the exchange of and access to the data from the REM system, without prejudice to Article 112.

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

4. The risk assessment referred to in point (a) of paragraph 3 shall:

(a) follow a regional approach;

(b) establish the level of risk by fleet segment, based on gear and mesh size, area covered and species targeted;

(c) include a risk analysis determining the likelihood of non-compliance with the landing obligation at fleet segment level jointly carried out by the Member States concerned, in cooperation with EFCA, using all available and relevant information, in particular scientific estimates of discards and unwanted catches and data from the last haul inspections, and considering any lack of such data.

The risk assessment may also take into account the impact on stocks concerned.

5. Member States may provide that certain fleet segments of Union catching vessels below 24 metres' length overall flying their flag shall have on board an operating REM system, based on the risk of non-compliance with the landing obligation as assessed by the Member State concerned or by the Commission.

(11) Article 14 is replaced ~~as~~**by the** follow**ings**~~s~~:

"Article 14

Completion of the fishing logbook~~"~~

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) ~~**a**~~**the** unique fishing trip identification number;

   (b) the **common fleet register (CFR) number or, where that number is not available, another** vessel identification number~~**s**~~ 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~~;

(e1) **the geographical position of setting the gear and the time of the haul, for vessels exempted from the requirement to be fitted with a vessel monitoring system under Article 9(3a);**

(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~~**F**or 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** discard**ed**~~s~~ **in**~~of~~ **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 gear~~**s**~~ 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 the first subparagraph shall not apply to each species, irrespective of whether it is landed sorted or unsorted, retained on board that does not exceed 50kg live weight equivalent.

4a. By **way of** derogation **from**~~**to**~~ the first subparagraph of paragraph 4**, in the case of**~~**for**~~ 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 unsorted **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**~~

~~(a) they represent less than 1% in weight of all species landed; and~~

~~(b) 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 or not in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % of the total quantity of all species recorded in the fishing logbook, per each species;

(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), 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.

4b. By way of derogation from the first sub-paragraph of paragraph 4, in the case of fisheries targeting species whose morphological similarity has been certified by a Union or international scientific body and in the case of unsorted mixed fisheries, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board of those species shall be 10 % of the total quantity of those species recorded in the fishing logbook, provided that those species are covered by a sampling plan referred to in Article 60(1a).

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.**~~[8]

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

8a. Paragraphs 1 to 4 and 5 to 8 of this Article shall apply from … *[24 months after the date of application of this Regulation*].

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 **4, 4a and 4b**~~**3**~~;

(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). **Implementing acts referred to in point (a) of this paragraph shall be adopted by … [*18 months after the entry into force of this Regulation*].**"

[8] 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.**

(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**~~**M**~~asters of Union catching vessels **below 12 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**~~**ally**~~ 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. **Paragraphs 1 to 3 of this Article shall apply from … *[24 months after the date of application of this Regulation*]. ~~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**s 15aa and** 15a **are**~~is~~ inserted:

*"**Article 15aa***

For the purpose of applying Articles 14 and 15, for vessels below 12 metres' length overall Member States may use a system for fishing logbooks developed at national or Union level. If one or more Member States so request by … [4 months after the entry into force of this Regulation], the Commission shall develop such a system for vessels below 12 metres' length overall. If one or more Member States so request, the system developed by the Commission shall be such as to allow applying also Articles 9, including the requirements of vessel monitoring systems where applicable, 19a, 20, 21, 22, 23 and 24.

Article 15a

~~Delegated and i~~Implementing acts concerning fishing logbook requirements

~~**1. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:**~~

~~**(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.**~~

~~2.~~ The Commission ~~may~~**shall**, 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;~~

~~(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.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). **They shall be adopted by … [*18 months after the date of entry into force of this Regulation*].**"

(14) Article 16 is deleted **from …. *[24 months after the date of application of this Regulation*].**

(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 identifiation number related to the catches**~~**as indicated in the logbook**~~;

(b) the **CFR number or, where that number is not available, another** vessel identification number~~**s**~~ 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** paragraphs **1aa and** 1a **are**~~is~~ inserted:

"**1aa. Paragraph 1 of this Article shall apply from … *[24 months after the date of application of this Regulation*].**

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~~ exempti**ng**~~on of~~ certain categories of **Union** fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisher**y**~~ies~~ 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:

~~(c)~~(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.~~"~~

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

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 **its** fishing vessels ~~flying their flag carrying out fishing activities in third country waters~~, taking into account the type of fishery products**,** ~~and~~ the distance between the fishing grounds and port **and the time needed to fulfil its obligations under 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 identifiation 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;~~**the dates of the fishing trip;**

   (e) ~~the date and time of departure from port and~~ the estimated date and time of arrival at port **or other landing place**;

   (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 from … *[24 months after the date of application of this Regulation*].

6. Paragraphs 1, 2 and 3 shall be without prejudice to other rules of the common fisheries policy providing for a prior notification of the flag Member State before arrival at a port outside Union waters."

(19) in Article 20 the following paragraphs 2a**,** ~~and~~ 2b**, 2c and 2d** are inserted:

"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 cou**n**tries **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:

(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~~s~~ 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 transhipment;

(g) the geographical position or the specific name of the port in which the transhipment operation is planned.~~"~~

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

2d. Paragraphs 2a and 2b of this Article shall apply from … *[24 months after the date of application of this Regulation*]."

(20) Article 21 is replaced by the following:

"*Article 21*

Completion of the transhipment declaration

1. Masters of Union fishing vessels ~~**of 10 metres' length overall or more**~~ involved in a transhipment operation shall complete an electronic transhipment declaration.

2. The transhipment 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 number~~**s**~~ 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 transhipment;

(g) the geographical area or the designated port of transhipment;

(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 transhipment 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 vessel**s** shall each be responsible for the accuracy of the data recorded in their respective transhipment declarations.

5. To convert stored or processed fish weight into live fish weight for the purposes of **the** transhipment declaration, masters of fishing vessels shall apply a conversion factor established ~~**pursuant to**~~**in accordance with** Article 14(9).

5a. This Article shall apply from … *[24 months after the date of application of this Regulation*].

6. The Commission is empowered to adopt delegated acts in accordance with Article 119a ~~to~~ exempt**ing** 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 fisher**y**~~ies~~ products**, distance between the fishing grounds, transhipping places and ports where the vessels concerned**~~in question~~ **are registered**."

(21) Articles 22, 23, and 24 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.**~~

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. Paragraph 1 of this Article shall apply from … [*24 months after the date of application of this Regulation*].

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

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

~~**(b) measures to be taken in case of non-receipt of transhipment data;**~~

~~**(c) the access to transhipment 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 transhipment declaration;

(b) the completion and electronic recording of **the** transhipment **declaration** data;

(c) the functioning of the electronic recording and reporting system for transhipment data;

~~**(d) the requirements for the transmission of transhipment 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 transhipment information between Member States;**~~

~~**(f) the tasks of the single authority referred to in Article 5(5) with regard to transhipments;**~~

~~(g)~~ ~~**the frequency of transhipment data transmissions.**~~

(h) **the procedures in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transhipment declaration data, and in cases of non-receipt of transhipment declaration data and of its access failure.**

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 number~~s~~**,** 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 … *[24 months after the date of application of this Regulation*].

5. **In order t**~~**T**~~o convert stored or processed fish weight into live fish weight for the purpose~~**s**~~ 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.**~~

3. Whe**re**~~**n**~~ 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** wh**ose 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.**~~

4a. Paragraphs 1 and 3 of this Article shall apply from … *[24 months after the date of application of this Regulation*.

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

~~**(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.**~~

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 system**s** 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 failure.

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

(22) Article 25 is deleted **from … [*24 months after the date of application of this Regulation*].**

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

~~"*Article 25a*~~

~~**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 progammes 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)."**~~

(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~~(3)~~ **is amended as follows:**

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

(b) in paragraph 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 **or, in the case of fisheries without a fishing vessel as referred to in Article 54d, each coastal Member State** shall submit **by** electronic~~ally~~ **means** 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 entr**y**~~ies~~, 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.

(c) the quantities of each species, if applicable by stock or group of stocks, caught in the case of fisheries without a fishing vessel as referred to in Article 54d, and ~~on~~ the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as separate entry, those below the applicable minimum conservation reference size.

3. In cases where the data submitted by a Member State~~s~~ 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 c~~**C**atches 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 the~~**ir flag**~~ Member State**s** ~~**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 th**at**~~**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).

(*) 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).”

(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, ~~T~~**t**he 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:**

(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. ~~**It**~~**The Commission** shall ~~**be made**~~**make it** public**ly available on it**s 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 State~~s~~ shall ensure that no fishing **operation**~~activity~~ ~~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 **operations**~~activities~~ for the ~~respective~~ **relevant** area, **fishing** gear, stock, group of stocks or fleet involved in those specific fishing **operations**~~activities~~."

(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** ha**ve**~~s~~ 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 States**,** which have overfished**,** and the quantities of fish caught in excess**;**

(d) the deductions to be made from the fishing opportunities of Member States**,** which have overfished**,** 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 **A**~~**a**~~rticle ~~**regarding**~~**concerning**:

   (a) the verification of the engine power of **catching** ~~**fishing**~~ vessels;

   (b) the verification of the tonnage of **catching** ~~**fishing**~~ vessels;

   (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)."

(34) in Chapter II of Title IV the heading of Section 2 is replaced by the following:

"Section 2

Engine power and tonnage"

(34a) Article 39 is amended as follows:

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

(b) the following paragraph is inserted:

"2a. When a catching vessel exceeds the authorised engine power set out in the fishing licence, it may carry out a regularisation of the engine power, in accordance with a maximum period and the criteria established by the flag Member State concerned. When a catching vessel exceeds by 20% or more the engine power authorised in the licence, including the margin of error of the measuring equipment, the competent authorities of the flag Member State shall take the necessary measures to ensure that the vessel ceases all fishing activities and operations."

(c) paragraph 3 is replaced by the following:

"3. Member States may charge parts or all costs arising from the certification and verification of engine power to the operators of the catching vessels."

(35) the following Article 39a is inserted:

"*Article 39a*

Continuous monitoring of engine power

1. Member States shall**, based on a risk assessment, determine which vessels equipped with inboard propulsive engines with certified engine power exceeding 221 kilowatts and using towed gear, as defined in point 12 of Article 6 Regulation (EU) 1241/2019, pose a serious risk of non-compliance with the rules of the common fisheries policy concerning engine power. They shall ensure that those vessels are equipped with permanently installed devices or software that measure and record engine power.**~~**ensure that vessels using the following active fishing gears: trawls, seines and surrounding nets, are equipped with permanently installed devices that measure and record engine power in cases where:**~~

~~**(a) the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; or**~~

~~**(b) the vessels are equipped with propulsive engines with certified engine power between 120 and 221 kilowatts and operate in areas subject to effort regimes or restrictions on engine power.**~~

2. The devices referred to in paragraph 1~~**, in particular permanently affixed shaft strain gauges and revolution counters,**~~ shall ensure the continuous measurement of propulsive engine power in kilowatts **and the storage on board of that data**.

3. Masters **and holders of fishing licences** shall ensure that the devices referred to in paragraph 1 function at all times and that the information from the continuous measurement of propulsive engine power is recorded and stored on board and is accessible **on board the vessels** ~~**to officials**~~ at all times **to officials**.

4. The Commission ~~**may**~~**shall**, by means of implementing acts, lay down detailed rules concerning the **installation,** technical requirements and characteristics of the devices **or software** referred to in paragraph 1.

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

4a. The risk assessment referred to in paragraph 1 shall:

(a) follow a regional approach;

(b) establish the level of risk of non-compliance by fleet segment, based on gear, area covered, effort regime, species targeted, power reduction and speed;

(c) include a risk analysis determining the likelihood and impact of non-compliance with the rules of the common fisheries policy concerning engine power, in particular as regards overfishing;

(d) consider the exhaustion of the capacity ceiling.

4b. The risk assessment shall be jointly carried out by the Member States, in cooperation with EFCA.

4c. Member States may provide that Union catching vessels equipped with inboard propulsive engines with certified engine power of no more than 221 kilowatts and using towed gear , as defined in point 12 of Article 6 Regulation (EU) 1241/2019, and flying their flag shall be equipped with permanently installed devices or software that measure and record engine power, based on the risk of non-compliance with the rules of the common fisheries policy concerning engine power.

(36) in Article 40, paragraph 6 is replaced by the following:

"6. The Commission may, by means of implementing acts, lay down detailed rules concerning the certification of propulsion engine power. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(37) Article 41 is replaced by the following:

"*Article 41*

Verification of engine power ~~and tonnage~~

1. In cases where there are indications from data collected such as vessel position data, fishing logbook data, or continuous measurement of propulsive engine power, that the engine power of a fishing vessel is greater than the power stated ~~**established**~~ in the fishing licence, or in the Union or national fleet register, Member States shall ~~**proceed to**~~ **verify the engine power, if necessary, through** a physical verification of the engine power.

~~**In cases where there are indications from data collected such as fishing logbooks, landing declarations or other relevant information, that the tonnage of fishing vessel is greater than that stated in the licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the tonnage.**~~

2. For the purpose of verifying the engine power of a vessel, Member States shall apply the requirements adopted by the International Organisation for Standardisation in its recommended International Standard ISO 15016:2015 or equivalent European or national recognised methods.

3. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the amendment of paragraph 2 of this Article in order to adapt the reference to the relevant ISO International Standard to technical progress.

4. The Commission may, by means of implementing acts, lay down detailed rules concerning the verification of engine power. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(37a) The following Article 41a is inserted:

"Article 41a

Verification of tonnage

In cases where there is evidence that the tonnage of a fishing vessel differs from the tonnage stated in the fishing licence, Member States shall proceed to a verification of the tonnage. For this purpose, Member States shall consider, in particular, changes to the enclosed volume or dimensions of the vessel.

(38) in paragraph **2**~~3~~ of Article 42 the following words "Articles 60 and 61" are replaced by "Article 60"**.**

(39) Article 43 is amended as follows:

(a) paragraph**s** 1 **and 2 are**~~is~~ replaced by the following:

"1. **In** ~~A~~**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 deleted**.**

(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 in order to supplement the control measures set out in this Regulation with:

(a) regional measures to control the implementation of regional technical measures adopted on the basis of Article 15 of Regulation (EU) 2019/1241;

(b) regional measures to control the implementation of measures adopted under multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013;

(c) regional control measures in respect of stocks that are not within safe biological limits.

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

(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) the following paragraph is inserted:

3a. Paragraph 3 of this Article shall apply from … *[24 months after the date of application of this Regulation*]."

(a2) 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 gear~~s~~ and provide th**at**~~is~~ 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** gear~~**s**~~ carried on board ~~**are**~~ **is** lashed and stowed during the transit; ~~**and**~~

   (b) the **transit is continuous and the** speed during transit is not less than six knots except in case**s** 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**~~.~~

   (c) the tracking device providing position of the vessels ~~**in accordance with**~~**as 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 vessel[9]

1. Member States shall ensure that fisheries without a fishing vessel exploiting marine biological resources on their territory and in Union waters[10] **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

(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 Regulation*].

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[9] 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.

[10] A recital will mention examples of fisheries without a vessel, such as on shore fisheries and ice-fishing activities.

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 fisheries 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**~~

~~**(b)**~~ 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 the first 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 ~~applicable~~ **which apply specifically** to recreational fisheries**, such as quotas, catch-limits and bag limits**~~,~~[11], Member States shall

~~(a)~~ ensure that natural and legal persons ~~involved~~ **engaged** in recreational fisheries for such **species,** stocks or ~~species~~ **groups of stocks are registered**[12] **and** record and **report their catches** ~~send catch declarations~~ **by electronic means** ~~electronically~~ to the competent authorities**.** ~~on a daily basis or after each fishing trip; and~~

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

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

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

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

~~5. The Commission may, by way of implementing acts, adopt detailed rules concerning:~~

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

[12] A recital will clarify that the registration system put in place by Member States may foresee the registration before or after catching the concerned species, stocks or groups of stocks.

~~**(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**~~

~~**(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**, except where other rules of the common fisheries policy provide otherwise.**

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~~**Composition of lots of certain fishery and aquaculture products**

1. Fishery and aquaculture products ~~from catching or harvesting~~ **falling under Chapter 3 of the Combined nomenclature established by Council Regulation (EEC) No 2658/87*** shall be put into lots **by the operator** prior to **their** placing on the market.

2. A lot **as referred to in paragraph 1** shall only contain**:**

(a) 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

(b) 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 the**ir** 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** lot~~**s**~~ prior to the**ir** 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 **as referred to in paragraph 1** 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)** ~~**paragraphs 5 and 6**~~ is provided for the newly created lot(s);

(c) the operator responsible for ~~**placing the newly**~~ creat**inge**~~**d**~~ **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*.**~~

7. This Article shall not apply to ornamental fish, ornamental crustaceans and ornamental molluscs.

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 th**o**~~e~~se standards. **Member States shall undertake checks to ensure such compliance.**

~~**2.**~~ **The** ~~**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~~**and** aquaculture products shall be **put into lots by operators and 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 expoert~~.

~~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.~~

~~3 Lots of fishery and aquaculture products placed on the market or likely to be placed on the market in the Union, or exported or likely to be exported, shall be adequately marked or labelled to ensure the traceability of each lot.~~

~~**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 **falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87** ~~**except 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) **in the case of products not imported into the Union,** 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;

(b1) in the case of imported products, the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and, where available, the registration number of the aquaculture production unit;

(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~~**, and the date of production where applicable**~~;

(g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;

(h) **where**~~**if**~~ 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.

5a. Lots of fishery and aquaculture products made available on the market or likely to be made available on the market shall be adequately marked to ensure the traceability of each lot.

For the purpose of adequate marking of lots of fishery and aquaculture products falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87, the information referred to paragraph 5 shall be provided by means of the labelling of the lot, or by means of a commercial document physically accompanying the lot. Operators shall affix that information by way of an identification tool such as a code, barcode, electronic chip or a similar device or marking system, or, in case that information is provided by means of a commercial document physically accompanying the lot, at least the identification number shall be affixed to the corresponding lot.

~~**6. Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:**~~

(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, where applicable, or the name and 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;**~~

(e) ~~**the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;**~~

(f) ~~**the date of catches for fishery products or date of harvest for aquaculture products, and the date of production 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, presentation and freshness.**~~

6a. Operators who are supplied with or who supply fishery and aquaculture products falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87 shall be able to identify to competent authorities any operator from whom they have been supplied with such products and any operator to whom they supply such products and shall ensure that in respect of each lot, the information listed in paragraph 5:

(a) is kept on record, and

(b) is made available to the operator to whom the fishery or aquaculture product is supplied, and, upon request, to competent authorities.

6b. For the purpose of paragraph 6a, Member States may require operators to use a digital system.

6c. Member States shall cooperate with each other to ensure that the information referred to in paragraph 5 can be accessed by the competent authorities of a Member State other than the one where the fisheries or aquaculture products have been put into lots or imported into, in particular when the information is provided by way of an identification tool such as a code, barcode, electronic chip or a similar device.

Operators using the tools referred to in the first subparagraph shall ensure that they are developed in accordance with internationally recognised standards and specifications.

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 th**o**~~e~~se **quantities** do not exceed **1**5kg of fishery product**s** 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 paragraph 5;**

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

(c)**further**~~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 56**a**(5)~~ and lots containing several species referred to in Article 56(3)~~;

(e) the information on the relevant geographical area**;**

(f) the traceability requirements for lots and composition of lots of fishery and aquaculture products falling under heading 1212 21 of Chapter 12 of the Combined nomenclature established by Regulation (EEC) No 2658/87.

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 heading **1212 21 of Chapter 12** ~~1604 and 1605 of Chapter 16~~ of the Combined Nomenclature established by ~~Council~~ Regulation (EEC) No 2658/87*.

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

11. By [*24 months after the date of application of this act*], the Commission shall submit to the Parliament and the Council a report evaluating the feasibility to develop a harmonised digital system to enhance the control of traceability, accompanied, if appropriate, by a legislative proposal".

(47) in Article 59, paragraph**s 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 identfication number or other unique identifier in national databases.**

3. **This Article shall not apply to c**~~C~~onsumers ~~**acquiring**~~ **purchasing fishery products not exceeding**~~**up to an amount of**~~ **1**5kg ~~**of fishery product**~~ **per consumer** per day which are not thereafter ~~**placed on the market**~~**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 product<u>s</u>

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

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

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

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

(c) **<u>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;</u>**

(d) **after transport to a destination on the territory of the flag Member State, in accordance with a common control programme of the Member States concerned as referred to in Article 94 and adopted under paragraph 7 of this Article, irrespective of whether they are sorted or unsorted.**

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 ~~O~~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 1a.**~~**determine a risk-based methodology for the establishment of the sampling plans referred to in paragraph 5(b) and approve those plan**~~s. 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 methodoloy 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;[13]

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

(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;**~~

~~**(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 th**o**~~e~~se 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**~~**ally,**~~ 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 fisher**y**~~**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 **means**~~**ally**~~ 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. Whe**re**~~n~~ ~~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 **means**~~ally~~ 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~~**on:**

(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 identifi**cation number**~~er, 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 ~~fishing~~ **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.**

3. Paragraph 1(a) of this Article shall apply from … *[24 months after the date of application of this Regulation*].

Article 65

Exemptions from sales notes requirements

Where a~~**A**~~ consumer ~~**acquiring**~~**purchases** **fishery** products not exceeding **1**5 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**.

Article 66

Completion and submission of the take-over declaration

1. Whe**re**~~**n**~~ ~~**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 fisher**y**~~**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 operators shall be responsible for the** ~~**submission of the take-over declaration and its**~~ accuracy **of the take-over declaration**~~**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 **means**~~**ally**~~ 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 identif**ication number**~~ier(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. Paragraph 3(a) of this Article shall apply from … *[24 months after the date of application of this Regulation*].

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

(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.

5a. In the case of fisheries referred to in Article 54d, this Article shall apply from *[24 months after the date of application of this Regulation*].

6. 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 f**~~F~~isher**y**~~ies~~ 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 the**ir** first sale in a third country**, they** shall be accompanied by a transport document ~~covering~~ **indicating** the fisher**y**~~ies~~ products and quantities transported.

2. Before the transport**ation referred to in paragraph 1** 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 fisher**y**~~ies~~ product**s**, 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 shall 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 identifi~~er~~**cation 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 identifi**er(s)**~~**cation 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. Paragraph 4(b) of this Article shall apply from … *[24 months after the date of application of this Regulation]*."

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

(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 paragraph**s** 1 **and 2** if the fisher**y**~~ies~~ products are transported within a port area or not more than 20 km from the place of landing.

6. Where fisher**y**~~ies~~ 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.**"**

6a. Member States may provide that the obligations and responsibilities of a transporter under this Article shall apply to any other operator.

7. The transporter shall be exempted from the obligations and responsibilities set out in this Article if the transport document referred to in paragraph 1 of this Article is replaced by a copy of the landing declaration provided for in Article 23 pertaining to the quantities of fishery products being transported.

7a. In the case of fisheries referred to in Article 54d, this Article shall apply from … *[24 months after the date of application of this Regulation*]".

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)."

(57) Chapter III of Title V is deleted.

(58) in Article 71, paragraph 5 is replaced by the following:

"5. The Commission may, by means of implementing acts, lay down rules on the format of the surveillance report. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(59) Article 73 is amended as follows:

(a) paragraph 1 and 2 are replaced by the following:

"1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor ~~the fishing vessel's~~ compliance with the rules of the common fisheries policy **relating to the fishing vessel**. They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.

2. Control observers shall

(a) be ~~certified~~ **qualified** and trained for their tasks by Member State**s**;

(b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member;

(c) have no economic link with the operator;

(d) accomplish their tasks in a non-discriminatory manner;

(e) be equipped with a two way communication device independent from the vessel at sea."

(b) paragraph 4 is replaced by the following:

"4. In the event control observers notice a serious infringement~~, **including the act of obstructing or otherwise preventing the performance by control observers of their their duties,**~~ they shall inform without delay the competent authorities of the flag Member State."

(c) paragraph 9 is replaced by the following:

"9. The Commission **may, by means of implementing** ~~**is empowered to adopt delegated**~~ acts**, lay down detailed rules on:** ~~**in accordance with Article 119a concerning**~~:

(a) the identification of vessels for the application of a control observer scheme;

(b) format and content of **control** observers reports;

(c) the communication system for control observers;

(d) rules pertaining to the security of control observers on vessels;

(e) measures to ensure independence of control observers including modalities of -their remuneration;

(f) the duties of control observers including in the event of a suspicion of serious infringement**;**

(g) **minimum standards relating to the qualification and training of control observers**.

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

(60) in Title VII, Chapter I is replaced as follows:

"CHAPTER I

GENERAL PROVISIONS

Article 74

Conduct of inspections

1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.

2. Officials shall carry out their duties in accordance with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.

3. Officials shall verify compliance of the activities carried out by the operators and the masters with the rules of the common fisheries policy, and in particular:

(a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred, landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them;

(b) the legality of fishing gear~~s~~ used for the targeted species and for the catches kept on board**, and the compliance with other technical measures for the conservation of fishery resources and the protection of marine ecosystems;** ~~and~~

(b1) the **presence on board of** equipment ~~used~~ for the retrieval of the fishing gear~~s~~ as referred to in Article 48;

(c) if ~~appropriate~~ **applicable**, the stowage plan and the separate stowage of species;

(d) the markings of the vessels and gear~~s~~;

(e) the information on the engine referred to in Article 40;

(f) if applicable, the use **and functioning** of **REM systems** ~~CCTVs and other electronic monitoring devices~~;

~~(g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems~~**;**

(h) if applicable, the obligation to have on board control observers.

4. Officials **may** ~~shall be able to~~ examine all relevant areas, decks and rooms. They **may** ~~shall~~ also ~~be able to~~ examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They **may** ~~shall also be able to~~ question persons deemed to have information on the matter that is the subject of the inspection.

5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.

5a. Member States shall have procedures in place to ensure that any complaint regarding the conduct of inspections is properly investigated.

5b. Coastal Member States may, subject to appropriate arrangements with the flag Member State of a fishing vessel, invite officials of the competent authorities of that Member State to participate in inspections of fishing vessels of that Member State, whilst those vessels are operating in waters of the coastal Member State or landing in its ports.

5c. Member States shall adopt a risk-based approach for the selection of targets for inspection, using all available information.

6. The Commission ~~is empowered to~~ **may, by means of implementing acts, lay down specific rules on** ~~adopt delegated acts in accordance with Article 119a in order to set specific rules on~~ the conduct of the inspections. Those rules may concern:

   (a) the authorisation and **minimum standards for the** qualification of the officials responsible to conduct inspection**s** at sea or on land;

~~(b) the adoption by Member States of a risk-based approach for the selection of inspection targets;~~

(c) the coordination of control**,** inspection and enforcement activities among Member States;

(d) **the** duties of officials during the preparation of ~~the~~ inspection**s**;

(e) the duties of officials ~~authorised to~~**when** conduct**ing** inspections;

~~(f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections;~~

(g) **the conduct of** inspections at sea and in ports, transport inspections, and market inspection**s**.

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

Article 75

Duties of the operator and the master

1. The operator and the master shall cooperate with **and follow instructions of** officials in the performance of their duties **relating to inspections**. They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties **of** operators and masters ~~during~~ **relating to** inspections.

Article 76

Inspection report

1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.

   In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected[14] serious infringements.

   In case of an inspection carried out in the waters or ports under the jurisdiction of ~~another~~ **the** Member State **other** than the inspecting Member State**, in accordance with this Regulation,** or **in the waters or ports** of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country.

2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. Th**ose**~~e operator's or master's~~ comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.

3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection.

[14] A recital will explain that the term 'detected' was introduced in various Articles of the regulation to ensure the uniform use of one term for the same activity or situation. It will clarify that a detected infringement is different from a confirmed infringement, as the latter requires a decision by a competent authority.

4. The Commission may, by means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 77

Admissibility of inspection and surveillance reports

Inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials or competent authorities from a third country shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts, **inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials** ~~they~~ shall be treated as equivalent to inspection and surveillance reports of the Member States.

Article 78

Electronic database

1. **Each** Member State~~s~~ shall set up and keep up-to-date an electronic database where **it** ~~they~~ upload**s** all inspection reports and surveillance reports concerning **operators established in its territory and** ~~the~~ fishing vessels flying ~~their~~ **its** flag drawn up by ~~their~~ its officials**,** ~~or other Member States officials or third country officials,~~ as well as other inspections reports and surveillance report**s** drawn up by ~~their~~ **its** officials.

2. The Commission may, by means of implementing acts, lay down detailed rules concerning the operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 79

Union inspectors

1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called 'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States.

2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation ~~**on the territory of Member States and**~~ in Union waters, and on Union fishing vessels outside Union waters.

3. Union inspectors may be assigned ~~**in particular**~~ for:

   (a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;

   (b) international fisheries control programmes, where the Union is under an obligation to provide for controls.

4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to:

   (a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and

   (b) all **relevant** information and documents which are needed to fulfil their tasks~~**, in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data, landing declarations, catch certificates, transhipment declarations, sales notes, and other relevant information and documents**~~;

to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.

5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.

6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.

7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:

(a) the notification of Union inspectors to the Agency;

(b) the adoption and maintenance of the list of Union inspectors;

(c) the notification of Union inspectors to Regional Fisheries Management Organisations;

(d) the powers and duties of Union inspectors;

(e) the reports of Union inspectors;

(f) the follow-up of reports of Union inspectors.

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

(61) in Article 80 paragraph 4 is replaced as follows:

"4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member State in waters or ports of third countries in accordance with international agreements."

(62) the heading of Chapter III is replaced by the following:

"Proceedings in the event of an infringement"

(63) Article 82 is replaced by the following:

"Article 82

Duties of officials in the event of an infringement

1. If the information collected during an inspection or any other relevant data or information leads the official to believe that an infringement of the rules of the common fisheries policy has been committed, the official shall:

   (a) note the detected infringement in the inspection report;

   (b) take all necessary action to ensure safekeeping of the evidence pertaining to such detected infringement;

   (c) immediately forward the inspection report to his competent authority;

   (d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in sanctions and the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report.

2. **~~In case of a detected serious infringement~~**, **O~~o~~**fficials **~~shall be able~~ may** remain on board a fishing vessel until **all necessary steps are taken in relation to** the investigation as referred to in Article 85 **~~has been carried out,~~ in particular in case of a detected serious infringement**."

(64) Article 84 is deleted.

(65) In Title VII, the words:

"CHAPTER IV

Proceedings of infringements detected in the course of inspections"

are deleted.

(66) Articles 85 and 86 are replaced by the following:

"*Article 85*

Proceedings

1. Without prejudice to Article 72, Article 83(2) and Article 86, ~~**competent**~~ Member State**s** shall **take appropriate measures in accordance with Title VIII and** immediately ~~**carry out**~~ **proceed with** **the**~~**an**~~ investigation where any infringement is detected in the course of an inspection carried out by their officials, officials of other Member States, Union inspectors or third countries officials, or where any relevant data or information leads **competent authorities of** Member States~~**' competent authorities**~~ to believe that an infringement of the rules of the common fisheries policy, has been committed.

2. **In case of serious infringment**~~**s**~~**,** Member States shall take **appropriate** immediate measures ~~**as provided**~~ **in accordance with** ~~**in**~~ Article 91.

Article 86

Transfer of proceedings

1. The Member State in the territory or waters of which an infringement has been detected may transfer proceedings relating to that infringement to the competent authorities of the flag Member State or the Member State of which the offender **is a national** ~~**holds the citizenship**~~, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89**a(2)**.

2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the Member State which has detected the infringement, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89**a(2)**."

(67) Articles 87 is deleted.

(68) Article 88 is replaced by the following:

"Article 88

Corrective measures in the absence of proceedings by the Member State of landing or transhipment

1. If the Member State of landing or transhipment is not the flag Member State and its competent authorities do not take appropriate measures against the natural or legal persons responsible, or do not transfer proceedings in accordance with Article 86, the quantities of fish caught, landed or transhipped in the breach of the rules of the common fisheries policy may be counted against the quota allocated to the Member State of landing or transhipment.

2. ~~**After consulting the flag Member State or the Member State of landing or transhipment**,~~ **T**~~t~~he Commission shall, by means of implementing acts, decide on the quantities of fish to be set against the quota of the Member State of landing or transhipment after the Commission has consulted the ~~**two**~~ Member States concerned.

3. If the Member State of landing or transhipment no longer has a corresponding quota at its disposal, Article 37 shall apply. To that end the quantities of fish caught, landed or transhipped in the breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State.

(69) Title VIII is replaced by the following:

"TITLE VIII

ENFORCEMENT

Article 89

Measures and sanctions to ensure compliance

1. ~~**Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions**~~**,** Member States shall**, in conformity with their national law and with the provisions of this Regulation,** lay down rules on ~~**administrative**~~ measures and sanctions ~~**and ensure that they are systematically applied, in conformity with their national law**~~**,** against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy. **Member States shall ensure that those measures and sanctions can be applied**.

2. Member States shall~~,~~ by **…** [~~*24*~~ ***36*** *months from date of entry into force of* ***this*** ~~***present***~~ *Regulation*]~~,~~ notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof.

Article 89a

Sanctions

1. Member States shall ensure that a natural person having committed**,** or a legal person held liable for**,** infringements of **the** rules of common fisheries policy is punishable by effective, proportionate and dissuasive administrative sanctions. **Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.**

2. Member States shall ensure that the overall level of sanctions and accompanying sanctions **applied** ~~set~~ in accordance with this Regulation and the relevant provisions of national law is adequate in severity to discourage further infringements and effectively deprive those responsible of the economic benefit derived or expected from their infringement without prejudice to the legitimate right to exercise their profession. For this purpose, account shall be taken of immediate **enforcement** measures taken pursuant to Article 91.

3. When determining these sanctions the Member States shall take into account, in particular, the gravity**, nature and extent** of the infringement, including ~~the level of environmental damage done,~~ the value of the ~~prejudice~~ **damage** to the fishing resources **and the marine environment concerned**, ~~the nature and extent of the infringement,~~ its duration or repetition, or the accumulation of simultaneous infringements.

4. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit **derived**~~achieved~~ or **expected from** ~~envisaged by committing~~ the infringement.

Article 90

Serious infringements

1. For the purpose of this Regulation 'serious infringement' means an**y** ~~**serious**~~ infringement listed in paragraph 2 or considered as serious pursuant to paragraph 3.

2. **Any of t**~~**T**~~he following activities shall constitute **a** serious infringement~~**s**~~:

   ~~**(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or**~~

   (b) falsifying or concealing markings~~ **of fishing vessel or fishing gear**~~, identity or registration of a fishing vessel;~~ **or**~~

   (c) concealing, tampering with**,** or disposing of**,** evidence relating to an investigation;~~ **or**~~

   (d) obstructing the work of officials or observers, in the exercise of their duties; or

   (e) transhipping without the required authorisation or where such transhipment is prohibited;~~ **or**~~

   (f) conducting transfer operations **or caging, in particular as referred to in Article 3 of Regulation (EU) 2016/1627,** in breach of the **rules of the** common fisheries policy~~ **rules or**~~**, including** the applicable conservation and management measures adopted by regional fisheries management organisations **that are implemented in Union law**;~~ **or**~~

(g) transhipping from or to, ~~or~~ conducting transfer operations with, participating in joint fishing operations with, **or** supporting or supplying vessels~~, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those~~ listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008;~~ or~~

(h) ~~being involved~~ **participating** in the operation, management, ownership of~~, or being hired on~~**, or supplying services to operators connected to,** a vessel ~~engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those~~ listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of ~~Council~~ Regulation (EC) No 1005/2008~~ or supplying services to operators connected to a vessel engaged in IUU fishing~~; ~~or~~

~~(i) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth; or~~

(j) **fishing prohibited species, species subject to catch limits for which the operator does not have a quota or does not have access to the quota of the flag Member State, species whose quota is exhausted, or species subject to a fishing moratorium, temporary prohibition or closed season, except accidental catches, or conducting fishing operations in closed areas which are closed for the purpose of protection or recovery of fishery resources, or in unauthorized depths;**~~engaging in directed fishing, retaining on board, transhipping, transferring or landing species which are subject to a moratorium, a closed season or for which fishing is prohibited; or~~

(k) **operating, managing or owning a fishing vessel having** ~~being a vessel with~~ no nationality and therefore a stateless vessel~~,~~ in accordance with international law;~~ or~~

(l) using prohibited fishing gear **or methods, as referred to in Article 7 of Council Regulation (EU) 2019/1241 or as established by a regional fisheries management organisation and implemented in Union law**;~~ or~~

~~(m) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation or~~ landing fishery products ~~stemming from IUU fishing activities; or~~

(n) ~~not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transhipment declaration or a transfer declaration, when the operation has taken place outside the Union waters; or~~

(o) falsifying documents[15]~~, data or information,~~ **referred to in** ~~or using of falsified or invalid documents, data or information required under~~ the rules of the common fisheries policy~~, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or~~

~~(p) conducting business directly connected to IUU fishing including trade in, importation, exportation, processing, marketing, of fisheries products stemming from IUU fishing activities; or~~

~~(q) manipulating an engine or continuous engine power monitoring devices with the aim of increasing the power of the vessel beyond the maximum continuous engine power according to the engine certificate.~~

[15] A recital will clarify that the term "document" is to be understood in a broad sense, in particular, that it includes documents in paper and electronic form.

3. The following activities shall constitute serious infringements **where** ~~**depending on the gravity of the infringement in question which shall be determined by**~~ the competent authority of the Member State concerned **determines that**~~**, taking into account**~~ **at least** one ~~**or more**~~ of the ~~**alternative**~~ criteria defined in ~~**accordance with**~~ Annex IV **is met**:

(aa) using falsified or invalid documents[16] referred to in the rules of the common fisheries policy;

(ab) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;

(ac) failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation;

(a) not fulfilling ~~**of**~~ obligations to accurately record**, store** and report data relating to fishing activities, including data to be transmitted by vessel monitoring system**s** ~~**and**~~**, as well as data with regard to** prior noti**fications**~~**ces**~~, **catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes** as required under the rules of the common fisheries policy;~~ **or**~~

(b) ~~**not making available a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403(*); or**~~

(c) ~~**using non-compliant fishing gear; or**~~

[16] A recital will clarify that the term "document" is to be understood in a broad sense, in particular, that it includes paper and electronic documents.

(d) not fulfilling obligations related to the **characteristics or** use of fishing gear**s, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation, or processing or not complying with measures to reduce incidental catches of sensitive species as required under** ~~as set in~~ the rules of the common fisheries policy;~~ or~~

(e) failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any **catches of species subject to the landing obligation, including** undersized catches**, in breach of the rules of the common fisheries policy applicable to fisheries or fishing zones** ~~in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply~~;~~ or~~

(f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with**,** or in contravention of**,** the conservation and management measures of that organisation **implemented in Union law** in the case where th**o**~~e~~se activities are not considered as serious infringement under paragraph 2 **or under other points of this paragraph**~~ of this Article~~;~~ or~~

(g) making available on the market fishery **or aquaculture** products in breach of the rules of the common fisheries policy in the case where ~~this activity~~ **those activities** are not considered as serious infringement under paragraph 2~~ of this Article~~;~~ or~~

(h) conducting recreational fishing activities in breach of **the** rules of the common fisheries policy or ~~selling~~ **the sale** of ~~catches~~ **fishery products** from recreational fisheries; ~~or~~

(i) committing**, in the course of the same event,** multiple infringements **referred to in this paragraph; or**~~which together constitute a serious disregard of the rules of the common fisheries policy.~~

(j) conducting any of the activities referred to in point (g) of paragraph 2 in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation;

(k) manipulating or using an engine power beyond the maximum continuous engine power certified and recorded in the Member State fleet register or manipulating a continuous engine power monitoring device;

(l) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation;

(m) conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing.

Article 91

Immediate enforcement measures for serious infringements

1. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with ~~**the provisions of**~~ Article 85, shall**,** ~~**immediately**~~ in conformity with their national law, take relevant ~~**and**~~ immediate measures**,** such as:

   (a) the ~~**immediate**~~ cessation of fishing activities;

   (b) the ~~**immediate**~~ rerouting **of the fishing vessel** to a port;

   (c) the rerouting of the transport vehicle to another location for inspection;

   (d) the ordering of a bond;

   (e) the seizure of **the fishing vessel, transport vehicle,** fishing gear, catches or fisheries products or the profit earned from the sale of the catches or fisheries products;

   (f) restriction to**,** or prohibition of**,** the placing on the market of fisheries products;

   (g) the temporary immobilisation of the fishing vessel or transport vehicle concerned;

   (h) the suspension of the authorisation to fish;

   (i) the temporary cessation of business activities.

2. The immediate ~~enforcement~~ measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious infringement concerned, to **enable** ~~take~~ all **the** necessary action **to be taken for** ~~to~~ ensur**ing**~~e~~ safekeeping of the evidence pertaining to such ~~suspected serious~~ infringement and to allow the competent authorities to complete their investigation.

3. The Member State **concerned** shall immediately**,** and~~,~~ in **conformity** ~~compliance~~ with its ~~procedures under~~ national law, notify the flag State ~~concerned~~ of the measures referred to in paragraph 1.

Article 91a

Sanctions for serious infringements

1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where **it**~~the serious infringement~~ has le~~a~~d to obtaining fishery products, Member States shall impose **administrative** ~~fines~~ **financial penalties,** ~~for which:~~

   ~~- the minimum shall be at least three times the value of the fishery products obtained by committing the serious infringement, and~~

   ~~–~~the maximum **of which** shall be at least five times the value of the fishery products obtained ~~by~~ **from** committing the serious infringement.

2. In case of a~~ny~~ repeated serious infringement where **it**~~the serious infringement~~ **has** le~~a~~d~~s~~ to obtaining fishery products within a three-year period, ~~the~~ Member States shall impose **administrative** ~~fines~~ **financial penalties,** ~~for which:~~

   ~~- the minimum shall be at least five times the value of the fishery products obtained by committing the serious infringement, and~~

   ~~–~~the maximum **of which** shall be at least eight times the value of the fishery products obtained **from**~~by~~ committing the serious infringement.

3. ~~**The amounts referred to in paragraphs 1 and 2 shall be calculated on the value of the fisheries products according to the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant,**~~ **When calculating the value of the fishery products obtained from committing the serious infringement, Member States shall consider** national prices ~~**in auction halls**~~**at first sale,** ~~**or**~~ prices identified on principal international markets relevant for the species and fishing area concerned **or the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform, at the time when the infringement was committed** ~~**shall be applicable and the higher price prevail**~~.

4. Where the serious infringement did not lead to obtaining fishery products, the **administrative** ~~**fines**~~ **financial penalties** shall be determined by the Member States in accordance with Article 89a, at a level ~~**leading to a deterrent**~~ **ensuring that these penalities are effective, proportionate and dissuasive** ~~**similar to the effect of the fines set in paragraphs 1 and 2**~~.

5. Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.[17]

[17] A recital will clarify how this provision can be implemented in Member States with specific legal systems.

Article 91b

Accompanying sanctions

1. The sanctions provided for in Articles 89, 89a and 91a ~~**and measures provided for in Article 91**~~ may be accompanied by other ~~**dissuasive**~~ sanctions ~~**or measures**~~, in particular:

~~**(1) the sequestration of the fishing vessel(s) involved in the infringement**~~;

(a) ~~**(2)**~~ the ~~**temporary**~~ immobilisation of the fishing vessel**(s) or vehicle(s) involved in the infringement**;

(b) ~~**(3)**~~ the confiscation of the vessel(s)**, vehicle(s)**, prohibited fishing gear, catches or fishery products;

(c) ~~**(4)**~~ the suspension or withdrawal of the fishing license or fishing authorisation;

(d) ~~**(5)**~~ the reduction or withdrawal of fishing rights;

(e) ~~**(6)**~~ the ~~**temporary or permanent**~~ exclusion from the right to obtain new fishing rights;

(f) ~~**(7)**~~ the ~~**temporary or permanent**~~ ban on access to public assistance or subsidies;

(g) ~~**(8)**~~ the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3)of Regulation (EC) No 1005/2008;

(h) ~~**(9)**~~ the withdrawal of the ship certificate **from the**~~**of**~~ national regist**er**~~**rry**~~;

(i) ~~(10)~~ the ~~temporary~~ suspension of the economic **activity** ~~or its permanent cessation~~;

(j) ~~(11)~~ the ~~temporary or permanent~~ withdrawal of the authorisation to engage in fish trad**ing**~~e~~ activities.

2. Member States shall determine, in accordance with their national law, the duration of the sanctions referred to in paragraph 1.

Article 92

Point system for serious infringements

1. Member States shall apply a point system for infringements referred to in Article 90, except for serious infringements referred to in ~~paragraph 1~~ point~~s~~ (k) ~~and (p)~~ **of paragraph 2** and ~~in paragraph (2)~~ points (g)**, ~~and~~** (h)**, and (m) of paragraph 3** of that Article **and for infringements under Article 90(3)(a) of obligations not applicable to the holder of the fishing licence or the master.**

2. When a natural person has committed**,** or a legal person is held liable for**,** a serious infringement, a number of points calculated in accordance with Annex III shall be assigned to the holder of the fishing licence for the fishing vessel concerned.

3. ~~While remaining attached to the licence holder who sold the fishing vessel, points shall also be assigned to any new holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement.~~ **The points assigned shall be transferred to any future holder of the fishing licence for the fishing vessel concerned where the vessel or the licence is sold, transferred or otherwise changes ownership after the date of the infringement, including to another Member State.**

4. Member States shall also establish a point system under which the master of a vessel is assigned the same number of points as the holder of the fishing licence ~~following~~ **as a result of** a serious infringement committed ~~aboard the vessel under his or her command~~**by the master in accordance with Annex III.**

5. When two or more serious infringements by the same natural or legal person holding the **fishing** licence **or by the master** are detected in the course of one inspection, points in respect of each serious infringement concerned shall be assigned in accordance with paragraph 2 up to a maximum of 12 points for all those infringements.

6. When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel **as a master** shall be automatically suspended for a period of at least two months. That period shall be**:** four months if the suspension ~~is~~ occur**s**~~ring a~~ **the** second time and the points equals or exceeds 36 points**;**~~,~~ eight months if the suspension ~~is~~ occur**s**~~ring~~ **the**~~a~~ third time and the number of points equals or exceeds 54 points**;** and one year if the suspension ~~is~~ occur**s the**~~ring a~~ fourth time and the number of points equals or exceeds 72 points. In case the suspension ~~is~~ occur**s**~~ring for a~~ **for the** fifth time and the number of points equals or exceeds 90 points, the fishing licence shall be ~~permanently~~ withdrawn and the fishing vessel ~~shall~~ **may** not be used ~~anymore~~ for commercial exploitation of marine biological resources.

7. The accumulation of 90 points by the holder of a fishing license or **by the**~~a~~ master shall trigger automatically the ~~permanent~~ withdrawal of the fishing licence or of the right to command a fishing vessel as a master.

8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of ~~the~~ committing ~~of~~ the last serious confirmed infringement, all points shall be deleted.

9. ~~The coastal State is competent to~~ **When a coastal Member State other than the flag Member State has** determine**d,** under its national law**s,** ~~whether~~ **that** a serious infringement has been committed in its waters~~ and to decide about the number of points to be assigned in accordance with Annex III~~**, it shall notify it to the flag Member State in order for the latter to determine and assign the number of points in accordance with Annex III**.

~~10. Where the serious infringement is detected in a Member State other than the flag State, the points assigned in accordance with this Article shall be recognized by the competent authorities of the flag Member State.~~

11. Member States shall designate the competent national authorities ~~which shall be~~ responsible for setting up the system for the attribution of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and **to the** master and transferring the points in accordance with paragraph 3.

12. Member States shall ensure that the application of national proceedings does not render the point system ineffective.

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

~~(a)~~ the amendment of the threshold of points triggering the suspension and ~~permanent~~ withdrawal of **the**~~a~~ fishing licence or of the right to command a fishing vessel as a master**.**~~;~~

~~(b) the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;~~

~~(c) measures to be taken in case of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;~~

~~**(d) conditions justifying the deletion of points;**~~

~~**(e) the registration of masters authorized to exercise fishing activity.**~~

14. The Commission shall, by means of implementing acts, lay down detailed rules concerning~~:~~

(a) ~~**the notifications of decisions on assignment of points;**~~

(b) the transfer of the points **in accordance with paragraph 3**[18]~~**when ownership of vessels for which points where assigned, is transferred**~~;"

~~**(c) the deletion of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements from relevant lists;**~~

~~**(d) the obligations of information on the point system for masters of fishing vessels established by the Member States.**~~

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

Article 92a

Liability of legal persons

1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, and having a determining position within the legal person **concerned**~~,~~ based on **any of the following**:

[18] A recital will clarify that the Implementing Act could, for example, cover the assignments of points in the case of merging or splitting fishing capacity and when the vessel and licence are not sold to the same person.

(a) a power of representation of the legal person**;**~~,~~

(b) an authority to take decisions on behalf of the legal person**;**~~,~~ or

(c) an authority to exercise control within the legal person.

2. A legal person may be held liable where the lack of supervision or control~~,~~ by a natural person referred to in paragraph 1~~,~~ has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority.

3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned.

Article 92b

Obligation to notify definitive ruling

1. The competent authorities of the Member State having jurisdiction in ~~**the event**~~ **respect** of an infringement shall, without delay and in compliance with their procedures under national law, notify the flag State~~**s**~~, the State of which the offender holds the citizenship or is incorporated, **and, where appropriate, the coastal, port or processing State** ~~**or any other State with an interest in following up the administrative and other relevant criminal proceedings or other measures taken**~~, of any definitive ruling relat**ed**~~**ing**~~ to such infringement~~**, including the number of points assigned in accordance with Article 92**~~**.**

   ~~**They shall also notify to the European Commission without delay definitive rulings i**~~**I**n the event of serious infringements detected in Union waters or in Union ports in relation to fishing vessels flying the flag of third countries**, the competent authorities of the Member State concerned shall also, without delay, notify the European Commission of any definitive ruling related to such infringements**.

2. In case of a notification **by**~~**from**~~ the Member State referred to in paragraph 1, the flag Member State shall assign the appropriate number of points to the holder of the fishing licence and to the master **of**~~**for**~~ the fishing vessel concerned.

Article 93

National register on~~**f**~~ **infringements**

1. Member States shall enter in a national register all ~~**suspected and**~~ confirmed infringements of the rules of the common fisheries policy committed by **fishing** vessels flying their flag or ~~**the flag of a third country or**~~ by their nationals~~**,**~~ **and by fishing vessels flying the flag of a third country or by nationals of a third country having committed infringements within the waters under their jurisdiction or on their territory,** including all decisions and sanctions they incurred and the number of points assigned. Infringements **by**~~**of**~~ fishing vessels flying their flag or by their nationals prosecuted in other Member States shall also be entered by Member States in their national register on infringements, upon notification of the definitive ruling by the Member State having jurisdiction~~**,**~~ pursuant to Article 92b.

2. When following up an infringement of **the** rules of the common fisheries policy, a Member State may request other Member States to provide information contained in their national register on the fishing vessels and persons suspected **by the requesting Member State** of having committed the infringement in question or caught in the act of committing the infringement in question.

3. Where a Member State requests information from another Member State in relation to an infringement, that other Member State shall provide without delay the relevant information on the fishing vessels and ~~**physical**~~ **natural** or legal persons involved in the infringement.

4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but **in any case**~~always~~ for a minimum of five calendar years, starting from the year following that in which the information is recorded.

~~**(*) 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)."**~~

(70) in Title IX, the following Article 93a is inserted:

"Article 93a

National control programmes and annual reports

1. Member States shall establish annual or multiannual national control programmes for the inspections and the control of the rules of the common fisheries policy.

   National control programmes shall be risk-based and shall be updated ~~**at least once a year in particular**~~**when necessary, in particular** taking into account newly adopted conservation and control measures **and any additional data**.

   National control programmes shall be notified to the Commission before the 31 December of each ~~**year**~~ **period** and shall cover at least the following calendar year **or years**.

2. ~~**By 30 June every year**~~**Within 6 months after the end of the respective period referred in paragraph 1,** Member States shall submit to the Commission a report on inspections and controls performed~~ **in the previous year**~~, in accordance with the national control programmes and in compliance with the present Regulation. **For the purpose of reporting, Member States may refer to information provided under the implemening act referred to in Article 95.**

3. The Commission **may, by means of implementing acts,** ~~**is empowered to adopt delegated acts in accordance with Article 119a to adopt**~~ **lay down** minimum requirements for national control programmes and ~~**annual**~~ reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).**"

(71) in Article 95, paragraph 1 is replaced by the following:

"1. Certain fisheries may be subject to specific control and inspection programmes. The Commission may, by means of implementing acts and in concert with the Member States concerned, determine which fisheries shall be subject to the specific control and inspection programmes on the basis of the need for specific and coordinated control of the fisheries in question. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(72) in Article 102, paragraphs 3 and 4 are replaced by the following:

"3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. This period may be extended by the Commission, by means of implementing acts, on a duly reasoned request from the Member State, for a reasonable delay.

4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall, by means of implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan."

(73) Article 104 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Where a Member State does not respect its obligations for the implementation of a multiannual plan, and where the Commission has evidence that the failure to respect those obligations constitutes a serious threat to the conservation of a stock or group of stocks, the Commission may, by means of implementing acts, provisionally close the fisheries affected by those shortcomings for the Member State concerned."

(b) paragraph 4 is replaced by the following:

"4. The Commission shall, by means of implementing acts, lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited."

(73a) in Chapter III of Title XI the heading is replaced by the following:

"CHAPTER III

Deduction and adjustments of quotas and fishing effort"

(74) Article 105 is amended as follows:

(a) in paragraph 2, the introductory sentence of the first subparagraph is replaced by the following:

"In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year, the Commission shall, by means of implementing acts **and after consultation of the Member State concerned**, operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished by applying a multiplying factor according to the following table**:"**

(a1) the following paragraphs are inserted:

"2a. By way of derogation from paragraph 2, in the case of an overfishing by one or more Member States of a quota, allocation or share of a stock or a group of stocks established under an international agreement for the European Union, the Commission shall, by means of implementing acts and after consultation of the Member State concerned, operate deductions from the quota, allocation or share of the Member State which has overfished in the same time frame as the deduction applied under the international agreement and by applying a multiplying factor according to paragraphs 2 and 3."

"3a. By way of derogation from paragraphs 2 and 3, in case a multiplying factor is also applicable under a relevant international agreement on the Union share, the multiplying factor to be applied on the Member State quota deduction set pursuant to paragraph 2a shall be the highest of the two applicable multiplying factors."

(b) paragraphs 4, 5 and 6 are replaced by the following:

"4. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission, may, by means of implementing acts **and after consultation of the Member State concerned**, deduct quotas from future quotas of that Member State to take account of the level of overfishing.

5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission may, by means of implementing acts **and after consultation of the Member State concerned**, deduct in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area, or with the same commercial value in accordance with paragraph 1.

6. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the adapted quota against which the excess of utilisation shall be calculated **and the estimated duration of the deductions**. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(75) Article 106 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. When the Commission has established that a Member State has exceeded the fishing effort which has been allocated to it, the Commission shall, by means of implementing acts **and after consultation of the Member State concerned**, operate deductions from future fishing effort of that Member State.

(b) in paragraph 2, the introductory phrase is replaced by the following:

"If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall, by means of implementing acts **and after consultation of the Member State concerned**, operate deductions in the following year or years from the fishing effort available to that Member State for the geographical area or the fishery concerned by applying a multiplying factor according to the following table:"

(c) paragraphs 3 and 4 are replaced by the following:

"3. If a deduction according to paragraph 2 cannot be operated on the maximum allowable fishing effort for a stock that was exceeded as such because such maximum allowable fishing effort for that stock is not or not sufficiently available to the Member State concerned, the Commission, by means of implementing acts **and after consultation of the Member State concerned**, may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2.

4. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the maximum available effort against which the excess of utilisation shall be calculated **and the estimated duration of the deductions**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(76) Article 107 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Where there is evidence that rules on the common fisheries policy are not being complied with by a Member State and that this may lead to a serious threat to the conservation of stocks subject to fishing opportunities, the Commission may, by means of implementing acts, operate deductions in the following year or years from the annual quotas, allocations or shares of a stock or group of stocks available to that Member State, applying the proportionality principle by taking into account the damage caused to the stocks."

(b) paragraph 4 is replaced by the following:

"4. The Commission **may, by means of implementing acts, lay down detailed rules** ~~**is empowered to adopt delegated acts in accordance with Article 119a**~~ concerning the deadline for Member States to demonstrate that the fisheries can be safely exploited, the material to be included by Member States in their reply and the determination of the quantities to be deducted by taking into account:

(a) the extent and nature of non-compliance,

(b) the gravity of the threat to conservation,

(c) the damage caused to the stock by non-compliance.

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

(76a) Article 107a is inserted as follows:

"Adjustment of fishing opportunities in case of reduction of the Union quota under international agreements

Where overfishing by one or more Member States of a quota, allocation or share of a stock or a group of stocks established under an international agreement for the European Union leads to a reduction of the Union's quota under that international agreement, the Council shall make the following adjustments when allocating the fishing opportunities for that stock or group of stocks under Article 43(3) TFEU and Article 16 of Regulation 1380/2013 for the year for which that reduction is made: the quota of the Member States which have not overfished shall be increased to the quota which those Member States would have received if the Union share under the international agreement would not have been reduced. If such adjustment cannot be done in a given year due to an insufficient Union share, the remaining quantities shall be adjusted in the following year."

(77) Article 109 is amended as follows:

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

"1. Member States shall set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data.

2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted by operators**, masters or other authorised persons** within deadlines laid down in the common fisheries policy rules." ~~**In particular:**~~

(a1) the following paragraph is inserted:

"2a. For the purpose of paragraphs 1 and 2:

(a) Member States shall validate the following data**, including data recorded in the context of fisheries agreements referred to in Article 3(1),** through automated computerised algorithms and mechanisms:

(i) vessel position data;

(ii) fishing activity data, in particular **data on entries into and exits from fishing areas, on** the fishing logbook, **on** the landing declaration, **on** the transhipment declaration and **on** prior notification;

(iii) data from take-over declarations, transport documents and sales notes;

(iv) data from fishing licences and fishing authorisations;

(v) data on control of engine power.

(b) Member States shall also validate the data listed above **using in particular** ~~**with**~~ the following data**,** where ~~**applicable**~~**available**:

(i) vessel detection system data;

(ii) data on sightings;

~~**(iii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;**~~

~~**(iv) data on entries into and exits from fishing areas,**~~

(v) automatic identification system data;

~~**(vi) data from fishing licences and fishing authorisations;**~~

(vii) data from inspection reports ~~**and data contained in national register of infringements**~~;

~~**(viii) data on engine power;**~~

(ix) control observers reports;

(x) data from ~~**close circuit television**~~ systems ~~**on board of fishing vessels and other electronic monitoring of the landing obligation**~~ in accordance with Article **13**~~**25a.**~~**"**

(~~**b**~~**c)** paragraph 5 is replaced by the following:

"5. If an inconsistency in the data has been identified, the Member State concerned shall undertake and document the necessary investigations, analyses and cross-checks. The results of the investigations and corresponding documentation shall be transmitted to the Commission on request. If there are reasons to suspect that an infringement has been committed, the Member State shall **also** carry out investigations and take the necessary immediate measures in accordance with Articles 85 and 91."

(**~~e~~d**) paragraph 8 is replaced by the following:

"8. Member States shall establish and keep up to date a national plan for the implementation of the validation system covering the data listed under points (a) and (b) of paragraph 2 and the follow-up of inconsistencies. The plan shall define the Member State priorities for the validation of data and subsequent follow up on inconsistencies, following a risk-based approach."

(78) Articles 110 and 111 are replaced by the following:

"*Article 110*

Access to, storage and processing of data

1. Member States shall ensure **and grant ~~the~~** remote access at all time and without prior notice, for the Commission or the body(ies) designated by it, of the following data in a non-aggregated form:

(a) fishing activity data**, including data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3**:

(i) vessel position data;

(ii) fishing activity data, in particular **data on entries into and exits from fishing areas,** fishing logbooks, landing declarations, transhipment declarations and prior notifications;

(iii) data from take-over declarations, transport documents and sales notes;

(iv) data on fishing effort.

(b) other control data:

(i) data on sightings;

~~**(ii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;**~~

~~**(iii) data on entries into and exits from fishing areas,**~~

(iv) data from fishing licences and fishing authorisations;

(v) inspection reports;

(vi) data on **control of** engine power;

(vii) control observers reports;

(viii) national control ~~**action**~~ programmes;

(ix) list of national officials.

(c) the electronic database for the purpose of the verification of the completeness and the quality of the data collected as referred to in Article 109**.;**

~~**(d) the national register of infringements as referred to in Article 93.**~~

2. The Commission or the body designated by it may **process** ~~**collect**~~ **the** data **referred to in paragraph 1**, ~~**where necessary including personal data**~~, in order to fulfil their duties under the rules of the common fisheries policy, in particular for carrying out inspections, verifications, audits and enquiries, or under the rules of agreements with third countries or international organisations.

~~3. **Member States shall grant access to Commission officials or staff of the body designated by the Commission to the data referred to in paragraph 1.**~~

4. Vessel position data may be provided to and used by scientific bodies of Member States and scientific bodies of the Union in order to perform scientific research and provide scientific advice**.** ~~**if this data no longer contains the reference to the vessel identification numbers and does not allow for the identification of natural persons**~~.

   Data listed in paragraph 1(a)(ii) **to (iv)** ~~**and (iii)**~~ **and data concerning catches, discards and landings contained in data listed in paragraph 1(b)(v) and (vii)** may be provided to scientific bodies of Member States **and** scientific bodies of the Union **in order to perform scientific research and provide scientific advice**. **Data listed in paragraph 1(a)(ii) to (iv) may be provided to** Eurostat **in order to perform its mission.**

   These bodies shall ensure that in any advice or other publications based on such data, that data is anonymised.

5. Member States shall establish, implement and host the relevant fisheries data bases containing the data referred to in paragraph 1. Access to these data bases shall be granted by means of secured access with control of access and specific user profiles, solely for the purpose of reporting, statistics, inspections and the investigation of infringements.

5a. When necessary and justified, Member States shall upon request transmit data on infringements to the Commission or the body(ies) designated by it. The data shall include, in particular, the date of the infringement, the date of the definitive decision and the applied sanctions and measures, including assigned points.

(79) *Article 111*

Exchange of data

1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other Member States **concerned**, and where appropriate, the Commission or the body(ies) designated by it, in particular:

(a) vessel position data when its vessels are present in another Member State's waters;

(b) fishing logbook information when its vessels are fishing, landing or transhipping in another Member State's waters;

(c) landing declarations and transhipment declarations when **landings or transhipments** ~~**such operations**~~ take place in another Member State's ports;

(d) prior notification when the intended port is in another Member State;

(e) sales notes, transport documents and take-over declarations when **the sale, transport or take-over** ~~**one or more of those operations**~~ take**s** place in another Member State;

(f) inspection and surveillance reports **and risk analysis for vessels flying its flag being inspected in another Member States's waters or ports.**~~;~~

(g) ~~**the national register of infringements.**~~

1a. Each flag Member State shall ensure the direct electronic exchange of relevant information concerning vessels flying its flag to the Commission or the body(ies) designated by it, in particular:

(a) vessel position data;

(b) fishing logbook information when the Union fishing vessels operate outside Union waters;

(c) landing declarations and transhipment declarations, when the Union fishing vessels operate outside Union waters;

(d) prior notification when the Union fishing vessels operate outside Union waters;

(e) sales notes, transport documents and take-over declarations, when the Union fishing vessels operate outside Union waters;

(f) inspection and surveillance reports.

2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States **concerned** and, where appropriate, the Commission or the body(ies) designated by it, in particular by sending:

(a) sales notes' information to the flag Member State when a first sale originates from another Member State's fishing vessel;

(b) take-over declaration information when the fish is placed in storage in a Member State other than the flag Member State or the Member State of landing;

(c) sales notes and take-over declaration information to the Member State where the landing took place;

(d) transport documents to the flag Member State, Member State of destination and transit of the transport.

(e) inspection and surveillance reports**.**

(f) ~~**the national register of infringements."**~~

(*) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1)."

(80) the following Article 111a is inserted:

"*Article 111a*

Uniform conditions for the implementation of provisions on data

For the purpose of implementing Articles 110 and 111, the Commission may, by means of implementing acts, lay down detailed rules on

– data quality, compliance with deadlines for submission of data by operators, validation of the data, including cross-checks, analysis, verification,

– exchange of data between Member States,

– access to the data by the Commission or body**(ies)** designated by it,

– access to the data by scientific bodies of the Union and Eurostat,

– interoperability and standardisation of databases

– data listed in Article 110(1) and (2), including additional specific safeguards for processing of personal data and security rules applicable to the databases.

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

(81) Article 112 is replaced by the following:

"*Article 112*

Protection of personal data

1. Data referred to in Article 110(1)**,** with the exception of data referred to in **point (viii) of** paragraph 1(b) **of that Article** ~~**(viii)**~~, and in Article 110(2) may include personal data.

2. The Commission may process personal data to which it has access pursuant to Article 110(1) and (2) for the following purposes:

   (a) monitoring of fishing opportunities including quota consumption;

   (b) validation of data;

   (c) monitoring of fishing activities carried out by Union fishing vessels, or fishing activities of vessels within Union waters;

   (d) monitoring Member States' controls of fishing activities and in the supply chain;

   (e) inspections, verifications, audits and enquiries;

   (f) preparation of, and compliance with international agreements and conservation measures;

   (g) policy evaluations and impact assessments;

   (h) scientific research and scientific advice;

   (i) enquiries pertaining to complaints and infringements.

3. Personal data contained in information referred to in Article 110(1) and (2) shall not be stored for a period longer than ~~5~~ **five** years, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, **until the completion of the procedure concerned and for no longer than** ~~which may be retained for~~ 10 years. If the information ~~listed~~ **referred to** in Article 110(1) and (2) is retained for a longer period of time, the **personal** data shall be anonymized.

3a. By way of derogation from paragraph 3, personal data contained in the information referred to in points (a) and (b) of Article 110(1) may be stored for a period of up to 25 years if that is justified and done solely for the purpose of performing scientific research and providing scientific advice. That data may be stored for longer periods if it is anonymised or pseudonymised.

3b. Personal data contained in CCTV footage/images collected under Article 13 shall be stored on board the vessel only until it has been accessed by the competent authority of the Member State(s) concerned and in any case for no longer than 1 year. Such data shall not be stored by Member State competent authorities for a period longer than 1 year except where necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, until the completion of the procedure concerned and for no longer than 10 years.

4. Member States **authorities** shall be regarded as a controller as defined in Article 4(7) of Regulation (EU) 2016/679(*) in relation with the processing of personal data which they collect pursuant to this Regulation.

5. The Commission shall be regarded as a controller as defined ~~in point (b) of~~ Article 3(**8**~~2~~) of Regulation (EU) 2018/**1725**~~2018~~ of the European Parliament and of the Council(**) in relation with the processing of personal data which it has collected pursuant to Article 110(1) and (2) of this Regulation.

6. The Commission or body designated by it and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. The Commission or body designated by it and the Member State authorities shall cooperate on security-related tasks.

7. In particular, the Commission shall adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan, in order to:

(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;

(b) prevent the unauthorised reading, copying, modification or removal of data media;

(c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;

(d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;

(e) ensure that persons authorised to access the relevant fisheries data bases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;

(f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted and what data has been processed in the relevant fisheries data bases, when, by whom and for what purpose;

(g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries data bases or during the transport of data media, in particular by means of appropriate encryption techniques;

(h) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.

8. Member States **authorities** shall take measures equivalent to those referred to in paragraph 7 as regards security in respect of the processing of personal data by the authorities having a right to access any of the relevant fisheries data bases.

(*) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(**) ~~**Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM (2017)8 final, 10.1.2017)**~~ **Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).**"

(82) Articles 114 and 115 are replaced by the following:

"*Article 114*

Official website

"For the purpose of this Regulation, each Member State shall set up and keep up-to date an official website for operators and the general public, containing as a minimum the information listed in Article 115.

Article 115

Content of the website

On their websites, Member States shall publish without delay, or provide a direct link to, the following information:

(a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7;

(b) the list of designated ports for the purpose of transhipment specifying their operating hours, as referred to in Article 20;

(c) one month after the entry into force of a multiannual plan, and after approval by the Commission, the list of designated ports, specifying their operating hours as referred to in Article 43, and within 30 days thereafter, the associated conditions for recording and reporting the quantities of the species under the multiannual plan for each landing;

(d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);

(e) the contact point details for the transmission or submission of fishing logbooks, prior notifications, transhipment declarations, landing declarations, sales notes, take-over declarations and transport documents as referred to in Articles 14, 17, 20, 23, 55, 62, 66 and 68;

(f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure;

(g) the decision to close a fishery under Article 35 and all necessary details;

(h) a list of the fishing restricted areas and corresponding restrictions

(i) a list of ~~**registered weighers**~~ **operators who may carry out weighing under Article 60(1c)** specifying the port and the weighing facility ~~**in accordance with Article 59a**~~."

(83) Article 116 is deleted.

(84) in Article 117, paragraph 4 is replaced by the following:

"4. The Commission may by means of implementing acts, lay down rules on mutual assistance concerning:

(a) administrative cooperation between Member States, third countries, the Commission and the body**(ies)** designated by it;

(b) ~~**costs of executing a requests for assistance;**~~

(c) designation of Member States' single authority;

(d) communication of follow-up measures taken by national authorities further to exchange of information;

(e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies;

(f) information without prior request;

(g) Member States' relations with the Commission and with third countries.

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

(85) in Article 118, paragraph 5 is replaced by the following:

"5. The Commission may, by means of implementing act, lay down rules concerning the content and format of the reports by Member States.

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

(86) Article 119 is replaced by the following

"*Article 119*

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)"

(87) the following Article 119a is inserted:

"*Article 119a*

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in Articles ~~**7(6), 9(7), 9a(4), 15a(1),**~~ 17(6), 21(6), ~~**22(4), 24(5), 39a(4),**~~ **41(3), 44(4), 46(a)**, ~~**58(9), 59a(4), 60a(1) and (2), 73(9), 74(6),**~~ 75(2), 92(**13**~~**0**~~**)**~~**, 93a(3), and 107(4)**~~ shall be conferred for an indeterminate period of time.

3. The delegation of powers referred to in Articles ~~**7(6), 9(7), 9a(4), 15a(1),**~~ 17(6), 21(6), ~~**22(4), 24(5), 39a(4),**~~ **41(3), 44(4), 46(a),** ~~**58(9), 59a(4), 60a(1) and (2), 73(9), 74(6),**~~ 75(2), 92(1**3**~~**0**~~), ~~**93a(3), and 107(4)**~~ may be revoked at any time by the European Parliament or by the Council.

3a. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

3b. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles ~~**7(6), 9(7), 9a(4), 15a(1),**~~ 17(6), 21(6), ~~**22(4), 24(5), 39a(4),**~~ **41(3), 44(4), 46(a)**, ~~**58(9), 59a(4), 60a(1) and (2), 73(9), 74(6),**~~ 75(2), 92(1**3**~~**0**~~), ~~**93a(3), and 107(4)**~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council."

(88) Annex I is deleted.

(89) The texts set out in Annex I to this Regulation are added as Annexes III and IV.

Article 2

Amendments to Regulation ~~(EC) No 768/2005~~ (EU) 2019/473

(1) Article 1 is replaced by the following:

"*Article 1*

Objective

1. This Regulation establishes a European Fisheries Control Agency ('the Agency') for the purpose of ensuring a high, uniform and effective level of control**, inspection** and compliance with the rules of the Common Fisheries Policy, including its external dimension.

2. To that end, the Agency shall cooperate with the Member States and the Commission and provide them ~~**technical, operational and scientific**~~ assistance as regards the fields mentioned in paragraph 1 of this Article within the limits of the missions and tasks set out in Chapter II.

2a. When providing the assistance referred to in paragraph 2, the Agency shall organise the operational coordination of fisheries control and inspection activities by the Member States and contribute to the overall efficiency of the control, inspection and combat of IUU fishing activities, to facilitate the uniform application of the rules of the Common Fisheries Policy relating to control and inspection."

(2) Article 3 is amended as follows:

(a) point (e) is replaced by the following:

"(e) to assist Member States and the Commission in harmonising the application of the common fisheries policy;"

(b) point (f) is replaced by the following:

"(f) to contribute to **and, where relevant, participate in** the work of Member States and the Commission on research into and development of control and inspection techniques ~~**and to initiate research into and development of control and inspection techniques**~~;"

(c) the following point (k) is added:

"(k) to assist the Commission in the performance of tasks assigned to the Commission in legislative acts of the Union with regard to the objectives of the Agency."

(3) Article ~~**16**~~ **17** is replaced by the following:

*"Article ~~**16**~~17*

Exchange and processing of data and information

1. The Commission, the Agency and the competent authorities of Member States shall exchange relevant data and information available to them regarding joint control and inspection activities within ~~**Union**~~ **the territory of Member States** and **Union and** international waters in accordance with Regulation (EC) No 1224/2009.

2. The Agency shall take, in accordance with the relevant Union legislation, measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Regulation in accordance with Article 113 of Regulation (EC) No 1224/2009.

3. Regulation (EU) 2018/**1725**~~**XX**~~ of the European Parliament and of the Council(*) shall apply to the processing of personal data carried out by the Agency.

4. In relation to the processing of personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009, the Agency shall be regarded as a controller as defined in ~~**point (b) of**~~ Article 3(**8**~~**2**~~) of Regulation (EU) 2018/**1725**~~**XX**~~.

5. The Agency **may**~~shall~~ process personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009 for the purpose of coordinating controls and inspections, assisting Member States and the Commission to conduct their tasks under the common fisheries policy, and coordinating operations to combat illegal, unreported and unregulated fishing.

6. Personal data referred to in Article 110(1) and (2) of Regulation (EC) 1224/2009 shall not be stored for a period longer than ~~5~~ **five** years, except for personal data that is necessary to allow the follow-up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings **until the completion of the procedure concerned and for no longer than** ~~which may be retained for~~ 10 years. If the information is retained for a longer period of time, the data shall be anonymized.

6a. Personal data contained in CCTV footage/images collected under Article 13 shall be not be stored for a period longer than 1 year except where necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, until the completion of the procedure concerned and for no longer than 10 years.

7. The transfer of the following personal data contained in fishing activity data to a third Country or to an international organization shall only be performed in accordance with Chapter V of Regulation (EU) 2018/**1725**~~**XX**~~ and in compliance with agreement with that third country or with the applicable rules of that international organisation.

(*) ~~**Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM (2017)8 final, 10.1.2017)"**~~ **Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).**

(4) Article ~~**17a**~~ **19** is replaced by the following:

"*Article* ~~*17a*~~*19*

Assignment of Agency officials as Union inspectors

Officials of the Agency may be assigned as Union inspectors in accordance with Article 79 of Regulation (EC) No 1224/2009."

(5) in Article ~~23~~**32**, paragraph 2, is amended as follows:

(a) in point (b) the terms '30 April' are replaced by '**1**~~30~~ Ju**ly**~~ne~~'.

(b) the following point is inserted:

"(i) ensure **adequate follow-up to** ~~that the~~ findings and recommendations stemming from **the internal or external audit reports and** evaluations**, as well as from** ~~carried out in accordance with Article 39 are adequately followed up in~~ investigations of ~~conducted by~~ the European Anti-Fraud Office (OLAF) ~~and internal or external audits~~."

(6) Article ~~26~~**35**, is replaced by the following:

"*Article ~~26~~35*

Meetings

1. The meetings of the Administrative Board shall be convened by its Chairperson. The agenda shall be determined by the Chairperson, taking into account the proposals of members of the Administrative Board and the Executive Director of the Agency.

2. The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.

3. The Administrative Board shall hold an ordinary meeting at least once a year. In addition it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of the Member States represented on the Administrative Board.

~~**4. The Administrative Board may invite a representative of relevant Union institutions to attend its meetings.**~~

5. The Administrative Board may invite **a representative of relevant Union institutions or** any person whose opinion may be of interest to attend its meetings as an observer.

6. When there is a matter of confidentiality or conflict of interest, the Administrative Board may decide to examine specific items of its agenda without the presence of the representative appointed by the Advisory Board, the representatives appointed by relevant Union institutions ~~**as referred to in paragraph 4**~~ and the person(s) referred to in paragraph 5. Detailed rules for the application of this provision may be laid down in the rules of procedure.

7. The members of the Administrative Board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.

8. The secretariat for the Administrative Board shall be provided by the Agency."

(7) in Article ~~**29**~~**38**(3), point (a) is replaced by the following:

"(a) he/she shall prepare the draft annual work programme and the draft multiannual work programme and submit them to the Administrative Board after consultation with the Commission and the Member States. He/she shall take the necessary steps for the implementation of the work programme and multiannual work programme within the limits specified by this Regulation, its implementing rules and any applicable law;"

(8) in Article ~~**35**~~**44**, paragraph 1 is replaced by the following:

"1. The revenue of the Agency shall consist, without prejudice to other types of income, of:

(a) a contribution from the Union entered in the general budget of the European Union (Commission section);

(b) charges for services provided by the Agency to Member States in accordance with Article 6;

(c) charges for publications, training and/or any other services provided by the Agency;

(c1) charges for services provided by the Agency to the European Border and Coast Guard Agency and the European Maritime Safety Agency, in the framework of the European cooperation on coast guard functions laid down in Article 8.

(d) Union funding in the form of delegation agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article **47**~~38~~ and with the provision of the relevant instruments supporting the policies of the Union."

(9) Article ~~39~~ **48** is replaced by the following:

"*Article* ~~*39*~~***48***

Evaluation

1. ~~**Within five years from the date of the Agency having taken up its responsibilities, and every five years thereafter, an evaluation of the Agency shall be performed.**~~ **At regular intervals, and at least every five years, t**~~T~~he Commission shall ~~**commission**~~ **carry out an** ~~**an independent external**~~ evaluation to assess in particular:

(a) the results achieved by the Agency having regard to its objectives, mission and tasks;

(b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mission and tasks.

The Commission shall consult the Administrative Board on the terms of reference for each evaluation.

2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the Administrative Board. The Administrative ~~b~~**B**oard may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public."

Article 3

Amendments to Regulation (EC) No 1967/2006

Regulation (EC) No 1967/2006 is amended as follows:

(1) in Article 17, paragraphs 2 to 6 are deleted.

(2) in Article 20(1), the second sentence is deleted.

(3) Article 21 is deleted.

Article 4

Amendments to Regulation (EC) No 1005/2008

Regulation (EC) No 1005/2008 is amended as follows:

(1) In the title of the Regulation, in the Articles, in the headings of Articles and Chapters and in the Annexes, the noun 'Community' or the corresponding adjective is replaced by 'Union', with any grammatical changes being made.

(2) in Article 2, point 17 is replaced by the following:

"17. 'sighting' means any observation by a Member State's competent authority responsible for inspection at sea, or by the master of a ~~Community~~ **Union** or third country fishing vessel of a fishing vessel engaged in activities that may be considered as IUU fishing in accordance with the provisions of Article 3."

(3) Article 3 is replaced as follows:

"Article 3

Fishing vessels engaged in IUU fishing

A fishing vessel shall be **considered to have been** ~~**presumed to be**~~ engaged in IUU fishing if it is ~~**shown**~~ **confirmed** that, contrary to the conservation and management measures applicable in the fishing area concerned, it carried out one or more activities:

– listed in points from (**b**~~**a**~~) to (**l**~~**n**~~) of Article 90(2) of Regulation (EC) No 1224/2009, or

– considered as serious infringements pursuant to points **(ab), (ac),** (a), (**d**~~**c**~~), (e), (f)**,** ~~**and**~~ **(h),** (i)**, (j) and (l)** of Article 90(3) of Regulation (EC) No 1224/2009."

(4) Article 10 is replaced by the following:

"*Article 10*

Inspection procedure

For the purpose of verifying compliance with applicable laws, regulations and relevant international conservation and management measures, Member States shall apply the provisions of Chapter I of Title VII of Regulation (EC) No 1224/2009."

(5) in Article 11, paragraphs 1 and 2 are replaced by the following:

"1. If the information collected during the inspection **or any other relevant data or information** provides evidence that leads the official to believe that a fishing vessel has engaged in IUU fishing in accordance with Article 3, the official shall **carry out the duties set out in Article 82 of Regulation (EC) No 1224/2009.**~~**:**~~

~~(1) record the suspected infringement in the inspection report;~~

~~(2) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;~~

~~(3) immediately forward the inspection report to the competent authority.~~

2. If the results of the inspection provide evidence that a third country fishing vessel has engaged in IUU fishing in accordance with Article 3, the competent authority of the port Member State shall not authorise such vessels to land or tranship their catch or to have access to port services."

(6) the following Articles 12a to 12e are inserted:

"*Article 12a*

Integrated computerised information exchange, management and storage, submission, validation and quantity management under the Catch Certification Scheme for importation and exportation of fishery products (CATCH)

1. For the purpose of allowing the integrated management, handling, storage and exchange of information and documents relevant for official checks, verifications, controls and other relevant official activities concerning importation and **re-** exportation of fishery products, a digital information management system (CATCH) for the Catch Certification Scheme shall be established by the Commission in line with Articles 12b to 12d. The CATCH shall be integrated in ~~**the Information Management System for Official Controls (IMSOC) established by**~~ **TRACES referred to in** Regulation **(EU)** 2017/625(*).

2. ~~All~~ **E**~~e~~xchanges of information **and data** in relation to the importation **and re-exportation** of fishery products and related checks, risk management, verifications and controls, documents **referred to in this Chapter** such as importer declarations, catch certificates, **re-export certificates** ~~**declarations and authorisations of transhipments, processing**~~ statements, applications or decisions, between the importer and **re-exporter and** the competent authorities of Member States, between Member States competent authorities or between Member States competent authorities and the Commission as foreseen in this Regulation, shall be made using CATCH.

3. The Commission is empowered to adopt delegated acts in accordance with the Article 54b concerning the cases where, and the conditions under which, temporary exemptions from the application of paragraph **2**~~**3**~~ of this Article can be established.

4. Member States' competent authorities shall use the information submitted by importers by use of the CATCH, as established under ~~**paragraph**~~ **Article** 16(1), for quantity management as well as, based on risk management, for carrying out their checks and verifications and for taking decisions as established under this Chapter and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation.

Article 12b

General functionalities of the CATCH

1. The CATCH shall:

(a) allow for the computerised submission, handling, management and exchange of information, data and documents necessary for the performance of checks, risk management, verifications, controls**, quantity management** and decisions as referred to in this Chapter **and**~~,~~ the related ~~**rules in Commission Regulation (EC) No. 1010/2009 and**~~ delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation, among Member States' competent authorities, between Member States' competent authorities and the Commission and, where appropriate, between Member States' competent authorities**,** ~~**and the Commission**~~ with competent authorities of flag States, countries of processing and other third countries concerned, importers and exporters;

(b) provide for a quantity management mechanism, which ensures that the **weight of the raw material for one or several importations under one single catch certificate is not higher than the weight validated in such certificate**~~**product weight declared by the importers for imports under one catch certificate are not higher than the weight recorded and validated in such catch certificate**~~;

(c) **by … *[24 months after the date of application of this Regulation]*** provide for the possibility of exchange of information, data and documents relevant for the importation and **re-**exportation of fishery products in accordance with the provisions of this Chapter and **the related** delegated and implementing acts ~~**referred to in this Chapter and in Article 54a of this Regulation**~~, with other Member States' authorities and with Member States' customs authorities through the EU Single Window;

(d) provide for the possibility of electronic risk management and analysis.

2. The CATCH may interoperate with other systems relevant for the fight against IUU fishing, including through an interface with existing and fully functioning national IT-systems.

Article 12c

The functioning of the CATCH

In accordance with the rules laid down for ~~**IMSOC**~~**TRACES**, the Commission may adopt implementing acts for the functioning of the CATCH which lay down:

(a) the technical specifications of the CATCH as a system component of ~~**IMSOC**~~**TRACES**, including the electronic data exchange mechanism for exchanges with existing national **and other** systems, identification of applicable standards, definition of message structures, **access condition,** data dictionaries, exchange of protocols and procedures;

(b) the specific rules for the functioning of the CATCH and of its system components to ensure protection of personal data and security of exchange of information;

(c) contingency arrangements to be applied in the event of unavailability of any of the functionalities of the CATCH;

(d) the cases where, and the conditions under which, the third countries and regional fisheries management organisations referred to in Article 13 of this Regulation **or other international organisations** may be granted partial access to the functionalities of the CATCH and the **technical specifications** ~~**practical arrangements**~~ of such access;

(e) the rules under which electronic documents **are validated in accordance with the Regulation (EU) 2014/910**~~**, including the electronic signature, validated or endorsed by the competent authorities of third countries can be accepted by the competent authorities**~~;

(f) the templates, forms and rules, including for electronic formats, for the issuance of official documents foreseen under this Regulation, other than the specimen foreseen in **this Chapter and related** Annex**es**~~**II and its Appendix as well as the form foreseen in Annex IV of this Regulation.**~~

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 54(2).

Article 12d

Protection of personal data

1. Regulation (EU) 2016/679 of the European Parliament and of the Council(**) and Regulation (EU) 2018/XX of the European Parliament and of the Council(***) shall apply to the extent that the information processed through the CATCH contains personal data as defined in Article 4(1) of Regulation (EU) 2016/679.

2. In relation to their responsibilities to transmit the relevant information to the CATCH and the processing of any personal data that might result from that activity, the competent authorities of the Member States shall be regarded as controllers as defined in Article 4(7) of Regulation (EU) 2016/679.

3. The Commission shall be regarded as controller as defined in point (**8b**) of Article 3~~(2)~~ of Regulation (EU) 2018/**1725**~~XX~~ in relation to its responsibility to manage the CATCH and the processing of any personal data that might result from that activity.

Member States and the Commission shall ensure that the CATCH complies with the rules on personal data protection established under Articles 134 and 135 of Regulation (EU) 2017/625.

Article 12e

Data security

(7) Member States and the Commission shall ensure that the CATCH complies with the rules on data security established under Articles 134 and 136 of Regulation (EU) 2017/625.

(7a) in Article 14, paragraph 1 is replaced by the following:

"1. In order to import fishery products transported in the same form to the Union from a third country other than the flag State or State of processing referred to in paragraph 2 of this Article, the importer shall submit to the authorities of the Member States of importation:

(a) the catch certificate(s) validated by the flag State and, if relevant, the statement endorsed referred to in paragraph 2 of this Article, as follows:

(i) the original catch certificate(s) and, if relevant, the original of the statement referred to in paragraph 2 of this Article, of the fishery products concerned if the total consignment is exported; or

(ii) a copy of the original catch certificate(s) and, if relevant, a copy of the statement referred to in paragraph 2 of this Article where only a part of the fishery products concerned is exported in the consignment; and

(b) documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good and genuine condition, and remained under the surveillance of the competent authorities in that third country.

Documented evidence shall be provided by means of:

(i) if the whole consignment related to a catch certificate and, if relevant, to the statement referred to in paragraph 2 is exported, the single transport document issued to cover the passage from the territory of the flag State or processing State through that third country; or

(ii) if the original consignment related to a catch certificate and, if relevant, to the statement referred to in paragraph 2 is split, a document issued by the competent authorities of that third country:

- giving an exact description of the fishery products and the weight of the exported consignment, the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and

- indicating the name and approval number of the storage facility and the conditions under which the fishery products remained in that third country.

Where the species concerned are subject to a regional fisheries management organisation catch documentation scheme which has been recognised under Article 13, the documents referred to above may be replaced by the reexport certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly."

(8) in Article 14, paragraph 2 is replaced by the following:

'2. In order to import fishery products constituting one single consignment and which have been processed in a third country, the importer shall submit to the authorities of the Member State of importation a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form in Annex IV:

(a) giving an exact description of the unprocessed and processed products and their respective quantities;

(b) indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag State; and

(c) accompanied by:

(i) the original catch certificate(s) where the totality of the catches concerned has been used for the processing of the fishery products exported in a single consignment; or

(ii) a copy of the original catch certificate(s), where part of the catches concerned has been used for the processing of the fishery products exported in a single consignment.

~~**For the purposes of trade facilitation, the endorsement of the statement by competent authorities is not required if:**~~

(d) ~~**the fishery products concerned are caught by fishing vessels flying the flag of the country where those fishery products are processed and;**~~

(e) ~~**the competent authority for endorsement is identical to the flag State authority competent for catch certificate validation as notified to the Commission in accordance with Article 20(1) of this Regulation.**~~

Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been recognised under Article 13, the statement may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country of processing has fulfilled its notification requirements accordingly.

(*) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ L 95, 7.4.2017, p. 1)

(**) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L119, 4.5.2016, p. 1).

(***)~~**Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM (2017)8 final, 10.1.2017).**~~ **Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).**"

(9) in Article 16, paragraph 1 is replaced by the following:

"1. The importer of fishery products into the Union shall submit the catch certificate, as established in Article 12(4), together with its transport details as specified in appendix of Annex II, the statement of the processing plant as established in Article 14(2) and other information as required in Articles 12, 14, and 17, electronically via CATCH to the competent authorities of the Member State in which the product is intended to be imported. The catch certificate together with **all the relevant accompanying documents** ~~**its transport details, the statement of the processing plant and other information as required in Articles 12 and 14**~~ has~~ve~~ to be submitted at least three working days before the estimated time of arrival at the place of entry into the territory of the Union. The deadline of three working days may be adapted according to the type of fishery product, the distance to the place of entry into the territory of the Union or the transport means used. Those competent authorities shall, on the basis of risk management, check all submitted documents, in particular the catch certificate in the light of the information provided in the notification received from the flag State in accordance with Articles 20 and 22."

(9a) In Article 17, paragraph 3 is replaced by the following:

"3. Verification shall focus on risks identified on the basis of risk-management criteria determined at Union level. In addition, Member States may develop additional national criteria for the same purpose. Member States shall notify to the Commission their national criteria and any updates thereof. The Union criteria shall be determined in accordance with the examination procedure referred to in Article 54(2)."

(10) in Article 27, paragraph 8 is replaced by the following:

"8. ~~Community~~ **Union** fishing vessels shall not be included in the ~~Community~~ **Union** IUU vessel list if the flag Member State has taken action pursuant to this Regulation and Regulation 1224/2009 against breaches constituting serious infringements as laid down in Article 42(1) without prejudice to the action taken by regional fisheries management organisations."

(11) The heading of Chapter IX is replaced by the following:

"CHAPTER IX

PROCEEDINGS AND ENFORCEMENT"

(12) Article 42 is replaced by the following:

"*Article 42*

Serious infringements

"For the purpose of this Regulation, 'serious infringement' means any infringement**s** listed in ~~**points (a) to (n), (o) and (p) of**~~ Article 90(2) of Regulation (EC) No 1224/2009 or considered as serious infringements pursuant to ~~**points (a), (c), (e), (f) and (i) of**~~ Article 90(3) of that Regulation ~~**(EC) No 1224/2009**~~."

(13) The following Article 42a is inserted:

"*Article 42a*

Proceedings in case of serious infringements

Without prejudice to Articles 11(4) and 50 of this Regulation, Member States shall apply provisions of Article 85 of Regulation (EC) No 1224/2009 where a serious infringement is detected."

(14) Article 43 is replaced by the following:

"Article 43

Sanctions and m~~M~~easures ~~to ensure compliance~~

1. ~~**Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions,**~~ **In case of suspected and committed serious infringements referred to in Article 42,** Member States shall **apply measures and sanctions in accordance with Title VIII of Regulation (EC) No 1224/2009**~~**, in conformity with their national law, systematically apply administrative measures and sanctions against the natural person having committed or a legal person held liable for serious infringements as defined in this Regulation**~~.

2. ~~**Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such a serious infringement in accordance with this Regulation, Member States shall, in conformity with their national law, immediately take relevant and immediate measures in accordance with Article 91 of Regulation (EC) No 1224/2009.**~~

~~**3. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, in accordance with the provisions of Articles, 89a, 91a, 91b and 92a of Regulation (EC) No 1224/2009. Member States shall also apply measures in accordance with Article 92 of Regulation (EC) No 1224/2009."**~~

(15) Articles 44 to 47 are deleted.

(16) the following Articles 54a and 54b are inserted:

"*Article 54a*

Amendment of Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 54b amending Annex **I,** II with its Appendix**,** ~~**and**~~ Annex IV **and documents referred to in Article 14 (1)**, in order to take into account international developments in catch documentation schemes, scientific developments and technical progress including adaptations for the purpose of the implementation of the CATCH.

Article 54b

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in Articles 12a(3) and 54a shall be conferred for an indeterminate period of time.

3. The delegation of powers referred to in Articles 12a(3) and 54a may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 12a(3) and 54a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council."

(17) Annex II and its Appendix are replaced by the text set out in Annex II to this Regulation.

(18) in Annex IV, the introductory sentence is replaced by the following:

"**DOCUMENT NUMBER (*insert document number*)**

I confirm that the processed fishery products: … (product description and Combined Nomenclature code) have been obtained from catches under the following catch certificate(s):"

Article 5

Amendments to Regulation (EU) No 2016/1139

In Regulation (EC) No 2016/1139, Articles 12 and 13 are deleted.

Article 5a

Amendments to Regulation (EU) 2017/2403

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

Article 6

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Articles 1, 3, 4, 5 shall apply from [*24 months after date of entry into force*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

The following Annexes III and IV are added to Regulation (EC) No 1224/2009

"ANNEX III

POINTS TO BE ASSIGNED TO UNION FISHING LICENCE HOLDERS OR UNION MASTERS FOR SERIOUS INFRINGEMENTS

~~No~~Reference	Serious infringement	points
Article 90(3)(a) **~~1~~**	Not fulfilling **~~of~~** obligations to accurately record**, store** and report data relating to fishing activities, including data to be transmitted by vessel monitoring system**s ~~and~~, as well as data with regard to** prior noti**fications~~ces~~**, **catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes** as required under the rules of the common fisheries policy.	3
~~2~~	**~~Not making available of a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to the flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403.~~**	**~~3~~**
~~3~~	**~~Not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transhipment declaration or a transfer declaration, when the operation has taken place outside Union waters.~~**	**~~3~~**

~~No~~**Reference**	Serious infringement	points
~~**4**~~	~~**Using non-compliant fishing gear.**~~	~~**4**~~
Article 90(3)(d) ~~**5**~~	Not fulfilling obligations related to the **characteristics or** use of fishing gear~~**s**~~**, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation, or processing or not complying with measures to reduce incidental catches of sensitive species as required under** ~~**as set in**~~ the rules of the common fisheries policy.	4
Article 90(3)(k) ~~**6**~~	Manipulating ~~**of**~~ **or using** an engine **power beyond the maximum** ~~or of~~ continuous engine power **certified and recorded in the Member State fleet register or manipulating a continuous engine power** monitoring device~~**s with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate**~~.	5
Article 90(2)(b) ~~**7**~~	Falsifying or concealing markings ~~**of fishing vessel or fishing gear**~~, identity or registration of a fishing vessel.	5
Article 90(2)(o) ~~**8**~~	Falsifying documents, ~~**data or information**~~**, referred to in** ~~**or using of falsified or invalid documents, data or information required under**~~ the rules of the common fisheries policy~~**, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008**~~**.**	5

~~No~~**Reference**	Serious infringement	points
Article 90(3)(aa)	**Using falsified or invalid documents referred to in the rules of the common fisheries policy.**	**5**
Article 90(2)(c) ~~**9**~~	Concealing, tampering **with,** or dispos**ing**~~**al**~~ of**,** evidence relating to an investigation.	5
Article 90(3)(i) ~~**10**~~	Committing**, in the course of the same event,** multiple infringements **referred to in Article 90(3)**~~**which together constitute a serious disregard of conservation and management measures**~~.	5
Article 90(3)(e) ~~**11**~~	Failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any **catches of species subject to the landing obligation, including** undersized catches **in breach of the rules of the common fisheries policy applicable to fisheries or fishing zones**~~ **in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy or fishing zones where such rules apply**~~**.**	5

~~No~~**Reference**	Serious infringement	points
Article 90(3)(f) ~~12~~	Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with**,** or in contravention of**,** the conservation and management measures of that organisation **implemented in Union law in the case where those activities are not considered as serious infringement under Article 90(2) or under other points of Article 90(3).**	5
Article 90(2)(f) ~~13~~	Conducting transfer operations **or caging, in particular as referred to in Article 3 of Regulation (EU) 2016/1627,** in breach of the **rules of the** common fisheries policy~~ rules or~~**, including** the applicable conservation and management measures adopted by regional fisheries management organisations **that are implemented in Union law**.	5
Article 90(3)(l) ~~14~~	Landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation~~**; or landing fisheries products stemming from IUU fishing activities**~~.	**5**
Article 90(3)(j)	**Conducting any of the activities referred to in point (g) of Article 90(2) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or a regional fisheries management organisation.**	**5**

~~No~~**Reference**	Serious infringement	points
Article 90(2)(l) ~~**15**~~	Using prohibited fishing gear **or methods, as referred to in Article 7 of Council Regulation (EU) 2019/1241 or as adopted by a regional fisheries management organisation and implemented in Union law**.	6
~~**16**~~	~~**Fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth.**~~	6
Article 90(3) (ab) ~~**17**~~	Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State.	7
Article 90(2)(j) ~~**18**~~	**Fishing prohibited species, species subject to catch limits to which the operator does not have a quota or does not have access to the quota of the flag Member State, species whose quota is exhausted, or species subject to a fishing moratorium, temporary prohibition or closed season, except accidental catches, or conducting fishing operations in closed areas which are closed for the purpose of protection or recovery of fishery resources**, **or in unauthorized depths.**~~**Engaging in directed fishing, retaining on board, transhipping, transferring or landing species which is subject to a moratorium, a closed season or for which fishing is prohibited.**~~	7

~~No~~**Reference**	Serious infringement	points
Article 90(2)(d) ~~**19**~~	Obstructing the work of officials or observers, in the exercise of their duties**, in violation of Articles 73 and 75 of this Regulation**.	7
Article 90(3)(ac)	**Failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation.**	**7**
Article 90(2)(g) ~~**20**~~	Transhipping from or to, ~~**or**~~ conducting transfer operations with, participating in joint fishing operations with, **or** supporting or supplying vessels~~**, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those**~~ listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008.	7
Article 90(2)(e) ~~**21**~~	Transhipping without the required authorisation or where such transhipment is prohibited.	7

~~No~~**Reference**	Serious infringement	points
Article 90(2)(h) ~~**22**~~	~~**Being involved**~~**Participating** in the operation, management, ownership of, ~~**or being hired on**~~, **or supplying services to operators connected to,** a vessel ~~**engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those**~~ listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of ~~**Council**~~ Regulation (EC) No 1005/2008.	7

ANNEX IV

~~Alternative c~~Criteria to qualify an infringement as serious in accordance with Article 90(3)

Infringements	**Criteria to consider the infringements as serious**
Article 90(3)(aa) **using falsified or invalid documents referred to in the rules of the common fisheries policy;**	**a. documents, data or information intentionally used in the own interest or those of third parties in order to obtain a benefit; or** **b. the same infringement[19] has been sanctioned as a serious infringement in the preceding 24 months.**
Article 90(3)(ab) **fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;**	**a. fishing is subject to rules of a regional fisheries management organisation or bilateral agreements;** **b. no request for a licence, authorisation or permit is pending, except where a request for a permit is submitted within two working days of the infringement and a permit for the fishery concerned is granted and the same infringement was not committed in the previous 12 months;** **c. fishing activities, including, catches have not been reported as required under this regulation; or** **d. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**

[19] A recital will set out that the "same infringement" shall be understood as referring to any infringement described under the same point of Article 90(3). This footnote applies to all references of the same kind in this annex.

Infringements	Criteria to consider the infringements as serious
Article 90(3)(ac) **failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation;**	**a. fishing is subject to rules of a regional fisheries management organisation or bilateral agreements;** **b. the conduct has negative impacts on the effectiveness of the inspection;** **c. the same infringement has been sanctioned as a serious infringement in the preceding 24 months.**
Article 90(3)(a) **not fulfilling obligations to accurately record, store and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems, as well as data with regard to prior notifications, catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes as required under the rules of the common fisheries policy;**	**a. fishery products related to the infringement represent a value equal to or more than 1.000€ or quantities that are equal to or more than 500 kg or 20 % above the permitted margins of tolerance referred to in this Regulation or when the difference between the landing declaration and the take-over declaration or between the landing declaration and the sales note exceeds 20 %, after taking into account any sales under Article 65;** **b. failure to record and report catches of species subject to the landing obligation or of by-catch per species, haul, area, day or fishing trip;** **c. interference with the installation or functioning of the vessel monitoring system, automatic identification system, logbook, REM, continuous engine power monitoring device or any other applicable monitoring system of the Member State, including its switch off, except where authorised by the fisheries monitoring centres;** **d. no data and information recorded and/or sent to the flag Member State's fisheries monitoring centre or failing to notify the MS authorities about malfunctioning or failing to transmit data relating to fishing and fishing operations, including sales notes, when the landing or transhipment or the fishing operation has taken place outside the Union waters; or,** **e. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**

Infringements	**Criteria to consider the infringements as serious**
Article 90(3)(d) **not fulfilling obligations related to the characteristics or use of fishing gear, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation or processing or not complying with measures to reduce incidental catches of sensitive species as required under the rules of the common fisheries policy;**	**a. the infringement is related with marking and identification of passive fishing gear and fishing aggregating devices;** **b. the number of unauthorised passive fishing gear and fishing aggregating devices exceeds 20 % of the authorised number;** **c. the size of the whole or part of the active fishing gear exceeds 20 % the authorised dimension;** **d. the selectivity of the fishing gear is reduced by 3mm or 5%, whichever is greater, in particular with regard to mesh size, yarn diameter, hook size or other methods or devices related with the selectivity of the fishing gear;** **e. the equipment on board for grading, water separation is used for species subject to fishing opportunities, multiannual plans, inspection and control plans or landing obligations; or** **f. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**
Article 90(3)(e) **failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any catches of species subject to the landing obligation, including undersized catches, in breach of the rules of the common fisheries policy applicable to fisheries or fisheries zones;**	**a. catches related to the suspected infringement represent a value equal to or more than 1.000€ or quantities that are equal to or more than 500kg or 20 % above the permitted margins of tolerance referred in this Regulation; or** **b. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**

Infringements	**Criteria to consider the infringements as serious**
Article 90(3)(f) **carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, the conservation and management measures of that organisation implemented in Union law in the case where those activities are not considered as serious infringement under Article 90(2) or under other points of Article 90(3);**	**a. qualified as a serious infringement under rules of a regional fisheries management organisation that are binding on the Union; or** **b. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**
Article 90(3)(g) **making available on the market fishery or aquaculture products in breach of the rules of the common fisheries policy in the case where those activities are not considered as serious infringement under Article 90(2);**	**a. the first sale is made with a non-registered auction centre or buyer;** **b. non-existent minimum mandatory information to the consumer for lots of 50 kg or more or which represent a value equal to or more than 1000 €;** **c. incomplete traceability information for lots of 50 kg or more or which represent a value equal to or more than 1000 €;** **d. the products are imported in breach of the provisions of the Regulation (EC) no 1005/2008; or** **e. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**

Infringements	Criteria to consider the infringements as serious
Article 90(3)(h) conducting recreational fishing activities in breach of the rules of the common fisheries policy or the sale of fishery products from recreational fisheries;	a. selling fishery products which represent a value equal to or greater than 50 € or quantities that are equal to or more than 10 kg; b. 50% or more of specimen retained are unauthorized or prohibited species or are noncompliant with the minimum conservation reference size; c. retaining quantities of species exceeding the bag or catch limits or exceeding by 50% applicable quotas; d. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.
Article 90(3)(i) committing, in the course of the same event, multiple infringements referred to in Article 90(3);	three or more simultaneous infringements which are not considered individually as serious.
Article 90(3)(j) conducting any of the activities referred to in point (g) of Article 90(2) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation;	a. when, in the course of the same event, any other serious infringement under Article 90 has been committed with the same fishing vessel; or b. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.

Infringements	Criteria to consider the infringements as serious
Article 90(3)(k) **manipulating or using an engine power beyond the maximum continuous engine power certified and recorded in the Member State fleet register or manipulating a continuous engine power monitoring device;**	**a. when the difference between the power verified and the power certified and recorded is higher than 20%; or** **b. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**
Article 90(3)(l) **landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation;**	**the same infringement has been sanctioned in the preceding 12 months.**
Article 90(3)(m) **conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing.**	**a. in case all legally required documents were not produced;** **b. cases where import has been refused under Article 18 of Regulation (EC) No 1005/2008;** **c. importing without complying with Article 16 of Regulation (EC) No 1005/2008 (submission of catch certificates to competent authorities);** **d. the vessel is included in the IUU vessel list of the Union or of a regional fisheries management organisation; or** **e. the same infringement has been sanctioned as a serious infringement in the preceding 12 months.**

~~ANNEX IV~~[20]

~~Alternative criteria to qualify an infringement as serious, in accordance with Article 90(3) of this Regulation~~

~~Activities~~	~~Criteria~~
~~Article 90(3)(a)~~ ~~Not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior notices, as required under the rules of the common fisheries policy;~~ ~~Article 90(3)(b)~~ ~~Not making available of a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403;~~ ~~Article 90(3)(c)~~ ~~Failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions~~	~~- the catches related to the suspected infringement occurred:~~ ~~in a closed area; or~~ ~~beyond a closed depth;~~ ~~- the infringement is the second one detected in the preceding twelve months;~~ ~~- catches related to the suspected infringement represent quantities that are equal to or more than twice above the permitted margins of tolerance referred to in Article 14(3) and Article 21(3) of this Regulation;~~ ~~- the catches related to the suspected infringement correspond~~ ~~a) to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment declaration, or~~ ~~b) a value of 10% of the total value of fisheries products,~~ ~~when the infringement is related to any of the following species:~~ ~~• all species subject to minimum conservation reference size under the rules of the common fisheries policy;~~ ~~• all species subject to the landing obligation as referred to~~

[20] ~~The amounts referred to in this annex shall be calculated on the value of the fisheries products obtained by committing the infringement according to the prices in force on the EUMOFA platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices or prices identified on principal international markets relevant for the species concerned shall be applicable, and the higher price prevails.~~

~~Activities~~	~~Criteria~~
~~provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply;~~ ~~Article 90(3)(f)~~ ~~Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation.~~	~~in Article 15 of Regulation 1380/2013;~~ ~~- all species subject to fishing opportunities under the rules of the common fisheries policy;~~ ~~- all species subject to multiannual plans;~~ ~~- all species subject to a moratorium, a closed season or for which fishing is prohibited;~~ ~~- all species regulated by a regional fisheries management organisation.~~
~~Article 90(3)(g)~~ ~~Making available on the market fisheries products in breach of the rules of the common fisheries policy~~	~~- the suspected infringement is a second one detected in the preceding twelve months;~~ ~~- the suspected infringement is related to marketing of IUU products knowingly or in contravention to the IUU Regulation~~ ~~- when the direct sale was made with a non-registered auction center or non-registered buyer, as referred to in Article 59 of this Regulation;~~ ~~- completion or submission of sales notes does not comply with Article 62 of this regulation, including the obligation to record and transmit all data electronically;~~ ~~- the catches related to the suspected infringement correspond to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment declaration, or a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:~~ ~~- all species subject to minimum conservation reference size under the rules of the common fisheries policy;~~

~~Activities~~	~~Criteria~~
	~~• all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013;~~ ~~• all species subject to fishing opportunities under the rules of the common fisheries policy;~~ ~~• all species subject to a multiannual plan;~~ ~~• all species subject to a moratorium, a closed season or for which fishing is prohibited;~~ ~~• all species regulated by a regional fisheries management organisation.~~
~~Article 90(3)(c)~~ ~~Using non-compliant fishing gear.~~ ~~Article 90(3)(d)~~ ~~Not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy.~~	~~- the catches related to the suspected infringement occurred:~~ ~~in a closed area; or~~ ~~beyond a closed depth;~~ ~~- the gear used is one of the following:~~ ~~• Fishing with explosive~~ ~~• Prohibited drifting gillnets~~ ~~- the number of authorised gear exceeds by 2 units the number of authorised gears on board the fishing vessels;~~ ~~- the suspected infringement is a second one detected in the preceding twelve months;~~ ~~- catches related to the suspected infringement represent quantities that are equal or more than twice above the permitted margins of tolerance referred to in Article 14(3) of this Regulation;~~ ~~- the catches related to the suspected infringement correspond to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment~~

~~Activities~~	~~Criteria~~
	~~declaration, or a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:~~ ~~- all species subject to minimum conservation reference under the rules of the common fisheries policy;~~ ~~- all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013;~~ ~~- all species subject to fishing under the rules of the common fisheries policy;~~ ~~- all species subject to a multiannual plan;~~ ~~- all species subject to a moratorium, a closed season or for which fishing is prohibited;~~ ~~- all species regulated by a regional fisheries management organisation.~~

~~Activities~~	~~Criteria~~
~~Article 90(3)(h)~~ ~~Conducting recreational fishing activities in breach of rules of the common fisheries policy or selling of catches from recreational fisheries.~~	~~- the catches related to the suspected infringement occurred:~~ ~~• in a closed area; or~~ ~~• beyond a closed depth;~~ ~~- the suspected infringement is the third one detected in the preceding six months;~~ ~~- the catches related to the suspected infringement correspond to quantities more than 5 kilos, when the infringement is related to any of the following species:~~ ~~• all species subject to minimum conservation reference size as referred to under the rules of the common fisheries policy;~~ ~~• all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013;~~ ~~• all species subject to fishing opportunities under the rules of the common fisheries policy;~~ ~~• all species subject to a multiannual plan;~~ ~~all species subject to a moratorium, a closed season or for which fishing is prohibited.~~
~~Article 90(3)(i)~~ ~~Committing multiple infringements which together constitute a serious disregard of conservation and management measures.~~	~~The number of simultaneous infringements which are not considered individually serious infringements exceeds 3.~~

ANNEX II

Annex II to Regulation (EC) No 1005/2008 and the Appendix to that Annex are replaced by the following:

‘ANNEX II – European Union Catch Certificate and Re-Export Certificate

(i) EUROPEAN UNION CATCH CERTIFICATE			
Document number		**Validating Authority**	
1. Name	**Address**		**Tel.** **Fax**
2. Fishing Vessel Name	**Flag - Home Port & Registration Number**	**Call Sign**	**IMO/Lloyd's Number** (if issued)
Fishing licence No. – Valid to **Fishing gear (1)**	**~~Inmarsat~~ Mobile satellite service No. Telefax No. Telephone No. E-mail address (if issued)**		
3. Description of Product	**Type of processing authorised on board:**	**4. References of applicable conservation and management measures**	

Species	**Product code**	**Catch area(s) and catch date(s) (from - to) (2)**	**Estimated ~~live~~ weight to be landed ~~(net fish weight~~ in kg~~)~~**	**~~Estimated live weight to be landed~~ (~~N~~net ~~fish~~ catch weight in kg~~)~~**	**Verified ~~W~~weight ~~L~~landed (net catch weight in kg) (3)**

5. Name of master of fishing vessel or of fishing licence holder - Signature~~ - Seal~~:			
6. Declaration of Transhipment at Sea Name of Master of Fishing vessel	**Signature and Date**	**Transhipment Date/Area/Position**	**Estimated weight (kg)**

Master of Receiving Vessel	**Signature**	**Vessel Name**	**Call Sign**	**IMO/Lloyds Number** (if issued)

7. Transhipment and/or landing authorisation within a Port Area:								
Name	**Authority**	**Signature**	**Address**	**Tel.**	**Port of Landing (as appropriate)**	**Date of Landing (as appropriate)**	**Seal (Stamp)**	
					Port of transhipment (as appropriate)	**Date of transhipment (as appropriate)**	**Name, registration and IMO numbers of receiving vessel (if issued)**	**Seal (Stamp)**

8. Name and address of Exporter	**Signature**	**Date**	**Seal**

9. Flag State Authority Validation:			
Name/Title	**Signature**	**Date**	**Seal (Stamp)**

10. Transport details : *See Appendix*

11. Importer Declaration:				
Company, name, address, EORI number and contact details of importer ~~of importer~~ (specify details)	**Signature**	**Date**	**Seal**	
Company, name, address, EORI number and contact details of representative of the importer (specify details)	**Signature**	**Date**	**Seal**	
Product description:	**CN code**	**~~Product description~~**	**Net weight in kg**	**Net fishery product weight in kg**

Document under Article 14(1) of Regulation (EC) No 1005/2008:	**Yes / no (as appropriate)**	**References**
Document under Article 14(2) of Regulation (EC) No 1005/2008:	**Yes / no (as appropriate)**	**References (Processing statement document number(s)):**
Member State and office of import		
Means of transport upon arrival (air, vehicle, ship, train)	**Transport document reference**	**Estimated time of arrival (if submission under Art. 12(1) of Regulation (EC) No 1005/2008)**
Customs declaration number (if issued)	**CH~~V~~ED number (if available)**	

12. Import control: Authority	**Place**	**Importation authorised(4*)**	**Importation suspended(4*)**	**Verification requested - date**

13. Refusal of Catch Certificate	**Catch certificate refused on the basis of:**	**(4*)**
	Art. 18 (1a)	
	Art. 18 (1b)	
	Art. 18 (1c)	
	Art. 18 (1d)	
	Art. 18 (1e)	
	Art. 18 (1f)	
	Art. 18 (1g)	
	Art. 18 (2a)	
	Art. 18 (2b)	
	Art. 18 (2c)	
	Art. 18 (2d)	

~~(*) Tick as appropriate~~

(1) Code to be used in accordance with International Standard Statistical Classification of Fishing Gear

(2) Catch area:

- **FAO area(s); and**
- **Exclusive Economic Zone(s) and/or High Seas; and**
- **Relevant Regional Fisheries Management Organisation Convention Area(s)**

(3) To be filled only if verified in the context of an official inspection

(4) Tick as appropriate

(ii) EUROPEAN UNION RE-EXPORT CERTIFICATE			
Certificate number	**Date**	**Member State**	
1. Description of re-exported product:	**Weight (kg)**		
Species	**Product code**	**Balance from total quantity declared in the catch certificate**	
2. Name of re-exporter	**Address**	**Signature**	**Date**
3. Authority			
Name/Title	**Signature**	**Date**	**Seal/Stamp**
4. Re-export Control			
Place:	**Re-export authorised(*)**	**Verification requested(*)**	**Re-export declaration number and date**

(*) Tick as appropriate

Appendix

TRANSPORT DETAILS

1. Country of exportation **Port/airport/other ~~place~~ point of departure**	**2. Exporter Signature**		3. **Point of destination**	
Vessel name and flag **Flight number/ airway bill number** **Truck nationality and registration number** **Railway bill number** **Freight bill number** **Other transport documents (e.g. bill of lading, CMR, Air Waybill)**	**Container number(s)** **list attached**	**Name**	**Address**	**Signature**

In case of use of multiple transport modes/multiple shipments, the information related to the transport has to be provided for each and every transport mode used for each shipment.