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2018/0193 (COD)

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control - Table on recitals

Delegations will find attached a table on recitals of the four-column document concerning the above-mentioned proposal. In the fourth column, the Presidency provides suggestions on changes to the General Approach in order to reach a compromise in the inter-institutional negotiations.

Delegations are requested to provide input on the proposed way forward and are reminded that the institutions work under the premise that "nothing is agreed until everything is agreed".

This document will be discussed in the Meeting of Counsellors/Attaches (Fisheries Policy) on 22 May 2023.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control
2018/0193(COD)

Recitals

Note: Some recitals may change, in particular those for which agreement on the provisions is pending.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 1				
12	(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council¹. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that Regulation. Its successful implementation depends on the effective and up-to-date control and enforcement system. 1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).	(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council¹. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that Regulation. Its successful implementation depends on <u>the a straightforward, simple, transparent and effective control system that ensures</u> effective, <u>uniform</u> and up-to-date <u>control and enforcement system compliance in the Member States</u>. 1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC)		(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council¹. The objectives of the common fisheries policy and the requirements for fisheries control and enforcement are set out in Articles 2 and 36 of that <u>Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹.</u> The successful implementation <u>of the common fisheries policy</u> depends on <u>the an</u> effective, <u>efficient, modern and transparent system of</u> and up-to-date control and enforcement system. 1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22). EP AM 2, EX AM 1 (Rapporteur) + 96 (ECR)		11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22). Recital
Recital 2				
13	(2) Council Regulation (EC) No 1224/2009¹ established a Union fisheries control system which provides inter alia for monitoring centres, tracking of fishing vessels, catch reporting obligations, prior notifications, authorisations tranship in third countries, publication of fisheries closures, control of fishing capacities, national control programmes, control of recreational fisheries, controls in the supply chain of fisheries and aquaculture products, weighing of fisheries products, transport documents, landing declarations, sales notes and take-over declarations, inspections and audits, sanctioning of infringements and access to data. 1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC)			(2) Council Regulation (EC) No 1224/2009¹ established a Union fisheries control system which provides inter alia for monitoring centres, tracking of fishing vessels, catch reporting obligations, prior notifications, authorisations <u>to</u> tranship in third countries, publication of fisheries closures, control of fishing capacities, national control programmes, control of recreational fisheries, controls in the supply chain of fisheries and aquaculture products, weighing of fisheries products, transport documents, landing declarations, sales notes and take-over declarations, inspections and audits, sanctioning of infringements and access to data. 1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy,

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p.1).			amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p.1). Recital
Recital 3				
14	(3) Regulation (EC) No 1224/2009 was, however, designed prior to the adoption of the new common fisheries policy. It should therefore be amended in order to better address the requirements for the control and enforcement of the common fisheries policy in accordance with Regulation (EU) No 1380/2013 and to take advantage of modern and more cost-effective control technologies.	(3) Regulation (EC) No 1224/2009 was, however, designed prior to the adoption of the new common fisheries policy. It should therefore be amended in order to better address the requirements for the control and enforcement of the common fisheries policy in accordance with Regulation (EU) No 1380/2013 and to take advantage of modern and more cost-effective control technologies <u>and take into account the latest scientific findings with respect to the environmental sustainability of fishing and aquaculture activities.</u> EP AM 3, EX ENVI 2		(3) Regulation (EC) No 1224/2009 was, however, designed prior to the adoption of the new common fisheries policy <u>Regulation (EU) No 1380/2013</u> . It should therefore be amended in order to better address the requirements for the control and enforcement of the common fisheries policy in accordance with <u>that</u> Regulation (EU) No 1380/2013 and to take advantage of modern and more cost-effective control technologies <u>and take into account the latest scientific findings to ensure that fishing and aquaculture activities are environmentally sustainable in the long-term. The amendments should also be consistent with the Union's international obligations, including those under the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>and Unregulated Fishing.</u> Recital
Recital 4				
15	(4) In Regulation (EC) No 1224/2009, reference should be made to the definitions in Regulation (EU) No 1380/2013 and Regulation (EU) No 1379/2013 of the European Parliament and Council¹. In the interest of clarity and consistency some definitions set in Regulation (EC) No 1224/2009 should be deleted or amended and new definitions should be added. 1. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000(OJ L 354, 28.12.2013, p. 1).			(4) In Regulation (EC) No 1224/2009, reference should be made to the definitions in Regulation (EU) No 1380/2013 and Regulation (EU) No 1379/2013 of the European Parliament and Council¹. In the interest of clarity and consistency, some definitions set in Regulation (EC) No 1224/2009 should be deleted or amended and new definitions should be added. 1. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000(OJ L 354, 28.12.2013, p. 1). Recital
Recital 4a				
15a		<u>(4a) A coherent, clear, transparent, fair and robust enforcement of the common fisheries policy will not just help to foster a dynamic fishing industry and ensure a fair standard</u>		<u>(4a) Such system should foster fair competition between operators across Member States while also contributing to the achievement of the other objectives of the common</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>of living for fishing communities, but it will also contribute to the achievement of sustainability in the fisheries sector and the attainment of biodiversity objectives.</u> EP AM 4, EX ENVI 5		<u>fisheries policy.</u> Recital Place of recital will be changed during lawyer linguist revision.
Recital 5				
16	(5) The definition of ‘rules of the common fisheries policy’ should be amended to clarify that its scope covers all Union law applicable in the fisheries sector, including rules on technical and conservation measures for marine biological resources, on management and control of Union fleets exploiting such resources, on the processing and marketing of fishery and aquaculture products, the Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and international agreements concluded by the Union			(5) The definition of ‘rules of the common fisheries policy’ should be amended to clarify that its scope covers all Union law applicable in the fisheries sector, including <u>areas of conservation, management and exploitation of marine biological resources, aquaculture, and processing, transport and marketing of fishery and aquaculture products. This includes</u> rules on technical and conservation measures for marine biological resources, on management and control of Union fleets exploiting such resources, <u>and</u> on the processing, <u>transport</u> and marketing of fishery and aquaculture products, <u>as well as</u> the Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. <u>The definition should also cover international obligations in those areas, which are binding on the Union and the Member States,</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>including, with regard to operators,</u> and international agreements concluded by <u>obligations of</u> the Union <u>that are enforceable on them.</u> Recital Sequence 6
Recital 6				
17	(6) The terms ‘vessel monitoring system data’ should be replaced by the clearer expression ‘vessel position data’. The definition of ‘vessel position data’ should no longer refer to transmission by satellite-tracking devices, as now different technologies to track vessels and transmit vessel position data are available.			(6) The terms <u>definition of</u> ‘vessel monitoring system data’ should be replaced by the clearer expression <u>term</u> ‘vessel position data’, <u>which is more accurate</u>. The definition of ‘vessel position data’ should no longer refer to transmission by satellite-tracking devices, as now different technologies to track vessels and transmit vessel position data are <u>now</u> available. Sequence 9 Recital
Recital 7				
18	(7) The definition of ‘lot’ should be aligned to the definition of ‘lot’ set out in the food law.			(7) The definition of ‘lot’ should be aligned to <u>with</u> the definition of ‘lot’ set out in the food law. Recital Sequence 13 The definition of lot is not agreed yet. Hence, this text is provisional and needs to be checked and confirmed after

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				agreement on sequence 13.
Recital 8				
19	(8) The definitions of ‘multiannual plans’ should be updated to take into account the provisions of Regulation (EU) No 1380/2013 on multiannual plans.			(8) The definitions <u>definition</u> of ‘multiannual plans’ should be updated to take into account the provisions of Regulation (EU) No 1380/2013 on multiannual plans. Recital Sequence 2
Recital 9				
20	(9) In the definitions of ‘fishing licence’, ‘fishing restricted areas’ and ‘recreational fisheries’, the terms ‘marine living aquatic resources’ should be replaced by ‘marine biological resources’ in order to align that definition to Regulation (EU) No 1380/2013.			(9) In the definitions of ‘fishing licence’, ‘fishing restricted areas’ and ‘area’ and <u>‘recreational fisheries’</u> , the terms , <u>the term</u> ‘marine living aquatic resources’ should be replaced by <u>the term</u> ‘marine biological resources’, in order to align that definition to those definitions with the terminology used in Regulation (EU) No 1380/2013. Recital Sequence 9 Sequence 3 Sequence 11
Recital 9a				
20a		<u>(9a) In order to ensure greater harmonisation of the Union regulatory framework, a new definition of ‘sensitive species’</u>		<u>(9a) In order to ensure consistency with the rules on technical measures laid down in Regulation (EU) 2019/1241 of the European</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>should be added.</u> EP AM 5, EX AMs 99 and 100 (S&D)		<u>Parliament and of the Council¹, a definition of ‘sensitive species’ should be introduced.</u> <u>1. Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).</u> Recital Sequence 7
Recital 9b				
20b				<u>(9b) To better understand and prevent the adverse impacts of fishing activities on sensitive species including to reduce or eliminate the incidental catches of those species which are threatened with extinction, the collection of data on incidental catches of sensitive species needs to be enhanced. For that purpose, additional information on incidental catches of sensitive species should be recorded in the</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>fishing logbook.</u> Sequence 7 Recital NB. place of the recital might change.
Recital 10				
21	(10) A definition of 'fishing vessel' is provided in Regulation (EU) No 1380/2013 and includes vessels equipped for commercial exploitation of marine biological resources such as catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fisheries products, with the exception of container vessels. The definition 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted.	(10) A definition of 'fishing vessel' is provided in Regulation (EU) No 1380/2013 and includes vessels equipped for commercial exploitation of marine biological resources such as catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fisheries products, with the exception of container vessels. The definition 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted. EP AM 6, EX AMs 101 (ECR) and 102 (EPP)	(10) AThe definition of <u>a</u> 'fishing vessel' is provided in Regulation (EU) No 1380/2013 and includes vessels <u>should be replaced by a more detailed definition, which clarifies that the term covers any vessel</u> equipped for commercial exploitation of marine biological resources such as, including catching vessels, support vessels, fish processing vessels, vessels engaged in transshipment <u>transshipment</u> and carrier vessels equipped for the transportation of fisheries <u>fishery</u> products. <u>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. , with the exception of</u> Container vessels <u>should be excluded from the definition of a 'fishing vessel' used for the purpose</u>	(10) A definition of 'fishing vessel' is provided in <u>While most of the provisions of</u> Regulation (EUEC) No 1380/2013 and includes <u>No 1224/2009 relate to catching vessels, an effective Union fisheries control system requires that in certain cases other</u> vessels equipped for used for the commercial exploitation of marine biological resources such as <u>are also covered.</u> <u>For this purpose, the definition of a 'fishing vessel' in that Regulation should be replaced by a more detailed definition, which clarifies that the term covers a</u> catching vessels <u>vessel as well as any other vessel used for commercial exploitation of marine biological resources, including</u> support vessels, fish processing vessels, vessels engaged in transshipment, <u>towing vessels, auxiliary vessels</u> and carrier vessels equipped <u>used</u> for the transportation of fisheries <u>fishery</u> products, with the exception of <u>container but excluding container</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
			<u>of this Regulation. Vessels exclusively used for aquaculture should also not be covered by this definition. The specific. The definition of 'fishing vessel' set out in this in regulation (EC) No 1224/2009 should therefore be deleted 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.</u>	<u>vessels and</u> vessels. The definition 'fishing vessel' in Regulation (EC) No 1224/2009 <u>used exclusively for aquaculture. In addition, a definition of catching vessel</u> should therefore be deleted <u>be introduced</u> . Recital Sequence 3
Recital 10b				
21b			<u>(10a) 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.</u>	<u>(10b) A definition of 'fishing operation' should be introduced in order to clarify the meaning of the term and to distinguish it from the term 'fishing activities', which is broader in scope.</u> Recital Sequence 7
Recital 10c				
21c		<u>(10a) In order to promote greater clarity and harmonisation of the Union regulatory framework and thus improve its application, a new definition of 'direct sale' should be added.</u>		EP agreed to withdraw its amendment. Recital Sequence 13

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		EP AM 7, EX AM 103 (S&D)		
Recital 11				
22	(11) In order to enhance the enforcement of the rules of the common fisheries policy, new definitions should be added for 'catching vessel' and 'slipping'.			(11) In order to enhance the enforcement of the rules of the common fisheries policy, new definitions should be added for 'catching vessel' and <u>Slipping is a practice whereby fish is intentionally released from a fishing gear before the catch is brought on board, which could constitute an infringement of the obligation to bring and retain on board species subject to the landing obligation. Therefore, a definition of 'slipping' should be introduced.</u> Recital Sequence 2 Sequence 3
Recital 11a				
22a				<u>(11a) The provisions on fishing licences and authorisations should be updated and clarified. To ensure comprehensive control, Union fishing vessels other than catching vessels should only be permitted to carry out fishing activities if they have been authorised to do so by their flag Member State. A new provision on fishing authorisations for Union fishing vessels other than</u>

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				<u>catching vessels should therefore be introduced.</u> Recital
Recital 11b				
22b				<u>(11b) Abandoned, lost or otherwise discarded fishing gear (ALDFGs), particularly those made of plastic, constitute one of the most harmful forms of marine debris, as well as of plastic waste at sea. In order to reduce the long-term and significant impact of ALDFGs on marine life and ecosystems, it is essential to ensure that fishing gear, at the end of its life cycle, is brought back to shore for treatment in port reception facilities established for that purpose under Directive (EU) 2019/883¹ of the European Parliament and the Council. This would also allow Member States to report to the Commission on waste fishing gear, including gear at the end of its life cycle, they collected each year under Directive (EU) 2019/904². For that purpose, provision should be made for the possibility of adopting procedures for ensuring that masters of Union fishing vessels notify their end-of-life fishing gear to the competent</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>authorities and return it to port reception facilities or other equivalent collection systems.</u> ----- <u>1 Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).</u> <u>2 Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (OJ L 155, 12.6.2019, p. 1).</u> Recital Sequence 3
Recital 11c				
22c				<u>(11c) In order to ensure that fishing activities are environmentally sustainable in the long-term, and to prevent the serious risk to marine ecosystems, biodiversity and human health posed by the illegal disposal at sea of fishing gear and other gear or craft used in fishing, particularly gear made of plastic, such disposal from fishing vessels should be considered a serious infringement under this Regulation.</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital Place of the recital might change during IL revision.
Recital 12				
23	(12) Small scale fisheries play an important role in the Union, from a biological, economic and social perspective. Considering the possible impacts of small scale fisheries on stocks, it is important to control that fishing activities and fishing efforts of smaller vessels are in compliance with the rules of the common fisheries policy. For this purpose it is necessary to obtain position data of those vessels. Therefore, Member States should be able to track all fishing vessels, including fishing vessels which are less than 12 metres' length. For vessels 12 metres' length it is now possible to use mobile devices which are less expensive and easy to use.	(12) Small scale fisheries play an important role in the Union, from a biological, economic and social perspective. Considering the possible impacts of small scale fisheries on stocks, it is important to control that fishing activities and fishing efforts of smaller vessels are in compliance with the rules of the common fisheries policy. For this purpose, it is necessary to obtain position data of those vessels <u>and it should be possible to receive those data at regular intervals, ideally close to real time without prejudice to other requirements included in international agreements</u>. Therefore, Member States should be able to track all fishing vessels, including fishing vessels which are less than 12 metres' length. For <u>those</u> vessels 12 metres' length, it is now possible to use mobile devices, which are less expensive and easy to use. <u>In any event, the implementation of those measures should be balanced and proportionate to the objectives</u>		(12) Small-scale<u>Small-scale</u> fisheries play an important role in the Union, from a biological, economic and social perspective. Considering the possible impacts of small-scale<u>small-scale</u> fisheries on stocks, it is important to control that fishing activities and fishing efforts of smaller vessels are in compliance with the rules of the common fisheries policy. For this purpose it is necessary to obtain position data of those vessels. Therefore, Member States should be able to track all fishing vessels, including fishing vessels which are less than 12 metres' length, <u>and to receive position data from them at regular and sufficiently short intervals</u>. <u>To further facilitate the use of tracking systems for small-scale</u> For vessels, <u>based on the request of one or more Member States, the Commission should develop a tracking system for vessels of less than</u> 12 metres' length it is now possible to use mobile devices which

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>pursued, should not entail an excessive burden for the fleet, especially the small-scale fleet, and should benefit from aid from the European Maritime Fisheries and Aquaculture Fund.</u> EP AM 8, EX CA 4B		are less expensive and easy to use overall. <u>Member States should be able to exempt certain small-scale vessels from the tracking obligation during a limited period, in order to allow sufficient time to prepare for the use of new tools for those vessels.</u> <u>In any event, the implementation of those measures should be balanced and proportionate to the objectives pursued, should not entail an excessive burden for the fleet, especially the small-scale fleet. They may benefit from aid from support under the European Maritime Fisheries and Aquaculture Fund.</u> Recital Sequence 9 NB. This recital might be divided into more than one recital (lawyer linguist revision).
Recital 12a				
23a			A recital will clarify that for third country fishing vessels conducting fishing operations this obligation (i.e. obligations to have a	<u>(12a) Under Article 32(2) and Article 38(1) of Regulation (EU) 2017/2403 of the European Parliament and the Council¹, third-country fishing vessels authorised</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
			fully functioning VMS device on board) 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. (This recital relates to Article 9(6)).	<u>to fish in Union waters are to comply with the control rules governing the fishing operations of Union vessels, including rules relating to the vessel monitoring system. To ensure comprehensive control, the obligation to have installed on board a fully functioning device which allows a vessel to be automatically located and identified by a vessel monitoring system, which is part of those control rules, should apply to all third-country fishing vessels authorised to conduct fishing activities, including those conducting fishing activities other than fishing operations and not falling within the scope of Regulation (EU) 2017/2403.</u> <u>1. 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).</u> Recital Sequence 9
Recital 13				
24	(13) In order to clarify the role of the fishing monitoring centres, the provisions of Regulation (EC) No			(13) In order to clarify the role of the fishing monitoring centres, the provisions of Regulation (EC) No

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	1224/2009 concerning those centres should be placed in a separate Article.			1224/2009 concerning those centres should be placed in a separate Article. Recital Sequence 9
Recital 13a				
24a			A recital will clarify that this paragraph does not require the physical presence of staff 7 days a week and 24 hours a day.	<u>(13a) For the purposes of effective fisheries control and surveillance in the Union, it should be required that fisheries monitoring centres are properly staffed and equipped and have in place at least an automatic alerts system and/or on-call-duty during non-working hours.</u> Recital Sequence 9
Recital 13b				
24b				<u>(13b) Rules on the use of automatic identification system for Union fishing vessels should be specified. To take into account exceptional circumstances relating to the safety or security of the crew of a fishing vessel, a derogation to the obligation of maintaining in continuous operation the automatic identification system referred to in Article 6a of Directive 2002/59/EC should be provided for, under</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>certain conditions.</u> Recital NB. recital might be revised further (lawyer linguist revision).
Recital 14				
25	(14) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the Parliament and Council¹ in order to align certain of its provisions to the landing obligation set in Article 15 of Regulation (EU) No 1380/2013. In order to allow the proper control of the landing obligation, it is necessary to equip, on the basis of a risk assessment, a certain percentage of fishing vessels should be equipped with continuous recording electronic monitoring devices including Close Circuit Televisions (CCTV). CCTV data may be supplemented by data from other electronic monitoring devices. Data from these devices, including from CCTV, will provide Member State officials with means to control compliance with the landing obligation at sea. The CCTV footage should only concern the gears and the parts of the vessels where fishery products are brought			(14) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the Parliament and <u>of the</u> Council¹ in order to align certain of its provisions to with the landing obligation set <u>out</u> in Article 15 of Regulation (EU) No 1380/2013. In order to allow the proper control <u>ensure the effectiveness</u> of the landing obligation, it is necessary to equip, on the basis of a risk assessment, a certain percentage of fishing vessels should be equipped with continuous recording electronic monitoring devices including Close Circuit Televisions (CCTV) <u>Union fisheries control system, including in particular as regards the monitoring of compliance with the landing obligation, Member States should be able to impose, based on a risk-assessment, the installation of remote electronic monitoring (REM).</u> CCTV data may be

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	on board, handled and stored. Footage from CCTVs should be recorded locally and should be made available exclusively to Member States officials or Union inspectors upon requests in particular in the context of inspections, investigations or audits. 1. Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015, p. 1).			supplemented by data from other electronic monitoring devices. Data from these devices, including from CCTV, will provide Member State officials with means to control compliance with the landing obligation at sea. The CCTV footage systems on board certain catching vessels flying their flag. Those systems should include closed-circuit television (CCTV) cameras. In order to safeguard the right to privacy and the protection of personal data, recording of video material through CCTV should only concern the gears and the <u>be allowed in relation to the gear and those</u> parts of the vessels where fishery products are brought on board, handled and stored. Footage from CCTVs should be <u>The possibility to identify individual persons in the recorded locally and video material</u> should be made available exclusively to Member States officials or Union inspectors upon requests in particular in the context of inspections, investigations or audits <u>limited to the extent possible, and where necessary the data should be anonymised. To ensure clarity and consistency, rules on access by competent authorities to data from those REM systems should be set out.</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				1. Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98 (OJ L 133, 29.5.2015, p. 1). Recital Sequence 15
Recital 14a				
25a		<u>(14a) It should be possible to equip fishing vessels with CCTV systems on a voluntary basis. In that case, such vessels should enjoy appropriate advantages, such as the deletion of points.</u> EP AM 9, EX AM 125 (Greens/EFA)		<u>(14a) To facilitate the use of REM systems on a voluntary basis, Member States should be allowed to provide incentives for that purpose.</u> Recital Sequence 15
Recital 15				
26	(15) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance.			(15) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance. Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 15a				
26a		<u>(15a) While achieving the objectives of the common fisheries policy, full regard should be paid to animal welfare, in accordance with Article 13 of the Treaty on the Functioning of the European Union (TFEU), and, where relevant, food and feed safety and animal health.</u> EP AM 10, EX AMs 127 (Greens/EFA and ENVI 7)		EP agreed to withdraw its amendment. Recital
Recital 16				
27	(16) The submission of catch registration data on paper formats has led to incomplete and unreliable reporting and ultimately to inadequate catch reporting by operators to Member States and by Member States to the Commission, and has hampered the exchange of information between Member States. It is therefore considered necessary that masters record data concerning catches in a digital way and submit them electronically, in particular the logbooks, transshipment declarations and landing declarations.	(16) The submission of catch registration data on paper formats has led to incomplete and unreliable reporting and ultimately to inadequate catch reporting by operators to Member States and by Member States to the Commission, and has hampered the exchange of information between Member States. It is therefore considered necessary that masters record data concerning catches in a digital way and submit them electronically, in particular the logbooks, transshipment declarations and landing declarations.		(16) The submission of catch registration data on<u>in</u> paper formats<u>format</u> has led to incomplete and unreliable reporting and ultimately to inadequate catch reporting, by operators to Member States and by Member States to the Commission, and has hampered the exchange of information between Member States. It is therefore considered necessary that<u>for</u> masters <u>to</u> record data concerning catches in a digital<u>digitalised</u> way and submit them electronically<u>by electronic means</u>, in particular the logbooks, transshipment declarations and

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				landing declarations. Recital
Recital 16a				
27a				<u>(16a) In order to facilitate the control of the implementation of multiannual plans, catches of demersal stocks subject to such plans should be stowed separately, so that the different stocks caught are easily identifiable on board the fishing vessel for inspection purposes. However, the introduction of more multiannual plans has increased the instances where, in certain circumstances, it might be difficult for masters to fulfil that obligation, due to reasons such as limited storage space on board, many species in small quantities retained on board, catches kept on board in refrigerated seawater tanks, the number of different stocks caught in a certain fishery, or out of concern for the safety of the crew. For such cases, there should be a possibility to provide for exemptions from the obligation to stow catches separately.</u> NB. place of the recital might change

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				during LL revision. Recital Sequence 6 Implementing act/Delegated act
Recital 17				
28	(17) The absence of catch reporting obligations by masters of vessels less than 10 metres' length led to incomplete and unreliable data for such vessels as the data collection for those vessels was based on sampling plans. Therefore it is important to require reporting of catches for all fishing vessels without regard to their size. In this way the rules will also be simplified and compliance and controls will be improved.			(17) The absence of catch reporting obligations by <u>for</u> masters of vessels less than 10 metres' length <u>overall</u> <u>has</u> led to incomplete and unreliable <u>catch registration</u> data for such vessels, as the data collection for those vessels was <u>has mainly been</u> based on sampling plans. Therefore, it is important to require reporting of catches for all fishing vessels without regard to <u>regardless of</u> their size. In this way the rules will also be simplified, and compliance and controls will be improved. Recital
Recital 18				
29	(18) For vessels of 12 metres' length or more, it is important that the information in the logbook is made more accurate and includes data on the catches by haul or by operation, as this will enhance the effectiveness of controls. In the case of vessels less than 12 metres' length, the	(18) For vessels of 12 metres' length or more <u>With the aim of enhancing the effectiveness of controls,</u> it is important that the information in the logbook is made more accurate and includes data on the catches by haul <u>fishing day</u> or by operation. <u>In the case of small-scale coastal fleet</u>		(18) For vessels of 12 metres' length or more <u>With the aim of enhancing the effectiveness of controls,</u> it is important that the information in the logbook is made more accurate and more detailed, and that it therefore includes, <u>in the case of catching vessels of 12 metres' length overall</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	obligations pertaining to the completion and submission of the logbook should be simplified and masters should only be required to submit the information contained in logbook once, before arrival at port.	<u>and fishing without vessels, the electronic logbook and the transmission of that information should not entail a disproportionate burden on those vessels and their ability to fish. In order to ensure an adequate level of control over such</u> - as this will enhance the effectiveness of controls. In the case of vessels, <u>Member States should monitor their activities by means of a simplified format for keeping an electronic logbook and for submitting logbook information. Thus, in the case of vessels less than 12 metres' length overall, less than 12 metres' length, the obligations pertaining to the completion and submission of the logbook should be simplified and masters should only be required to submit the information contained in logbook at least once, before arrival at port landing operations begin.</u> EP AM 12, EX CA 6D		<u>or more, data on the catches per fishing operation</u> data on the catches by haul or by operation, as this will enhance the effectiveness of controls. In the case of <u>catching</u> vessels <u>of less than 12 metres' length overall, the electronic logbook and the transmission of information included therein should not entail a disproportionate burden on the masters of those vessels. Thus, in the case of catching vessels of less than 12 metres' length overall, the obligations pertaining to the completion and submission of the logbook should be simplified and masters should only be required to submit the information contained in the logbook, after the last fishing operation has been completed and once, before arrival at port the landing starts.</u> Recital Sequence 4
Recital 18a				
29a				<u>(18a) Masters of Union fishing vessels of less than 12 meters' length overall should have the possibility to complete and submit the electronic logbook by simplified</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>means.</u> Recital Sequence 7 Sequence 4
Recital 18b				
29b				<u>(18b) To facilitate the implementation and use of electronic logbooks for all vessels, the Commission should develop, at the request of one or more Member States, a system for recording and reporting catches for vessels of less than 12 metres' length overall, adapted to the specific circumstances of smaller vessels.</u> Recital
Recital 18c				
29c				<u>(18c) In order to enhance control of catches of sensitive species, additional information on discards of such species should be recorded in the logbook.</u> Recital linked to recital 9b (row 20b) - could be merged with recital 9b during LL revision.
Recital 19				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
30	(19) The provisions on the margin of tolerance in logbook estimates of quantities of fish retained on board should be amended to take into account the new rules pertaining to the reporting of catches below 50 kg in logbooks. In addition, the provisions on the margin of tolerance should be amended in order to address the specificity of catches which are landed unsorted.			(19) The provisions on the margin of tolerance in logbook estimates of quantities of fish retained on board should be amended to take into account the new rules pertaining to the reporting of catches below 50 kg in logbooks. In addition, the provisions on the margin of tolerance should be amended in order to address the specificity of catches which are landed unsorted <u>specificities of certain fisheries</u>. Recital Preliminary drafting. Recital will be checked and possibly further developed upon agreement on MOT (Sequence 16).
Recital 20				
31	(20) When a fishing vessel departs, it should immediately start an electronic logbook and a unique fishing trip identifier number is assigned for that trip. The logbook, transshipment declarations and landing declarations should include a reference to this unique fishing trip identifier number to allow enhanced controls and to improve the	(20) When a fishing vessel departs, it should immediately start an electronic logbook and a unique fishing trip identifier number is assigned for that trip. The logbook, transshipment declarations and landing declarations should include a reference to this unique fishing trip identifier number to allow enhanced controls and to improve the		(20) When a fishing vessel departs, it should immediately start an electronic logbook and a unique fishing trip identifier <u>identification</u> number is <u>should be</u> assigned for that trip. The logbook, transshipment declarations and landing declarations should include a reference to this <u>that</u> unique fishing trip identifier <u>identification</u> number to

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	validation of the data by Member States and the traceability of fishery products in the supply chain. In order to improve and simplify the transmission of information on fishing gear losses to Member State competent authorities, the logbook format should include information on lost gears.	validation of the data by Member States and the traceability of fishery products in the supply chain. In order to improve and simplify the transmission of information on fishing gear losses <u>and loss of fishing gear</u> to Member State competent authorities, the logbook format should include information on <u>gears and</u> lost gears. <u>When approximate information is required, this should be seen as indicative.</u> EP AM 13, EX CA 5F		allow enhanced controls and to improve the validation of the data by Member States and the traceability of fishery products in the supply chain. <u>(20a)</u> In order to improve and simplify the transmission of information on fishing gear losses <u>and loss of fishing gear</u> to Member State <u>States</u> ' competent authorities, the logbook format should include information on <u>fishing gear and lost fishing gear.</u> <u>The Commission should publish on its website, on an annual basis, a compilation of information concerning lost fishing gear provided by Member State</u> lost gears. Separate rows for the two recitals will be introduced during LL revision. Recital Sequence 9
Recital 20a				
31a			The following recital will be added to explain the deletion of Article 14(7): Regulation (EU) 2017/2403 of the European Parliament and the Council sets out rules for third country fishing vessels	<u>(20b) Regulation (EU) 2017/2403 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</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
			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 (EU) No 1224/2009 which specifically set out rules for third country vessels should be deleted.	<u><i>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.</i></u> Recital
Recital 21				
32	(21) Prior landing notification allows a better control by officials of the compliance with the rules on catch registration and fishing activities. To improve compliance with the rules on catch registration, the provisions on prior notifications should apply to all vessels above 12 metres and not only to fishing vessels targeting stocks under multiannual plans. Member States should be entitled to set a shorter period of prior notification for vessels flying their flag which operate exclusively within its territorial waters, as long as this does not impair their ability to inspect vessels upon arrival.			(21) Prior landing notification <u>of landings</u> allows a better control by officials of the compliance with the rules on catch registration and fishing activities. To improve compliance with the rules on catch registration, the provisions on prior notifications should apply to all vessels above 12 metres <u>length overall</u> and not only to fishing vessels targeting stocks under multiannual plans. Member States <u>However, it</u> should be entitled <u>possible for coastal Member States</u> to set a shorter period offor prior notification for vessels flying their flag which operate exclusively within its territorial waters <u>certain</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>categories of vessels</u> , as long as this does not impair <u>the ability of</u> their ability <u>competent authorities</u> to inspect vessels upon arrival. Recital
Recital 22				
33	(22) Union fishing vessels landing fishery products in third countries or transshipping fishery products in third country waters or high seas should submit a prior notification or obtain an authorisation from the flag Member States. Such prior notifications and authorisations are required taking into account the responsibilities of the flag Member States relating to the prevention fishery products stemming from IUU fishing entering international markets.			(22) Union fishing vessels landing fishery products in third countries or should submit a prior notification to their flag Member States. Union fishing vessels transshipping fishery products in third country waters or high seas should submit a prior notification or obtain an authorisation from the <u>their</u> flag Member States. Such prior notifications and authorisations are required, taking into account the responsibilities of the flag Member States relating to the prevention <u>of</u> fishery products stemming <u>originating</u> from IUU fishing entering international markets. Recital
Recital 23				
34	(23) Provisions on the recording of catch data and fishing efforts by the			(23) Provisions on the recording of catch data and fishing efforts by the

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	Member States should be amended to include data appearing in weighing records, take-over notes, and transport documents.			Member States should be amended to include data appearing <u>contained</u> in weighing records, take-over notes <u>declarations</u> and transport documents. Recital
Recital 24				
35	(24) Rules on the submission of aggregated catch data and fishing efforts to the Commission should be simplified by providing for a single date for all submissions.	(24) Rules on the submission of aggregated catch data and fishing efforts to the Commission should be simplified by providing for a single date for all submissions. <u>Those data should not be used for commercial purposes.</u> EP AM 14, EX AM 141 (S&D)		(24) Rules on the submission of aggregated catch data and fishing efforts to the Commission should be simplified by providing for a single date for all submissions. Recital
Recital 24a				
35a				<u>(24a) In order to ensure that the Commission is provided with the most accurate catch data, Member States should correct aggregated data submitted to the Commission where they have previously only submitted estimates, where they detect inconsistencies after they have validated the data, or where the Commission detects inconsistencies.</u> Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 24b				
35b				<u>(24b) It should be clarified that catches of a species, a stock or a group of stocks subject to a quota are only to be counted against the quota applicable to the Member State concerned when this is required under Article 15 of Regulation (EU) No 1380/2013.</u> Sequence 12 Recital
Recital 25				
36	(25) Provisions concerning the publication by the Commission of fisheries closures following the exhaustion of fishing quotas or maximum allowable fishing efforts should be simplified in order to allow a timely publication of such closures. Those provisions should furthermore be made consistent with the landing obligation laid in Regulation (EU) No 1380/2013.			(25) Provisions concerning the publication by the Commission of <u>a decision to close</u> fisheries closures following the exhaustion of fishing quotas or <u>where a quota has been exhausted or the</u> maximum allowable fishing efforts <u>effort has been reached</u> should be simplified, in order to allow a timely publication of such closures. Those provisions should furthermore be made consistent with <u>harmonised with the provisions on</u> the landing obligation laid <u>down</u> in Regulation (EU) No 1380/2013. Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 26				
37	(26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013.	(26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013. <u>The parameters Gross Tonnage (GT) and engine power (KW) used to measure fishing capacity should be revised and if necessary replaced according to accuracy, suitability, and relevance to the Union fishing fleet in order to allow the common fisheries policy to contribute to the improvement of safety and working conditions for fishing operators.</u> EP AM 15, EX AM 142 (EPP) and 143 (ECR)		(26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013. Recital
Recital 27				
38	(27) Provisions concerning the verification of the tonnage of fishing vessels for the purposes of fishing capacity controls should be simplified and provisions concerning the verification of engine power should be clarified. If fishing vessels equipped with active fishing gears operate with engines that exceed the engine power stated in their registration, it is impossible to ensure compliance with the capacity			(27) Provisions concerning the verification of the tonnage of <u>If catching vessels operate with an engine the power of which exceeds the certified engine power as stated in the</u> fishing vessels for the purposes of fishing <u>licence and as registered in the Union fleet register, it is impossible to ensure compliance with the</u> capacity controls should be simplified and ceilings laid down in Regulation

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	ceilings laid down in Regulation (EU) No 1380/2013. Therefore it is important to effectively control the engine power of fishing vessels equipped with active fishing gears, using devices which continuously monitor the engine power.			<u>(EU) No 1380/2013. Therefore, the provisions concerning the verification of engine power should be clarified.</u> If fishing vessels equipped with active fishing gears operate with engines that exceed <u>Moreover, it is important to provide for the possibility to effectively control</u> the engine power stated in their registration, it is impossible to ensure compliance of certain <u>catching vessels which pose a high risk of non-compliance</u> with the capacity ceilings laid down in Regulation (EU) No 1380/2013. Therefore it is important to effectively control <u>rules of the common fisheries policy concerning engine power or which operate in specific areas, for example by way of devices which monitor</u> the engine power of fishing vessels equipped with active fishing gears, using devices which continuously monitor the engine power on a continuous basis. <u>Furthermore, the provisions concerning the verification of the tonnage of catching vessels for the purposes of capacity controls should be simplified.</u> Sequence 14 Recital
Recital 28				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
39	(28) In order to ensure compliance with the rules of the common fisheries policy, each Member State should be required to set up and regularly update an annual or multi-annual national control programme covering all rules of the common fisheries policy. Member States should ensure that official controls are performed in a risk-based manner. Yearly reports on national inspections and controls should also be required.			(28) In order to ensure compliance with the rules of the common fisheries policy, each Member State should be required to set up and regularly update an annual or multi-annual national control programme covering all rules of the common fisheries policy. Member States should ensure that official controls are performed in a risk-based manner. Yearly reports on national inspections and controls should also be required <u>on the basis of an analysis of the risk of non-compliance.</u> Recital
Recital 28a				
39a				<u>(28a) In order to ensure transparency concerning fisheries control and inspections activities, each Member State should publish once a year on its website an annual report including certain minimum information as provided for in this Regulation, such as data on the resources available for controls and inspections, performed controls and inspections, detected and confirmed infringements and sanctions imposed. Each year, the Commissions should publish a</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>compilation of the relevant information reported by Member States.</u> Recital
Recital 29				
40	(29) Fishing restricted areas are established under Union legislation, national legislation and international agreements. Therefore the provisions on the control of fishing restricted areas by Member States should apply to fishing restricted areas wherever they are located. Also recreational vessels fishing in restricted areas should be controlled, where appropriate.			(29) <u>In order to provide greater clarity, it is appropriate to modify the definition of</u> fishing restricted areas. <u>That definition should cover specific geographically defined marine areas within one or more sea basins, including marine protected areas, where all or certain fishing activities are temporarily or permanently restricted or prohibited in order to improve the conservation of marine biological resources or the protection of marine ecosystems</u> are established under Union legislation, national legislation and international agreements. Therefore the provisions on the control of fishing restricted areas by Member States should apply to fishing restricted <u>the rules of the common fisheries policy, such as those referred to in Articles 12, 17 and 21 of and Annex II, Part C of Annexes V to VIII, Part B of Annex XI and parts C and D of Annex XII to Regulation 2019/1241, Chapters I and II of</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u><i>Title II of Regulation (EU) No 1343/2011 and similar</i></u> areas wherever they are located <u>laid down in other rules of the CFP.</u> <u>Moreover, the rules on the control in fishing</u> Also recreational vessels fishing in restricted areas should be controlled, where appropriate <u>improved, including by requiring the publication of the list of the fishing restricted areas and corresponding restrictions by Member States on their official websites.</u> Recital Sequence 9
Recital 29b				
40a			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.	<u><i>(29b) An activity which consists of the commercial exploitation of marine biological resources without the use of a catching vessel falls within the scope of the common fisheries policy. Such activities would include, for example, gathering of shellfish, underwater fishing, ice fishing and fishing from the shore, including fishing on foot. Therefore, in order to harmonise the control of such activities across the Union, a definition of the term 'fishing without a vessel' and specific control measures for such</i></u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>activities should be introduced in Regulation (EC) No 1224/2009, taking into account, where necessary, the specificities of those fisheries, including regional specificities.</u> Recital Sequence 4
Recital 30				
41	(30) Recreational fisheries play an important role in the Union, both from a biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for specific tools allowing an effective control of recreational fisheries by the Member States. A registration or licensing system should allow a precise census of physical and legal persons participating in recreational fisheries and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the impact of such fishing practices on stocks and provide Member States and the Commission with the information necessary for an effective management and control of marine	(30) Recreational fisheries play an important role in the Union, both from a biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for specific tools allowing ##a uniform, effective <u>and exhaustive</u> control of recreational fisheries by the all Member States, <u>with an appropriate system of sanctions in the event of non-compliance</u>. A registration or licensing system should allow a precise census of physical and legal persons participating in recreational fisheries and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the <u>environmental, economic and social</u> impact of such <u>fishing those</u> practices, <u>especially in</u>	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 sport competition.	(30) Recreational fisheries play an important role in the Union, both from a biological, economic and social perspective. Considering the significant impacts of the recreational fishing on certain stocks, it is necessary to provide for <u>lay down</u> specific tools <u>provisions</u> allowing <u>for</u> an effective control of recreational fisheries by the Member States. A registration or licensing, including an appropriate system should allow a precise census of physical and legal persons participating in of sanctions in the event of non-compliance. The collection of reliable catch data from certain recreational fisheries <u>is necessary to provide Member States</u> and the collection of reliable data on catches and practices. The collection of sufficient and reliable data on recreational fishing is necessary in order to evaluate the impact of such

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	biological resources.	view of stock assessments, on stocks and provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources. EP AM 16, EX CA 3G		fishing practices on stocks and provide Member States and the Commission with the information necessary for an effective management and control of marine biological resources <u>Commission with the information necessary for an effective management and control of marine biological resources. For that purpose, Member State should have in place a system to effectively control catches of certain recreational fisheries, including non-commercial activities carried out with fishing vessels or activities carried out by commercial entities in the tourism or sport competition sectors.</u> Recital Sequence 11
Recital 31				
42	(31) A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy. The registration or licensing and catch registration systems should allow the effective control of those specific conservation measures.		(31) A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy, <u>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</u>	(31) <u>A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy, in particular in Council regulations fixing fishing opportunities for certain fish stocks or groups of fish stocks. The specific conservation measures already applied include quotas,</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
			<u>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. Recording and reporting of catches of those species.</u>The registration or licensing and catch registration systems should allow the effective control of <u>compliance with</u> those specific conservation measures.	<u>catch-limits, bag-limits, and prohibitions to fish during certain periods, in certain areas or with certain gear. The conservation of particular species might require using, in the future, other measures than those mentioned. The enforcement of those measures requires the establishment of appropriate control measures.</u>A number of specific conservation measures applicable to recreational fisheries has already been established under the common fisheries policy. The registration or licensing and catch registration systems should allow the effective control of those specific conservation measures. Recital Sequence 11
Recital 31b				
42b				<u>(31b) With the exception of the prohibition of the marketing or sale of catches from recreational fisheries, which should be enforced by all Member States, rules on the control of recreational fisheries should apply to coastal Member States only.</u> Sequence 11 Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 32				
43	(32) Provisions on the controls in the supply chain should be clarified in order to allow Member States to perform controls and inspections at all stages of marketing of fishery and aquaculture products, from the first sale to the retail sale, including transport.	(32) Provisions on the controls in the supply chain should be clarified in order to allow Member States to perform controls and inspections at all stages of marketing of fishery and aquaculture products, from the first sale to the retail sale, including transport. <u>In that respect, 'retail' is to be understood in the meaning as defined in Regulation (EU) No 1379/2013, and includes the making available of fishery and aquaculture products in hotels, restaurants, catering operations and any similar food service operations ("HORECA sector").</u> EP AM 17, EX CA 15B		(32) <u>The</u> provisions on the controls in the supply chain should be clarified in order to allow Member States to perform controls and inspections at all stages of marketing of fishery and aquaculture products, from the first sale to the retail sale, including transport. Recital Sequence 13
Recital 32a				
43a		<u>(32a) Within six months of the date of entry into force of this Regulation, the Commission and Member States should prepare and launch a communication campaign targeted at fishermen and other operators in the recreational fisheries sector to properly communicate the new provisions set</u>		EP agreed to withdraw recital. Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>out in this Regulation.</u> EP AM 18, EX ENVI 12		
Recital 33				
44	(33) The rules applicable to the placing of fishery and aquaculture products into lots should be clarified. It should be clarified that lots should be composed of fishery and aquaculture products of a single species, except where they consist of very small quantities.	(33) The rules applicable to the placing of fishery and aquaculture products into lots should be clarified. It should be clarified that lots should be composed of fishery and aquaculture products of a single <u>possible to merge lots in order to create a new batch, as long as the traceability requirements are fulfilled and it is possible to identify the origin and</u> species, except where they consist of very small quantities of those fishery and aquaculture products throughout the whole food chain. EP AM 19, EX CA 2G		(33) The rules applicable to the placing <u>To improve the control of the marketing</u> of fishery and aquaculture products into lots should be clarified. It should be clarified that lots should be composed of fishery and aquaculture products of a single species, except where they consist of very small quantities, the rules on placing those products into lots and on merging and splitting of lots should be clarified and updated. Recital Sequence 13 place of the recital might change
Recital 34				
45	(34) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council ¹ , Commission Implementing Regulation (EU) No 931/2011 ² lays down certain traceability rules for	(34) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council ¹ , Commission Implementing Regulation (EU) No 931/2011 ² lays down certain traceability rules for		(34) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council ¹ , Commission Implementing Regulation (EU) No 931/2011 ² lays down certain traceability rules for

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	the specific sector of food of animal origin, namely a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the fisheries sector, traceability is important not only for food safety purposes but also to allow controls and ensure the protection of consumers' interests. 1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). 2. Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin (OJ L 242, 20.9.2011, p. 2).	the specific sector of food of animal origin, namely a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the fisheries sector, traceability is important not only for food safety purposes but also to allow controls and ensure the protection of consumers' interests, <u>combat IUU fishing and protect law-abiding fishermen from unfair competition</u>. 1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). 2. Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin (OJ L 242, 20.9.2011, p. 2). EP AM 20, EX ENVI 13	PUBLIC	the specific sector of food of animal origin, namely <u>that</u> a specific set of information must be kept on record by operators, be made available to competent authorities upon request, and transferred to the operator to which the fishery <u>or aquaculture</u> product is supplied. In the fisheries sector, Traceability is important not only for food safety purposes but also to allow controls and ensure the protection of consumers' interests, <u>combat IUU fishing and contribute to ensuring fair competition</u>. 1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1). 2. Commission Implementing Regulation (EU) No 931/2011 of 19 September 2011 on the traceability requirements set by Regulation (EC) No 178/2002 of the European Parliament and of the Council for food of animal origin (OJ L 242, 20.9.2011, p. 2). Recital Sequence 13
Recital 35				
46	(35) It is therefore appropriate to			(35) It is therefore appropriate to

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	build upon the existing rules on traceability as laid down in Article 18 of Regulation (EC) No 178/2002 and Commission Implementing Regulation (EU) No 931/2011. A specific set of information on fishery and aquaculture products should be kept on record by operators, made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the case of fisheries products which are not imported, that traceability information should include the unique fishing trip identification number as this will allow to link a specific lot of fishery products to a particular landing by an Union fishing vessel or several Union fishing vessels in the same relevant geographical area.			build upon the existing rules on traceability as laid down in Article 18 of Regulation (EC) No 178/2002 and Commission Implementing Regulation (EU) No 931/2011. A specific set of information on fishery and aquaculture products should be kept on record by operators, made available to competent authorities upon request, and transferred to the operator to which the fishery product is supplied. In the case of fisheries products which are not imported, that traceability information should include the unique fishing trip identification number(s) as this will allow to link a specific lot of fishery products to a particular landing by an Union fishing vessel or several Union fishing vessels in the same relevant geographical area. <u>In the case of fishing without a vessel, it should include the unique fishing day identification number(s).</u> Recital Sequence 13
Recital 36				
47	(36) In line with Regulation (EU) No 931/2011 the traceability information relevant for the control of fishery and aquaculture products should be available from the first			(36) In line with Regulation (EU) No 931/2011 the traceability information relevant for the control of fishery and aquaculture products should be available from the first

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	sale until the retail stage. This will allow in particular that the information provided to the consumer concerning the species and the origin of the fishery or aquaculture product is accurate.			sale until <u>to</u> the retail stage. This will allow in particular that the information provided to the consumer concerning the species and the origin of the fishery or aquaculture product is accurate. Recital Sequence 13
Recital 37				
48	(37) The same rules should apply to fishery and aquaculture products imported from third countries. In the case of imported products, the mandatory traceability information should include a reference to the catch certificate provided for by Regulation (EC) No 1005/2008¹. 1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).	(37) The same rules should apply to fishery and aquaculture products imported from third countries <u>with the aim of maintaining high food safety standards and promoting sustainable fishing practices in those third countries</u>. In the case of imported products, the mandatory traceability information should include a reference to the catch certificate provided for by Regulation (EC) No 1005/2008¹. 1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1). EP AM 21, EX ENVI 14		(37) The same rules <u>as for fishery and aquaculture products originating in the Union</u> should apply to fishery and aquaculture products imported from third countries. In the case of imported products, the mandatory traceability information should include a reference to the catch certificate <u>(s) numbers submitted in accordance with</u> provided for by Regulation (EC) No 1005/2008¹. 1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1). Recital Sequence 13

Commission Proposal		EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 38				
49	(38) In order to ensure an effective and timely transmission of the traceability information concerning fishery and aquaculture products, that information should be recorded in a digitalized manner and transmitted electronically within in the supply chain and to competent authorities upon their request.			(38) In order to ensure an effective and timely transmission of the traceability information concerning fishery and aquaculture products, that information <u>operators</u> should be recorded in a digitalized manner and transmitted electronically within <u>make information on products falling under Chapter 3 of the Combined nomenclature established by Regulation (EEC) No 2658/87 available in a digital way within</u> the supply chain and to competent authorities upon their request. Provisional text. To be checked and possibly amended after agreement on Article 58 (Chapter 13). Recital Sequence 13
Recital 38a				
49a				<u>(38a) For the purpose of ensuring efficient traceability for fishery and aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature, the Commission should conduct a study including an analysis of available solutions or methods to</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>enable effective traceability for such products. On the basis of that study, the Commission should adopt detailed rules on the traceability requirements for lots of such fishery and aquaculture products.</u> Provisional text. To be checked and possibly amended after agreement on Article 58 (Chapter 13). Recital
Recital 39				
50	(39) In the case of fishery products sold directly from fishing vessels to the consumers, rules pertaining to traceability, registered buyers, and sales notes do not apply to quantities below certain thresholds. Those thresholds should be harmonized and should be lowered in order to minimize the placing on the market of fishery products which cannot be traced and therefore cannot be controlled.			(39) In the case of fishery products sold directly from fishing vessels to the <u>final</u> consumers, rules pertaining to traceability, registered buyers, and sales notes do<u>should</u> not apply to quantities below certain thresholds. Those thresholds should be harmonized<u>harmonised</u> and should be lowered in order to minimize<u>low enough to minimise</u> the placing on the market of fishery products which cannot be traced and, therefore, <u>controlled and which might contribute to illegal trade</u> cannot be controlled. Recital Sequence 13
Recital 40				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
51	(40) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance. In particular recording of catches at the time of landing should be carried out in the most reliable way possible. For that purpose, it is necessary to strengthen the procedures concerning the weighing of fishery products upon landing.	(40) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance. In particular recording of catches at the time of landing should be carried out in the most reliable way possible, <u>but without obstructing the business activities of operators</u> . For that purpose, it is necessary to strengthen <u>simplify</u> the procedures concerning the weighing of fishery products upon landing. EP AM 22, EX AM 162 (Greens/EFA)		(40) In order to achieve the objectives of the common fisheries policy, the reliability and comprehensive collection of data on catches is of the utmost importance. In particular, <u>the</u> recording of catches at the time of landing should be carried out in the most reliable way possible. For that purpose, it is necessary to strengthen the procedures concerning the weighing of fishery products upon landing, <u>without creating disproportionate burdens on operators</u> . Recital Sequence 8
Recital 41				
52	(41) The weighing should be performed on systems approved by the competent authorities and by operators registered by Member States to carry out that task. All products should be weighed per species upon landing as this will guarantee a more accurate reporting of the catches. Furthermore, weighing records should be recorded electronically and kept for three years.	(41) The weighing should be performed on systems approved by the competent authorities and by operators registered by Member States to carry out that task. All products should be weighed per species, <u>unless the Member State has adopted a sampling plan approved by the Commission</u> , upon landing as this will guarantee a more accurate reporting of the catches. <u>Operators should make every effort to ensure that the weighing does not lead to any delay in the</u>		(41) The weighing should be performed on systems approved by the competent authorities and by operators registered by Member States to carry out that task. All products should <u>as a general rule</u> be weighed per species upon landing as this will guarantee a more <u>so as to ensure</u> accurate reporting of the catches. Furthermore, weighing records should be recorded electronically and kept for three years.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>marketing of fresh products.</u> Furthermore, weighing records should be recorded electronically and kept for three years. <u>Those systems should comply with minimum requirements agreed between Member States with a view to standardising them throughout the Union.</u> EP AM 23, EX AM 166 ECR		Recital Sequence 8
Recital 42				
53	(42) Landing of unsorted species should only be allowed if strict conditions are met, including the weighing on systems operated or controlled by Member State authorities.		A recital will clarify in more detail that the aim of the implementing powers given under Article 60(7) is to set out rules such as those that are currently included in Article 78 of Regulation (EU) No 404/2011.	(42) Landing of unsorted species <u>Sample weighing, weighing on board or weighing after transport</u> should only be allowed #under strict conditions. <u>After the adoption of sampling plans, control plans and common control programmes by the Commission, it should be possible for</u> are met, including the weighing on systems operated or controlled by Member State authorities <u>States to allow fishery products which are landed to be weighed in accordance with those sampling plans, control plans or common control programmes.</u> Recital Sequence 8

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 43				
54	(43) In order to improve controls and allow the rapid validation of catch registration data and the rapid exchange of information between Member States, it is necessary that all operators record data in a digital way and submit that data electronically within 24 hours to Member States. This concerns, in particular, landing declarations, sales notes and take-over notes.	(43) In order to improve controls and allow the rapid validation of catch registration data and the rapid exchange of information between Member States, it is necessary that all operators record data in a digital way and submit that data electronically within 24 hours to Member States, <u>except in the event of force majeure</u> . This concerns, in particular, landing declarations, sales notes and take-over notes. EP AM 24, EX AM 167 (GREEN/EFA)		(43) In order to improve controls and allow the rapid validation of catch registration data and the rapid exchange of information between Member States, it is necessary that all operators record data in a digital way and submit that data <u>electronically within 24 hours</u> those data by electronic means to Member States. This concerns, in particular, landing declarations, sales notes and take-over notes <u>declarations</u> . Recital Sequence 8
Recital 44				
55	(44) Due to the availability of adequate technological tools, the requirement to record data in a digital way and submit it electronically within 24 hours to Member States should apply to all buyers of fishery products.			(44) Due to the availability of adequate technological tools, the requirement to record data in a digital way and submit it electronically within 24 hours to Member States should apply to all buyers of fishery products. Recital
Recital 45				
56	(45) Transmission of transport documents to the relevant Member			(45) Transmission of transport documents to the relevant Member

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	States should be simplified and should be done prior to departure in order to allow controls by the competent authorities.			States should be simplified and should be done prior to departure <u>before transport begins</u> in order to allow controls by the competent authorities. Recital
Recital 46				
57	(46) Landing declarations, sales notes, take-over declarations and transport documents should include a reference to the unique fishing trip identifier number in order to allow enhanced controls and improve the validation of the data by Member States and the traceability of fishery products in the supply chain.			(46) Landing declarations, sales notes, take-over declarations and transport documents should include a reference to the unique fishing trip identifier <u>identification</u> number in order to allow enhanced controls and improve the validation of the data by Member States and the traceability of fishery products in the supply chain. <u>In the case of fishing without a vessel, the sales notes, take-over declarations and transport documents, should include the unique fishing day identification number(s) and a number of adjustments should be made in other provisions to address the inclusion of fishing without a vessel</u> Recital
Recital 47				
58	(47) The provisions of Regulation (EC) No 1224/2009 concerning the			(47) The provisions of Regulation (EC) No 1224/2009 concerning the

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	monitoring of producer organisations and the monitoring of price and intervention arrangements are no longer relevant and should be deleted since such monitoring is now provided for by Regulation (EU) No 1379/2013.			monitoring of producer organisations and the monitoring of price and intervention arrangements are no longer relevant and should be deleted, since such monitoring is now provided for by ⁱⁿ Regulation (EU) No 1379/2013. Recital
Recital 47a				
58a				<u>(47a) Inspections involving officials of both the flag Member State and the coastal Member State would facilitate cooperation and exchange of information and expertise. Therefore, a coastal Member State should have the possibility to invite officials of a flag Member State to participate in inspections of fishing vessels of that Member State, when those vessels are operating in the waters of the coastal State or landing in its ports or landing sites.</u> Recital
Recital 47b				
58b		<u>(47a) In order to ensure the effectiveness of the provisions in Regulation (EC) No 1005/2008</u>		<u>(47b) To strengthen the measures against non-cooperating third countries in fighting IUU fishing.</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>relating to non-cooperating third countries, there should be a possibility to introduce safeguard measures. Where a third country has been notified of the possibility of it being identified as non-cooperating third country, the Commission should be able to temporarily suspend preferential tariffs for fishery and aquaculture products in relation to that third country. The Commission should endeavour to ensure that provisions to that effect are introduced in any international agreements concluded between the Union and third parties.</u> EP AM 25, EX CA 23B		<u>the ownership, including as a beneficial owner as defined in Article 3(6) of Directive (EU) 2015/849*, operation or management by Union operators of fishing vessels flying the flag of such countries should be prohibited</u> Recital Recital to be moved to recitals on IUU.
Recital 47c				
58c				<u>(47c) To ensure that operators comply with the rules of the common fisheries policy, Regulation (EC) No 1224/2009 should set out how officials are to proceed in the event of possible infringements of those rules. This should include rules on how to handle detected infringements where officials have reason to believe, based on inspections or any relevant data or information, that</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>an infringement of the rules of the common fisheries policy may have been committed and prior to a decision by a court or competent authority that will confirm whether or not such an infringement has been committed.</u> linked to 755, final position of this recital to be decided by lawyer linguists Recital Sequence 10 Sequence 6
Recital 48				
59	(48) In order to improve the risk assessment carried out by national authorities when planning control activities and the effectiveness of inspections, the requirements concerning the national register of infringements should be enhanced.			(48) In order to improve the risk assessment carried out by national authorities when planning control activities and the effectiveness of inspections, the requirements concerning the national register of infringements should be enhanced. Recital
Recital 48b				
59b				<u>(48b) The penalties and other sanctions provided for in Regulation (EC) No 1224/2009 and Regulation (EC) No 1005/2008 should be applied by Member States in a manner that fully respects fundamental rights, including a person's right not to be tried or</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u><i>punished twice in criminal proceedings for the same offence.</i></u> Recital Sequence 10
Recital 48c				
59c				<u><i>(48c) Rules and procedures on the notification of relevant information on measures taken and sanctions imposed by Member States against nationals of, or fishing vessels flying the flag of, other Member States or third countries, including those concerning the determination of points for serious infringement of the rules of the common fisheries policy, should be strengthened in order to improve fisheries control and enforcement in and outside Union waters.</i></u> Recital
Recital 48d				
59d		<u><i>(48a) A European register of infringements should be set up in order to record individual Member States' data concerning the infringements identified, with the aim of improving transparency and monitoring the points system more</i></u>		Deletion to be confirmed after final agreement on articles. Recital Sequence 10

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>effectively.</u> EP AM 26, EX AM 168 (RENEW)		
Recital 49				
60	(49) In order to ensure a level playing field in the Member States as regards the judicial treatment of all offenders of the rules of the common fisheries policy, provisions concerning determination of behaviours that constitute serious infringements of such rules should be clarified and reinforced.	(49) In order to ensure a level playing field in the Member States as regards the judicial treatment of all offenders of the rules of the common fisheries policy, provisions concerning determination of behaviours that constitute serious infringements of such rules should be clarified and reinforced <u>to ensure their full and consistent application in all Member States.</u> EP AM 27, EX ENVI 18		(49) In order to ensure a level playing field <u>and consistent application</u> in the Member States as regards the judicial <u>and administrative</u> treatment of all offenders <u>those who commit infringements</u> of the rules of the common fisheries policy, provisions concerning <u>the</u> determination of behaviours that constitute serious infringements of such <u>those</u> rules should be clarified and reinforced. Sequence 10 Recital Exact drafting might still be adapted.
Recital 50				
61	(50) To ensure effective deterrence against the most harmful behaviours, in line with Union international obligations it is necessary to establish an exhaustive list of infringements which are to be considered serious under any			(50) To ensure effective deterrence against the most harmful behaviours, in line with Union international obligations, it is necessary to establish an exhaustive list of infringements which are to be considered serious under all circumstances. In addition, there are

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	circumstances. In addition, to ensure proportionality, it is necessary to establish an exhaustive list of criteria to be used by the competent national authorities when determining the seriousness of certain other infringements.			other infringements of the rules of the common fisheries policy which should be considered serious where certain conditions are fulfilled. In order to ensure effective and proportionate enforcement, and a harmonised approach across the Union, it is necessary to establish an exhaustive list of criteria to be used by the competent national authorities when determining the seriousness of such infringements. Place of recital might change. Recital Sequence 10
Recital 50a				
61a				<u>(50a) Where there are clear indications that the content of any of those criteria is insufficient to ensure effective and proportionate enforcement of the rules of the common fisheries policy by and across Member States, the Commission should have a possibility to amend those criteria, by way of delegated acts. When exercising the power conferred to it to amend the criteria set out in Annex IV of this Regulation , the Commission</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>should take into account, in particular, advice of the expert group on compliance referred to in Article 37 of Regulation (EU) No. 1380/2013, or the findings of the report drawn by the Commission under Article 118(2). Any such amendment should not add any new criteria and only repeal criteria in exceptional cases where there are clear indications that this is necessary to ensure effective and proportionate enforcement of the rules of the common fishery policy by and across Member States.</u> This recital might later be split and/or moved to a different place. Recital
Recital 51				
62	(51) To ensure a faster, effective and more dissuasive response to the serious infringements, administrative proceedings against such serious infringements should be introduced by Member States without prejudice to existing criminal proceedings. Setting standardized minimum levels of fines and improving the point system which may lead to the suspension or withdrawal of fishing			(51) To ensure a faster, effective and more dissuasive response to the serious infringements, administrative proceedings against such Serious infringements should be introduced by Member States without prejudice to existing criminal proceedings. Setting standardized minimum levels of fines and improving the point system which may lead to the suspension or

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	licences or of the right to command a vessel, will also increase the deterrent effect of the sanctioning systems of all Member States and prevent recidivism.			withdrawal of fishing licences or of the right to command a vessel, will also increase the deterrent effect of the sanctioning systems of all Member States and prevent recidivism. <u>subject to effective, proportionate and dissuasive administrative or criminal sanctions.</u> Recital Sequence 10
Recital 51a				
62a				(to be confirmed with EP) <u>(51a) As regards serious infringements, Member States should provide for administrative financial penalties, without prejudice to other appropriate sanctions and accompanying measures, and minimum levels for such administrative financial penalties should be set. Alternatively, Member States should be allowed to provide for standard rates of administrative financial penalties, and appropriate levels for such standard rates should be set. These minimum levels and standard rates should be without prejudice to the discretion of courts or other competent authorities to deviate from those</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>minimum levels in individual cases, in accordance with national law, in order to take into account the specific individual, financial and other mitigating circumstances of the case], such as of cooperation with law enforcement, the age of the offender, unavoidable errors or diminished capacity of the offender]. Member States should also be allowed to alternatively provide for effective, proportionate and dissuasive criminal sanctions while ensuring that those sanctions have an equivalent effect to the administrative financial penalties. This should be without prejudice to the discretion of courts to determine the criminal sanctions in individual cases, in accordance with national law, and to take into account the specific individual, financial and other mitigating circumstances of the case</u> Recital
Recital 51b				
62b				<u>(51b) In order to ensure the continuous deterrent effect of the points system for licence holders, points assigned should be transferred to the new holder of the</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u><i>fishing licence in the event that the vessel or the fishing licence is sold, transferred or otherwise changes ownership after the date of the infringement, including to another Member State.</i></u> Recital
Recital 51c				
62c				<u><i>(51c) In order to ensure a level playing field for masters, the points system for masters should be harmonised and aligned with the points system for licence holders. As such, flag Member States should assign points to masters of catching vessels flying their flag when they have committed a serious infringement under this Regulation. In addition, the Member State of which the master is a national should be informed of and record the points assigned to that master, in the event where those points have been assigned by another Member State.</i></u> Recital
Recital 51d				
62d				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>(51d) With a view to better achieving a level playing field and a culture of compliance within and outside the Union, masters for which the suspension or withdrawal of the right to command a fishing vessel has been triggered by the assignment of points should be prevented from operating as a master of a Union fishing vessel, either permanently or for the duration of the suspension. Member States should cooperate with each other for that purpose.</u> Recital
Recital 51f				
62f				To be confirmed with EP. Place of recital will change. <u>(76c) To increase levels of compliance [and reduce the likelihood of serious infringements being committed, Member States should apply a points system and assign points to holders of fishing licences and masters of catching vessels concerned in the case of confirmed serious infringements. Points should not be assigned in the case of infringements with vessels having no nationality,</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>infringements relating to making available on the market fishery or aquaculture products and conducting business directly connected to IUU-fishing, and infringements concerning recreational fishing activities. Points should also not be assigned in the case of infringements relating to not fulfilling obligations to accurately record, store and report data relating to fishing activities, if the particular infringement is not applicable to the holder of the fishing licence or the master, such as when the infringement concerns data reported in the context of making fishery products available on the market.</u> Recital Sequence 10
Recital 51g				
62g				<u>(51g) Serious infringements should include using prohibited fishing gear or methods as referred to in Article 7 of Regulation (EU) 2019/1241 or in any other equivalent rules of the common fisheries policy that contain similar general prohibitions on the use of certain fishing gear or methods.</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital Sequence 10 place of the recital might change
Recital 51h				
62h				<u>With a view to ensuring compliance with the rules of the common fisheries policy on fishing capacity, certain activities consisting in the manipulation of vessel engines, for the purpose of increasing the power, or using a manipulated engine should be considered as serious infringements under the conditions set out in Regulation (EC) No 1224/2009.</u>
Recital 51j				
62j				<u>(51j) Article 5 of the Charter of Fundamental Rights and Article 4 of the European Convention on Human Rights provide that no one shall be required to perform forced or compulsory labour. Furthermore, all Member States are parties to Convention No 29 on Forced Labour of the International Labour Organization, which requires that the illegal exaction of forced or compulsory labour is to be</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>punishable as a penal offence and is to be subject to penalties imposed by law that are really adequate and are strictly enforced. Moreover, conducting fishing activities with the use of forced labour is contrary to the objectives of the common fisheries policy, in particular that fishing activities are to be managed in a way that is consistent with the objectives of achieving social and employment benefit and are to contribute to a fair standard of living for those who depend on fishing activities. It also undermines a level-playing field for fisheries and aquaculture products marketed in the Union. Therefore, conducting fishing activities with the use of forced labour should be regarded as a serious infringement, without prejudice to any criminal sanctions for forced labour in accordance with Member States' obligations under Convention No 29 on Forced Labour of the International Labour Organization.</u> Sequence 10 Recital
Recital 52				
63	(52) National entities in charge of fisheries control activities as well as	(52) National entities in charge of fisheries control activities as well as		(52) National entities in charge of fisheries control activities as well as

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	any relevant judicial bodies should have access to the national register of infringements. A fully transparent exchange of information contained in national registers between Member States will also improve effectiveness and ensure a level playing field for control activities.	any relevant judicial bodies should have access to the national <u>and European</u> register of infringements. A fully transparent exchange of information contained in national registers between Member States will also improve effectiveness and ensure a level playing field for control activities. EP AM 28, EX AM 169 (RENEW)		any relevant judicial bodies should have access to the national register of infringements. A fully transparent exchange of information contained in national registers between Member States will also improve effectiveness and ensure a level playing field for control activities. Recital Sequence 10 To be confirmed with EP after agreement on provisions.
Recital 52a				
63a				<u>(52a) Under international agreements, overfishing by a Member States may lead to a reduction of the Union's quota under that international agreement. In the event of such a reduction, the Council should, when allocating the fishing opportunities for that stock or group of stocks under Article 43(3) TFEU and Article 16 of Regulation (EC) No 1380/2013, for the year for which that reduction is made, and if necessary in the following year, adjust the quotas of the Member States in such a way that Member States which have not overfished will not suffer from the reduction of the Union quota.</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital
Recital 53				
64	(53) Validation is an important step in ensuring that data collected by Member States pursuant to Regulation (EC) No 1224/2009 is reliable and complete. The set of data to be validated and the obligations of Member States in case of inconsistencies should be clarified.			(53) Validation is an important step in ensuring that data collected by Member States pursuant to Regulation (EC) No 1224/2009 is reliable and complete. The set of data to be validated and the obligations of Member States in case of inconsistencies should be clarified. Recital Sequence 12
Recital 54				
65	(54) In order to comply with its duties under the rules of the common fisheries the Commission must have access to various data collected by Member States. It should be clarified which data should be accessible to the Commission and which tasks the Commission is to perform using that data.			(54) In order to comply with <u>fulfil</u> its duties under the rules of the common fisheries <u>policy</u> the Commission must <u>needs to</u> have access to various data collected by Member States. It should be clarified which data should be accessible to the Commission and which tasks the Commission is to perform using that data. Recital Sequence 12
Recital 55				
66				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	(55) The data collected by Member States is also of great value for scientific purposes. It should be clarified that scientific bodies of Member States and Union scientific bodies may be provided access to the data collected in accordance with Regulation (EC) No 1224/2009 , in particular to vessel position data and fishing activity data. Finally, the fishing activity data collected by Member States is also of value for the statistical office of the European Union (Eurostat) who can use it to provide statistics on fisheries.	(55) The data collected by Member States is also of great value for scientific purposes. It should be clarified that scientific bodies of Member States and Union scientific bodies may be provided access to the data collected, <u>properly anonymised</u>, in accordance with Regulation (EC) No 1224/2009-, in particular to vessel position data and fishing activity data, <u>if those data no longer contain the reference to the vessel identification numbers and do not allow for the identification of natural persons</u>. Finally, the fishing activity data collected by Member States is also of value for the statistical office of the European Union (Eurostat) who can use it to provide statistics on fisheries. <u>In any event, those data should be in an anonymised format, so as not to permit the identification of individual vessels or natural persons.</u> EP AM 29, EX AMs 170 (RENEW) , 171 (EPP) and 173 (S&D)	PUBLIC	(55) The data collected by Member States is also of great value for scientific purposes. It should be clarified that <u>independent</u> scientific bodies of Member States and that are recognised at national, Union scientific bodies or international level may be provided access to the data collected in accordance with Regulation (EC) No 1224/2009-, in particular to vessel position data and fishing activity data. Finally, Before transferring such data, Member States should consider whether the scientific research can be conducted on the basis of pseudonymised or anonymised data and, if so, provide those scientific bodies with data which have been de-identified in that way. The fishing activity data collected by Member States is also of value for the statistical office of the European Union (production of statistics, in particular by Eurostat) who can use it to provide, <u>which should be able to use those data to produce</u> statistics on fisheries. Recital Sequence 12
Recital 55a				
66a		<u>(55a) The data collected by the</u>		<u>(55a) In accordance with the Joint</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
		<u>European Fisheries Control Agency should be accessible to the European Environment Agency and the European Maritime Safety Agency, in order to increase the common use of knowledge on the marine environment. Closer cooperation between the agencies would enhance the understanding of issues relating to maritime policy in general and, at the same time, improve the way the European maritime space is managed. The Commission should be given the task of drawing up a partnership protocol between the agencies as the framework for their cooperation.</u> EP AM 30, EX AM 174 (RENEW)		<u>Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies, for every agency an evaluation commissioned by the Commission should take place every five years. Given that a number of fisheries and environmental challenges are strongly interlinked, the Commission, in the context of the next periodical evaluation of the European Environment Agency, will consider how to enhance cooperation and relevant sharing of data between the European Fisheries Control Agency and the European Environmental Agency and in what format such enhanced cooperation could be formalised, including, if necessary, by submitting any relevant legislative proposal or other measures to that effect.</u> place of the recital will change. Sequence 1 Sequence 12 Recital
Recital 56				
67	(56) As the exchange of data between Member States is			(56) As the exchange of data between Member States is

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	paramount for controlling and enforcing obligations under the rules of the common fisheries policy, the provisions pertaining to such exchanges should be clarified. In particular, Member States should grant each other access to their registers of infringements as this will allow them to improve enforcement of the rules with regard to Union fishing vessels flying the flag of another Member State in their waters and with regard to fishing vessels flying their flags which committed infringements in the waters of other Member States.			paramount for controlling and enforcing obligations under the rules of the common fisheries policy, the provisions pertaining to such exchanges should be clarified. In particular, Member States should grant each other access to their registers of infringements as this will allow them to improve enforcement of the rules with regard to Union fishing vessels flying the flag of another Member State in their waters and with regard to fishing vessels flying their flags which committed infringements in the waters of other Member States. Recital Sequence 12
Recital 56a				
67a				<u>(56a) In order to allow the Commission to validate the catch data provided by the Member States and to fulfil its obligations in the context of international agreements, Member States should make available to the Commission, by direct electronic exchange, data concerning the activity of fishing vessels flying their flag.</u> Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Place of the recital might change during LL revision.
Recital 57				
68	(57) The set of data collected by the Member States to which the Commission should have access, such as fishing activity data, control data, other electronic fisheries databases and the national register of infringements, may include personal data. As the fishing trip identification number or the name of the fishing vessel may allow the identification of natural persons such as the owner or the master of a fishing vessel, information containing such data can also, under certain circumstances, constitute personal data.			(57) The set of data collected by the Member States to which the Commission should have access, such as fishing activity data, control data, other electronic fisheries databases and the national register of <u>and data on</u> infringements, may include personal data. As the <u>unique</u> fishing trip identification number or , the name of the fishing vessel <u>or, in the case of fishing without a vessel, the unique fishing day identification number</u> may allow the identification of natural persons, such as the owner or the master of a fishing vessel, information containing such data can also, under certain circumstances, constitute personal data. Sequence 12 Recital
Recital 57b				
68b				<u>(57b) Regulation (EU) 2016/679 of the European Parliament and Council, Regulation (EU) 2018/1725, and for certain</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>processing of personal data, the national provisions transposing Directive (EU) 2016/680, are applicable when personal data are processed in the context of this Regulation.</u> Comment: OJ references to be added. Recital Sequence 12
Recital 58				
69	(58) Processing of personal data is necessary for the fisheries control and enforcement. In particular, for the purpose of monitoring of fishing opportunities, including quota consumption, the Commission should be able to process data from logbooks, landing declarations, sales notes and other fishing activity data in order to carry out validation of the aggregated data submitted by Member States. To carry out verifications, audits and to monitor the control activities of Member States, the Commission should have access and process information such as inspection and control observers' reports and the database of infringements. In the context of preparation of and compliance with	(58) Processing of personal data is necessary for the fisheries control and enforcement. In particular, for the purpose of monitoring of fishing opportunities, including quota consumption, the Commission should be able to process data from logbooks, landing declarations, sales notes and other fishing activity data in order to carry out validation of the aggregated data submitted by Member States. To carry out verifications, audits and to monitor the control activities of Member States, the Commission should have access and process information such as inspection and control observers' reports and the database of infringements. In the context of preparation of and compliance with		(58) Processing of personal data <u>contained in information collected under Regulation (EC) No 1224/2009</u> is necessary for the fisheries control and enforcement to <u>ensure effective implementation of and compliance with the rules and objectives of the common fisheries policy</u>. In particular, for the purpose of monitoring of fishing opportunities, including quota consumption, the Commission should be able to <u>uptake, ensuring compliance with other management and conservation measures, monitoring fishing activities, or performing assessment allowing for risk-based controls, Member States need to process data from vessel position data,</u> logbooks, landing

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	the international agreements and conservation measures, the Commission should process, when necessary, data on the fishing activities of Union fishing vessels outside Union waters, including the vessel identification numbers, name of the owner of the vessel and the master of the vessel.	the international agreements and conservation measures, the Commission should process, when necessary, data on the fishing activities of Union fishing vessels outside Union waters, including the vessel identification numbers, name of the owner of the vessel and the master of the vessel. <u>Stored data should be made available to the competent authorities if public health and/or food safety is at risk.</u> EP AM 31, EX ENVI 19	PUBLIC	declarations, sales notes and other fishing activity data in order to carry out validation of the aggregated and <u>cross checks. This is necessary to ensure that</u> data submitted by Member States <u>operators is complete and accurate and that operators comply with the rules of the common fisheries policy. In order to be able to control and evaluate the application of the rules of the common fisheries policy through</u> To <u>carry out</u> verifications, <u>inspections or</u> audits and to monitor the control activities of Member States, the Commission <u>or the body designated by it</u> should have access <u>to and be able to</u> and process, <u>in addition to fishing activity data, data contained in</u> information such as inspection and control observers' reports and the database of data pertaining to infringements. <u>Moreover,</u> in the context of preparation of and <u>monitoring of</u> compliance with the international agreements and conservation measures, the Commission should <u>be able to</u> process, when necessary, data on the fishing activities of Union fishing vessels outside Union waters, including the vessel identification numbers, name <u>and the names</u> of the owner of the vessel and the master of the vessel. <u>The processing of</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u><i>fishing activity data could also be necessary for the purpose of proving, defending or establishing fishing rights of individual fishing vessels, Member States or the Union.</i></u> Recital Sequence 12
Recital 58a				
69a		<u><i>(58a) All personal data collected, transferred and stored must comply with Regulation (EU) 2016/679 of the European Parliament and the Council¹.</i></u> <u><i>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 L 119, 4.5.2016, p. 1).</i></u> EP AM 32, EX ENVI 20		Covered above, row 68b. Recital Sequence 12 Sequence 1
Recital 59				
70	(59) Personal data processed for fisheries control and enforcement should be stored in general for a period of 5 years because for the purpose of the monitoring of fishing			(59) <u><i>The Member States, the Commission or the body designated by it should not store personal data for longer than is necessary to achieve the purposes for which</i></u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	opportunities, the Commission performs validation of the aggregated data submitted by Member states within 5 years following their transmission. In case of the follow-up of infringements, inspections, verifications, complaints or audits, or in case of on-going judicial or administrative proceedings, a specific longer retention period of 10 years is necessary because the length of such processes and the need for those data to be used during the entire period when such processes are ongoing.			<u>personal data needs to be processed. To that end, maximum retention periods for personal data processed in the framework of this Regulation should be established.</u> <u>(59a) In order to be able to perform tasks set out in this Regulation, the Commission, the body designated by it and the Member States for fisheries control and enforcement should be stored in general able to retain, where necessary for certain purposes, personal data contained in information collected under this Regulation for a period of 5 up to five years because for the purpose of the monitoring of fishing opportunities, after receiving the relevant data. Member States perform validation of data over preceding years in order to verify and correct data with a view to ensuring complete and accurate data. Member States also assess data from preceding years to perform risk management. The Commission performs validation has to monitor and evaluate the implementation of the aggregated data submitted common fisheries policy by Member States, and for that purpose it has to examine data collected under this Regulation concerning several previous within</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
			PUBLIC	5 years, <u>for instance when performing audits and verifications following their transmission.</u> <u>(59b) However, in the In case of the follow-up of infringements, inspections, verifications, complaints or audits, or in <u>the</u> case of on-going judicial or administrative proceedings, a specific longer retention period of 10 years is necessary because the length of such processes and <u>Member States and the Commission should be able to retain certain data until the end of the concerned administrative or judicial proceedings because of</u> the need for those data to be used during the entire period when such processes <u>proceedings</u> are ongoing.</u> <u>(59c) Furthermore, in order to be able to provide evidence of fishing activities of Union vessels, for example where necessary to demonstrate compliance with Union and Member States obligations under international agreements or to support claims of historic or other fishing rights, Member States should be able to keep records of fishing activities data for a period of up to ten years.</u> <u>(59d) Certain data relating to past</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>fishing activities is necessary for the purposes of scientific research and scientific advice, which underpin the management of fishing activities and conservation of marine biological resources under the common fisheries policy. Trends and patterns in the development of marine biological resources usually require a longer-term perspective and analysis of data over decades. Member States should therefore be able to retain certain personal data for a period of 25 years to allow the analysis of the impact of fishing activities on the marine biological resources and the environment over longer periods of time.</u> Recitals will later be moved into separate rows. Recital Sequence 12
Recital 60				
71	(60) It should be ensured at all times and at all levels that, the obligations on personal data protection laid down in Regulation (EU) 2016/679 of the European Parliament and Council ¹ , Regulation (EU)			COM agreed to withdraw its recital. Recital Sequence 12

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	2018/XX², and, where applicable, the national provisions transposing Directive (EU) 2016/680³ are respected. 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 L 119, 4.5.2016, p. 1). 2. 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) 3. Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, L 119, 4.5.2016, p. 89.		PUBLIC	
Recital 60a				
71a				<u>(60a) In accordance with Article 25 of Regulation (EU) 2016/679, controllers are to implement</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>appropriate technical and organisational measures ensuring data protection by design and by default. The data protection principles should be complied with when laying down the detailed rules on the requirements, technical specifications, installation and functioning of the remote electronic monitoring systems, especially when those systems include CCTV. In particular, those systems should be designed and implemented in such a way as to exclude to the extent possible images and identification of natural persons on recorded video material obtained from remote electronic systems.</u> Sequence 12 Recital
Recital 60b				
71b				<u>(60b) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 18 July 2018.</u> Sequence 12 Recital place of the recital might change.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 60c				
71c				<u>(60c) The obligations of the Member States and of the Commission in relation to information covered by professional and commercial secrecy, collected, received and transmitted within the framework of Regulation (EC) No 1224/2009 should be clarified. Such information should not be transmitted to persons other than those in the Member States, the Commission or the body designated by it whose functions require them to have such access, unless the Member State or institution which has provided the information has given its consent. In the event of a refusal to give such consent, the reasons for refusal should be provided.</u> Recital
Recital 61				
72	(61) Regulation (EC) No 1224/2009 confers powers upon the Commission in order to implement some of the provisions of that Regulation.			(61) Regulation (EC) No 1224/2009 confers powers upon the Commission in order to implement some of the provisions of that Regulation. Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 62				
73	(62) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1224/2009 need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union.			(62) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1224/2009 need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union. Recital
Recital 63				
74	(63) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to supplement Regulation (EC) No 1224/2009 with specific rules governing controls, as regards:			(63) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to supplement Regulation (EC) No 1224/2009 with specific rules governing controls, as regards: Recital All of the following rows on delegated acts are to be checked and possibly updated after agreement in final trilogue.
Recital 63, first indent				
75	- the exemption of certain fishing vessels from the obligation of a fishing authorisation;			- the exemption of certain fishing vessels from the obligation of a fishing authorisation;

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital
Recital 63, second indent				
76	- provisions applicable in case of failure of electronic recording and reporting systems, concerning tracking systems, logbook, prior notifications, transhipments, landing declarations;			- provisions applicable in case of failure of electronic recording and reporting systems, concerning tracking systems, logbook, prior notifications, transhipments, landing declarations; Recital
Recital 63, third indent				
77	- the exemption of certain categories of fishing vessels from the obligation to complete and submit a prior notification and transhipment declaration;			- the exemption of certain categories of fishing vessels from the obligation to complete and submit a prior notification and transhipment declaration; Recital
Recital 63, fourth indent				
77a				<u>- the exemption of certain stocks from the obligation to stow demersal stocks subject to multiannual plans separately;</u> Recital Sequence 6
Recital 63, fourth indent				
78				To be decided

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	- the detailed rules concerning the functioning of traceability systems;			Recital To be confirmed after final trilogue.
Recital 63, fifth indent				
79	- the criteria and procedure for the registration of weighers and content of weighing records;			- the criteria and procedure for the registration of weighers and content of weighing records; Recital
Recital 63, sixth indent				
80	- the rules on weighing procedures and special rules for small pelagic species;			- the rules on weighing procedures and special rules for small pelagic species; Recital
Recital 63, seventh indent				
81	- the rules on control observers;			To be decided Recital
Recital 63, eighth indent				
82	- the rules on inspections for Member States competent authorities and operators;			- the rules on inspections for Member States competent authorities and operators; Recital
Recital 63, ninth indent				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
83	- the definition of trigger for the suspension or withdrawal of the fishing licence, the follow up to suspension or withdrawal, the deletion of points;			- the definition of trigger for <u>follow up to</u> the suspension or withdrawal of the fishing licence, the follow up to suspension or withdrawal, and <u>the conditions justifying</u> the deletion of points; Recital
Recital 63, tenth indent				
84	- the minimum requirements for national control action programmes, yearly reports and the setting of bench marks;			- the minimum requirements for national control action programmes, yearly <u>annual</u> reports <u>on controls and inspections</u> and the setting of bench marks <u>benchmarks</u> ; Recital
Recital 63, eleventh indent				
85	- the setting of the deadline for Member States to demonstrate that stocks can be safely exploited;			- the setting of the deadline for Member States to demonstrate that stocks can be safely exploited; <u>- deduction of quotas for failure to comply with the rules of the common fisheries policy;</u> Recital
Recital 63, thirteenth indent				
85a				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>Amending the list of criteria laid down in Annex IV.</u> Recital To be checked and if necessary modified upon agreement on provisions.
Recital 63, Letter Point				
86	It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (1). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (1). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. Recital
Recital 64				

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
87	(64) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of Regulation (EC) No 1224/2009,as regards:			(64) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of Regulation (EC) No 1224/2009,as regards: All of the following rows on implementing acts are to be checked and possibly updated after agreement in final trilogue. Recital
Recital 64, first indent				
88	- fishing licences and fishing authorisations;			- fishing licences and fishing authorisations; Recital
Recital 64, second indent				
89	- the marking and identification of fishing vessels, gear and craft;			- the marking and identification of fishing vessels, gear and craft; Recital
Recital 64, third indent				
90	- technical requirements and characteristics of tracking devices;			- technical requirements and characteristics of tracking devices; Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 64, fourth indent				
91	- margin of tolerance;			- margin of tolerance; Recital
Recital 64, fifth indent				
92	- conversion factors to convert stored or processed fish into live fish weight;			- conversion factors to convert stored or processed fish into live fish weight; Recital
Recital 64, sixth indent				
93	- content of the vessel position data and the content and format, rules concerning completion and digital recording and transmission of logbooks, prior notifications, transshipment declarations, and landing declarations;			- content of the vessel position data and the content and format, rules concerning completion and digital recording and transmission of logbooks, prior notifications , transshipment declarations, and landing declarations; Recital
Recital 64, seventh indent				
94	- technical requirements and characteristics of electronic monitoring devices systems including CCTV;	- technical requirements and characteristics of electronic monitoring devices systems including CCTV ; EP AM 33, EX AM 176 (EPP)		- technical requirements and characteristics of technical specifications for remote electronic monitoring devices systems including CCTV, determination of fleet segments and handling of data from such systems ;

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital
Recital 64, eighth indent				
95	- the format for the submission of catch registration data and fishing effort to the Commission;			- the format for the submission of catch registration data and fishing effort to the Commission; Recital
Recital 64, ninth indent				
96	- remedy in case of a prejudice caused to a Member State;			- remedy in case of a prejudice caused to a Member State; Recital
Recital 64, tenth indent				
97	- the verifications of the engine power, the tonnage of the fishing vessel, verification of the type, number and characteristics of the fishing gear;			- the verifications of the engine power, the tonnage of the fishing vessel, verification of the type, number and characteristics of the fishing gear; Recital
Recital 64, eleventh indent				
98	- technical requirements and characteristics of devices for the continuous monitoring of the engine			- technical requirements and characteristics of <u>systems</u> for the continuous monitoring of the engine

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	power;			power; Recital
Recital 64, twelfth indent				
99	- certification of the engine power;			- certification of the engine power; Recital
Recital 64, thirteenth indent				
99a				<u>- rules on catch declarations for fishing without a vessel;</u> Recital
Recital 64, thirteenth indent				
100	- registration or licensing system, tracking of vessels, and control of gears for certain recreational fisheries;			- registration or licensing system, tracking of vessels, and control of gears for certain recreational fisheries; <u>for recreational fisheries, the list of species, stocks or groups of stocks to which rules on registration and recording and reporting apply, the submission of catch data and the marking of gears</u> Recital Still under discussion. Text to be checked and possibly amended after agreement on provisions.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 64, fourteenth indent				
101	- sampling plans for unsorted landings;			- sampling plans, <u>control plans and common control programmes for weighing for unsorted landings</u> ; Recital
Recital 64, fifteenth indent				
102	- registered buyers;			- registered buyers <u>the weighing procedure, records and systems</u> ; <u>- detailed rules concerning take-over declarations and transport documents.</u> Recital
Recital 64, sixteenth indent				
103	- surveillance reports and inspection reports;			- surveillance reports and inspection reports; Recital
Recital 64, seventeenth indent				
104	- operation of the data base for inspection and surveillance report;			- operation of the data base for inspection and surveillance report; Recital

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 64, eighteenth indent				
105	- fixing quantities against quotas in case of corrective measures;			- fixing quantities against quotas in case of corrective measures; Recital drafting might be adjusted later
Recital 64, nineteenth indent				
106	- operation of the point system for licence holders and masters;			- operation of the point system for licence holders and masters; Recital
Recital 64, twentieth indent				
107	- specific control and inspections programmes;			- specific control and inspections programmes; Recital
Recital 64, twenty-first indent				
108	- deduction of quotas;			- deduction of quotas ; Recital
Recital 64, twenty-second indent				
109	- access to data and exchange of data;			- access to data and exchange of data;

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital
Recital 64, twenty-third indent				
110	- reporting by Member State;			- reporting by Member State; Recital
Recital 64, twenty-fourth indent				
111	- mutual assistance,			- mutual assistance, Recital
Recital 64, Letter Point				
112	Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹ . ¹ 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).			Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹ . ¹ 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). Recital
Recital 65				
113	(65) As a consequence of the entry into force of the Lisbon Treaty, some provisions conferring decision-making powers upon the Council			(65) As a consequence of the entry into force of the Lisbon Treaty, some provisions conferring decision-making powers upon the Council

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	alone need to be adapted to bring them into line with the new procedures applicable to the common fisheries policy. The provisions of Regulation (EC) No 1224/2009 concerning the following elements should therefore be redrafted:			alone need to be adapted to bring them into line with the new procedures applicable to the common fisheries policy. The provisions of Regulation (EC) No 1224/2009 concerning the following elements should therefore be redrafted: Recital
Recital 65, first indent				
114	- the adoption in each multiannual plan of a threshold of catches above which a designated port or a place close to the shore has to be used and the frequency of communication of data;			- the adoption in each multiannual plan of a threshold of catches above which a designated port or a place close to the shore has to be used and the frequency of communication of data; Recital
Recital 65, second indent				
115	- the establishment of a control observer scheme.			- the establishment of a control observer scheme. Recital
Recital 66				
116	(66) Regulation (EC) No 1224/2009 should therefore be amended accordingly.			(66) Regulation (EC) No 1224/2009 should therefore be amended accordingly.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital
Recital 67				
117	(67) For reasons of consistency with the scope of Regulation (EC) No 1224/2009, the objectives of Council Regulation (EC) No 768/2005¹ should be enlarged. The missions of the European Fisheries Control Agency should cover the harmonisation of the application of the common fisheries policy as a whole. They should include research and development in the area of control and inspection techniques and provision of assistance to the Commission in specific fields. 1. Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).			(67) For reasons of consistency with the scope of Regulation (EC) No 1224/2009, the objectives of Council Regulation (EC<u>EU</u>) No 768/2005<u>No 2019/473</u>¹ should be enlarged. The missions<u>mission</u> of the European Fisheries Control Agency (“the Agency”) should cover the harmonisation of the application of the common fisheries policy as a whole<u>rules of the common fisheries policy</u>. They <u>It</u> should include<u>comprise</u> research and development in the area of control and inspection techniques¹, <u>including, in cooperation with Member States, the development of pilot projects</u>, and provision of assistance to the Commission in specific fields. 1. Council Regulation (EC<u>EU</u>) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common<u>No 2019/473 of the European Parliament and of the Council of 19 March 2019 on the</u> Fisheries policy (OJ L 128, 21.5.2005, p. 1)<u>Control Agency (codification) (OJ L 83, 2.3.2019, p. 18)</u>. Recital Sequence 1

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
Recital 68				
118	(68) It should be ensured that the obligations concerning personal data protection laid down in Regulation (EU) 2018/XX are respected by the Agency in the framework of data processing and exchange.			(68) It should be ensured that the obligations concerning personal data protection laid down in Regulation (EU) 2018/XX are respected <u>2018/1725 are complied with</u> by the Agency in the framework of data processing and exchange. Sequence 12 Recital
Recital 68, Letter Point				
119	Representatives of Union institutions should have the possibility to take part in the meeting of the Administrative Board of the Agency.			Representatives of Union institutions <u>The Administrative Board of the Agency</u> should have the possibility to take part in the meeting of the Administrative Board of the Agency <u>invite representatives of relevant Union institutions to take part in its meetings.</u> Recital Sequence 1
Recital 68, point (a)				
119a				<u>The provisions in Regulation (EU) 2019/473 on the composition of the Administrative Board of the Agency</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>should be amended in order to provide for the inclusion of one representative of the European Parliament, in line with the Common Approach annexed to the Joint Statement of the European Parliament, the Council and the Commission of 19 July 2012 on decentralised agencies. Such inclusion should be without prejudice to the role of the European Parliament on discharge in respect of the implementation of the budget of the Agency. All members of the Administrative Board should be appointed on the basis of their relevant experience and expertise in the field of fisheries control and inspection, and should not have any direct or indirect conflict of interest that might be considered prejudicial to their independence. Only representatives of the Member States and the Commission should have the right to vote.</u> Recital Sequence 1
Recital 68, point (b)				
119b				<u>The Agency should contribute to the implementation of the Integrated Maritime Policy of the Union. For that purpose it should</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>be able to conclude administrative agreements with other Union bodies which are also involved in the implementation of that Policy.</u> Recital
Recital 69				
120	(69) It should be clarified that both draft annual and draft multiannual work programmes of the Agency prepared its executive Director are to be submitted to the Administrative board of the Agency.			(69) It should be clarified that both the draft annual and draft multiannual work programmes of the Agency prepared its executive Director are <u>Single Programming Document prepared by the executive Director of the Agency</u> is to be submitted to the Administrative Board of the Agency . Recital Sequence 1
Recital 69a				
120a				<u>(57a) For the purpose of ensuring consistent programming and to align Regulation (EU) 2019/473 with Commission Delegated Regulation (EU) 2019/715¹, the Agency should draw up a Single Programming Document containing the annual and multiannual programming.</u> <u>1. Commission Delegated Regulation (EU)</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).</u> Place of recital will change. Sequence 12 Sequence 1
Recital 70				
121	(70) It should be clarified that the Agency may also receive funds in the form of delegations agreements or ad-hoc grants without prejudice to others types of income.			(70) It should be clarified that the Agency may also<u>should be allowed to</u> receive funds in the form of delegations agreements or ad-hoc grants, without prejudice to others<u>other</u> types of income. Recital Sequence 1
Recital 71				
122	(71) Finally, the provisions on the evaluation of the Agency by the Commission should also be clarified.			(71) Finally. The provisions on the <u>periodic</u> evaluation of the Agency by the Commission <u>should be clarified and aligned with the Annex to the Common approach on decentralised agencies of 19 June 2012. The Member States and the Agency should provide the Commission with the information necessary to produce that</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>evaluation. For the purpose of such evaluation, the Commission</u> should also be clarified <u>seek input from all relevant stakeholders. When establishing the terms of reference for the evaluation, the Commission should consult the Administrative Board of the Agency.</u> Recital Sequence 1
Recital 72				
123	(72) Regulation (EC) No 768/2005 should therefore be amended accordingly.			(72) Regulation (EC<u>EU</u>) No 768/2005<u>2019/473</u> should therefore be amended accordingly. Sequence 1 Recital
Recital 73				
124	(73) In order to ensure consistency between control provisions, Council Regulation (EC) No 1967/2006 ¹ and Regulation (EU) No 2016/1139 of the European Parliament and Council ² should be amended. In particular, the provisions concerning control of leisure fisheries, recording and reporting of transshipments and catch registrations set out in Council Regulation (EC) No 1967/2006 and			(73) In order to ensure consistency between control provisions, Council Regulation (EC) No 1967/2006¹ and Regulation (EU) No 2016/1139 of the European Parliament and Council² should be amended. In particular, the provisions concerning control of leisure fisheries, recording and reporting of transshipments and catch registrations set out in Council Regulation (EC) No 1967/2006 and

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	the provisions concerning logbooks and the margin of tolerance in estimates recorded in the fishing logbook set out in Regulation (EU) No 2016/1139 should be deleted and the relevant provisions of Regulation (EC) No 1224/2009 should apply instead. 1. Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11). 2. Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).			the provisions concerning logbooks and the margin of tolerance in estimates recorded in the fishing logbook set out in Regulation (EU) No 2016/1139 should be deleted and the relevant provisions of Regulation (EC) No 1224/2009 should apply instead. 1. Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11). 2. Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1). Recital
Recital 74				
125	(74) The Catch Certification Scheme, as set out in Chapter III of Regulation (EC) No 1005/2008, is paper-based and as a result not efficient and not in line with a digitalised traceability system for fishery products. In line with its international commitments and to			(74) The Catch Certification Scheme, as set out in Chapter III of Regulation (EC) No 1005/2008, is paper-based and as a result not efficient and not in line with a digitalised traceability system for fishery products. In line with its international commitments and to

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	ensure effective implementation of the scheme, Regulation (EC) No 1005/2008 should be amended to establish a data base for the management of catch certificates (CATCH) based on the Information Management System for Official Controls, allowing for risk based controls, reducing opportunities of fraudulent imports and easing the administrative burden of Member States. The operational functions of the CATCH will be developed in different phases.			ensure effective implementation of the scheme, Regulation (EC) No 1005/2008 should be amended to establish a data base for the management of catch certificates (CATCH) based on the Information Management System for Official Controls <u>TRACES referred to in Regulation (EU) 2017/625(*)</u>, allowing for risk based controls, reducing opportunities of fraudulent imports and easing the administrative burden of Member States. The operational functions of the CATCH will be developed in different phases. OJ to be added. Recital
Recital 75				
126	(75) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1005/2008, in particular to allow for 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 exportation of fishery products as			(75) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1005/2008, in particular to allow for 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 exportation of fishery products as

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	foreseen under Regulation (EC) No 1005/2008, implementing and delegated powers should be conferred on the Commission relating to the functioning and development of the CATCH based on the Information Management System for Official Controls.			foreseen under <u>provided for in</u> Regulation (EC) No 1005/2008, implementing and delegated powers should be conferred on the Commission relating to the functioning and development of the CATCH based on the Information Management System for Official Controls <u>TRACES</u> . Recital
Recital 75a				
126a		<u>(75a) With a view to guaranteeing consistency between the Union's trade and fisheries policies, trade agreements concluded by the Union with third countries should incorporate a safeguard clause providing for the temporary suspension of tariff preferences for fishery and aquaculture products for such time as the third country is pre-identified or identified as a non-cooperating country in the fight against IUU fishing.</u> EP AM 34, EX AM 183 (RENEW)		EP agreed to withdraw. Recital
Recital 76				
127	(76) In order to ensure consistency			(76) In order to ensure consistency

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
	among Union legal instruments governing fisheries control, certain provisions on serious infringements set out in Regulation (EC) No 1005/2008 should be deleted and, if necessary, moved to Regulation (EC) No 1224/2009, which is the main legal instrument in the fisheries control field. In Regulation (EC) No 1005/2008 reference should consequently be made to the provisions on serious infringements contained in Regulation (EC) No 1224/2009.			among Union legal instruments governing fisheries control, — certain provisions on serious infringements set out in Regulation (EC) No 1005/2008 should be deleted and, if ^{where} necessary, moved to Regulation (EC) No 1224/2009, which is the main legal instrument in the field ^{of} fisheries control field . In Regulation (EC) No 1005/2008 reference should consequently be made to the provisions on serious infringements contained in Regulation (EC) No 1224/2009. Recital
Recital 76a				
127a				<u>(76a) Regulation (EU) 2017/2403 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 are to 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</u>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				<u>should be deleted.</u> Recital Sequence 7 place might change
Recital 76b				
127b				<u>(76b) In addition to behaviour constituting a serious infringement of the rules on fishing activities, the conduct of business directly connected to IUU fishing, including the import of, or the trade in, fishery products stemming from IUU fishing, such as the purchase of such products carried out without all the legally required documents, should also be considered as serious infringement</u> Sequence 10 Recital
Recital 76d				
127d				Some additional recitals on changes to the IUU regulation will be added. Recital
Recital 77				
128	(77) Regulation (EC) No 1005/2008 should therefore be amended accordingly.			(77) Regulation (EC) No 1005/2008 should therefore be amended accordingly.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Flexibility to accept the following provisionally agreed recitals:
				Recital