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General Secretariat

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WK 7994/2020 ADD 18

LIMITE

PECHE

WORKING PAPER

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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 Regulations (EU) No 2016/1139 and (EU) 2017/2403 of the European Parliament and of the Council as regards fisheries control - Revised Presidency compromise for blocks 1 and 2 - Documents ref.: WK 5173/2/2020 REV 2 and WK 5173/2/20 REV 2 ADD1 - Spanish comments

Delegations will find attached written comments by the Spanish delegation on the above-mentioned subject.



Madrid, 21 de agosto de 2020

PRESIDENCIA DEL CONSEJO
Grupo de Pesca

Estimada presidencia;

Quería aprovechar el calendario de envío de comentarios a determinados artículos del Reglamento de Control para adjuntarle también el presente escrito mostrando mi preocupación por la redacción actual del artículo 14 en lo que respecta al margen de tolerancia.

La experiencia de años de estricta aplicación de este margen de tolerancia hasta la fecha nos ha hecho comprender la dificultad de ciertas flotas para cumplir este tipo de límites que han sido establecidos sin tener en cuenta las particularidades de ciertos segmentos, como la pesca artesanal o la pesca que embarca sus capturas sin posibilidad de clasificar.

La redacción actual, además de ser confusa, no recoge excepciones que consideramos están suficientemente justificadas. Permítame a continuación plantearle nuestras dudas a la actual redacción y sugerencias de nuevos párrafos para adaptar el margen de tolerancia a la casuística de otros segmentos pesqueros.

1.- Redacción actual.

Respecto a la redacción actual, establece un margen de tolerancia general del 10% para capturas superiores a 50 kg. Pero los dos párrafos siguientes a) y b), excepción de aplicación a pequeños pelágicos y pesquerías industriales, resultan confusos e insuficientes.

Entendemos que el primero de estos párrafos pretende establecer que el margen de tolerancia se calculará sobre el total de capturas, pero para ello habría que suprimir el final del párrafo “per each species”. Tal como está redactado en la actualidad, la excepción al margen de tolerancia planteada al principio del párrafo pierde efecto con las últimas palabras del mismo.

Además de lo anterior, consideramos que en esta excepción se debería incluir expresamente a la pesquería industrial de túnidos tropicales (tanto cerco como cebo vivo), que se enfrenta a la dificultad de estimar las capturas al meterlas a bordo sin posibilidad de clasificar. Permitirles declarar las capturas totales en el margen del 10% no exime de que les sigamos exigiendo una clasificación en el desembarque para declarar el peso realmente capturado por cada una de las especies, por lo que esta excepción no supondría un detrimento del control sobre la flota.

De nuevo, una vez leído y aceptado el párrafo b), el siguiente y último párrafo de esta sección trae confusión, ya que entendemos que vuelve a permitir calcular el 10% respecto al total de las capturas, por lo que ¿por qué la necesidad de los subpárrafos a) y b)? ¿a qué flotas es





de aplicación este último párrafo? Agradeceríamos una explicación sobre el sentido de este último párrafo.

2.- Otras flotas a considerar.

Como le decía al principio de esta carta, hay otras flotas a las que resulta muy difícil cumplir un 10% de margen de tolerancia y para las que proponemos las siguientes alternativas que no merman el control:

- **Pesquería artesanal de grandes peces:** atún rojo, pez espada, patudo... Hablamos de barcos artesanales que capturan individuo a individuo con línea de mano o pequeños palangreros de superficie. La estimación de peso la realizan usando tablas científicas de conversión talla peso que admiten errores del 20%. Además, especies como el atún rojo deben también ser declaradas en número de ejemplares. Se proponen dos alternativas. Que el 10% de tolerancia se pueda cumplir bien en la estimación de peso o en la estimación de número para aquellas especies obligadas a declarar el número de ejemplares, o bien aumentar ese margen al 20%.

- **Pesquerías artesanales de arrastre mixtas:** los arrastreros del Mediterráneo capturan diversas especies en pequeñas cantidades no sujetas a gestión por TAC. La estimación de las capturas no es sencilla al no poder realizar, por la naturaleza de las capturas, un estibado homogéneo y podemos decir que la intencionalidad en no declarar no existe al no haber cuotas. Por tanto, la flota podría verse beneficiada de un aumento del margen de tolerancia al 20% al evitar sanciones.

Proponemos a continuación la redacción alternativa al artículo 14.4. Espero tengan en cuenta nuestra preocupación por lograr una correcta redacción de este artículo que encuentre soluciones a toda la flota con casuística particular sin detrimento del control de la misma ni de la correcta gestión de las capturas efectuadas.

Reciba un cordial saludo,





Anexo: propuesta de modificación del artículo 14.4 a partir de la redacción contemplada en el documento WK 5173/2020 REV 2 de 10 de julio.

4. When compared with the quantities landed or with the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per each species.

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

By way of derogation from the first subparagraph:

- in the case of fisheries referred to in the first and third indents of point (a) of Article 15(1) of Regulation (EU) No 1380/2013,

- in the case of the tropical tuna fishery targeting species whose morphological similarity is certified by the competent authority of their flag Member State,

for species which are landed unsorted and which are covered by a sampling plan referred to in Article 60(1a), the following margins of tolerance shall apply:

(a) for small pelagic species, **tropical tuna** and species for industrial purposes, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % of the total quantity of all species recorded in the fishing logbook, ~~per each species~~;

(b) for all other species, the permitted margin of tolerance in estimates recorded or not in the fishing logbook of the quantities in kilograms of fish retained on board shall be 200 kg or 1 %, whatever is greater, of the total quantity of all species recorded in the fishing logbook ~~per each species~~.

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

By way of derogation from the first subparagraph, in the case of artisanal fisheries referred to in the second indent of point (a) of Article 15(1) of Regulation (EU) No 1380/2013, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be:

- when the number of individuals caught shall be recorded:
 - 20 % of the total quantity of each species recorded in the fishing logbook or
 - 0% of the number of individuals of each species recorded in the fishing logbook.
- when the number of individuals caught shall not be recorded, 20 % of the total quantity of each species recorded in the fishing logbook.





By way of derogation from the first subparagraph, in case of multispecific demersal fisheries not subject to TAC regulation the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 20 % of the total quantity of each species recorded in the fishing logbook.





MINISTERIO DE AGRICULTURA
PESCA Y ALIMENTACIÓN

SECRETARÍA GENERAL
DE PESCA

DIRECCIÓN GENERAL
DE ORDENACIÓN PESQUERA Y
ACUICULTURA

SUBDIRECCIÓN GENERAL
DE VIGILANCIA PESQUERA Y
LUCHA CONTRA LA PESCA ILEGAL

Presidency of the Council of the European Union
AGRIFISH/Fisheries Group

Madrid, August 21st, 2020

Dear presidency,

I would like to seize the opportunity of the deadline of the submission of the comments related to the Control Regulation, to address my concerns regarding the current wording of article 14, more precisely, the margin of tolerance.

The experience of the previous years, applying strictly this margin of tolerance, has shown the difficulty of some fleets to comply with this limits established irrespective of the particularities of some fleet segments, as for example the artisanal fleet or the fleet segments that carry on board the catches without the possibility of classifying them.

The current wording, besides being confusing, does not consider exemptions, which, in our opinion are enough justified. Down below, I raise our doubts with respect to the current wording, and the suggestions for the drafting of the revision of the Control Regulation, in order to adapt the margin of tolerance to the scenarios of some fleet segments.

1.- Current wording.

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Regarding the current wording, the article establishes a general margin of tolerance of 10% to catches above 50 kg, but the following paragraphs a) and b), exemptions for small pelagic and industrial fishing, are confusing and insufficient.

Is our understanding that, the first of this two paragraphs tends to establish that, the margin of tolerance would be calculated taking into account the overall of the catches, nevertheless, in order to clarify the article “per each species” should be deleted. As it is nowadays written, the exemption to the margin of tolerance raised at the beginning of the paragraph loses its effectiveness with the words quoted before.

In addition to the above mentioned, we consider that this exemption should include specifically the tuna industrial fishing activity (tropical tuna) both purse seiners and live-bait, which faces the difficulty of the estimation of the catches uploaded without previous classification. Allow this fleet segment to declare and apply the margin of 10% to the overall of the catches does not imply that we sequentially require them to classify the catches during the landing operations, to weigh and declare each species separately, which means that this exemption would not imply a loose control to this fleet.

Again, once read and accepted paragraph b), the next and last paragraph of this section drives to confusion, because our understanding is that it allows to calculate the 10% of the overall amount of the catches, so, which would be the need of subparagraphs a) and b)? To which fleets should be this paragraph applied? We would appreciate an explanation of the meaning of this last paragraph.



2.- Other fleets to consider

As mentioned at the beginning of the letter, there are other fleets to which is very difficult to accomplish this margin of tolerance (10%) and to which we propose the following alternatives that do not diminish the control:

- **Artisanal fisheries for large fish:** Bluefin tuna, swordfish, bigeye....We refer to artisanal vessels that fish one by one specimen using hand lines or small longlines. The estimation of the weigh is made by using conversion scientific tables of size and weigh with a margin of error 20%. Moreover, species such as Bluefin tuna must also be declared by number of specimens. Two alternatives are proposed. The margin of tolerance should be applied to the weigh estimation or to the estimation of number of specimens on-board to the species which are compulsory to declare the number of specimens or as a second option, to increase the margin up to 20%.
- **Mixed artisanal trawlers:** bottom trawlers of the Mediterranean Sea fish different species in small amounts not subject to TAC management, The catches estimation is not easy as they cannot, due to the nature of the catches, carry out an homogeneous stowage, and it should be recognise that there is no intentionality of missrecording as the species are not subject to catch limits. Thus, this fleet segment could be assigned to an increase of the margin of tolerance up to 20% in order to avoid sanctions.

Lastly, you will find down below the proposal of the alternative drafting of article 14.4. Hoping you take into account our concerns in order to achieve a proper wording of this article, for the purpose of finding solutions to all fleet segments including the particular



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cases above mentioned without a prejudice of the control of the fleet, neither the proper management of the catches.

Accept, Sir, the assurances of my highest consideration.

[Redacted signature]

DIRECTOR GENERAL DE ORDENACIÓN PESQUERA Y ACUICULTURA
DIRECTOR GENERAL OF FISHERIES MANAGEMENT AND AQUACULTURE



Anex: draft proposal art. 14.4 from the drafting established in document WK 5173/2020 REV 2 of July 10th.

4. When compared with the quantities landed or with the result of an inspection, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per each species.

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

By way of derogation from the first subparagraph:

- in the case of fisheries referred to in the first and third indents of point (a) of Article 15(1) of Regulation (EU) No 1380/2013,

- in the case of the tropical tuna fishery targeting species whose morphological similarity is certified by the competent authority of their flag Member State,

for species which are landed unsorted and which are covered by a sampling plan referred to in Article 60(1a), the following margins of tolerance shall apply:

(a) for small pelagic species, **tropical tuna** and species for industrial purposes, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % of the total quantity of all species recorded in the fishing logbook, ~~per each species~~;



(b) for all other species, the permitted margin of tolerance in estimates recorded or not in the fishing logbook of the quantities in kilograms of fish retained on board shall be 200 kg or 1 %, whatever is greater, of the total quantity of all species recorded in the fishing logbook per each species.

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

By way of derogation from the first subparagraph, in the case of artisanal fisheries referred to in the second indent of point (a) of Article 15(1) of Regulation (EU) No 1380/2013, the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be:

- when the number of individuals caught shall be recorded:
 - 20 % of the total quantity of each species recorded in the fishing logbook or
 - 0% of the number of individuals of each species recorded in the fishing logbook.
- when the number of individuals caught shall not be recorded, 20 % of the total quantity of each species recorded in the fishing logbook.

By way of derogation from the first subparagraph, in case of multiespecific demersal fisheries not subject to TAC regulation the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 20 % of the total quantity of each species recorded in the fishing logbook.

PROPUESTA PRESIDENCIA ALEMANA REG DE CONTROL
POSTURA SG DE ACUICULTURA, COMERCIALIZACIÓN PESQUERA Y
ACCIONES ESTRUCTURALES

Article 56

Principles for the control of marketing

1. Each Member State shall be responsible for controlling on its territory the application of the rules of the common fisheries policy at all stages of marketing of fishery and aquaculture products, from their placing on the market to the retail sale, including transport. Member States shall in particular take measures to ensure that the use of fishery products below the applicable minimum conservation reference size that are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 is restricted to purposes other than direct human consumption.
2. Where a minimum size has been fixed for a given species in Union legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.

Article 56a

LotsComposition of lots of certain fishery and aquaculture products

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

Estamos conforme en que la composición de los lotes se diferencie entre productos del capítulo 3 de la NC y el resto, pero consideramos que para el resto de productos también debe definirse.

We agree that the composition of the lots differs between products of chapter 3 of the NC and the rest, but we consider that for the rest of the products it should be also defined.

2. A lot **as referred to in paragraph 1** shall only contain:
 - (a) fishery ~~or aquaculture~~ products of a single species, of the same **product** presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or
 - (b) aquaculture products of a single species, of the same product presentation and** coming from the same aquaculture production unit.

3. By way of derogation from paragraph 2, Member States may lay down that quantities of fishery products, other than fishery products below the applicable minimum conservation reference size, totalling less than 30kg of fishery products of several species and coming from the same relevant geographical area and of the same product presentation, per catching vessel and per day, may be put into the same lot ~~by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer,~~ prior to their placing on the market.

Seguimos pensando que para un correcto control de estas especies, se considera adecuado limitar la opción de mezcla de especies en un mismo lote, a aquellas especies para las que no existe limitación (tac /cuota asignada).

No encontramos razones para limitar la posibilidad de mezclar en un mismo lote productos de distintos buques tal como ocurre en el resto de excepciones.

We keep on thinking that for an appropriate control of these species, it is necessary to limit the option of mixing species in the same lot, to those species for which there is no limitation (tac / assigned quota).

We find no reasons to limit the possibility of mixing products from different vessels in the same lot as occurs in the rest of the exceptions.

4. By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area ~~and the same fishing vessel, or group of fishing vessels,~~ may be put into ~~the same~~ lots prior to their placing on the market for purposes other than direct human consumption.

5. After the ~~placing on the market~~ **first sale**, a lot of fishery or aquaculture products **as referred to in paragraph 1** may only be merged with, ~~another lot~~ or split from, **another lot of fishery or aquaculture products respectively**, if the lot created by merging or the lots created by splitting meet the following conditions:

(a) they contain **either** fishery **products** or aquaculture products of a single species and of the same **product** presentation;

(b) the traceability information listed in Article 58(5) ~~paragraphs 5 and 6~~ is provided for the newly created lot(s);

(c) the operator responsible for ~~placing the newly created~~ **the new** lot ~~on the market~~ is able to provide the information concerning the composition of the newly created lot(s), in particular ~~the information relating to each of the lots of fishery or aquaculture products which it contains and~~ the quantities of fishery or aquaculture products coming from each of the lots forming the new lot, **where possible**.

La expresión "where posible" debe eliminarse ya que dicha información sobre cantidades debe figurar siempre.

No se entiende que en este punto se hable de primera venta y en los demás puntos se ponga el concepto puesta en el mercado. Creemos que debe siempre quedar claro cuando se refiere a primera venta y por tanto a productos comunitarios y cuando se engloba a los importados y por tanto se refiere a el conjunto de productos (UE más tercer país).

The term "where possible" should be removed, since such information on quantities should always be present.

It is not understood why we use here "first sale" and in the other points we use the concept "placing on the market". We believe that it should always be clear when we want to use first sale and, meaning that it refers only to EU products, and when we want to include imported products and, therefore, we use "placing on the market".

Article 57

Common marketing standards

1. Member States shall ~~ensure~~**check** that the products to which common marketing standards apply are made available on the market in compliance with these standards. **Member States shall undertake checks to ensure such compliance.**
2. ~~The checks~~ may take place at all stages in the supply chain, including transport. ~~In the case of products to which common marketing standards apply only at the placing on the market, checks carried out at further stages in the supply chain can be of a documentary nature.~~
3. Operators ~~at all stages of the supply chain~~ responsible for purchasing, selling, stocking or transporting lots of fishery and aquaculture products shall **at all stages**

of the supply chain be able to prove that the products comply, where applicable, with the ~~minimum~~ common marketing standards.

Para la frescura solo debe haber control en primera venta que es cuando tiene sentido, no a lo largo de la cadena.

Freshness should only be controlled at the first sale. Along the supply chain it makes no sense.

Article 58

Traceability

1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, ~~lots of fishery or and~~ aquaculture products shall be **put into lots by operators and shall be** traceable at all stages of production, processing and distribution, ~~from catching or harvesting to retail stage.~~

~~2. Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:~~

~~(a) is kept on record in a digitalised way;~~

~~(b) is made available upon request to competent authorities;~~

~~(c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.~~

Nos negamos a que se elimine de la propuesta la digitalización y transmisión electrónica de la información de TRAZABILIDAD. Entendemos este concepto está ya establecido como obligatorio desde principios del año 2015, considerando no adecuado reducir las obligaciones ya establecidas. Este punto nos parece muy importante ya que así se exige ya a nuestros operadores que han hecho importantes inversiones. Además se considera que todos los EEMM deben hacerlo de la misma manera para que sea más fácil la coordinación.

We refuse to eliminate this point from the proposal of the Commission (digitization and electronic transmission of TRACEABILITY information). We understand that this concept is already established as mandatory since the beginning of 2015, and therefore we consider it is not appropriate to reduce obligations already established. This point is very important for us, since this is already required to our operators who have made significant investments. Furthermore, it is considered that all Member States should do it in the same way to make coordination easier.

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

~~4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.~~

No estamos de acuerdo que se elimine cualquier referencia a la digitalización.

We do not agree that any reference to digitization is removed.

4. ~~For Information on~~ lots of fishery and aquaculture products **falling under Chapter 3 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87** ~~except products imported into the Union, at least the following information referred to in paragraph 2 shall~~ **includeshall be made available:**

De acuerdo a aunar en un mismo punto los requisitos para productos UE e importados.

We agree putting together (same point) the requirements for EU and imported products.

(a) the identification number of the lot;

(b) **in the case of Union products**, the unique fishing trip identification number(s) ~~referred to in Article 14(2)(a) or the unique identifier(s) in the system referred to in point (a) of Article 54d(2) of~~ for all fishery products included in the lot, or the name and, where available, the registration number of the aquaculture production unit;

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

Las instalaciones acuícolas deben tener un número de registro.

Aquaculture production units must have a registration number.

(c) the FAO alpha-3 code of the species and the scientific name;

(d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area ~~as defined in Article 38(1) of Regulation (EU) No 1379/2013~~ for fishery products caught in freshwater and aquaculture products, as referred to in Article 38(1) of Regulation (EU) No 1379/2013;

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

(f) the date(s) of catches for fishery products or date(s) of harvest for aquaculture products, ~~and the date of production where applicable~~;

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

(h) ~~whereif~~ fishery products below the minimum conservation reference size are present in ~~the lot, the quantities referred to in point (g),~~ separate information on the quantities in kilograms expressed in net weight, ~~or the number of individuals below the minimum conservation reference size~~;

La letra h) entendemos no aplica a productos importados. Y además para el caso de los productos UE debe hacer referencia a que sea por especie, dado lo establecido en el punto 56.4.

We understand that the letter "h" does not apply to imported products. In addition, in the case of EU products, it must be clear that quantities must be given by species, as established in point 56.4.

(i) for lots of products subject to common marketing standards, **as appropriate**, the individual size or weight, size category, **product** presentation and freshness.

6. ~~For Information on~~ lots of fishery and aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined nomenclature established by Regulation (EEC) No 2658/87, at least the following information referred to in paragraph 2 shall include shall be made available:

(a) the identification number of the lot;

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

(c) the FAO alpha-3 code of the species and the scientific name;

(d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area ~~as defined in Article 38(1) of Regulation (EU) No 1379/2013~~ for fishery products caught in freshwater and aquaculture products, as referred to in Article 38(1) of Regulation (EU) No 1379/2013;

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

~~(f) the date of catches for fishery products or date of harvest for aquaculture products, and the date of production where applicable;~~

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

~~(h) for lots of products subject to common marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness. [the production processing method.3]~~

Se alaba la propuesta de separar los requisitos a exigir en trazabilidad para los productos del capítulo 03 de la NC de los productos de las partidas 1604 y 1605. No obstante, se considera que en el artículo 56.a también debe definirse lo que se entiende por un lote en las partidas 1604 y 1605.

Además debe haber una correlación entre los lotes de los productos del capítulo 03 y los de las partidas 1604 y 1605, ya que los primeros serán los que hagan de materia prima para los lotes de las partidas 1604 y 1605.

Eliminar el código de marea así como los certificados de captura en este punto no se considera adecuado ya que impide tener una trazabilidad completa y con más razón si no hay una correlación entre ambos tipos de lotes (capítulo 03 con partidas 1604 y 1605). Lo que se pretende conseguir con la trazabilidad de las partidas 1604 y 1605 es que no sea una puerta de entrada a productos de pesca IUU ya que las conservas o preparados importados deberían contar con la información de certificado de captura de la materia prima que contienen.

The proposal to separate traceability requirements for products of chapter 03 of the CN from products of headings 1604 and 1605 is praised. However, it is considered that it in the case the composition of the lot for headings 1604 and

1605 should be also defined in article 56.a. In addition, there must be a correlation between the lots of products of chapter 03 and those of the headings 1604 and 1605, since products of chapter 03 will be those that used as raw material for the lots of headings 1604 and 1605.

Removing the unique fishing trip identifier and the reference of the catch certificate at this point is not considered adequate, since it prevents having a complete traceability and, even more if there is no correlation between both types of lots (chapter 03 with items 1604 and 1605). The purpose to achieve establishing traceability requirements to products on headings 1604 and 1605 is to prevent entering IUU fishing products to the EU. Imported preserved and prepared products should have the reference of the catch certificate of the raw material they contain .

6a. Operators shall:

(a) be able to identify to competent authorities any operator from whom they have been supplied with lot(s) of fishery or aquaculture product(s) and any operator to whom they have supplied those lots;

Debe haber sistema de identificación, no es suficiente con ser capaz de identificar.

There must be an identification system, it is not enough to be able to identify.

(b) ensure that for each lot of fishery or aquaculture products they have been supplied with and which they supply, the information listed in paragraph 5, paragraph 6 or paragraphs 5 and 6, whichever is applicable;

Necesario mejorar la redacción ya que no se comprende la intención.

The wording needs to be improved as the purpose is not clear.

(i) is kept on record, and

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

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

Se considera debe ser una obligación en todos los EEMM ya que esas diferencias añaden más dificultades en la cooperación entre EEMM.

It is considered that it should be an obligation to all Member States, since otherwise there will be difficulties in cooperation between Member States.

7. Member States may exempt from the requirements set out in this Article small quantities of **fishery** products sold directly from **fishing-catching** vessels to consumers, provided that those **quantities** do not exceed **15kg** of fishery products **per consumer per day**.

Seguimos sin estar de acuerdo en permitir aumentar a 15kg las excepciones en venta directa, que se recogen a lo largo de todo el documento, considerando 5 Kg, la propuesta de la Comisión, más adecuado. Aunque si hay libertad para el EM de reducir no nos supone un gran problema.

We still do not agree to allow the exceptions in direct sales to be increased from 5 to 15kg, considering 5kg as in the Commission's proposal, more appropriate. Although if there is freedom for the Member State to reduce, it is not a problem for Spain.

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

(a) digitalisation of the traceability information and its electronic transmission; the transmission of the information referred to in paragraphs 5 and 6;

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

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

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

(e) the information on the relevant geographical area;

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

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

Seguimos pensado que dada su importancia e impacto, se considera necesario que las cuestiones aquí recogidas para un posterior desarrollo mediante acto de ejecución queden definidas en este reglamento, y no con posterioridad.

No se entiende que aquí se incluyan las algas cuando no se concreta en ámbito de aplicación en ningún momento. Esto debe ser clarificado además de que habría que definir su composición de lote.

We keep on thinking that, due to its importance and impact, it is considered necessary that the issues listed here are established in this regulation, and not later in an implementing act.

It is not understood that algae are included here when it is not specified in the scope at any time. This should be clarified. In addition it should be defined its lot composition in article 56.a.

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

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