



COMMISSION OF THE EUROPEAN COMMUNITIES

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2004/0252(CNS)

Proposal for a

COUNCIL REGULATION

**on electronic recording and reporting of fishing activities and on means of
remote sensing**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The European Community is at the forefront in introducing modern technologies in order to improve management and monitoring of fisheries activities. Since 1992 it promoted the introduction of the satellite-based vessel monitoring system (VMS) as a tool to efficiently control its fishing fleet, irrespective of where it is operating, and third country fleets when operating within Community waters. After a series of pilot projects, the fitting on board of a vessel localisation device became mandatory for certain categories of vessels. As of 1 January 2005, save few exceptions, all Community vessels greater than 15 metres in length overall will be subject to VMS and cannot fish without an operational satellite localisation device on board.

A further step towards the utilisation of modern technologies is now proposed. The rational exploitation of fisheries resources, which is one of the main aims of the Common Fisheries Policy, requires accurate and timely reporting of information relating to fishing activities, such as quantities of catches on board, species, time spent at fishing, the area where catches have been taken and the gears used. This essential information is currently collected by the masters of the fishing vessels by recording it with a pen on a paperbound logbook. The same procedure is used when catches are transhipped, landed, transported or sold.

As a consequence, in order to be gathered, analysed and transmitted to the authorities in charge of managerial or control tasks, this information needs to be digitalised. This process is slow, costly and conducive to typing mistakes which can hinder the quality of the data.

In order to make it more efficient, accurate and less expensive, the Commission favours an electronic recording and reporting system which will replace the current manual and cumbersome process. It will be designed to alleviate the administrative burden on the masters and the main actors of the commercial chain and dramatically simplify the tasks of the national authorities.

Pilot projects on electronic recording and reporting of information relating to fisheries activities have been carried out in recent years. Some have already been conducted with conclusive results, others are still ongoing. There is no doubt about the feasibility of the electronic recording of fishing activities. Specific software is already available on the market. What is necessary now is a legislative text laying down the minimal requirements.

The setting of technical specifications, which are required in order to satisfy Community and third countries legislation, is the aim of an international project on secured and harmonised electronic logbook. This project is currently being carried out and specifications will be made available in 2005. A Commission Regulation will amend the current legislation on logbook and other recording requirements accordingly.

With a view to facilitating the introduction of this technology, the Community may grant financial assistance to fishermen as well as to national authorities under the framework of Decision 2004/465/EC¹, as it did in the past in order to promote the setting up of the vessel monitoring systems.

¹ Council Decision on a Community financial contribution towards Member States fisheries control programmes (JO L 157, 30.4.2004, p. 114).

Furthermore, the Commission proposes to take advantage of the Vessel Monitoring System (VMS) in order to track fishing vessels operating in a given fishing zone which may be in breach of national or Community legislation. Remotely sensed images may be used to detect such vessels. This technology is not new since it is already in use in other fields. Pilot projects focused on fishing activities have been carried out and they have proved to be successful. The objective is to cross-check the status of fishing vessels detected, thanks to this technology (Vessel Detection System), with position reports from VMS. Fisheries Monitoring Centres may wish to further investigate as regards those vessels which do not transmit position reports.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) N° 2371/2002² establishes a framework designed to ensure the conservation and the sustainable exploitation of fisheries resources under the Common Fisheries Policy.
- (2) Objectives of conservation and sustainable exploitation of the fisheries resources are achieved through conditions governing access to waters and resources, namely by limiting catches and fishing effort and by adopting technical measures related to fishing techniques and gears and sizes of catches.
- (3) Therefore, in order to soundly manage fishing opportunities and in order to achieve these objectives, there is a need to monitor fisheries activities through the most appropriate means. Control on quantities caught is mainly carried out by collecting information on catches, landings, transshipments, transports and sales, while control on fishing effort is mainly carried out by collecting information on the characteristics of the vessel, time spent on fishing and gears used. Furthermore, remote control technologies enable fisheries control authorities to monitor the presence of vessels in a given area. The combination of all these means increases the accuracy of the information.
- (4) Articles 22 (1) and 23 (3) of the Regulation No 2371/2002 respectively provide that the Council is to decide in 2004 on the obligation to electronically record and transmit relevant information relating to fishing activities, including landing or transshipments of catches and sales note, and on the obligation to set up a means of remote sensing.

² OJ L 358, 31.12.2002, p. 59.

- (5) Pilot projects on electronic recording and reporting as well as on remote sensing have been carried out during recent years by Member States and other countries. They have proved to be valid and cost-effective.
- (6) Conditions under which electronic recording and reporting as well means of remote sensing to be used for control purpose should therefore be established;
- (7) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission³,

HAS ADOPTED THIS REGULATION:

Article 1

Electronic recording and reporting

1. The master of a Community fishing vessel shall record by electronic means information relating to fishing activities, which he is required to record in a logbook by Community legislation, and shall send it by electronic means to the competent authority.
2. The declaration of catches landed by a Community fishing vessel as well as the first sales note related to these catches shall be electronically recorded.
3. Member States shall set up the administrative and technical structures enabling them to receive, treat, cross-check and transmit, by electronic means, the information contained in the logbook, landing declaration and sales note referred to in paragraphs 1 and 2.
4. Detailed rules for the implementation of paragraphs 1 and 2 may be adopted in accordance with the procedure referred to in Article 30 (2) of Regulation No 2371/2002. These rules may also provide exemptions from the obligations laid down in paragraphs 1 and 2 of this Article, where such exemptions may be justified by the disproportionate burden they would impose on the operator compared with the economic importance of his activity.

Article 2

Remote sensing

1. Member States shall ensure that their Fishery Monitoring centres possess the technical structure allowing them to match, in real time, the positions derived by remotely sensed images sent to earth by satellites with the Vessel Monitoring System, in order to assess the presence of fishing vessels in a given area.

³ OJ L 184, 17.7.1999, p. 23.

2. Detailed rules for the implementation of paragraph 1 of this Article may be adopted in accordance with the procedure referred to Article 30 (2) of Regulation (EC) No 2371/2002.

Article 3

Entry into force

This Regulation shall enter into force on 1 January 2006.

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

Done at Brussels,

For the Council
The President