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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

{SEC(2018) 267 final} - {SWD(2018) 279 final} - {SWD(2018) 280 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Reasons for and objectives of the proposal

The Common Fishery Policy (CFP)¹ objectives are to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent to achieve economic, social and employment benefits. Its success depends very much on the implementation of an effective control and enforcement system. The measures establishing a Union Fisheries Control System (FCS) for ensuring compliance with rules of the CFP are provided for in four different legal acts: 1) the Fisheries Control Regulation²; 2) the Regulation establishing a European Fisheries Control Agency (EFCA)³; 3) the Regulation establishing a system to combat illegal, unreported and unregulated fishing (IUU Regulation)⁴; and 4) the Regulation on the sustainable management of the external fishing fleets (SMEF)⁵. The proposal aims at revising the FCS, with the exception of the SMEF Regulation, which was recently revised.

With the exception of the SMEF regulation, which was recently revised, the current Union Fisheries Control System (FCS) was designed prior to the reformed Common Fisheries Policy⁶ (CFP) and as such it is not fully coherent with it. In addition, the system reflects control strategies, methodologies and challenges of more than 10 years ago, and it is not equipped to effectively address current and future needs in terms of fisheries data and fleet control, to match the constant evolution of fishing practices and techniques and to take advantage of modern and more cost-effective control technologies and data exchange systems. The current system also does not reflect new and modern Union policies recently adopted, such as the plastic strategy, the digital single market strategy, and the international ocean governance.

A recent Commission REFIT evaluation^{7,8}, a special report of the European Court of Auditors⁹ and a Resolution by the European Parliament¹⁰ have all shown that the FCS has deficiencies and is overall not fit for purpose.

Several discussions and exchanges of view have taken place in the Council¹¹, in the Parliament, in the Administrative Board of the European Fisheries Control Agency (EFCA)¹²,

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, OJ L 354 28.12.2013 p.22.

² Council Regulation (EC) No 1224/2009, OJ L 343, 22.12.2009, p. 1.

³ Council Regulation (EC) No 768/2005, OJ L 128, 21.5.2005, p.1.

⁴ Council Regulation (EC) No 1005/2008, OJ L 268, 29.10.2008, p.1.

⁵ Regulation (EU) No 2017/2403 of the European Parliament and of the Council, OJ L 347, 28.12.2017, p. 1.

⁶ Regulation (EU) No 1380/2013 of the European Parliament and of the Council, OJ L 354, 28.12.2013, p.22.

⁷ COM(2017) 192 final.

⁸ SWD(2017) 134 final.

⁹ Special Report of the Court of Auditors 'EU fisheries controls: more efforts needed'.

¹⁰ European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform - <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0407+0+DOC+XML+V0//EN>.

¹¹ Council Conclusions on Special Report No 8/2017 from the European Court of Auditors- <http://data.consilium.europa.eu/doc/document/ST-13323-2017-INIT/en/pdf>.

with Member States and with stakeholders since the publication of all these documents. Those discussions confirmed that there is unanimous agreement among the European Institutions and among direct stakeholders that the Fisheries Control System is not effective and efficient and that, as such, it is not entirely fit for purpose to sustain the achievements of the CFP objectives. Furthermore, shortcomings in the current regulatory framework were also identified by the REFIT Platform in June 2017 in its opinion on the submission by the Finnish Government Stakeholder survey on the control of EU fisheries¹³.

The specific objectives of the proposal are to: 1) Bridge the gaps with the CFP and with other EU policies; 2) Simplify the legislative framework and reduce unnecessary administrative burden; 3) Improve availability, reliability and completeness of fisheries data and information, in particular of catch data, and allow exchange and sharing of information; and 4) Remove obstacles that hinder the development of a culture of compliance and the equitable treatment of operators within and across Member States.

The proposal is one of the legislative initiatives under REFIT foreseen for adoption in 2018.

Consistency with existing policy provisions in the policy area

The proposal is consistent with the overall legal framework established by the reformed CFP and it aims at bridging current gaps with it, mainly relating to the effective control of the landing obligation and to control of the fishing capacity. In addition, the proposal is also consistent with the Common Organisation of the Market commonly referred to as "CMO"¹⁴, insofar as it lays down a series of provisions for controls in the supply chain, including traceability provisions that are essential for fulfilling consumer information requirements. Finally, the proposal aims at implementing commitments recently taken by the Commission concerning in particular the fight against illegal fishing in the Joint Communication on Ocean Governance¹⁵.

Consistency with other Union policies

The proposal not only maintains consistency with other Union policies, but also enhances the synergies with them, by supporting the implementation of: 1) the European Strategy for Plastics in a Circular Economy¹⁶, as far as fishing gears are concerned; 2) the Digital Single Market strategy¹⁷, through the promotion of digital solutions and interoperable systems; and 3) the stronger and renewed strategic partnership with the EU's outermost regions¹⁸, through reinforced control measures. Furthermore, the proposal aims at improving synergies with the food and feed law, through better alignment of definitions, and with the environmental legislation (Habitat Directive), insofar as it empowers Member States to effectively control fishing activities in fisheries restricted areas.

¹² <https://www.efca.europa.eu/sites/default/files/EFCA%20Evaluation%20-%20Issuing%20of%20Recommendations.pdf>

¹³ https://ec.europa.eu/info/sites/info/files/xiv3acontrol_of_eu_fisheries.pdf

¹⁴ Regulation (EU) No 1379/2013, OJ L 354, 28.12.2013, p.1.

¹⁵ JOIN(2016) 49 final.

¹⁶ [COM\(2018\) 28 final 16.01.2018](#)

¹⁷ SWD(2017) 155 final: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Digital Single Market Strategy for Europe.

¹⁸ COM(2017) 623 final - http://ec.europa.eu/regional_policy/sources/policy/themes/outermost-regions/pdf/rup_2017/com_rup_partner_en.pdf.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

Legal basis

The proposal is based on Article 43(2) of the TFEU on establishing provisions necessary for the pursuit of the objectives of the CFP, which is an area of exclusive EU competence pursuant to Article 3(d) of the Treaty.

Subsidiarity (for non-exclusive competence)

N.A.

Proportionality

The proposal provides for targeted changes not going beyond what is necessary to achieve the set objectives. Section 7.4.2 of the Impact Assessment accompanying the proposal discusses the proportionality of the policy choices of the proposal.

Choice of the instrument

Proposed instrument: amendment of current Regulations.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

Ex-post evaluations/fitness checks of existing legislation

A comprehensive evaluation of the implementation of the Control Regulation and its impacts on the CFP, covering the period 2010-2016, was carried out as part of the REFIT exercise and its results published in the Report from the Commission to the European Parliament and the Council¹⁹ and the accompanying Staff Working Document 'REFIT Evaluation of the impact of the fisheries regulation'²⁰.

The evaluation confirmed that the Control Regulation is highly relevant for ensuring compliance with the CFP. The text adopted in 2009 tackled the main shortcomings of the previous system, contributing to step up the overall level of compliance with the CFP, to improve communication, exchange and data sharing among the various stakeholders, to generally improve the quality and quantity of fisheries data, and to foster the level playing field among operators. The evaluation however also showed that more needs to be done and that the current legislative framework is not entirely fit for purpose, thereby prompting its revision:

- Enforcement rules not deterrent enough;
- Inadequate provisions for fisheries data;
- Complexity of the legislative framework and ambiguity of legal provisions;

¹⁹ COM(2017) 192 final, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:192:FIN>

²⁰ SWD(2017) 134 final http://eur-lex.europa.eu/resource.html?uri=cellar:2c2f2554-0faf-11e7-8a35-01aa75ed71a1.0017.02/DOC_1&format=PDF

- Lack of measures to control new provisions of the reformed CFP and lack of synergies with other policies.

Stakeholder consultations

An extensive public consultation was conducted in the framework of the REFIT evaluation in 2016. The results are published on the Europa webpage²¹. Additional targeted consultations were later carried out with the aim to (i) agree on the problems identified by the European Commission in the REFIT evaluation; (ii) agree on the need for action; and (iii) collect inputs and receive feedback from as many stakeholders as possible on the forward-looking elements of the inception impact assessment and on the specific proposed actions proposed by the Commission to address the issues identified.

The consultations involved Member States competent authorities, Advisory Councils, EU and national organisations and associations, environmental NGOs, the European Fisheries Control Agency (EFCA) and its Administrative Board, the European Maritime Safety Agency (EMSA), FRONTEX (sea border control). Discussions were held in several different fora to ensure a broad and exhaustive coverage of all relevant stakeholders, including the Council Working Party on Internal and External Fisheries Policy, and the PECH Committee of the European Parliament.

There was a common agreement among stakeholders on the need to revise the EU fisheries control system. Contributions and feedbacks received highlighted deficiencies in the implementation of the Fisheries Control Regulation, as well as in some of its provisions. Stakeholders generally supported the Commission in tackling the following major issues: alignment to the CFP, discrepancies between Member States' application of the rules, complexity of the legislative framework and lack of clarity of some provisions regarding the sanctioning system, availability, quality and sharing of data, the control of small vessels and of the landing obligation, as well as need to improve synergies with other legislations, in particular the IUU regulation, environment law and food law.

Contributions also highlighted issues such as simplification, regionalisation, level playing field and the need for cost-effective solutions. Simplification and legal clarification of the current control rules were strongly encouraged by stakeholders, although certain exemptions from the main rules are deemed as sometimes necessary. Regionalisation was seen as an important concept by some stakeholders, while it was considered as a concept not in line with the spirit and the objectives of a Union control policy by several others. The need to create a level playing field among fishery operators and Member States across the EU was considered critical by all stakeholders. Lastly, stakeholders indicated that, whenever possible, reduction of administrative burden and cost-efficiency should be guiding principles of the revision process.

Regarding the proposed policy options, the vast majority of stakeholders strongly supported or had a preference towards targeted amendment of the Fisheries Control System, including the Fisheries Control Regulation, the IUU Regulation and the EFCA founding Regulation.

²¹ https://ec.europa.eu/info/consultations/evaluation-fisheries-control-regulation_en

Annex 2 of the Impact Assessment provides a summary of the conclusions from all these consultations, while Annex 10 a list of written contributions received from stakeholders. The original written contributions sent by stakeholders and the minutes of the above mentioned workshops and seminars are published on the European Commission website²².

Collection and use of expertise

The legal proposal and the impact assessment are based on a vast body of material and studies, as referenced in Annex 1 of the Impact Assessment²³.

External expertise was also used as support for the Impact Assessment for assessing the impacts of the policy options proposed and their comparison. The external study was conducted in autumn 2017²⁴ to assess the environmental, economic, social impacts of the policy options, changes in administrative burden, and simplification benefits and to compare the various options in terms of efficiency, effectiveness, coherence, with the recommendations of relevant Institutions.

Impact assessment

Three policy options were analysed through the Impact Assessment process: (1) Baseline, i.e. no policy change but full enforcement of current rules; (2) Option 1: targeted amendments of the Fisheries Control Regulation; (3) Option 2: targeted amendments of the Fisheries Control System (in particular Regulations on: Fisheries Control, Illegal, Unreported and Unregulated Fishing and European Fisheries Control Agency). Option 2 showed markedly better performance overall compared to the other options and was selected as the preferred one.

Positive environmental impacts of the preferred option would encompass: reduction of overfishing, elimination of discards at sea, healthier fish stocks and proper control of marine protected areas. Main socio-economic benefits include: increased wages and competitiveness of fishing industry, especially for the small fleet; promotion of job creation (especially in ICT); improved compliance with the CFP and equal treatment of fishers.

The costs would be ‘proportionate’ to the benefits achieved (especially considering cost savings) and cost-effective, with considerable benefits outweighing the relatively modest changes in costs. Member States authorities would also benefit from cost savings (157 M€ over a five years, compared to the baseline scenario) through simplification and interoperability.

No negative social or environmental impacts are expected as a result of the preferred option.

The impact assessment was submitted to the Regulatory Scrutiny Board on 8 January 2018 for quality review. The Board analysed the draft report and issued a positive Opinion accompanied with its recommendations for improvement on 9 February 2018²⁵.

²² https://ec.europa.eu/fisheries/cfp/control_en

²³ Available [here](http://ec.europa.eu/transparency/regdoc?fuseaction=ia): <http://ec.europa.eu/transparency/regdoc?fuseaction=ia>.

²⁴ Available [here](https://ec.europa.eu/fisheries/cfp/control_en): https://ec.europa.eu/fisheries/cfp/control_en

²⁵ The Opinion of the Regulatory Scrutiny Board will be published with the impact assessment report and the Commission proposal in the online Register of Commission documents (available [here](http://ec.europa.eu/transparency/regdoc?fuseaction=ia): <http://ec.europa.eu/transparency/regdoc?fuseaction=ia>).

An overview of the Board's recommendations and the changes made compared to the earlier draft is provided in Annex 1 to the Impact Assessment.

Regulatory fitness and simplification

The actions and amendments foreseen under the preferred Option would strongly support the reduction in unnecessary administrative burden for the public authorities and, considering that most of the new costs are associated with ICT development and one-off investments, also in the long term for the whole EU. The preferred Option is expected to simplify and drastically reduce the administrative burden of the current system, with cost savings estimated at 157 M € over 5 years compared to the baseline. It should be noted that while some of the savings could be monetised, some others have been identified but it was not possible to quantify them.

Any additional burden for small operators (small-scale fishermen) will be avoided by the introduction of easy and cost-effective reporting systems for fishery data, taking advantage of affordable and widely available mobile phones technologies. Furthermore, the introduction of new ICT will boost innovation and provide new avenues for job creation for SMEs and start-ups.

Fundamental rights

The proposal has no consequences for the protection of fundamental rights. The proposal clarifies the access to data and the purposes for processing of personal data. Processing of personal data will be performed in way that the obligations on personal data protection laid down in Regulation (EU) 2016/679 and the regulation replacing Regulation (EC) No 45/2001 of the European Parliament and of the Council are respected.

4. BUDGETARY IMPLICATIONS

There is no impact on commitment appropriations since no modification is proposed to the maximum amounts of European Structural and Investment Funds financing provided for in the operational programmes for the programming period 2014-2020.

5. OTHER ELEMENTS

Implementation plans and monitoring, evaluation and reporting arrangements

The current Fisheries Control Regulation already provides that the Commission shall assess its implementation every 5 years, based on reports submitted by Member States. This rule will be maintained. A detailed explanation of how actual impacts will be monitored and evaluated is provided in section 9 of the impact assessment.

Explanatory documents (for directives)

Not applicable.

Detailed explanation of the specific provisions of the proposal

The proposal is structured as follows:

Article 1: Amendments to Regulation (EC) No 1224/2009

Article 2: Amendments to Regulation (EC) No 768/2005

Article 3: Amendments to Regulation (EC) No 1967/2006

Article 4: Amendments to Regulation (EC) No 1005/2008

Article 5: Amendments to Regulation (EU) No 2016/1139

The amendments can be summarized as follows, by main topic, subtopics, Articles concerned and specific provisions of the proposal:

Amendments to Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy		
TOPIC 1: ENFORCEMENT		
Subtopic	Articles	Specific provisions of the proposal
Inspection and surveillance	Amended: 73, 74, 75, 76, 77, 78, 79, 80	Clarification of the inspection process, inspectors' duties, and masters' and operators' duties during inspections. Digitisation of inspection reports through the mandatory use of an Electronic Inspection Report System which will allow a better use and exchange of data between relevant authorities and Member States. Clarification on control observers role and duties.
Sanctions	New: 89a, 91a, 91b, 92a, 92b, Annexes III and IV Amended: 82, 85, 90, 91, 92	New definitions for the purpose of clarification and improvement of the “enforcement chapter”. New list of infringements of the CFP rules, which should be qualified as serious by nature (without applying any criteria). New detailed and exhaustive list of criteria to qualify as serious certain other infringements of the CFP rules. This will favour level playing while ensuring proportionality. Introduction of mandatory administrative sanctions and minimum levels of fines for serious infringements of CFP rules, in order to render the sanctioning system more deterrent and effective in all Member States and ensure a level playing field. Clarify immediate enforcement measures (or preventive measures) to be taken by Member States in case of serious infringements. Clarify that points should be assigned to both the fishing licence holder and the master in the case these entities are different. Clarify that the proceedings and assignment of points in case of serious infringement can be done by the coastal Member State but have to be systematically enforced by the flag Member State. Clarify that points systematically apply in addition to the main sanction(s) in case of serious infringements (with few derogations when the infringement is not committed by a fishing licence holder or a master, e.g. recreational fisheries); Enable Member States to better use and exchange data on

		infringements and sanctions.
TOPIC 2: DATA AVAILABILITY, QUALITY AND SHARING		
Subtopic	Articles	Specific provisions of the proposal
Vessel's tracking	Amended: 4, 9, 10, 12 New: 9a	Flexibility is introduced as regards the specifications of a vessels tracking system (not necessary satellite-based) Clarification is provided as regards the vessel monitoring centres. All vessels including those below 12 metres' length must have a tracking system. Relevant data shall be made available to Agencies engaged in surveillance operations.
Logbook	Amended: 14	The exemption from reporting in logbooks of catches of less than 50 kg is removed for all categories of vessels. The rules for the so-called 'margin of tolerance' are clarified and tailored to specific situations/fisheries. The content of the logbook is aligned to the new provision on traceability (use of the unique fishing trip identifier) and is amended to increase the quality of recorded data.
Vessels below 12 metres	Amended: 9, 14, 15 New: 15a	Current derogations are removed and only two categories of fishing vessels are defined: > 12 m and < 12 m. All fishing vessels < 12 m must report their catches electronically.
Transshipment declaration and landing declarations	Amended: 20, 21, 22, 23, 24 Deleted: 16, 25, 28	All data are recorded in a digital way and submitted electronically. The content of documents is aligned to the new provision on traceability (use of the unique fishing trip identifier) and is amended to increase the quality of recorded data. Current derogations on the landing declaration are removed. Authorisation for transshipments outside EU waters or in port of third countries by the flag Member State is required.
Prior notification	Amended: 17, 19 Deleted: 18 New: 19a	Prior notifications are extended to all vessels >12 m and no longer limited to stocks under multiannual plans. Prior notification for Union fishing vessels landing in third country ports is required.
Control of recreational fisheries	Amended: 4, 55	Member States are required to have a system to control participants in recreational fisheries (registration or licensing) and to collect information of catches. For species which are subject to Union conservation measures applicable to recreational fisheries, catch declarations must be sent to the competent authorities and a registration or licensing system for vessels must be set.

		The prohibition to sell catches is maintained and current derogations in the Mediterranean are removed (see amendments to Regulation (EC) No 1967/2006). Conditions are set to lay down specific provisions on the control and marking of fishing gears applicable to recreational fisheries, on the vessel's tracking, on registration or licencing systems and on catch recording. Recreational fisheries activities organised by commercial enterprises are covered.
Traceability	Amended: 4, 56, 57, 58 New: 56a	The provisions on traceability are clarified and a new Article on lots is introduced. The traceability information is clarified, so that it allows linking a specific lot of fishery products to a particular landing by an EU fishing vessel. Information is recorded electronically so that controls in the supply chain within the internal market are more effective and efficient. The derogation for imported products is removed. The scope of application of the traceability provision is limited to certain fishery and aquaculture products). The derogation for products sold to consumers is aligned to other provisions in the Regulation (maximum of 5 kg of fishery products per day instead of 50 euros).
Weighing, transport and sales procedures and data	Amended: 59, 60, 62, 64, 65, 66, 68 New: 59a, 60a Deleted: 61, 63, 67	The current exemptions that undermine the accurate weighing and registration of landed fish are streamlined. A simple and effective system to guarantee accurate weighing at landing is established through the weighing performed by a registered operator. Targeted procedures are established for unsorted landings. The current derogations for quantities sold/dispensed for private consumption, to non-registered buyers, are amended and aligned to the provisions on control in the supply chain. The responsibilities and accountability of operators in the supply chain are clarified. Requirements to record in a digital way and submit electronically sales notes, take-over notes and transport documents are introduced. The reporting from operators to competent authorities (flag state, state of landing, state of sale) is simplified.
Data availability and exchange	Amended: 33, 34, 109, 110, 111, 112, 114 and 115	The digitisation of the data system is completed, and availability, reliability and exchange of data are overall enhanced. The provisions on the recoding of data by Member States and the submission of data to the Commission are streamlined and aligned to other amendments.

	New:111a; 112a Deleted: 116	The amendments clarify the data collected by Member States, the validation steps and the access by Commission to the data collected and its purpose. The amendments also clarify the measures for protection of personal data and the security of the processing. The Article on the secure part of the website is deleted.
TOPIC 3: BRIDGING THE GAPS WITH THE CFP		
Subtopic	Articles	Specific provisions of the proposal
Definition of ‘rules of the common fisheries policy’	Amended: 4	The definition of ‘rules of the common fisheries policy’ is clarified and aligned with the CFP.
Fishing licence and fishing authorisation	Amended: 6, 7	The provisions are aligned to the CFP.
Landing obligation	New: 25a	The amendments mandate the use of remote electronic monitoring tools, in particular CCTVs, for the control of the landing obligation. The new provisions will affect individual vessels and fleet segments according to risk assessment, and shall be implemented by Member States at regional level.
Fishing capacity	New: 39a Amended: 38, 41	A new Article is introduced requiring that certain vessels with active fishing gears are fitted with a device that monitors and records engine power. The current provisions on the verification of engine power are simplified. Provisions are introduced on the physical verification of the tonnage of fishing vessels.
National control programmes and annual reports	Deleted: 46, Annex 1 Amended: 55 New: 93a	National control programmes are extended to cover the control of rules of the CFP and not only the control of multiannual programmes. The Annex 1 on inspection benchmarks for multiannual plans is consequently deleted. National control programmes shall also include the control of recreational fisheries. Yearly reports on national inspections and controls are required.
TOPIC 4: SYNERGIES WITH OTHER POLICIES		
Fishing gears	Amended: 14, 43, 55	The reporting of lost fishing gear is eased and improved, through the use of logbooks (electronic) for all categories of vessels. The current derogation applicable to vessels < 12m to carry on board the necessary equipment for the retrieval of lost gear is removed. Conditions are set to lay down Union provisions on the marking and control of fishing gears for recreational fisheries.
Fishing restricted	Amended:	The definition of 'fishing restricted areas' and the

areas	4, 50	provisions of Article 50 are amended to take into account fishing restricted areas under the sovereignty or jurisdiction of a Member States as well as outside EU waters.
TOPIC 5: ALIGNMENT WITH THE LISBON TREATY		
Alignment with the Lisbon Treaty	Numerous Articles amended or introduced	The powers conferred to the Commission under Regulation (EC) No 1224/2009 are aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union. Also provisions conferring decision-making powers upon Council alone are adapted to bring them into line with the new procedures applicable to the Common Fisheries Policy.

Amendments to Council Regulation (EC) No 768/2005 establishing a European Fisheries Control Agency		
Topic	Articles	Specific provisions of the proposal
Alignment to CFP	Amended: 2 and 3 Amended: 17	The Agency's objective and missions are fully aligned to the new CFP. The geographical scope of the Agency's inspection powers is no longer limited to international waters.
Exchange of data	Amended: 16	The amendments clarify rules on exchange and processing of information and the measures for protection of personal data.
Alignment to Common approach on EU decentralised Agencies	Amended: 26, 29, 39	A number of amendments are introduced to better align the EFCA's founding Regulation to the Common Approach.
Budget	Amended: 35	The possibilities for revenues are extended to allow delegation agreements and ad-hoc grants, in line with similar provisions in place for other Agencies (e.g. Frontex).

Amendment to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing		
Topic	Articles	Specific provisions of the proposal
Digitalisation of IUU catch certificate (CATCH)	New: 12a to 12e	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. The amendments to the Union Catch Certification Scheme provide for with the establishment of 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. Implementing and delegated powers are conferred on the Commission relating to the functioning and further development of the CATCH.
Inspections	Amended: 10	Alignment with the new provisions in Regulation (EC) No 1224/2009.
Fishing vessel engaged in IUU fishing	Amended: 2, 3, 11	Alignment with the new provisions in Regulation (EC) No 1224/2009 and relevant cross references.
Proceedings and enforcement measures (including serious infringements)	New: 42a, Amended: 27, 42, 43 Deleted: 44 to 47	Cross references are introduced to ensure alignment with the new provisions on proceedings and enforcement including sanctions in Regulation (EC) No 1224/2009. Articles becoming obsolete are deleted.

Amendment to Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea Amendment to Regulation (EU) 2016/1139 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks		
Topic	Articles	Specific provisions of the proposal
Regulation (EC) No 1967/2006	Amended: 17 Deleted: 21, 23	In order to ensure compatibility with Regulation 1224/2009, some provisions on leisure fisheries and the provisions on transshipment are deleted.
Regulation (EU) No 2016/1139	Deleted: 12, 13	In order to ensure compatibility with Regulation 1224/2009 provisions on logbooks and on the margin of tolerance are deleted

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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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Data Protection Supervisor,

Having regard to the opinion of the European Economic and Social Committee²⁶,

Having regard to the opinion of the Committee of the Regions²⁷,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council²⁸. 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.
- (2) Council Regulation (EC) No 1224/2009²⁹ 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,

²⁶ OJ C , , p. .

²⁷ OJ C , , p. .

²⁸ 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).

²⁹ 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) 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).

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.

- (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.
- (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 Council³⁰. 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.
- (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
- (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.
- (7) The definition of ‘lot’ should be aligned to the definition of ‘lot’ set out in the food law.
- (8) The definitions of ‘multiannual plans’ should be updated to take into account the provisions of Regulation (EU) No 1380/2013 on multiannual plans.
- (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.
- (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,

³⁰ 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).

with the exception of container vessels. The definition 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted.

- (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'.
- (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.
- (13) In order to clarify the role of the fishing monitoring centres, the provisions of Regulation (EC) No 1224/2009 concerning those centres should be placed in a separate Article.
- (14) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the Parliament and Council³¹ 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 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.
- (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.
- (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.

³¹ 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).

- (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.
- (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 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.
- (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.
- (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 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.
- (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.
- (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.
- (23) Provisions on the recording of catch data and fishing efforts by the Member States should be amended to include data appearing in weighing records, take-over notes, and transport documents.
- (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.
- (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.

- (26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013.
- (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 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.
- (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.
- (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.
- (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 biological resources.
- (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.
- (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.
- (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.

- (34) In line with the traceability requirements set out in Article 18 of Regulation (EC) No 178/2002 of the European Parliament and Council³², Commission Implementing Regulation (EU) No 931/2011³³ lays down certain traceability rules for 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.
- (35) It is therefore appropriate to 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.
- (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 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.
- (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 1005/2008³⁴.
- (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.
- (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

³² 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).

³³ 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).

³⁴ 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).

should be lowered in order to minimize the placing on the market of fishery products which cannot be traced and therefore cannot be controlled.

- (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.
- (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.
- (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.
- (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.
- (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.
- (45) Transmission of transport documents to the relevant Member States should be simplified and should be done prior to departure in order to allow controls by the competent authorities.
- (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.
- (47) The provisions of Regulation (EC) No 1224/2009 concerning the 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.
- (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.
- (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.
- (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 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.

- (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 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.
- (52) National entities in charge of fisheries control activities as well as 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.
- (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.
- (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.
- (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.
- (56) As the exchange of data between Member States is 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.
- (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.
- (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 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.

- (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 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.
- (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 Council³⁵, Regulation (EU) 2018/XX³⁶, and, where applicable, the national provisions transposing Directive (EU) 2016/680³⁷ are respected.
- (61) Regulation (EC) No 1224/2009 confers powers upon the Commission in order to implement some of the provisions of that Regulation.
- (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.
- (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:
 - the exemption of certain fishing vessels from the obligation of a fishing authorisation;
 - provisions applicable in case of failure of electronic recording and reporting systems, concerning tracking systems, logbook, prior notifications, transhipments, landing declarations;

³⁵ 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).

³⁶ 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)

³⁷ 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.

- the exemption of certain categories of fishing vessels from the obligation to complete and submit a prior notification and transshipment declaration;
- the detailed rules concerning the functioning of traceability systems;
- the criteria and procedure for the registration of weighers and content of weighing records;
- the rules on weighing procedures and special rules for small pelagic species;
- the rules on control observers;
- the rules on inspections for Member States competent authorities and operators;
- 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 minimum requirements for national control action programmes, yearly reports and the setting of bench marks;
- the setting of the deadline for Member States to demonstrate that stocks can be safely exploited;

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.

(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:

- fishing licences and fishing authorisations;
- the marking and identification of fishing vessels, gear and craft;
- technical requirements and characteristics of tracking devices;
- margin of tolerance;
- conversion factors to convert stored or processed fish into live fish weight;
- 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;
- technical requirements and characteristics of electronic monitoring devices systems including CCTV;
- the format for the submission of catch registration data and fishing effort to the Commission;
- remedy in case of a prejudice caused to a Member State;
- the verifications of the engine power, the tonnage of the fishing vessel, verification of the type, number and characteristics of the fishing gear;

- technical requirements and characteristics of devices for the continuous monitoring of the engine power;
- certification of the engine power;
- registration or licensing system, tracking of vessels, and control of gears for certain recreational fisheries;
- sampling plans for unsorted landings;
- registered buyers;
- surveillance reports and inspection reports;
- operation of the data base for inspection and surveillance report;
- fixing quantities against quotas in case of corrective measures;
- operation of the point system for licence holders and masters;
- specific control and inspections programmes;
- deduction of quotas;
- access to data and exchange of data;
- reporting by Member State;
- mutual assistance,

Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁸.

- (65) As a consequence of the entry into force of the Lisbon Treaty, some provisions conferring decision-making powers upon the Council 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:
- 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 establishment of a control observer scheme.
- (66) Regulation (EC) No 1224/2009 should therefore be amended accordingly.
- (67) For reasons of consistency with the scope of Regulation (EC) No 1224/2009, the objectives of Council Regulation (EC) No 768/2005³⁹ 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

³⁸ 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).

³⁹ 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).

research and development in the area of control and inspection techniques and provision of assistance to the Commission in specific fields.

- (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.

Representatives of Union institutions should have the possibility to take part in the meeting of the Administrative Board of the Agency.

- (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.
- (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.
- (71) Finally, the provisions on the evaluation of the Agency by the Commission should also be clarified.
- (72) Regulation (EC) No 768/2005 should therefore be amended accordingly.
- (73) In order to ensure consistency between control provisions, Council Regulation (EC) No 1967/2006⁴⁰ and Regulation (EU) No 2016/1139 of the European Parliament and Council⁴¹ 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 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.
- (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 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.
- (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,

⁴⁰ 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).

⁴¹ 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).

controls and other relevant official activities concerning importation and exportation of fishery products as 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.

- (76) In order to ensure consistency 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.
- (77) Regulation (EC) No 1005/2008 should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1224/2009

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

- (1) Article 4 is amended as follows:
- (a) The introductory sentence is replaced by the following:
- "For the purpose of this regulation the definitions set out in Article 4 of Regulation (EU) No 1380/2013 and Article 5 of Regulation (EU) No 1379/2013 shall apply unless otherwise provided for in this regulation."
- (b) point 2 is replaced by the following:
- "2. 'rules of the common fisheries policy' means legally binding Union acts, including international agreements concluded by the Union, on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;"
- (c) point 9 is replaced by the following:
- "9. 'fishing licence' means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of marine biological resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a fishing vessel;"
- (d) point 12 is replaced by the following:
- "12. 'vessel position data' means data on the fishing vessel identification, geographical position, date, time, course and speed transmitted by tracking devices on board fishing vessels to the fisheries monitoring centre of the flag Member State;"
- (e) point 14 is replaced by the following:
- "14. 'fishing restricted area' means any marine area where fishing activities are temporarily or permanently restricted or prohibited;"
- (f) point 20 is replaced by the following:

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

(g) point 24 is replaced by the following:

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

(h) point 23 is deleted.

(i) point 28 is replaced by the following:

"28. 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources for recreation, tourism or sport."

(j) point 31 is deleted.

(k) the following points 33 and 34 are inserted:

"33. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel;

34. 'catching vessel' means a fishing vessel used for the purpose of the capture of marine biological resources."

(2) In Article 5, paragraph 6 is deleted.

(3) Article 6 is replaced by the following:

"Article 6

Fishing licence

1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if it has a valid fishing licence.
2. The flag Member State shall ensure that the information contained in the fishing licence is accurate and consistent with that contained in the Union fishing fleet register referred to in Article 24 of Regulation (EU) No 1380/2013.
3. The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b.
4. The flag Member State shall withdraw permanently the fishing licence of a vessel which is the subject of a capacity adjustment measure referred to in Article 22 of Regulation (EU) No 1380/2013 or which has had its fishing authorisation withdrawn in accordance with Article 91b.
5. The Commission may, by means of implementing acts, lay down rules on the validity of fishing licences issued by the flag Member State as well as the minimum information contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(4) Article 7 is amended as follows:

- (a) paragraph 2 is replaced by the following:

"2. Where a Member State has a specific national fishing authorisation scheme for fishing vessels flying its flag, it shall send to the Commission at its request a summary of the information contained in the authorisation issued and the related aggregated figures on fishing effort."
- (b) paragraph 5 is replaced by the following:

"5. The Commission may, by means of implementing acts, lay down rules on the validity of fishing authorisations issued by the flag Member State as well as the minimum information contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."
- (c) paragraph 6 is inserted:

"6. The Commission is empowered to adopt delegated acts in accordance with Article 119a providing for derogations from the obligation to obtain fishing authorisations for Union fishing vessels below 10 metres' length overall."

(5) Article 8 is amended as follows:

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

"Article 8

Marking and identification of Union fishing vessels and gears"

- (b) paragraph 2 is replaced by the following:

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

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

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

(6) Article 9 is replaced by the following:

"Article 9

Vessel monitoring systems

1. Member States shall operate vessel monitoring systems for effective monitoring of position and movement of the fishing vessels flying their flag wherever those vessels may be, and of fishing vessels in the Member States' waters through the collection and analysis of vessel position data. Each flag Member State shall ensure the continuous and systematic monitoring and control of the accuracy of the vessel position data.
2. Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel

monitoring system through transmitting vessel position data at regular intervals.

The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a of the flag Member State to poll the fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection, or may use a land-based mobile network when in reach of such network.

3. By way of derogation from paragraph 2, masters of Union fishing vessels below 12 metres' length overall may carry on board a mobile device which allows the vessel to be automatically located and identified by a vessel monitoring system through recording and transmitting vessel position data at regular intervals. In case the device is not within reach of a mobile network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such network and at the latest before entering port.
4. When a Union fishing vessel is in the waters of another Member State, the flag Member State shall make available the vessel position data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel position data shall also be made available to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing activities.
5. If a Union fishing vessel operates in the waters of a third country or in waters where the fishing resources are managed by a regional fisheries management organisation as referred to in Article 3(1), and if the agreement with that third country or the applicable rules of that organisation so provide, vessel position data shall also be made available to that country or organisation.
6. Third country fishing vessels operating in Union waters shall have installed on board a fully functioning device which allows such a vessel to be automatically located and identified by a vessel monitoring system through transmitting vessel position data at regular intervals in the same way as Union fishing vessels under this Article.
7. The Commission is empowered to adopt delegated acts in accordance with Article 119a establishing detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the masters concerning the vessel monitoring devices.
8. The Commission may, by means of implementing acts, lay down detailed rules on
 - (a) the format and content of vessel position data;
 - (b) the requirements and technical specifications of vessel monitoring devices;
 - (c) the frequency of transmission of the data concerning the position and movement of fishing vessels including in fishing restricted areas;
 - (d) the transmission of data to coastal Member States.

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

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

“Article 9a

Fisheries monitoring centres

1. Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating or the port they are in, as well as Union fishing vessels flying the flag of other Member States and fishing vessels of third countries to which vessel monitoring system provisions applies operating in the waters under the sovereignty or the jurisdiction of that particular Member State.
2. Each flag Member State shall appoint the competent authorities responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre.
3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and in particular as listed in Articles 109 and 110 and operate 7 days a week and 24 hours a day.
4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular relating to
 - (a) the monitoring of entry into and exit from specific areas;
 - (b) the monitoring and recording of fishing activity;
 - (c) the provisions applicable in case of a technical or communication failure or non-functioning of the vessel monitoring device;
 - (d) measures to be taken in case of non-receipt of data concerning the position and movement of fishing vessels.”

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

“Article 10

Automatic identification system

In accordance with Directive 2002/59/EC, a fishing vessel exceeding 15 metres’ length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation.”

- (9) Article 12 is replaced as follows:

“Article 12

Transmission of data for surveillance operations

Data from the vessel monitoring system(s), the automatic identification system and the vessel detection system collected in the framework of this Regulation shall be made available to the Commission, Union agencies and competent authorities of the

Member States engaged in surveillance operations for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement."

(10) Article 13 is deleted.

(11) Article 14 is replaced as follows:

“Article 14

Completion of the fishing logbook”

1. The master of each Union catching vessel shall keep an electronic fishing logbook for the purpose of recording fishing activities.
2. The fishing logbook referred to in paragraph 1 shall contain in particular the following information:
 - (a) a unique fishing trip identification number;
 - (b) the vessel identification numbers and the name of the fishing vessel;
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the date and, where appropriate, time of catches;
 - (e) the date and time of departure from, and of arrival to, port and the duration of the fishing trip;
 - (f) the type of gear, technical specifications and dimensions;
 - (g) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry; for Union fishing vessels of 12 metres' length overall or more, this information shall be provided per haul or per fishing operation;
 - (h) estimated discards of live-weight equivalent in volume for any species not subject to the landing obligation;
 - (i) estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation (EU) No 1380/2013;
 - (j) the conversion factors used;
 - (k) data required in application of fisheries agreements referred to in paragraph 1 of Article 3.
3. In the case of fishing gears lost at sea, the logbook shall also contain:
 - (a) the type of lost gear;
 - (b) the date and time when the gear was lost;
 - (c) the position where the gear was lost;
 - (d) the measures undertaken to retrieve the gear.
4. When compared with the quantities landed or 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 species.

For species retained on board that do not exceed 50kg live weight equivalent, the permitted margin of tolerance shall be 20% per species.

By derogation to the first subparagraph for fisheries referred to in the first and third indents of Article 15(1)(a) of Regulation (EU) No 1380/2013 which are landed unsorted, the tolerance limitations set out in this paragraph shall not apply to catches of species which meet both of the following conditions:

- (a) they represent less than 1% in weight of all species landed; and
 - (b) their total weight is less than 100 kg.
5. In fisheries subject to a Union regime of fishing effort, masters of Union catching vessels shall record and account in their fishing logbooks for the time spent in an area as follows:
- (a) with regard to towed gear:
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;
 - (b) with regard to static gear:
 - (i) entry into, and exit from the port located in that area;
 - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
 - (iii) the date and time of setting or re-setting of the static gear in these areas;
 - (iv) the date and time of the completion of fishing operations using the static gear;
 - (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.
6. To convert stored or processed fish weight into live fish weight for the purposes of the logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 9.
7. Masters of third country catching vessels operating in Union waters shall record the information referred to in this Article in the same way as masters of Union fishing vessels.
8. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.
9. The Commission may, by means of implementing acts,
- (a) lay down detailed rules on the implementation of the margin of tolerance as defined in paragraph 3;
 - (b) lay down detailed rules on the use of conversion factors;

- (c) set conversion factors.

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

- (12) Article 15 is replaced by the following:

“Article 15

Electronic submission of the logbook

1. Masters of Union catching vessels of 12 metres’ length overall or more shall submit by electronic means the information referred to in Article 14 to the competent authority of their flag Member State:
 - (a) at least once a day, and where applicable, after each haul; and
 - (b) after the last fishing operation has been completed and before entering port.
2. Masters of Union catching vessels of less than 12 metres’ length overall shall submit by electronic means the information referred to in Article 14, to the competent authority of their flag Member State after the last fishing operation has been completed and before entering port.
3. Masters of Union catching vessels shall also send electronically the information referred to in Article 14 at the time of any inspection and upon request of the competent authority of their flag Member State.
4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1, 2 and 3.
5. Masters of third country catching vessels operating in Union waters shall submit by electronic means the information referred to in Article 14 to the competent authority of the coastal Member State.”

- (13) the following Article 15a is inserted:

“Article 15a

Delegated and implementing acts concerning logbook requirements

1. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:
 - (a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for logbook data;
 - (b) measures to be taken in case of non-receipt of logbook data;
 - (c) the access to logbook data and measures to be taken in case of data access failure.
2. The Commission may, by means of implementing acts, lay down detailed rules on:
 - (a) the format, content and submission of the fishing logbook;
 - (b) the completion and digital recording of information in the fishing logbook;

- (c) the functioning of the electronic recording and reporting system for logbook data;
- (d) the requirements for the transmission of logbook data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities;
- (e) the requirements and format for exchange of logbook information between Member States;
- (f) the tasks of the single authority referred to in Article 5(5) with regards to the fishing logbook;
- (g) the frequency of logbook data transmissions.

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

(14) Article 16 is deleted.

(15) Article 17 is amended as follows:

(a) paragraph 1 is replaced by the following:

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

- (a) the unique trip identification number as indicated in the logbook;
- (b) the vessel identification numbers and the name of the fishing vessel;
- (c) the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services;
- (d) the dates of the fishing trip and the relevant geographical areas in which the catches were taken;
- (e) the date and time of departure from port and the estimated date and time of arrival at port;
- (f) the FAO alpha-3 code of each species;
- (g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;
- (h) the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size."

(b) paragraph 1a is inserted:

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

(c) paragraph 6 is replaced by the following:

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

- (a) the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisheries products to be landed;
- (b) the extension of the prior notification obligation set out in paragraph 1 to fishing vessels of less than 12 metres' length overall for specific fisheries;
- (c) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification;
- (d) measures to be taken in case of non-receipt of prior notifications data;
- (e) the access to prior notification data and measures to be taken in case of data access failure."

(16) Article 18 is deleted.

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

(18) Article 19a is inserted:

"Article 19a

Prior notification of landing in third country ports

1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic means the competent authorities of their flag Member State at least 3 days before the estimated time of arrival at port of the information listed in paragraph 3 and the flag Member State has not denied the authorisation to land within this period of time.
2. The flag Member State may set a shorter period, of not less than four hours, for the prior notification referred to in paragraph 1 for fishing vessels flying their flag carrying out fishing activities in third country waters, taking into account the type of fishery products and the distance between the fishing grounds and port.
3. Masters of Union fishing vessels shall submit to the flag Member State, the following information:
 - (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);
 - (b) the vessel identification number and the name of the fishing vessel;
 - (c) the name of the port of destination and the purposes of the call, such as landing or access to services;
 - (d) the relevant geographical areas in which the catches were taken;
 - (e) the date and time of departure from port and the estimated date and time of arrival at port;
 - (f) the FAO alpha-3 code of each species;
 - (g) the quantities of each species recorded in the fishing logbook.

- (h) the quantities of each species to be landed.
4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the fishing vessel is not complying with the rules of the common fisheries policy, the competent authorities of the flag Member State shall request the cooperation of the third country where the vessel intends to land in view of a possible inspection. For this purpose the flag Member State may require the fishing vessel to land in a different port, or delay the time of arrival at port or of landing."
- (19) In Article 20 the following paragraphs 2a and 2b are inserted:
- "2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008 and Article 43(3) of this Regulation, Union donor vessels and Union receiving vessels shall only be authorised to tranship at sea outside Union waters or in ports of third countries subject to an authorisation received from their flag Member State(s).
- 2b. In order to apply for an authorisation to tranship under paragraph 2a, the masters of Union vessels shall submit electronically to their flag Member State, at least 3 days before the planned transhipment operation, the following information:
- (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);
 - (b) the vessel identification numbers and the name of both the donor and the receiving fishing vessels;
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation;
 - (e) the port of destination of the receiving fishing vessel;
 - (f) date and time of the planned transhipment;
 - (g) the geographical position or the specific name of the port in which the transhipment operation is planned."

(20) Article 21 is replaced by the following:

"Article 21

Completion of the transhipment declaration

 1. Masters of Union fishing vessels of 10 metres' length overall or more involved in a transhipment operation shall complete an electronic transhipment declaration.
 2. The transhipment declaration referred to in paragraph 1 shall contain at least the following information:
 - (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);
 - (b) the vessel identification numbers and the name of both the donor and the receiving fishing vessels;

- (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size;
 - (e) the port of destination of the receiving fishing vessel and estimated date and time of arrival;
 - (f) date and time of transshipment;
 - (g) the geographical area or the designated port of transshipment;
 - (h) the conversion factors used.
3. When compared with the quantities landed or the result of an inspection, the permitted margin of tolerance in estimates recorded in the transshipment declaration of the quantities in kilograms of fish retained on board shall be 10 % per species.
 4. The masters of both the donor and the receiving fishing vessel shall each be responsible for the accuracy of the data recorded in their respective transshipment declarations.
 5. To convert stored or processed fish weight into live fish weight for the purposes of transshipment declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9).
 6. The Commission is empowered to adopt delegated acts in accordance with Article 119a to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1, taking into account the quantities and/or type of fisheries products.”
- (21) Articles 22, 23 and 24 are replaced by the following:

"Article 22

Electronic transmission of transshipment declaration data

1. Masters of Union fishing vessels of 10 metres' length overall or more shall send by electronic means the information referred to in Article 21 to the competent authority of their flag Member State within 24 hours after completion of the transshipment operation.
2. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1.
3. When a Union fishing vessel transships its catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the transshipment declaration data by electronic means to the competent authorities of the Member State where the catch was transhipped and where the catch is destined.
4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transshipment data;
 - (b) measures to be taken in case of non-receipt of transshipment data;
 - (c) the access to transshipment data and measures to be taken in case of data access failure.
5. The Commission may by means of implementing acts, lay down detailed rules on:
- (a) the format and content of the transshipment declaration;
 - (b) the completion and electronic recording of transshipment data;
 - (c) the functioning of the electronic recording and reporting system for transshipment data;
 - (d) the requirements for the transmission of transshipment data from a Union fishing vessel to the competent authorities of its flag Member State and return messages from the authorities of the flag Member State;
 - (e) the requirements and format for exchange of transshipment information between Member States;
 - (f) the tasks of the single authority referred to in Article 5(5) with regard to transshipments;
 - (g) the frequency of transshipment data transmissions.

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

Article 23

Completion of the landing declaration

1. The master of a Union fishing vessel, or its representative, shall complete an electronic landing declaration.
2. The landing declaration referred to in paragraph 1 shall contain at least the following information:
 - (a) the unique fishing trip identification number;
 - (b) the vessel identification numbers and the name of the fishing vessel;
 - (c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken;
 - (d) the quantities of each species landed in kilograms of product weighed in accordance with Article 60 and in live weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size;
 - (e) the port of landing;
 - (f) date and time of landing;
 - (g) the registration number of the weigher;
 - (h) the conversion factors used.

3. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.
5. To convert stored or processed fish weight into live fish weight for the purposes of the landing declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9).

Article 24

Electronic transmission of landing declaration data

1. The master of a Union fishing vessel or their representative shall submit by electronic means the information referred to in Article 23 to the competent authority of their flag Member State within 24 hours after completion of the landing.
2. By way of derogation for fisheries products for human consumption landed unsorted which are weighed in accordance with Article 60(5)(c), the master shall submit the information referred to in Article 23 as updated immediately after the second weighing, to include the result of the second weighing.
3. When a Union fishing vessel lands its catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State where the catch was landed.
4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.
5. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:
 - (a) derogations concerning the submission of the landing declaration;
 - (b) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for landing declaration data;
 - (c) measures to be taken in case of non-receipt of landing declaration data;
 - (d) the access to landing declaration data and measures to be taken in case of data access failure.
6. The Commission may, by means of implementing acts, lay down detailed rules on:
 - (a) the format and content of the landing declaration;
 - (b) the completion and digital recording of landing declaration data;
 - (c) the functioning of the electronic recording and reporting system for landing declaration data;
 - (d) the requirements for the transmission of landing declaration data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities;
 - (e) the requirements and format for exchange of landing declaration data between Member States;

- (f) the tasks of the single authority referred to in Article 5(5), as regards landing declarations;
- (g) the frequency of transmissions of landing declaration data.

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

(22) Article 25 is deleted.

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

"Article 25a

Control of the landing obligation

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

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

(24) Article 28 is deleted.

(25) in Article 29(3), the last sentence is deleted.

(26) Article 32 is deleted.

(27) Article 33 is replaced by the following:

"Article 33

Recording of catches and fishing effort

1. Each flag Member State shall record all data related to catches and fishing effort referred to in this Regulation, in particular data referred to in Articles 14, 21, 23, 55, 59a, 62, 66 and 68, and shall keep the originals of those data for a period of at least three years in accordance with national rules.
2. Before the 15th of each month, each flag Member State shall submit electronically to the Commission or the body designated by it, the aggregated data:
 - (a) on the quantities of each stock or group of stocks caught and kept on board, and on the quantities of each species discarded, in live-weight

equivalent, during the preceding month, including, as separate entries, those below the applicable minimum conservation reference size;

- (b) on the fishing effort deployed during the preceding month for each fishing area subject to a fishing effort regime or, where appropriate, for each fishery subject to a fishing effort regime.
3. In cases where the data submitted by a Member States in accordance with paragraph 2 is based on estimates for a stock or group of stocks, the Member State shall provide to the Commission the corrected quantities established on the basis of landing declarations as soon as available and no later than 12 months after the date of landing.
 4. In the case where a Member State detects inconsistencies between the information submitted to the Commission in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, the Member State shall provide to the Commission the corrected quantities established on the basis of that validation as soon as available and no later than 12 months after the date of landing.
 5. All catches of a stock or a group of stocks subject to quota made by Union fishing vessels shall be counted against the quotas applicable to their flag Member State for the stock or group of stocks in question, irrespective of the place of landing.
 6. Catches taken in the framework of scientific research which are marketed and sold including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches shall be submitted to the Commission. They shall be counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the quotas concerned. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004 of the European Parliament and of the Council (*).
 7. Except for effort deployed by fishing vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by Union fishing vessels when carrying on board or, where appropriate, using a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to the flag Member State.
 8. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004.

9. The Commission may, by means of implementing acts, adopt formats for the transmission of the data referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
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(*) Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1)."

- (28) Article 34 is replaced by the following :

"Article 34

Data on exhaustion of fishing opportunities

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

- (29) in Article 35, paragraphs 2 and 3 are replaced by the following:

- "2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing activities either for the stock or group of stocks whose quota has been exhausted, in the relevant fishery, or when carrying on board the relevant fishing gear in the geographical area where the maximum allowable fishing effort has been reached, by all or part of the fishing vessels flying its flag and shall decide on a date up to which transshipments, transfers and landings or final declarations of catches are permitted.
3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the Commission. It shall be made public also on the public website of the Commission. As from the date that the decision has been made public by the Member State concerned, Member States shall ensure that no fishing activity concerning the stock or group of stocks concerned, by fishing vessels or a group of the vessels flying the flag of the Member State concerned, take place in their waters and on their territory."

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

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

- (31) Article 37 is amended as follows:

- (a) paragraph 2 is replaced by the following:

- "2. If the prejudice suffered by the Member State for which fishing has been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall adopt measures with the aim of remedying in an appropriate manner the prejudice caused, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Those measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted appropriately to the Member States whose fishing activities were prohibited before their fishing opportunities were exhausted."

(b) paragraph 4 is replaced by the following:

"4. The Commission shall lay down, by means of implementing acts :

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

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

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

“CHAPTER II

Control of fishing capacity"

(33) Article 38 is replaced by the following:

"Article 38

Fishing capacity

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

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

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

"Section 2

Engine power and tonnage"

- (35) the following Article 39a is inserted:

"Article 39a

Continuous monitoring of engine power

1. Member States shall ensure that vessels using the following active fishing gears: trawls, seines and surrounding nets, are equipped with permanently installed devices that measure and record engine power in cases where:
 - (a) the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; or
 - (b) the vessels are equipped with propulsive engines with certified engine power between 120 and 221 kilowatts and operate in areas subject to effort regimes or restrictions on engine power.
2. The devices referred to in paragraph 1, in particular permanently affixed shaft strain gauges and revolution counters, shall ensure the continuous measurement of propulsive engine power in kilowatts.
3. Masters shall ensure that the devices referred to in paragraph 1 function at all times and that the information from the continuous measurement of propulsive engine power is recorded and stored on board and is accessible to officials at all times.
4. The Commission may, by means of implementing acts, lay down detailed rules concerning the technical requirements and characteristics of the devices referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

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

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

- (37) Article 41 is replaced by the following:

"Article 41

Verification of engine power and tonnage

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

In cases where there are indications from data collected such as fishing logbooks, landing declarations or other relevant information, that the tonnage of fishing vessel

is greater than that stated in the licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the tonnage."

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

(39) Article 43 is amended as follows:

(a) paragraph 1 is replaced by the following:

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

(b) paragraph 7 is deleted.

(40) Article 45 is deleted.

(41) Article 46 is deleted.

(42) Article 48 is amended as follows:

(a) paragraph 3 is replaced by the following:

"3. If the lost gear cannot be retrieved, the Master of the vessel shall include the information on the lost gear in the logbook pursuant to Article 14(3). The competent authority of the flag Member State shall inform the competent authority of the coastal Member State."

(b) paragraph 5 is replaced by the following:

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

(43) Article 50 is replaced by the following:

"Article 50

Control of fishing restricted areas

1. Fishing activities in fishing restricted areas located in Union waters shall be controlled by the coastal Member State. The coastal Member State shall have a system to detect and record the fishing vessels' entry into, transit through and exit from fishing restricted areas under its jurisdiction or sovereignty.
2. Fishing activities of Union fishing vessels in fishing restricted areas located in high seas or in third country waters shall be controlled by the flag Member States.
3. Transit through a fishing restricted area is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions:
 - (a) all gears carried on board are lashed and stowed during the transit; and
 - (b) the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of its flag Member State which shall then inform the competent authorities of the coastal Member State.

- (c) the tracking device providing position of the vessels in accordance with Article 9 is functioning."

(44) Article 55 is replaced by the following:

"Article 55

Recreational fisheries

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

For this purpose Member States shall:

- (a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries; and
 - (b) collect data on catches from such fisheries through catch reporting or other data collection mechanisms based on a methodology which shall be notified to the Commission.
2. As regards stocks, groups of stocks and species that are subject to Union conservation measures applicable to recreational fisheries, Member States shall
 - (a) ensure that natural and legal persons involved in recreational fisheries for such stocks or species record and send catch declarations electronically to the competent authorities on a daily basis or after each fishing trip; and
 - (b) put in place a registration or licensing system for vessels used in such recreational fisheries, in addition to the registration or licencing system for natural and legal persons referred to in paragraph 1.
 3. The sale of catches from recreational fisheries shall be prohibited.
 4. National control programmes referred to in Article 93a shall include specific control activities concerning the recreational fisheries.
 5. The Commission may, by way of implementing acts, adopt detailed rules concerning:
 - (a) the registration or licensing systems for recreational fisheries for specific species or stocks,
 - (b) the collection of data and the recording and submission of the catch data,
 - (c) the tracking of vessels used for recreational fisheries, and
 - (d) the control and marking of gears used for recreational fisheries.Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
 6. This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition."

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

"TITLE V

CONTROLS IN THE SUPPLY CHAIN".

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

GENERAL PROVISIONS

Article 56

Principles for the control of marketing

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

Article 56a

Lots

1. Fishery and aquaculture products from catching or harvesting shall be put into lots prior to placing on the market.
2. A lot shall only contain fishery or aquaculture products of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit.
3. By way of derogation from paragraph 2, quantities of fishery products totalling less than 30kg of fishery products of several species and coming from the same relevant geographical area and of the same presentation, per vessel and per day, may be put into the same lot by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer, prior to the placing on the market.
4. By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, may be put into lots prior to the placing on the market for purposes other than direct human consumption.
5. After the placing on the market, a lot of fishery or aquaculture products may only be merged with another lot or split, if the lot created by merging or the lots created by splitting meet the following conditions:
 - (a) they contain fishery or aquaculture products of a single species and of the same presentation;
 - (b) the traceability information listed in Article 58 paragraphs 5 and 6 is provided for the newly created lot(s);
 - (c) the operator responsible for placing the newly created lot on the market is able to provide the information concerning the composition of the newly

created lot, 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.

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

Article 57

Common marketing standards

1. Member States shall check that the products to which common marketing standards apply are made available on the market in compliance with these standards.
2. 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 be able to prove that the products comply with the minimum marketing standards.

Article 58

Traceability

1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, lots of fishery or aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, including fisheries and aquaculture products which are destined for export.
2. Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:
 - (a) is kept on record in a digitalised way;
 - (b) is made available upon request to competent authorities;
 - (c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.
3. Lots of fishery and aquaculture products placed on the market or likely to be placed on the market in the Union, or exported or likely to be exported, shall be adequately marked or labelled to ensure the traceability of each lot.
4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.
5. Information on lots of fishery and aquaculture products, except products imported into the Union, the information referred to in paragraph 2 shall include:

- (a) the identification number of the lot;
 - (b) the unique fishing trip identification number(s) referred to in Article 14(2)(a) of all fishery products included in the lot, or the name and registration number of the aquaculture production unit;
 - (c) the FAO alpha-3 code of the species and the scientific name;
 - (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;
 - (e) 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 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) if fishery products below the minimum conservation reference size are present in the quantities referred to in point (g), separate information on the quantities in kilograms expressed in net weight, or the number of individuals below the minimum conservation reference size;
 - (i) for lots of products subject to common marketing standards, the individual size or weight, size category, presentation and freshness.
6. Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:
- (a) the identification number of the lot;
 - (b) the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and registration number of the aquaculture production unit;
 - (c) the FAO alpha-3 code of the species and the scientific name;
 - (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;
 - (e) the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013 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;.

7. Member States may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed 5kg of fishery product per consumer per day.
 8. The Commission is empowered to adopt delegated acts in accordance with the Article 119a concerning:
 - (a) digitalisation of the traceability information and its electronic transmission;
 - (b) 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 resulting from the merging or splitting of different lots referred to in Article 56(5) and lots containing several species referred to in Article 56(3);
 - (e) the information on the relevant geographical area.
 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, crustaceans and molluscs."
- (47) in Article 59, paragraph 3 is replaced by the following:
- "3. Consumers acquiring up to an amount of 5kg of fishery product per day which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article."

- (48) the following Article is inserted:

"Article 59a

Weighing systems

1. Member States shall ensure that procedures are in place to enable that all fishery products are weighed upon landing on systems approved by the competent authorities and that weighing is carried out by operators registered for the weighing of fisheries products.
2. Before registration of an operator to perform the weighing of fishery products, Member States shall ensure that the operator is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered.
3. Member States may require the submission of the weighing records at regular intervals.
4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records."

(49) Article 60 is replaced by the following:

"Article 60

Weighing of fishery product

1. Masters shall ensure that all quantities of fishery products are weighed per species on weighing systems and by operators registered pursuant to Article 59a immediately after landing, prior to the fishery products being held in storage, transported or placed on the market.
2. Operators registered to perform the weighing of fishery products shall complete a weighing record for each landing and shall be responsible for the accuracy of the weighing. The registered weigher shall keep weighing records for a period of three years.
3. The figure from the weighing record shall be transmitted to the master and shall be used for the completion of the landing declaration and the transport document.
4. The competent authorities of a Member State may require that any quantity of fishery products first landed in that Member State is weighed by, or weighed in the presence of officials before being transported elsewhere from the place of landing.
5. By way of derogation from paragraph 1, Member States may permit fishery products to be weighed unsorted on landing if the following conditions are met:
 - (a) The weighing of the unsorted fishery product is performed upon landing on a system operated or controlled by the competent authorities before transport, storage or placing on the market;
 - (b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan;
 - (c) In the case of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall be transmitted to the master.
6. The Commission may, by way of implementing acts, determine a risk-based methodology for the establishment of the sampling plans referred to in paragraph 5(b) and approve those plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(50) the following Article 60a is inserted:

"Article 60a

Detailed rules on weighing

1. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set general rules for the weighing. Those rules may concern:
 - (a) the determination of weighing procedures;

- (a) the weighing records;
 - (b) the time of weighing;
 - (c) the weighing systems;
 - (d) the weighing of frozen fishery products;
 - (e) the deduction of ice and water;
 - (f) the access of competent authorities to the weighing systems, weighing records, written declarations and premises where the fisheries products are stored or processed;
2. The Commission is also empowered to adopt delegated acts in accordance with Article 119a in order to set special rules for the weighing of certain pelagic species. Those rules may concern:
- (a) the determination of weighing procedure for catches of herring, mackerel and horse mackerel;
 - (b) the ports of weighing;
 - (c) the information of competent authorities before entering into port;
 - (d) discharge;
 - (e) the fishing logbook;
 - (f) publically-operated weighing facilities;
 - (g) privately-operated weighing facilities;
 - (h) weighing of frozen fish;
 - (i) keeping of weighing records;
 - (j) sales note and takeover declaration;
 - (k) cross-checks;
 - (l) monitoring of weighing."
- (51) Article 61 is deleted.
- (52) Article 62 is replaced by the following:

"Article 62

Completion and submission of sales notes

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

competent authorities of the flag Member State upon receipt of the relevant information.

3. Where the placing on the market of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for controlling the placing on the market shall ensure that a copy of the sales note is submitted electronically to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note.
4. When the landing takes place outside the Union and the first sale takes place in a third country, the master of the fishing vessel or their representative shall forward electronically a copy of the sales note, or any equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale.
5. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC(*), the Member State concerned shall adopt the necessary provisions to ensure that the information on the quantities and on the price, excluding tax for deliveries of goods to the purchaser, is identical to that indicated on the invoice.
6. The Commission may, by means of implementing acts, lay down detailed rules concerning the registration of buyers, the indication of the price in sales notes, the format of sales notes, the electronic recording and the electronic submission of sales notes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

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

(53) Article 63 is deleted.

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

"Article 64

Content of the sales notes

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

- (a) the unique fishing trip identifier, as referred to in with Article 14(2)(a);
- (b) the name of the fishing vessel's operator or master and, if different, the name of the seller;
- (c) the name of the buyer and the buyer's VAT number, the buyer's tax identification number, or other unique identifier;
- (d) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (e) the quantities of each species placed on the market or registered at an auction in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals;

- (f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;
- (g) where appropriate, the quantities placed on the market or registered at an auction in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size, and the destination thereof;
- (h) the registration number of the weigher;
- (i) the place and the date of the sale;
- (j) where possible, the reference number and date of invoice and, where appropriate, the sales contract;
- (k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;
- (l) the price excluding taxes and currency.

Article 65

Exemptions from sales notes requirements

A consumer acquiring products not exceeding 5 kg of fishery product per consumer per day which is not thereafter placed on the market but used only for private consumption, shall be exempted from the provisions laid down in Articles 62 and 64.

Article 66

Completion and submission of take-over declaration

1. When the fishery products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons which are responsible for the storage or placing on the market of fisheries products landed in a Member State shall record by electronic means the information referred to in paragraph 3 and shall submit a take-over declaration by electronic means, within 24 hours after completion of landing, to the competent authorities of the Member State where the take-over takes place. The submission of the take-over declaration and its accuracy shall be the responsibility of these buyers, auctions or other bodies or persons.
2. If the Member State where the take-over takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the take-over declaration is submitted electronically to the competent authorities of the flag Member State upon receipt of the relevant information.
3. The take-over declaration referred to in paragraph 1 shall have a unique identification number and contain at least the following information:
 - (a) the unique fishing trip identifier(s) as referred to with Article 14(2)(a);
 - (b) the port and date of landing;
 - (c) the name of the vessel's operator or master;
 - (d) the FAO alpha-3 code of each species and its relevant geographical area in which the catches were taken;

- (e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals;
- (f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;
- (g) the registration number of the weigher;
- (h) the name and address of the facilities where the products are stored and its unique identifier;
- (i) where applicable, reference to the transport document specified in Article 68;
- (j) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size."

(55) Article 67 is deleted.

(56) Article 68 is replaced by the following:

"Article 68

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

1. Fisheries products when transported before placing on the market or before the first sale in a third country shall be accompanied by a transport document covering the fisheries products and quantities transported.
2. Before the transport begins, the transporter shall transmit the transport document by electronic means to the competent authorities of the flag Member State, of the Member State of landing, the Member State(s) of transit, the Member State of destination of the fisheries product, as appropriate.
3. The transporter shall be responsible for the accuracy of the transport document.
4. The transport document shall indicate:
 - (a) the place(s) of destination of the consignment(s) and the identification of the transport vehicle and of the transporter;
 - (b) the unique fishing trip identifier, as referred to in Article 14(2)(a);
 - (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
 - (d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals and where appropriate by places of destination;
 - (e) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;
 - (f) the registration number of the weigher;
 - (g) the name(s), unique identification number and address(es) of the consignee(s) and place and address of destination;
 - (h) the place and date and time of loading;

- (i) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size.
- 5. The competent authorities of Member States may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than 20 km from the place of landing.
- 6. Where fisheries products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove that a sales transaction has taken place."
- (57) Chapter III of Title V is deleted.
- (58) in Article 71, paragraph 5 is replaced by the following:
 - "5. The Commission may, by means of implementing acts, lay down rules on the format of the surveillance report. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."
- (59) Article 73 is amended as follows:
 - (a) paragraph 1 and 2 are replaced by the following:
 - "1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor the fishing vessel's compliance with the rules of the common fisheries policy. They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.
 - 2. Control observers shall
 - (a) be certified and trained for their tasks by Member State;
 - (b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member;
 - (c) have no economic link with the operator;
 - (d) accomplish their tasks in a non-discriminatory manner;
 - (e) be equipped with a two way communication device independent from the vessel at sea."
 - (b) paragraph 4 is replaced by the following:
 - "4. In the event control observers notice a serious infringement, including the act of obstructing or otherwise preventing the performance by control observers of their their duties, they shall inform without delay the competent authorities of the flag Member State."
 - (c) paragraph 9 is replaced by the following:
 - "9. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:
 - (a) the identification of vessels for the application of a control observer scheme;
 - (b) format and content of observers reports;

- (c) the communication system for control observers;
- (d) rules pertaining to the security of control observers on vessels;
- (e) measures to ensure independence of control observers including modalities of their remuneration;
- (f) the duties of control observers including in the event of a suspicion of serious infringement."

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

"CHAPTER I

GENERAL PROVISIONS

Article 74

Conduct of inspections

1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.
2. Officials shall carry out their duties in accordance with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.
3. Officials shall verify compliance of the activities carried out by the operators and the masters with the rules of the common fisheries policy, and in particular:
 - (a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred, landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them;
 - (b) the legality of fishing gears used for the targeted species and for the catches kept on board and the equipment used for the retrieval of the fishing gears as referred to in Article 48;
 - (c) if appropriate, the stowage plan and the separate stowage of species;
 - (d) the markings of the vessels and gears;
 - (e) the information on the engine referred to in Article 40;
 - (f) the use of CCTVs and other electronic monitoring devices;
 - (g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems.
4. Officials shall be able to examine all relevant areas, decks and rooms. They shall also be able to examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to question persons deemed to have information on the matter that is the subject of the inspection.
5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its

activities, and to the storing, processing and marketing of the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.

6. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set specific rules on the conduct of the inspections. Those rules may concern:
 - (a) the authorisation and qualification of the officials responsible to conduct inspection at sea or on land;
 - (b) the adoption by Member States of a risk-based approach for the selection of inspection targets;
 - (c) the coordination of control inspection and enforcement activities among Member States;
 - (d) duties of officials during the preparation of the inspection;
 - (e) the duties of officials authorised to conduct inspections;
 - (f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections;
 - (g) inspections at sea and in ports, transport inspections, and market inspection.

Article 75

Duties of the operator and the master

1. The operator and the master shall cooperate with officials in the performance of their duties. They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.
2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties operators and masters during inspections.

Article 76

Inspection report

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

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

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

2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. The operator's or master's comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.
3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection.
4. The Commission may, by means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 77

Admissibility of inspection and surveillance reports

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

Article 78

Electronic database

1. Member States shall set up and keep up to date an electronic database where they upload all inspection reports and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials or third country officials, as well as other inspections reports and surveillance report drawn up by their officials.
2. The Commission may, by means of implementing acts, lay down detailed rules concerning the operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

Article 79

Union inspectors

1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called 'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States.
2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation on the territory of Member States and in Union waters, and on Union fishing vessels outside Union waters.
3. Union inspectors may be assigned in particular for:

- (a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;
 - (b) international fisheries control programmes, where the Union is under an obligation to provide for controls.
- 4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to:
 - (a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and
 - (b) all information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data, landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents;

to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.
- 5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.
- 6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.
- 7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:
 - (a) the notification of Union inspectors to the Agency;
 - (b) the adoption and maintenance of the list of Union inspectors;
 - (c) the notification of Union inspectors to Regional Fisheries Management Organisations;
 - (d) the powers and duties of Union inspectors;
 - (e) the reports of Union inspectors;
 - (f) the follow-up of reports of Union inspectors.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."
- (61) in Article 80 paragraph 4 is replaced as follows:

"4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member State in waters or ports of third countries in accordance with international agreements."
- (62) the heading of Chapter III is replaced by the following:

"Proceedings in the event of an infringement"
- (63) Article 82 is replaced by the following:

"Article 82

Duties of officials in the event of an infringement

1. If the information collected during an inspection or any other relevant data or information leads the official to believe that an infringement of the rules of the common fisheries policy has been committed, the official shall:
 - (a) note the detected infringement in the inspection report;
 - (b) take all necessary action to ensure safekeeping of the evidence pertaining to such detected infringement;
 - (c) immediately forward the inspection report to his competent authority;
 - (d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in sanctions and the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report.
 2. In case of a detected serious infringement, officials shall be able remain on board a fishing vessel until the investigation as referred to in Article 85 has been carried out."
- (64) Article 84 is deleted.
- (65) In Title VII, the words:

"CHAPTER IV

Proceedings of infringements detected in the course of inspections"

are deleted.

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

"Article 85

Proceedings

1. Without prejudice to Article 72, Article 83(2) and Article 86, competent Member State shall immediately carry out an investigation where any infringement is detected in the course of an inspection carried out by their officials, officials of other Member States, Union inspectors or third countries officials, or where any relevant data or information leads Member States' competent authorities to believe that an infringement of the rules of the common fisheries policy, has been committed.
2. Member States shall take immediate measures as provided in Article 91.

Article 86

Transfer of proceedings

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

condition that the transfer is more likely to achieve the result referred to in Article 89."

(67) Articles 87 is deleted.

(68) Article 88 is replaced by the following:

"Article 88

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

1. If the Member State of landing or transhipment is not the flag Member State and its competent authorities do not take appropriate measures against the natural or legal persons responsible, or do not transfer proceedings in accordance with Article 86, the quantities of fish caught, landed or transhipped in the breach of the rules of the common fisheries policy may be counted against the quota allocated to the Member State of landing or transhipment.
2. After consulting the flag Member State or the Member State of landing or transhipment, the Commission shall, by means of implementing acts, decide on the quantities of fish to be set against the quota of the Member State of landing or transhipment after the Commission has consulted the two Member States concerned.
3. If the Member State of landing or transhipment no longer has a corresponding quota at its disposal, Article 37 shall apply. To that end the quantities of fish caught, landed or transhipped in the breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State."

(69) Title VIII is replaced by the following:

"TITLE VIII

ENFORCEMENT

Article 89

Measures to ensure compliance

1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall lay down rules on administrative measures and sanctions and ensure that they are systematically applied, in conformity with their national law, against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy.
2. Member States shall, by [24 months from date of entry into force of the present Regulation], notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof.

Article 89a

Sanctions

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

2. Member States shall ensure that the overall level of sanctions and accompanying sanctions set in accordance with this Regulation and the relevant provisions of national law is adequate in severity to discourage further infringements and effectively deprive those responsible of the economic benefit derived or expected from their infringement without prejudice to the legitimate right to exercise their profession. For this purpose, account shall be taken of immediate measures taken pursuant to Article 91.
3. When determining these sanctions the Member States shall take into account, in particular, the gravity of the infringement, including the level of environmental damage done, the value of the prejudice to the fishing resources, the nature and extent of the infringement, its duration or repetition, or the accumulation of simultaneous infringements.
4. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement.

Article 90

Serious infringements

1. For the purpose of this Regulation 'serious infringement' means any serious infringement listed in paragraph 2 or considered as serious pursuant to paragraph 3.
2. The following activities shall constitute serious infringements:
 - (a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or
 - (b) falsifying or concealing markings of fishing vessel or fishing gear, identity or registration of a fishing vessel; or
 - (c) concealing, tampering with or disposing of evidence relating to an investigation; or
 - (d) obstructing the work of officials or observers, in the exercise of their duties; or
 - (e) transshipping without the required authorisation or where such transshipment is prohibited; or
 - (f) conducting transfer operations in breach of the common fisheries policy rules or the applicable conservation and management measures adopted by regional fisheries management organisations; or
 - (g) transshipping from or to, or conducting transfer operations with, participating in joint fishing operations with, supporting or supplying vessels, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008; or
 - (h) being involved in the operation, management, ownership of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management

organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a vessel engaged in IUU fishing; or

- (i) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth; or
 - (j) engaging in directed fishing, retaining on board, transshipping, transferring or landing species which are subject to a moratorium, a closed season or for which fishing is prohibited; or
 - (k) being a vessel with no nationality and therefore a stateless vessel, in accordance with international law; or
 - (l) using prohibited fishing gear; or
 - (m) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation or landing fisheries products stemming from IUU fishing activities; or
 - (n) not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transshipment declaration or a transfer declaration, when the operation has taken place outside the Union waters; or
 - (o) falsifying documents, data or information or using of falsified or invalid documents, data or information required under the rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or
 - (p) conducting business directly connected to IUU fishing including the trade in, importation, exportation, processing, marketing, of fisheries products stemming from IUU fishing activities; or
 - (q) manipulating an engine or continuous engine power monitoring devices with the aim of increasing the power of the vessel beyond the maximum continuous engine power according to the engine certificate.
3. The following activities shall constitute serious infringements depending on the gravity of the infringement in question which shall be determined by the competent authority of the Member State concerned taking into account one or more of the alternative criteria defined in accordance with Annex IV:
- (a) not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior notices, as required under the rules of the common fisheries policy; or
 - (b) not making available a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403(*); or
 - (c) using non-compliant fishing gear; or
 - (d) not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy; or

- (e) failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply; or
- (f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation in the case where these activities are not considered as serious infringement under paragraph 2 of this Article; or
- (g) making available on the market fishery products in breach of the rules of the common fisheries policy in the case where this activity is not considered as serious infringement under paragraph 2 of this Article; or
- (h) conducting recreational fishing activities in breach of rules of the common fisheries policy or selling of catches from recreational fisheries; or
- (i) committing multiple infringements which together constitute a serious disregard of the rules of the common fisheries policy.

Article 91

Immediate enforcement measures for serious infringements

1. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with the provisions of Article 85, shall immediately in conformity with their national law, take relevant and immediate measures such as:
 - (a) the immediate cessation of fishing activities;
 - (b) the immediate rerouting to a port;
 - (c) the rerouting of the transport vehicle to another location for inspection;
 - (d) the ordering of a bond;
 - (e) the seizure of fishing gear, catches or fisheries products or the profit earned from the sale of the catches or fisheries products;
 - (f) restriction to or prohibition of the placing on the market of fisheries products;
 - (g) the temporary immobilisation of the fishing vessel or transport vehicle concerned;
 - (h) the suspension of the authorisation to fish;
 - (i) the temporary cessation of business activities.

2. The immediate enforcement measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious infringement concerned, to take all necessary action to ensure safekeeping of the evidence pertaining to such suspected serious infringement and to allow the competent authorities to complete their investigation.
3. The Member State shall immediately and, in compliance with its procedures under national law, notify the flag State concerned of the measures referred to in paragraph 1.

Article 91a

Sanctions for serious infringements

1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where the serious infringement has led to obtaining fishery products, Member States shall impose fines for which:
 - the minimum shall be at least three times the value of the fishery products obtained by committing the serious infringement, and
 - the maximum shall be at least five times the value of the fishery products obtained by committing the serious infringement.
2. In case of any repeated serious infringement where the serious infringement leads to obtaining fishery products within a three-year period, the Member States shall impose fines for which:
 - the minimum shall be at least five times the value of the fishery products obtained by committing the serious infringement, and
 - the maximum shall be at least eight times the value of the fishery products obtained by committing the serious infringement.
3. The amounts referred to in paragraphs 1 and 2 shall be calculated on the value of the fisheries products according to the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices in auction halls or prices identified on principal international markets relevant for the species and fishing area concerned shall be applicable and the higher price prevail.
4. Where the serious infringement did not lead to obtaining fishery products, the fines shall be determined by the Member States in accordance with Article 89a, at a level leading to a deterrent effect similar to the effect of the fines set in paragraphs 1 and 2.

Article 91b

Accompanying sanctions

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

- (1) the sequestration of the fishing vessel(s) involved in the infringement;
- (2) the temporary immobilisation of the fishing vessel;

- (3) the confiscation of the vessel(s), prohibited fishing gear, catches or fishery products;
- (4) the suspension or withdrawal of the fishing license or fishing authorisation;
- (5) the reduction or withdrawal of fishing rights;
- (6) the temporary or permanent exclusion from the right to obtain new fishing rights;
- (7) the temporary or permanent ban on access to public assistance or subsidies;
- (8) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3) of Regulation (EC) No 1005/2008;
- (9) the withdrawal of the ship certificate of national registry;
- (10) the temporary suspension of the economic activity or its permanent cessation;
- (11) the temporary or permanent withdrawal of the authorisation to engage in fish trade activities.

Article 92

Point system for serious infringements

1. Member States shall apply a point system for infringements referred to in Article 90, except for serious infringements referred to in paragraph 1 points (k) and (p) and in paragraph (2) points (g) and (h) of that Article.
2. When a natural person has committed or a legal person is held liable for a serious infringement, a number of points calculated in accordance with Annex III shall be assigned to the holder of the fishing licence for the fishing vessel concerned.
3. While remaining attached to the licence holder who sold the fishing vessel, points shall also be assigned to any new holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement.
4. Member States shall also establish a point system under which the master of a vessel is assigned the same number of points as the holder of the fishing licence following a serious infringement committed aboard the vessel under his or her command.
5. When two or more serious infringements by the same natural or legal person holding the licence are detected in the course of one inspection, points in respect of each serious infringement concerned shall be assigned in accordance with paragraph 2 up to a maximum of 12 points for all those infringements.
6. When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel shall be automatically suspended for a period of at least two months. That period shall be four months if the suspension is occurring a second time and the points equals or exceeds 36 points, eight months if the suspension is occurring a third time and the number of points equals or exceeds 54 points and one year if the suspension is occurring a fourth time and the number of points equals or exceeds 72 points. In case the suspension is occurring for a fifth time and the number of points equals or exceeds 90 points, the fishing licence shall be permanently

withdrawn and the fishing vessel shall not be used anymore for commercial exploitation of marine biological resources.

7. The accumulation of 90 points by the holder of a fishing licence or a master shall trigger automatically the permanent withdrawal of the fishing licence or of the right to command a fishing vessel as a master.
8. If the holder of a fishing licence or the master does not commit a serious infringement within three years from the date of the committing of the last serious confirmed infringement, all points shall be deleted.
9. The coastal State is competent to determine under its national laws whether a serious infringement has been committed in its waters and to decide about the number of points to be assigned in accordance with Annex III.
10. Where the serious infringement is detected in a Member State other than the flag State, the points assigned in accordance with this Article shall be recognized by the competent authorities of the flag Member State.
11. Member States shall designate the competent national authorities which shall be responsible for setting up the system for the attribution of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and master and transferring the points in accordance with paragraph 3.
12. Member States shall ensure that the application of national proceedings does not render the point system ineffective.
13. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:
 - (a) the amendment of the threshold of points triggering the suspension and permanent withdrawal of a fishing licence or of the right to command a fishing vessel as a master;
 - (b) the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;
 - (c) measures to be taken in case of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;
 - (d) conditions justifying the deletion of points;
 - (e) the registration of masters authorized to exercise fishing activity.
14. The Commission shall, by means of implementing acts, lay down detailed rules concerning:
 - (a) the notifications of decisions on assignment of points;
 - (b) the transfer of the points when ownership of vessels for which points were assigned, is transferred;
 - (c) the deletion of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements from relevant lists;
 - (d) the obligations of information on the point system for masters of fishing vessels established by the Member States.

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

Article 92a

Liability of legal persons

1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, and having a determining position within the legal person, based on:
 - (a) a power of representation of the legal person,
 - (b) an authority to take decisions on behalf of the legal person, or
 - (c) an authority to exercise control within the legal person.
2. A legal person may be held liable where the lack of supervision or control, by a natural person referred to in paragraph 1, has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority.
3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned.

Article 92b

Obligation to notify definitive ruling

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

They shall also notify to the European Commission without delay definitive rulings in the event of serious infringements detected in Union waters or in Union ports in relation to fishing vessels flying the flag of third countries.
2. In case of a notification from the Member State referred to in paragraph 1, the flag Member State shall assign the appropriate number of points to the holder of the fishing licence and to the master for the fishing vessel concerned.

Article 93

National register of infringements

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

2. When following up an infringement of rules of the common fisheries policy, a Member State may request other Member States to provide information contained in their national register on the fishing vessels and persons suspected of having committed the infringement in question or caught in the act of committing the infringement in question.
3. Where a Member State requests information from another Member State in relation to an infringement, that other Member State shall provide without delay the relevant information on the fishing vessels and physical or legal persons involved in the infringement.
4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but always for a minimum of five calendar years, starting from the year following that in which the information is recorded.

(*) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81)."

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

"Article 93a

National control programmes and annual reports

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

National control programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures.

National control programmes shall be notified to the Commission before the 31 December of each year and shall cover at least the following calendar year.
2. By 30 June every year, Member States shall submit to the Commission a report on inspections and controls performed in the previous year, in accordance with the national control programmes and in compliance with the present Regulation.
3. The Commission is empowered to adopt delegated acts in accordance with Article 119a to adopt minimum requirements for national control programmes and annual reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments."

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

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

- (72) in Article 102, paragraphs 3 and 4 are replaced by the following:
- "3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. This period may be extended by the Commission, by means of implementing acts, on a duly reasoned request from the Member State, for a reasonable delay.
 4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall, by means of implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan."
- (73) Article 104 is amended as follows:
- (a) paragraph 1 is replaced by the following:

"1. Where a Member State does not respect its obligations for the implementation of a multiannual plan, and where the Commission has evidence that the failure to respect those obligations constitutes a serious threat to the conservation of a stock or group of stocks, the Commission may, by means of implementing acts, provisionally close the fisheries affected by those shortcomings for the Member State concerned."
 - (b) paragraph 4 is replaced by the following:

"4. The Commission shall, by means of implementing acts, lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited."
- (74) Article 105 is amended as follows:
- (a) in paragraph 2, the introductory sentence of the first subparagraph is replaced by the following:

"In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year, the Commission shall, by means of implementing acts, operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished by applying a multiplying factor according to the following table:"
 - (b) paragraphs 4, 5 and 6 are replaced by the following:
 - "4. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission, may, by means of implementing acts, deduct quotas from future quotas of that Member State to take account of the level of overfishing.
 5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission may, by means of implementing acts, deduct

in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area, or with the same commercial value in accordance with paragraph 1.

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

(75) Article 106 is amended as follows:

- (a) paragraph 1 is replaced by the following:

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

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

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

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

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

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

(76) Article 107 is amended as follows:

- (a) paragraph 1 is replaced by the following:

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

- (b) paragraph 4 is replaced by the following:

- "4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the deadline for Member States to demonstrate that the fisheries can be safely exploited, the material to be included by Member States in their reply and the determination of the quantities to be deducted by taking into account:
- (a) the extent and nature of non-compliance,
 - (b) the gravity of the threat to conservation,
 - (c) the damage caused to the stock by non-compliance."

(77) Article 109 is amended as follows:

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

- "1. Member States shall set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation. The validation of the data recorded includes the cross-checking, analysis and verification of the data.
2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted by operators within deadlines laid down in the common fisheries policy rules. In particular:
- (a) Member States shall validate the following data through automated computerised algorithms and mechanisms:
 - (i) vessel position data;
 - (ii) fishing activity data, in particular the fishing logbook, the landing declaration, the transshipment declaration and prior notification;
 - (iii) data from take-over declarations, transport documents and sales notes;
 - (b) Member States shall also validate the data listed above with the following data where applicable:
 - (i) vessel detection system data;
 - (ii) data on sightings;
 - (iii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;
 - (iv) data on entries into and exits from fishing areas,
 - (v) automatic identification system data;
 - (vi) data from fishing licences and fishing authorisations;
 - (vii) data from inspection reports and data contained in national register of infringements;
 - (viii) data on engine power;
 - (ix) control observers reports;
 - (x) data from close circuit television systems on board of fishing vessels and other electronic monitoring of the landing obligation in accordance with Article 25a."

(b) paragraph 5 is replaced by the following:

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

(c) paragraph 8 is replaced by the following:

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

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

"Article 110

Access to, storage and processing of data

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

(a) fishing activity data:

- (i) vessel position data;
- (ii) fishing activity data, in particular fishing logbooks, landing declarations, transshipment declarations and prior notifications;
- (iii) data from take-over declarations, transport documents and sales notes;
- (iv) data on fishing effort.

(b) other control data:

- (i) data on sightings;
- (ii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;
- (iii) data on entries into and exits from fishing areas,
- (iv) data from fishing licences and fishing authorisations;
- (v) inspection reports;
- (vi) data on engine power;
- (vii) control observers reports;
- (viii) national control action programmes;
- (ix) list of national officials.

- (c) the electronic database for the purpose of the verification of the completeness and the quality of the data collected as referred to in Article 109;
 - (d) the national register of infringements as referred to in Article 93.
2. The Commission or the body designated by it may collect data, where necessary including personal data, in order to fulfil their duties under the rules of the common fisheries policy, in particular for carrying out inspections, verifications, audits and enquiries, or under the rules of agreements with third countries or international organisations.
 3. Member States shall grant access to Commission officials or staff of the body designated by the Commission to the data referred to in paragraph 1.
 4. Vessel position data may be provided to and used by scientific bodies of Member States and scientific bodies of the Union in order to perform scientific research and provide scientific advice if this data no longer contains the reference to the vessel identification numbers and does not allow for the identification of natural persons.

Data listed in paragraph 1(a)(ii) and (iii) may be provided to scientific bodies of Member States, scientific bodies of the Union and Eurostat.
 5. Member States shall establish, implement and host the relevant fisheries data bases containing the data referred to in paragraph 1. Access to these data bases shall be granted by means of secured access with control of access and specific user profiles, solely for the purpose of reporting, statistics, inspections and the investigation of infringements.

(79) *Article 111*

Exchange of data

1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other Member States, and where appropriate, the Commission or the body(ies) designated by it, in particular:
 - (a) vessel position data when its vessels are present in another Member State's waters;
 - (b) fishing logbook information when its vessels are fishing, landing or transshipping in another Member State's waters;
 - (c) landing declarations and transshipment declarations when such operations take place in another Member State's ports;
 - (d) prior notification when the intended port is in another Member State;
 - (e) sales notes, transport documents and take-over declarations when one or more of those operations take place in another Member State;
 - (f) inspection and surveillance reports;
 - (g) the national register of infringements.
2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States and, where appropriate, the Commission or the body(ies) designated by it, in particular by sending:

- (a) sales notes' information to the flag Member State when a first sale originates from another Member State's fishing vessel;
- (b) take-over declaration information when the fish is placed in storage in a Member State other than the flag Member State or the Member State of landing;
- (c) sales notes and take-over declaration information to the Member State where the landing took place;
- (d) transport documents to the flag Member State, Member State of destination and transit of the transport.
- (e) inspection and surveillance reports;
- (f) the national register of infringements."

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

(80) the following Article 111a is inserted:

"Article 111a

Uniform conditions for the implementation of provisions on data

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

- data quality, compliance with deadlines for submission of data by operators, validation of the data, including cross-checks, analysis, verification,
- exchange of data between Member States,
- access to the data by the Commission or body designated by it,
- access to the data by scientific bodies of the Union and Eurostat,
- interoperability and standardisation of databases
- data listed in Article 110(1) and (2), including additional specific safeguards for processing of personal data and security rules applicable to the databases.

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

(81) Article 112 is replaced by the following:

"Article 112

Protection of personal data

1. Data referred to in Article 110(1) with the exception of data referred to in paragraph 1(b) (viii), and in Article 110(2) may include personal data.
2. The Commission may process personal data to which it has access pursuant to Article 110(1) and (2) for the following purposes:
 - (a) monitoring of fishing opportunities including quota consumption;

- (b) validation of data;
 - (c) monitoring of fishing activities carried out by Union fishing vessels, or fishing activities of vessels within Union waters;
 - (d) monitoring Member States' controls of fishing activities and in the supply chain;
 - (e) inspections, verifications, audits and enquiries;
 - (f) preparation of, and compliance with international agreements and conservation measures;
 - (g) policy evaluations and impact assessments;
 - (h) scientific research and scientific advice;
 - (i) enquiries pertaining to complaints and infringements.
3. Personal data contained in information referred to in Article 110(1) and (2) shall not be stored for a period longer than 5 years, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, which may be retained for 10 years. If the information listed in Article 110(1) and (2) is retained for a longer period of time, the data shall be anonymized.
 4. Member States shall be regarded as a controller as defined in Article 4(7) of Regulation (EU) 2016/679(*) in relation with the processing of personal data which they collect pursuant to this Regulation.
 5. The Commission shall be regarded as a controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/2018 of the European Parliament and of the Council(**) in relation with the processing of personal data which it has collected pursuant to Article 110(1) and (2) of this Regulation.
 6. The Commission or body designated by it and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. The Commission or body designated by it and the Member State authorities shall cooperate on security-related tasks.
 7. In particular, the Commission shall adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan, in order to:
 - (a) physically protect data, including by making contingency plans for the protection of critical infrastructure;
 - (b) prevent the unauthorised reading, copying, modification or removal of data media;
 - (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;
 - (d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;

- (e) ensure that persons authorised to access the relevant fisheries data bases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;
 - (f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted and what data has been processed in the relevant fisheries data bases, when, by whom and for what purpose;
 - (g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries data bases or during the transport of data media, in particular by means of appropriate encryption techniques;
 - (h) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.
8. Member States shall take measures equivalent to those referred to in paragraph 7 as regards security in respect of the processing of personal data by the authorities having a right to access any of the relevant fisheries data bases.
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- (*) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
- (**) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM (2017)8 final, 10.1.2017)"
- (82) Articles 114 and 115 are replaced by the following:

"Article 114

Official website

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

Article 115

Content of the website

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

- (a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7;
- (b) the list of designated ports for the purpose of transshipment specifying their operating hours, as referred to in Article 20;
- (c) one month after the entry into force of a multiannual plan, and after approval by the Commission, the list of designated ports, specifying their operating hours as referred to in Article 43, and within 30 days thereafter, the associated

conditions for recording and reporting the quantities of the species under the multiannual plan for each landing;

- (d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);
- (e) the contact point details for the transmission or submission of fishing logbooks, prior notifications, transshipment declarations, landing declarations, sales notes, take-over declarations and transport documents as referred to in Articles 14, 17, 20, 23, 55, 62, 66 and 68;
- (f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure;
- (g) the decision to close a fishery under Article 35 and all necessary details;
- (h) a list of the fishing restricted areas and corresponding restrictions
- (i) a list of registered weighers specifying the port and the weighing facility in accordance with Article 59a."

(83) Article 116 is deleted.

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

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

- (a) administrative cooperation between Member States, third countries, the Commission and the body designated by it;
- (b) costs of executing a requests for assistance;
- (c) designation of Member States' single authority;
- (d) communication of follow-up measures taken by national authorities further to exchange of information;
- (e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies;
- (f) information without prior request;
- (g) Member States' relations with the Commission and with third countries.

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

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

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

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

(86) Article 119 is replaced by the following

"Article 119

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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

(87) the following Article 119a is inserted:

"Article 119a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of powers referred to in Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) shall be conferred for an indeterminate period of time.
3. The delegation of powers referred to in Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council."

(88) Annex I is deleted.

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

Article 2

Amendments to Regulation (EC) No 768/2005

- (1) Article 1 is replaced by the following:

"Article 1

Objective

1. This Regulation establishes a European Fisheries Control Agency ('the Agency') for the purpose of ensuring a high, uniform and effective level of control and compliance with the rules of the Common Fisheries Policy, including its external dimension.
2. To that end, the Agency shall cooperate with the Member States and the Commission and provide them technical, operational and scientific assistance as regards the fields mentioned in paragraph 1 of this Article within the limits of the missions and tasks set out in Chapter II."

- (2) Article 3 is amended as follows:

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

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

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

"(f) to contribute to the work of Member States and the Commission on research into and development of control and inspection techniques and to initiate research into and development of control and inspection techniques;"

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

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

- (3) Article 16 is replaced by the following:

"Article 16

Exchange and processing of data and information

1. The Commission, the Agency and the competent authorities of Member States shall exchange relevant data and information available to them regarding joint control and inspection activities within Union and international waters in accordance with Regulation (EC) No 1224/2009.
2. The Agency shall take, in accordance with the relevant Union legislation, measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Regulation in accordance with Article 113 of Regulation (EC) No 1224/2009.
3. Regulation (EU) 2018/XX of the European Parliament and of the Council(*) shall apply to the processing of personal data carried out by the Agency.
4. In relation to the processing of personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009, the Agency shall be regarded as a controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/XX.
5. The Agency shall process personal data referred to in Article 110(1) and (2) of Regulation (EC) No 1224/2009 for the purpose of coordinating controls and

inspections, assisting Member States and the Commission to conduct their tasks under the common fisheries policy, and coordinating operations to combat illegal, unreported and unregulated fishing.

6. Personal data referred to in Article 110(1) and (2) of Regulation (EC) 1224/2009 shall not be stored for a period longer than 5 years, except for personal data that is necessary to allow the follow-up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings which may be retained for 10 years.

If the information is retained for a longer period of time, the data shall be anonymized.

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

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- (*) 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)"

- (4) Article 17a is replaced by the following:

"Article 17a

Assignment of Agency officials as Union inspectors

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

- (5) in Article 23, paragraph 2, is amended as follows:

- (a) in point (b) the terms '30 April' are replaced by '30 June'.

- (b) the following point is inserted:

"(i) ensure that the findings and recommendations stemming from evaluations carried out in accordance with Article 39 are adequately followed up in investigations conducted by the European Anti-Fraud Office (OLAF) and internal or external audits."

- (6) Article 26, is replaced by the following:

"Article 26

Meetings

1. The meetings of the Administrative Board shall be convened by its Chairperson. The agenda shall be determined by the Chairperson, taking into account the proposals of members of the Administrative Board and the Executive Director of the Agency.
2. The Executive Director and the representative appointed by the Advisory Board shall take part in the deliberations without the right to vote.
3. The Administrative Board shall hold an ordinary meeting at least once a year. In addition it shall meet on the initiative of the Chairperson or at the request of

the Commission or of one-third of the Member States represented on the Administrative Board.

4. The Administrative Board may invite a representative of relevant Union institutions to attend its meetings.
5. The Administrative Board may invite any person whose opinion may be of interest to attend its meetings as an observer.
6. When there is a matter of confidentiality or conflict of interest, the Administrative Board may decide to examine specific items of its agenda without the presence of the representative appointed by the Advisory Board, the representatives appointed by relevant Union institutions as referred to in paragraph 4 and the person(s) referred to in paragraph 5. Detailed rules for the application of this provision may be laid down in the rules of procedure.
7. The members of the Administrative Board may, subject to the provisions of its rules of procedure, be assisted by advisers or experts.
8. The secretariat for the Administrative Board shall be provided by the Agency."

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

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

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

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

- (a) a contribution from the Union entered in the general budget of the European Union (Commission section);
- (b) charges for services provided by the Agency to Member States in accordance with Article 6;
- (c) charges for publications, training and/or any other services provided by the Agency;
- (d) Union funding in the form of delegation agreements or ad-hoc grants in accordance with the Agency's financial rules referred to in Article 38 and with the provision of the relevant instruments supporting the policies of the Union."

(9) Article 39 is replaced by the following:

"Article 39

Evaluation

1. Within five years from the date of the Agency having taken up its responsibilities, and every five years thereafter, an evaluation of the Agency shall be performed. The Commission shall commission an independent external evaluation to assess in particular:

- (a) the results achieved by the Agency having regard to its objectives, mission and tasks;
 - (b) the impact, effectiveness and efficiency of the Agency's performance and its working practices in relation to its objectives, mission and tasks.
2. The Commission shall send the evaluation report together with its conclusions on the report to the European Parliament, to the Council and to the Administrative Board. The Administrative board may issue recommendations regarding changes to this Regulation to the Commission. The evaluation report and the conclusions on the report shall be made public."

Article 3

Amendments to Regulation (EC) No 1967/2006

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

- (1) in Article 17, paragraphs 2 to 6 are deleted.
- (2) in Article 20(1), the second sentence is deleted.
- (3) Article 21 is deleted.

Article 4

Amendments to Regulation (EC) No 1005/2008

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

- (1) In the title of the Regulation, in the Articles, in the headings of Articles and Chapters and in the Annexes, the noun 'Community' or the corresponding adjective is replaced by 'Union', with any grammatical changes being made.
- (2) in Article 2, point 17 is replaced by the following:
 "17. 'sighting' means any observation by a Member State's competent authority responsible for inspection at sea, or by the master of a Community or third country fishing vessel of a fishing vessel engaged in activities that may be considered as IUU fishing in accordance with the provisions of Article 3."
- (3) Article 3 is replaced as follows:

"Article 3

Fishing vessels engaged in IUU fishing

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

- listed in points from (a) to (n) of Article 90(2) of Regulation (EC) No 1224/2009, or
 - considered as serious infringements pursuant to points (a), (c), (e), (f) and (i) of Article 90(3) of Regulation (EC) No 1224/2009."
- (4) Article 10 is replaced by the following:

"Article 10

Inspection procedure

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

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

- "1. If the information collected during the inspection provides evidence that leads the official to believe that a fishing vessel has engaged in IUU fishing in accordance with Article 3, the official shall:
- (1) record the suspected infringement in the inspection report;
 - (2) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;
 - (3) immediately forward the inspection report to the competent authority.
2. If the results of the inspection provide evidence that a third country fishing vessel has engaged in IUU fishing in accordance with Article 3, the competent authority of the port Member State shall not authorise such vessels to land or tranship their catch or to have access to port services."

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

"Article 12a

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

1. For the purpose of allowing the integrated management, handling, storage and exchange of information and documents relevant for official checks, verifications, controls and other relevant official activities concerning importation and exportation of fishery products, a digital information management system (CATCH) for the Catch Certification Scheme shall be established by the Commission in line with Articles 12b to 12d. The CATCH shall be integrated in the Information Management System for Official Controls (IMSOC) established by Regulation 2017/625(*).
2. All exchanges of information in relation to the importation of fishery products and related checks, risk management, verifications and controls, documents such as importer declarations, catch certificates, declarations and authorisations of transshipments, processing statements, applications or decisions, between the importer and the competent authorities of Member States, between Member States competent authorities or between Member States competent authorities and the Commission as foreseen in this Regulation, shall be made using CATCH.
3. The Commission is empowered to adopt delegated acts in accordance with the Article 54b concerning the cases where, and the conditions under which, temporary exemptions from the application of paragraph 3 of this Article can be established.
4. Member States' competent authorities shall use the information submitted by importers by use of the CATCH, as established under paragraph 16(1), for quantity management as well as, based on risk management, for carrying out their checks and verifications and for taking decisions as established under this

Chapter and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation.

Article 12b

General functionalities of the CATCH

The CATCH shall:

- (a) allow for the computerised submission, handling, management and exchange of information, data and documents necessary for the performance of checks, risk management, verifications, controls and decisions as referred to in this Chapter, the related rules in Commission Regulation (EC) No. 1010/2009 and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation, among Member States' competent authorities, between Member States' competent authorities and the Commission and, where appropriate, between Member States' competent authorities and the Commission with competent authorities of flag States, countries of processing and other third countries concerned, importers and exporters;
- (b) provide for a quantity management mechanism, which ensures that the product weight declared by the importers for imports under one catch certificate are not higher than the weight recorded and validated in such catch certificate;
- (c) provide for the possibility of exchange of information, data and documents relevant for the importation and exportation of fishery products in accordance with the provisions of this Chapter and delegated and implementing acts referred to in this Chapter and in Article 54a of this Regulation, with other Member States' authorities and with Member States' customs authorities through the EU Single Window;
- (d) provide for the possibility of electronic risk management and analysis.

Article 12c

The functioning of the CATCH

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

- (a) the technical specifications of the CATCH as a system component of IMSOC, including the electronic data exchange mechanism for exchanges with existing national systems, identification of applicable standards, definition of message structures, data dictionaries, exchange of protocols and procedures;
- (b) the specific rules for the functioning of the CATCH and of its system components to ensure protection of personal data and security of exchange of information;
- (c) contingency arrangements to be applied in the event of unavailability of any of the functionalities of the CATCH;
- (d) the cases where, and the conditions under which, the third countries and regional fisheries management organisations referred to in Article 13 of this Regulation may be granted partial access to the functionalities of the CATCH and the practical arrangements of such access;

- (e) the rules under which electronic documents, including the electronic signature, validated or endorsed by the competent authorities of third countries can be accepted by the competent authorities;
- (f) the templates, forms and rules, including for electronic formats, for the issuance of official documents foreseen under this Regulation, other than the specimen foreseen in Annex II and its Appendix as well as the form foreseen in Annex IV of this Regulation.

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

Article 12d

Protection of personal data

1. Regulation (EU) 2016/679 of the European Parliament and of the Council(**) and Regulation (EU) 2018/XX of the European Parliament and of the Council(***) shall apply to the extent that the information processed through the CATCH contains personal data as defined in Article 4(1) of Regulation (EU) 2016/679.
2. In relation to their responsibilities to transmit the relevant information to the CATCH and the processing of any personal data that might result from that activity, the competent authorities of the Member States shall be regarded as controllers as defined in Article 4(7) of Regulation (EU) 2016/679.
3. The Commission shall be regarded as controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/XX in relation to its responsibility to manage the CATCH and the processing of any personal data that might result from that activity.

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

Article 12e

Data security

- (7) Member States and the Commission shall ensure that the CATCH complies with the rules on data security established under Articles 134 and 136 of Regulation (EU) 2017/625.
- (8) in Article 14, paragraph 2 is replaced by the following:
 - ‘2. In order to import fishery products constituting one single consignment and which have been processed in a third country, the importer shall submit to the authorities of the Member State of importation a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form in Annex IV:
 - (a) giving an exact description of the unprocessed and processed products and their respective quantities;
 - (b) indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag State; and
 - (c) accompanied by:

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

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

- (d) the fishery products concerned are caught by fishing vessels flying the flag of the country where those fishery products are processed and;
- (e) the competent authority for endorsement is identical to the flag State authority competent for catch certificate validation as notified to the Commission in accordance with Article 20(1) of this Regulation.

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

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

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

(***) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM (2017)8 final, 10.1.2017)."

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

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

submitted documents, in particular the catch certificate in the light of the information provided in the notification received from the flag State in accordance with Articles 20 and 22."

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

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

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

"CHAPTER IX

PROCEEDINGS AND ENFORCEMENT"

- (12) Article 42 is replaced by the following:

"Article 42

Serious infringements

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

- (13) The following Article 42a is inserted:

"Article 42a

Proceedings in case of serious infringements

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

- (14) Article 43 is replaced by the following:

"Article 43

Measures to ensure compliance

1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall, in conformity with their national law, systematically apply administrative measures and sanctions against the natural person having committed or a legal person held liable for serious infringements as defined in this Regulation.
2. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such a serious infringement in accordance with this Regulation, Member States shall, in conformity with their national law, immediately take relevant and immediate measures in accordance with Article 91 of Regulation (EC) No 1224/2009.
3. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, in accordance with the provisions of

Articles, 89a, 91a, 91b and 92a of Regulation (EC) No 1224/2009. Member States shall also apply measures in accordance with Article 92 of Regulation (EC) No 1224/2009."

- (15) Articles 44 to 47 are deleted.
- (16) the following Articles 54a and 54b are inserted:

"Article 54a

Amendment of Annexes

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

Article 54b

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
 2. The delegation of powers referred to in Articles 12a(3) and 54a shall be conferred for an indeterminate period of time.
 3. The delegation of powers referred to in Articles 12a(3) and 54a may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
 5. A delegated act adopted pursuant to Articles 12a(3) and 54a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council."
- (17) Annex II and its Appendix are replaced by the text set out in Annex II to this Regulation.
 - (18) in Annex IV, the introductory sentence is replaced by the following:
"I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches under the following catch certificate(s):"

Article 5

Amendments to Regulation (EU) No 2016/1139

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

Article 6
Entry into force

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

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President