



2018/0193(COD)

18.12.2018

**\*\*\*I**

## **DRAFT REPORT**

on the 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 and (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control  
(COM(2018)0368 – C8-0238/2018 – 2018/0193(COD))

Committee on Fisheries

Rapporteur: Isabelle Thomas

### ***Symbols for procedures***

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the 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**

**(COM(2018)0368 – C8-0238/2018 – 2018/0193(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0368),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0238/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 12 December 2018<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A8-0000/2019),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C ....., p.

## Amendment 1

### Proposal for a regulation Recital 1

*Text proposed by the Commission*

(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council<sup>28</sup>. 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.

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<sup>28</sup> 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).

*Amendment*

(1) The common fisheries policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and Council<sup>28</sup>. 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 *a simplified*, effective and up-to-date control and enforcement system *that is the same in all the Member States*.

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<sup>28</sup> 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).

Or. fr

## Amendment 2

### Proposal for a regulation Recital 3

*Text proposed by the Commission*

(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

*Amendment*

(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.

with Regulation (EU) No 1380/2013 and to take advantage of modern, **low-cost** control technologies.

Or. fr

### Amendment 3

#### Proposal for a regulation

##### Recital 5

###### *Text proposed by the Commission*

(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.

###### *Amendment*

(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, **both in Union waters and with respect to imported products, in order to enforce the rules under** international agreements concluded by the Union.

Or. fr

### Amendment 4

#### Proposal for a regulation

##### Recital 10

###### *Text proposed by the Commission*

(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

###### *Amendment*

(10) A definition of ‘fishing vessel’ is provided in Regulation (EU) No 1380/2013 and includes vessels equipped for commercial exploitation of marine biological resources such as catching

vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fisheries products, with the exception of container vessels. The definition 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted.

vessels, support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fisheries products, with the exception of container vessels. The definition of 'fishing vessel' in Regulation (EC) No 1224/2009 should therefore be deleted. ***There is, furthermore, a need to include a definition of 'aquaculture vessel', to distinguish between vessels used in aquaculture and 'fishing vessels' that are used to catch fish in the wild.***

Or. fr

### *Justification*

*A distinction needs to be drawn here because controls on fishing vessels are carried out for the purpose of managing and conserving a common, shared natural resource. This therefore needs to be taken into account in the regulation, without, however, excluding the vessels concerned from controls.*

## **Amendment 5**

### **Proposal for a regulation Recital 11**

#### *Text proposed by the Commission*

(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'.

#### *Amendment*

(11) In order to enhance the enforcement of the rules of the common fisheries policy, new definitions should be added for 'catching vessel', 'slipping' ***and 'aquaculture'.***

Or. fr

## **Amendment 6**

### **Proposal for a regulation Recital 12**

#### *Text proposed by the Commission*

(12) *Small scale* fisheries play an important role in the Union, from a

#### *Amendment*

(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*.

biological, economic and social perspective. Considering the possible impacts of *small-scale* fisheries on stocks, it is important to *check* that *the* 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 *the* position data of those vessels. *The European Fisheries Control Agency (EFCA), in cooperation with the* Member States, should *therefore* be able to track all fishing vessels, including fishing vessels which are less than 12 *metres in* length. For vessels *that are 12 metres long*, it is *sufficient* to use *apps that can be downloaded to fishermen's mobile phones. This will make it possible to defend the socio-economic interests of the fisheries concerned, providing funding where necessary via the European Maritime and Fisheries Fund, subsidies, financial instruments or InvestEU*.

Or. fr

## Amendment 7

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(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*.

#### *Amendment*

(13) In order to clarify the role of the fishing monitoring centres *and the EFCA*, the provisions of Regulation (EC) No 1224/2009 concerning those centres *and the Agency* should be placed in separate *Articles*.

Or. fr

## Amendment 8

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

(14) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the Parliament and Council<sup>31</sup> 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.

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<sup>31</sup> 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)

#### *Amendment*

(14) Regulation (EC) No 1224/2009 has been amended by Regulation (EU) 2015/812 of the Parliament and Council<sup>31</sup> 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 with ***non-intrusive*** electronic monitoring devices ***such as fishing activity sensors or catch-mass estimation systems in order to estimate the difference between the weight of the catch and the weight of the products that are landed. These systems should be registered*** locally and should be made available exclusively to Member State officials or Union inspectors upon ***request***, in particular in the context of inspections, investigations or audits. ***They are a less intrusive alternative to CCTV, and respect workers' rights, Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation)***<sup>31a</sup>, ***Member State legislation and the European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform (2015/2093(INI))***<sup>31b</sup>, ***which opposed any mandatory on-board video surveillance systems.***

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<sup>31</sup> 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).

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).

***<sup>31a</sup> 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).***

***<sup>31b</sup> Texts adopted, P8\_TA(2016)0407.***

Or. fr

## **Amendment 9**

### **Proposal for a regulation Recital 15**

*Text proposed by the Commission*

(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.

*Amendment*

(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, ***with both resource management and the interests of professionals in mind. There is therefore a need for a complete overhaul of the way in which data is collected for data exchange and processing, by creating a central role for the EFCA.***

Or. fr

## **Amendment 10**

### **Proposal for a regulation Recital 16**

*Text proposed by the Commission*

(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.

*Amendment*

(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 ***and the transfer of information to the recognised scientific bodies responsible for issuing the opinions that are used to determine fishing opportunities. This lack of reliability has at times led to paradoxical situations in which fishing opportunities have been cut even though stocks were sufficient. Because there was no reliable data, the precautionary principle came into play when opportunities were being allocated, which fishermen felt was incomprehensible and unfair.*** 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.

Or. fr

## **Amendment 11**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

(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

*Amendment*

(17) The absence of catch reporting obligations by masters of vessels less than 10 ***metres long*** 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, ***by means of a single electronic form for all***

compliance and controls will be improved.

*the Member States, sent by mobile phone or via the internet.* In this way the rules will also be simplified and compliance and controls will be improved.

Or. fr

## Amendment 12

### Proposal for a regulation

#### Recital 18

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(18) For vessels of 12 or more *metres in length*, 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 in 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, *or at the latest within one hour of arrival.*

Or. fr

## Amendment 13

### Proposal for a regulation

#### Recital 20

##### *Text proposed by the Commission*

(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

##### *Amendment*

(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.

identifier number to allow enhanced controls and to improve the validation of the data by *the EFCA and the* Member States, *as well as* 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.

Or. fr

## Amendment 14

### Proposal for a regulation Recital 23

#### *Text proposed by the Commission*

(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.

#### *Amendment*

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

Or. fr

#### *Justification*

*The possibility to delegate the collection of information to the EFCA in future should not be ruled out.*

## Amendment 15

### Proposal for a regulation Recital 24

#### *Text proposed by the Commission*

(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

#### *Amendment*

(24) Rules on the submission *by the EFCA* of aggregated catch data and fishing efforts to the Commission should be simplified by providing for a single date for all submissions. *The dissemination of*

submissions.

*such data should be protected, and anonymity should be guaranteed. The data must not be used for commercial purposes. Data-sharing will only be authorised among scientific bodies that are recognised by the Union.*

Or. fr

## **Amendment 16**

### **Proposal for a regulation**

#### **Recital 26**

*Text proposed by the Commission*

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

*Amendment*

(26) Provisions on fishing capacity should be updated to refer to Regulation (EU) No 1380/2013, *taking account of payable tonnes and developments in technology.*

Or. fr

## **Amendment 17**

### **Proposal for a regulation**

#### **Recital 27**

*Text proposed by the Commission*

(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

*Amendment*

(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.

active fishing gears, using devices which ***regularly*** monitor the engine power.

Or. fr

## Amendment 18

### Proposal for a regulation Recital 28

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(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, ***as required in the light of EFCA recommendations***. Yearly reports on national inspections and controls should also be required.

Or. fr

## Amendment 19

### Proposal for a regulation Recital 30

#### *Text proposed by the Commission*

(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

#### *Amendment*

(30) Recreational fisheries play an important role in the Union, from a biological, economic and social perspective. Considering the significant impacts of recreational fishing on certain stocks, it is necessary to provide for specific tools allowing effective control of recreational fisheries by the Member States, ***in particular the use of communication technologies such as mobile phones. It makes sense for a***

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.

***simplified declaration system to be used, based on specific software that can be used on mobile phones.*** 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 ***the EFCA, the*** Member States and the Commission with the information necessary for an effective management and control of marine biological resources.

Or. fr

## Amendment 20

### Proposal for a regulation Recital 32

*Text proposed by the Commission*

(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.

*Amendment*

(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 ***at auction or on the digital market, to*** retail sale ***or in catering,*** including ***during*** transport.

Or. fr

## Amendment 21

### Proposal for a regulation Recital 34

*Text proposed by the Commission*

(34) In line with the traceability requirements set out in Article 18 of

*Amendment*

(34) In line with the traceability requirements set out in Article 18 of

Regulation (EC) No 178/2002 of the European Parliament and Council<sup>32</sup>, Commission Implementing Regulation (EU) No 931/2011<sup>33</sup> 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.

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<sup>32</sup> 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).

<sup>33</sup> 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).

Regulation (EC) No 178/2002 of the European Parliament and Council<sup>32</sup>, Commission Implementing Regulation (EU) No 931/2011<sup>33</sup> 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, ensure the protection of consumers' interests *and combat illegal, unreported and unregulated fishing*.

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<sup>32</sup> 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).

<sup>33</sup> 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).

Or. fr

## Amendment 22

### Proposal for a regulation Recital 36

*Text proposed by the Commission*

(36) In line with Regulation (EU) No 931/2011 the traceability information relevant for the control of fishery and aquaculture products should be available

*Amendment*

(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.

from the first sale until the retail stage, ***including catering and transport***. 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.

Or. fr

## Amendment 23

### Proposal for a regulation

#### Recital 43

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 ***on a single digital form that is standardised at Union level*** and submit that data electronically within 24 hours to Member States ***via the EFCA***. This concerns, in particular, landing declarations, sales notes and take-over notes.

Or. fr

## Amendment 24

### Proposal for a regulation

#### Recital 49

##### *Text proposed by the Commission*

(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***.

##### *Amendment*

(49) In order to ensure a level playing field in the Member States ***and temper any sentiments of unfairness*** 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 *efforts should be made to ensure they are enforced effectively and in exactly the same way in the Member States.*

Or. fr

## Amendment 25

### Proposal for a regulation Recital 51

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(51) To ensure a faster, effective and more dissuasive response to serious infringements, administrative proceedings *with financial penalties* against such serious infringements should be introduced *and prioritised* 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.

Or. fr

## Amendment 26

### Proposal for a regulation Recital 52

#### *Text proposed by the Commission*

(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

#### *Amendment*

(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.

Member States *via the EFCA* will also improve effectiveness and ensure a level playing field for control activities. *The EFCA's centralising role within this exchange process is fully justified.*

Or. fr

## Amendment 27

### Proposal for a regulation Recital 53

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(53) Validation *by the EFCA* 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. *Action needs to be taken to ensure that the EFCA is given sufficient resources to guarantee the control, quality and processing of the data collected.*

Or. fr

## Amendment 28

### Proposal for a regulation Recital 54

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(54) In order to comply with its duties under common fisheries *rules*, the Commission must have access to various data collected by Member States *and centralised by the EFCA*. It should be *made clear that the* data *gathered are to* be accessible to the Commission. *The* tasks the Commission is to perform using that data *should also be made clear*.

**Amendment 29****Proposal for a regulation****Recital 55***Text proposed by the Commission*

(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.

*Amendment*

(55) The data collected by Member States ***and/or the EFCA are*** also of great value for scientific purposes. It should be clarified that scientific bodies of Member States and Union scientific bodies may be ***given*** access to the data collected in accordance with Regulation (EC) No 1224/2009, in particular to vessel position data and fishing activity data, ***where the data do not contain any details making it possible to identify a vessel or natural person, except in the event of an infringement procedure.*** 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.

**Amendment 30****Proposal for a regulation****Recital 56***Text proposed by the Commission*

(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

*Amendment*

(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, ***and the data exchanged should be centralised by the EFCA.*** In particular, Member States should ***enjoy mutual*** access to their

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.

registers of infringements *via the EFCA where justified*, 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. *A similar mechanism should be put in place in the case of international agreements with third countries with which Member States share stocks.*

Or. fr

## Amendment 31

### Proposal for a regulation Recital 57

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(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, *should not* 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.

Or. fr

## Amendment 32

### Proposal for a regulation Recital 58

*Text proposed by the Commission*

(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.

*Amendment*

(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 **EFCA** 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 **and submit aggregated data to the Commission**. To carry out verifications **and** audits and to monitor the control activities of Member States, the **EFCA** should **be able to** access and process information such as inspection and control observers' reports and the database of infringements, **in order to submit the relevant information to the Commission**. In the context of preparation of and compliance with the international agreements and conservation measures, the Commission **may**, when necessary, **consult, at the EFCA**, 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.

Or. fr

**Amendment 33**

**Proposal for a regulation**

**Recital 59**

*Text proposed by the Commission*

(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

*Amendment*

(59) Personal data processed for fisheries control and enforcement should be stored in general for a period of **five** years **by the Member States and the EFCA** because for the purpose of the monitoring of fishing opportunities, the Commission performs validation of the aggregated data

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.

submitted by **the EFCA** within **five** years following their transmission. In case of the follow-up of infringements, inspections, verifications, complaints or audits, or in case of **ongoing** 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.

Or. fr

## Amendment 34

### Proposal for a regulation Recital 60

#### *Text proposed by the Commission*

(60) It should be ensured at all times and at all levels that, the obligations on personal data protection laid down in Regulation (EU) 2016/679 of the European Parliament and Council<sup>35</sup>, Regulation (EU) 2018/XX<sup>36</sup>, and, where applicable, the national provisions transposing Directive (EU) 2016/680<sup>37</sup> are respected.

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<sup>35</sup> 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).

<sup>36</sup> 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

#### *Amendment*

(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 **of the** Council<sup>35</sup>, Regulation (EU) 2018/XX<sup>36</sup>, and, where applicable, the national provisions transposing Directive (EU) 2016/680<sup>37</sup>, are respected. ***This obligation is reinforced, under the responsibility of the Commission, for any communication to the public of data relating to fishing activity.***

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<sup>35</sup> 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).

<sup>36</sup> 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)

<sup>37</sup> 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.

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)

<sup>37</sup> 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.

Or. fr

## Amendment 35

### Proposal for a regulation

#### Recital 62

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 ***within the scope of this Regulation.***

Or. fr

## Amendment 36

### Proposal for a regulation

#### Recital 63 – indent 1

##### *Text proposed by the Commission*

– ***the exemption of certain fishing vessels from the obligation of a fishing***

##### *Amendment*

***deleted***

*authorisation;*

Or. fr

*Justification*

*Exemptions for certain fishing vessels from the obligation to hold a fishing authorisation must fall within the remit of the co-legislators.*

**Amendment 37**

**Proposal for a regulation**

**Recital 63 – indent 9**

*Text proposed by the Commission*

*Amendment*

– *the definition of trigger for the suspension or withdrawal of the fishing licence, the follow up to suspension or withdrawal, the deletion of points;* *deleted*

Or. fr

*Justification*

*The definition of a trigger for the suspension or withdrawal of the fishing licence must fall within the remit of the co-legislators.*

**Amendment 38**

**Proposal for a regulation**

**Recital 64 – indent 1**

*Text proposed by the Commission*

*Amendment*

– *fishing licences and fishing authorisations;* *deleted*

Or. fr

**Amendment 39**

**Proposal for a regulation**

**Recital 64 – indent 7**

*Text proposed by the Commission*

*Amendment*

– *technical requirements and characteristics of electronic monitoring devices systems including CCTV;*

*deleted*

Or. fr

#### **Amendment 40**

##### **Proposal for a regulation Recital 64 – indent 9**

*Text proposed by the Commission*

*Amendment*

– *remedy in case of a prejudice caused to a Member State;*

*deleted*

Or. fr

#### **Amendment 41**

##### **Proposal for a regulation Recital 64 – indent 11**

*Text proposed by the Commission*

*Amendment*

– technical requirements and characteristics of devices for *the continuous* monitoring *of the* engine power;

– technical requirements and characteristics of devices for monitoring engine power;

Or. fr

#### **Amendment 42**

##### **Proposal for a regulation Recital 64 – indent 13**

*Text proposed by the Commission*

*Amendment*

– registration or licensing system, tracking of vessels, and control of gears for

– registration or licensing system, tracking of vessels, and control of gears for

*certain* recreational *fisheries*;

recreational *fishing*;

Or. fr

#### Amendment 43

##### Proposal for a regulation Recital 64 – indent 19

*Text proposed by the Commission*

*Amendment*

– *operation of the point system for  
licence holders and masters;*

*deleted*

Or. fr

#### Amendment 44

##### Proposal for a regulation Recital 64 – indent 22

*Text proposed by the Commission*

*Amendment*

– access to data and exchange of  
data;

– access to data and exchange of data  
*within the Commission's remit under this  
Regulation;*

Or. fr

#### Amendment 45

##### Proposal for a regulation Recital 67

*Text proposed by the Commission*

*Amendment*

(67) For reasons of consistency with the scope of Regulation (EC) No 1224/2009, the objectives of Council Regulation (EC) No 768/2005<sup>39</sup> should be enlarged. The missions of the *European Fisheries Control Agency* should cover the harmonisation of the application of the

(67) For reasons of consistency with the scope of Regulation (EC) No 1224/2009, the objectives of Council Regulation (EC) No 768/2005<sup>39</sup> should be enlarged. The missions of the *EFCA* should cover the harmonisation of the application of the common fisheries policy as a whole. *The*

common fisheries policy as a whole. ***They should*** include research and development in the area of control and inspection techniques and provision of assistance to the Commission in specific fields.

***EFCA has a key role to play in this new system, so it should centralise data from online declarations made by fishermen, as well as the results of checks carried out by Member States. The EFCA should aggregate the data, from which all personal details have been removed, before sending them to the Commission.***

***The EFCA may check all species or a wider choice of species on a proposal from the Commission.***

***The EFCA should be able to cope with uncertainty relating to the UK's withdrawal from the European Union, and with the additional controls resulting therefrom. There is therefore a need to provide sufficient additional resources in order to step up the EFCA's operational capacity.***

***To step up its role in combating IUU fishing via international agreements, the EFCA should enjoy a mandate that strengthens its remit.***

***After all, its missions*** include research and development in the area of control and inspection techniques and provision of assistance to the Commission in specific fields.

***The increase in the EFCA's tasks and responsibilities should give rise to a substantial increase in both human and financial resources.***

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<sup>39</sup> 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).

<sup>39</sup> 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).

Or. fr

## Amendment 46

### Proposal for a regulation Recital 68

*Text proposed by the Commission*

(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**.

*Amendment*

(68) It should be ensured that the obligations concerning personal data protection laid down in Regulation (EU) 2018/XX are respected by the **EFCA** in the framework of data processing and exchange. **Two** representatives of **the European Parliament, appointed in line with the principle of gender equality, should** take part in the meeting of the Administrative Board of the **EFCA, in particular when the Board is approving the budget. Those representatives are to be appointed in accordance with procedures laid down by Parliament.**

Or. fr

## Amendment 47

### Proposal for a regulation Recital 70

*Text proposed by the Commission*

(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.**

*Amendment*

(70) It should be clarified that the **EFCA** may also receive funds in the form of delegations agreements or ad-hoc grants, **up to a limit of 50 % of the budget revenue assigned under the multiannual financial framework.**

Or. fr

## Amendment 48

### Proposal for a regulation Article 1 – paragraph 1 – point 1 – point b

*Text proposed by the Commission*

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;

*Amendment*

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 ***the*** processing, transport and marketing, ***including via catering***, of fisheries and aquaculture products;

Or. fr

*Justification*

*Catering is a major element in the marketing of fisheries and aquaculture products, and it is therefore appropriate that an explicit reference be made to it as part of the control chain.*

**Amendment 49**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point b a (new)**

Regulation (EC) No 1224/2009

Article 4 – point 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) The following point is inserted:***

***‘4a. “competent authorities of the Member States” means the authorities empowered under national law to implement the provisions of this Regulation;’***

Or. fr

## **Amendment 50**

### **Proposal for a regulation**

Article 1 – paragraph 1 – point 1 – point b b (new)

Regulation (EC) No 1224/2009

Article 4 – point 4 b (new)

*Text proposed by the Commission*

*Amendment*

**(bb) The following point is inserted:**

**‘4b. “lead authority” means the authority designated among the competent authorities of the Member State as solely responsible vis-à-vis the national and/or Union judicial or administrative authorities in administrative or criminal proceedings in the event of a failure by the competent authorities of the Member State to comply with the provisions of this Regulation;’**

Or. fr

## **Amendment 51**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 – point h**

Regulation (EC) No 1224/2009

Article 4 – point 23

*Text proposed by the Commission*

*Amendment*

**(h) point 23 is deleted.**

**deleted**

Or. fr

### *Justification*

*Given that retail is an important link in the marketing chain, point 23 of Regulation (EC) No 1224/2009 should be retained.*

## **Amendment 52**

### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

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

Or. fr

*Justification*

*Meeting the obligation to operate and maintain an effective control, inspection and enforcement system should be retained as a condition for the award of grants from the European Fisheries Fund.*

## **Amendment 53**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1224/2009

Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if ***it*** has a valid fishing licence.

1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if ***its owner or operator*** has a valid fishing licence ***issued by the competent authorities of the Member States.***

Or. fr

## **Amendment 54**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EC) No 1224/2009

Article 6 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary

3. The flag Member State shall suspend temporarily the fishing licence of ***the owner or operator of*** a vessel which is

immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b.

subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b, **and inform the EFCA immediately thereof.**

Or. fr

## Amendment 55

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3

Regulation (EC) No 1224/2009

Article 6 – paragraph 4

#### *Text proposed by the Commission*

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.

#### *Amendment*

4. The flag Member State shall withdraw permanently the fishing licence of **the owner or operator 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, **and inform the EFCA immediately thereof.**

Or. fr

## Amendment 56

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 4 – point a

Regulation (EC) No 1224/2009

Article 7 – paragraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

2. Where a Member State has a specific national fishing authorisation scheme for fishing vessels flying its flag, it shall send to the **EFCA**, at its request, a summary of the information contained in the authorisation issued. **The EFCA shall submit** the related aggregated figures on

fishing effort *to the Commission*.

Or. fr

## **Amendment 57**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EC) No 1224/2009

Article 9 – paragraph 3

#### *Text proposed by the Commission*

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.

#### *Amendment*

3. By way of derogation from paragraph 2, masters of Union fishing vessels below 12 metres' length overall may carry on board a *simple, inexpensive* 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, *or as it enters port*.

Or. fr

## **Amendment 58**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EC) No 1224/2009

Article 9 – paragraph 4

#### *Text proposed by the Commission*

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

#### *Amendment*

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.

monitoring centre of the coastal Member States *and to the EFCA*. The vessel position data shall also be made available *to the EFCA, and* 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.

Or. fr

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EC) No 1224/2009

Article 9 – paragraph 5

#### *Text proposed by the Commission*

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.

#### *Amendment*

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 *via the EFCA*.

Or. fr

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EC) No 1224/2009

Article 9 – paragraph 6

#### *Text proposed by the Commission*

6. Third country fishing vessels operating in Union waters shall have installed on board a fully functioning

#### *Amendment*

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.

device which allows such a vessel to be automatically located and identified by a vessel monitoring system **and the EFCA** through transmitting vessel position data at regular intervals in the same way as Union fishing vessels under this Article.

Or. fr

## **Amendment 61**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 7**

Regulation (EC) No 1224/2009

Article 9a – paragraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

2. Each flag Member State shall appoint **a lead** competent **authority** 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.

Or. fr

## **Amendment 62**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 9**

Regulation (EC) No 1224/2009

Article 12 – paragraph 1

#### *Text proposed by the Commission*

Data from the vessel monitoring system(s), the automatic identification system and the

#### *Amendment*

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.

vessel detection system collected in the framework of this Regulation shall be ***submitted to the EFCA, aggregated and*** 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.

Or. fr

## **Amendment 63**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 11**

Regulation (EC) No 1224/2009

Article 14 – paragraph 3 – point m

#### *Text proposed by the Commission*

(m) the date and time when the gear was lost;

#### *Amendment*

(m) the date and time – ***estimated as accurately as possible*** – when the gear was lost;

Or. fr

## **Amendment 64**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 11**

Regulation (EC) No 1224/2009

Article 14 – paragraph 3 – point n

#### *Text proposed by the Commission*

(n) the position where the gear was lost;

#### *Amendment*

(n) the position – ***estimated as accurately as possible*** – where the gear was lost;

Or. fr

## Amendment 65

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12

Regulation (EC) No 1224/2009

Article 15 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) at least once a day, and where applicable, after each haul; et

#### *Amendment*

(a) at least once a day **during fishing trips**, and, where applicable, after each haul; et

Or. fr

## Amendment 66

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12

Regulation (EC) No 1224/2009

Article 15 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) after the last fishing operation has been completed and before entering port.

#### *Amendment*

(b) after the last fishing operation has been completed and **preferably** before entering **port, or on arrival in** port.

Or. fr

## Amendment 67

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 12

Regulation (EC) No 1224/2009

Article 15 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

2. Masters of Union catching vessels of less than 12 metres' length overall shall submit by electronic means, **using an a single, simplified electronic form in the form of a mobile phone text message**, the information referred to in Article 14, to the competent authority of their flag Member

completed and before entering port.

State after the last fishing operation has been completed and *preferably* before entering port, *or as soon as possible after docking*.

Or. fr

## **Amendment 68**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 13**

Regulation (EC) No 1224/2009

Article 15 a – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) the frequency of logbook data transmissions.*

Or. fr

## **Amendment 69**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 13**

Regulation (EC) No 1224/2009

Article 15 a – paragraph 2 – point j

*Text proposed by the Commission*

*Amendment*

*(j) the frequency of logbook data transmissions.*

*deleted*

Or. fr

## **Amendment 70**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 15 – point a**

Regulation (EC) No 1224/2009

Article 17 – paragraph 1

*Text proposed by the Commission*

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:

*Amendment*

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, ***barring exceptional circumstances*** before arrival at port, of the following information:

Or. fr

**Amendment 71**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 15 – point b**

Regulation (EC) No 1224/2009

Article 17 – paragraph 1 a

*Text proposed by the Commission*

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.

*Amendment*

1a. The coastal Member State may ***adjust the*** period of 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.

Or. fr

**Amendment 72**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 18**

Regulation (EC) No 1224/2009

Article 19a – paragraph 1

*Text proposed by the Commission*

1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic

*Amendment*

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.

means the competent authorities of their flag Member State at least **24 hours** 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.

Or. fr

#### *Justification*

*As notifications need to be submitted electronically and within a very short time, and given that in similar situations in EU waters the time limit is much shorter, the time limit proposed by the Commission needs to be reduced. A time limit of 24 hours before the scheduled arrival in port would seem reasonable for notification purposes.*

#### **Amendment 73**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 19**

Regulation (EC) No 1224/2009

Article 20 – paragraph 2 b

#### *Text proposed by the Commission*

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:

#### *Amendment*

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 **24 hours** before the planned transhipment operation, the following information:

Or. fr

#### *Justification*

*A 24-hour prior notification time limit is a reasonable solution and would ease the administrative burden.*

#### **Amendment 74**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 21**

*Text proposed by the Commission*

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.

*Amendment*

1. Masters of Union fishing vessels of 10 metres' length overall or more shall send, by electronic means, ***using a single form that is harmonised at Union level and the same in all Member States***, the information referred to in Article 21 to the competent authority of their flag Member State ***and to the EFCA*** within 24 hours after completion of the transshipment operation.

Or. fr

**Amendment 75**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 21**

Regulation (EC) No 1224/2009

Article 22 – paragraph 3

*Text proposed by the Commission*

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.

*Amendment*

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, ***as well as to the EFCA***.

Or. fr

**Amendment 76**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 21**

*Text proposed by the Commission*

5. The Commission may by means of implementing acts, lay down detailed rules on:

*Amendment*

5. The Commission may, ***in concert with the EFCA***, by means of implementing acts, lay down detailed rules on:

Or. fr

**Amendment 77**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 21**

Regulation (EC) No 1224/2009

Article 23 – paragraph 1

*Text proposed by the Commission*

1. The master of a Union fishing vessel, or its representative, shall complete ***an*** electronic landing declaration.

*Amendment*

1. The master of a Union fishing vessel, or its representative, shall complete ***a uniform*** electronic landing declaration ***that is the same for all Member States.***

Or. fr

**Amendment 78**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 21**

Regulation (EC) No 1224/2009

Article 24 – paragraph 6

*Text proposed by the Commission*

6. The Commission may by means of implementing acts, lay down detailed rules on:

*Amendment*

6. The Commission may, ***in concert with the EFCA***, by means of implementing acts, lay down detailed rules on:

Or. fr

## Amendment 79

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 23

Regulation (EC) No 1224/2009

Article 25 a – paragraph 1

#### *Text proposed by the Commission*

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.*

#### *Amendment*

1. Member States shall ensure effective control of the landing obligation. For this purpose, *the Member States shall deploy observers on board vessels flying their flag to monitor compliance with the landing obligation. The cost of such deployment shall not be borne by the operators. As an alternative to the deployment of observers, the Member States may, on the same scale, require the use of electronic monitoring systems, such as fishing activity sensors or catch-mass estimation sensors, in order to estimate the difference between the weight of the catch and the weight of the products landed.*

Or. fr

#### *Justification*

*Consideration needs to be given to all non-intrusive alternatives to the use of CCTV cameras with a view to meeting the landing obligation, in addition to solutions that promote selectivity. The obligations imposed need to respect workers' rights, the provisions of Regulation (EU) No 2016/679 on data protection, and the European Parliament's position set out in report 2015/2093(INI).*

## Amendment 80

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 23

Regulation (EC) No 1224/2009

Article 25 a – paragraph 3

#### *Text proposed by the Commission*

3. In addition to the **CCTV systems** referred to in paragraph 1, Member States may require the use of other electronic

#### *Amendment*

3. In addition to the **options** referred to in paragraph 1, Member States may require the use of other electronic

monitoring systems for the purpose of controlling the landing obligation.

monitoring systems for the purpose of controlling the landing obligation, **but not CCTV systems**.

Or. fr

## Amendment 81

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 23

Regulation (EC) No 1224/2009

Article 25 a – paragraph 4

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

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

Or. fr

## Amendment 82

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 27

Regulation (EC) No 1224/2009

Article 33 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**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:**

**2. Before the 15th of each month, each flag Member State shall submit *the following data* electronically to the EFCA, which shall pass on the corresponding aggregated data to the Commission:**

Or. fr

## Amendment 83

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 27

Regulation (EC) No 1224/2009

Article 33 – paragraph 3

#### *Text proposed by the Commission*

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.

#### *Amendment*

3. In cases where the data submitted by a Member ***State are*** based on estimates for a stock or group of stocks, the Member State shall, ***in accordance with paragraph 2,*** provide 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.

Or. fr

## Amendment 84

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 27

Regulation (EC) No 1224/2009

Article 33 – paragraph 4

#### *Text proposed by the Commission*

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.

#### *Amendment*

4. ***If*** a Member State detects inconsistencies between the information submitted in accordance with paragraphs 2 and 3 and the results of the validation performed in accordance with Article 109, the Member State shall, ***in accordance with those paragraphs,*** provide 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.

Or. fr

## **Amendment 85**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 27**

Regulation (EC) No 1224/2009

Article 33 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**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 (\*).** **deleted**

Or. fr

*Justification*

*Catches taken for scientific research purposes are by definition not marketable catches.*

## **Amendment 86**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 27**

Regulation (EC) No 1224/2009

Article 33 – paragraph 8

*Text proposed by the Commission*

*Amendment*

**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** **deleted**

*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.*

Or. fr

#### *Justification*

*Catches taken for scientific research purposes are by definition not marketable catches.*

#### **Amendment 87**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 27**

Regulation (EC) No 1224/2009

Article 33 – paragraph 9

##### *Text proposed by the Commission*

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).

##### *Amendment*

9. The Commission may, ***in concert with the EFCA***, 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).

Or. fr

#### **Amendment 88**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 28**

Regulation (EC) No 1224/2009

Article 34 – paragraph 1

*Text proposed by the Commission*

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.

*Amendment*

The Commission may, ***via the EFCA, ask one or more Member States or third countries, where they are bound by fishing agreements relating to straddling stocks,*** 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.

Or. fr

*Justification*

*The concept of ‘one or more Member States or third countries’ needs to be included to cover the case of shared stocks.*

**Amendment 89**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 29**

Regulation (EC) No 1224/2009

Article 35 – paragraph 3

*Text proposed by the Commission*

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.”

*Amendment*

3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the ***EFCA and the*** Commission. It shall ***also be published*** on the public website ***of the EFCA and*** 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.”

Or. fr

## Amendment 90

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 30

Regulation (EC) No 1224/2009

#### Article 36 – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

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 ***adopt delegated acts in accordance with Article 119a in order to supplement this Regulation by prohibiting*** fishing activities for the respective area, gear, stock, group of stocks or fleet involved in those specific fishing activities.

Or. fr

## Amendment 91

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 31

Regulation (EC) No 1224/2009

#### Article 37

##### *Text proposed by the Commission*

(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***

##### *Amendment*

***deleted***

*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).'*

Or. fr

## Amendment 92

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 33

Regulation (EC) No 1224/2009

Article 38 – paragraph 2

*Text proposed by the Commission*

2. The Commission *may* adopt, *by means of implementing acts*, detailed rules for the application of this article regarding:

*Amendment*

2. The Commission *shall be empowered to* adopt *delegated acts in accordance with Article 119a in order to supplement this Regulation by determining* detailed rules for the application of this Article regarding:

Or. fr

## Amendment 93

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 33

Regulation (EC) No 1224/2009

Article 38 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. fr

## Amendment 94

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 35

Regulation (EC) No 1224/2009

Article 39 a – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 95

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 35

Regulation (EC) No 1224/2009

Article 39 a – paragraph 1 – point b

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(b) the vessels *have committed a major infringement relating to the manipulation of an engine with the aim of increasing its power beyond the maximum continuous engine power stated on the engine certificate.*

Or. fr

#### *Justification*

*Increasing the power of an engine needs to be aligned with an infringement to distinguish it from any increase made in order to improve on-board safety and working conditions.*

## Amendment 96

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 42 – point b

Regulation (EC) No 1224/2009

Article 48 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. fr

## Amendment 97

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 43

Regulation (EC) No 1224/2009

Article 50 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(3a) This Article, barring the obligation to carry a tracking device, shall apply to recreational fishing activities.**

Or. fr

## Amendment 98

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 44

Regulation (EC) No 1224/2009

Article 55 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(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.***

(b) collect data on catches from such fisheries through ***a single, inexpensive and simple electronic declaration that is the same for all Member States and proposed by the EFCA and the Commission.***

Or. fr

## Amendment 99

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 46

Regulation (EC) No 1224/2009

Article 56 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

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.

their placing on the market to the retail sale, including **catering and** 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.

Or. fr

## **Amendment 100**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 46**

Regulation (EC) No 1224/2009

Article 57 – paragraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

2. Checks may take place at all stages in the supply chain, including transport **and catering**. 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.

Or. fr

## **Amendment 101**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 46**

Regulation (EC) No 1224/2009

Article 58 – paragraph 5 – point f

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*Justification*

*The rules in force need to be maintained in order to rule out different values for catches between the first and last day of the fishing trip.*

**Amendment 102**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 46**

Regulation (EC) No 1224/2009

Article 58 – paragraph 10

*Text proposed by the Commission*

10. This article shall not apply to ornamental fish, *crustaceans and molluscs*.

*Amendment*

10. This Article shall not apply to ornamental fish.

Or. fr

**Amendment 103**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 56**

Regulation (EC) No 1224/2009

Article 68 – paragraph 1

*Text proposed by the Commission*

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.

*Amendment*

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. *The transporter shall submit, within 48 hours of loading, a transport document to the competent authorities of the Member State on whose territory the landing took place.*

Or. fr

### *Justification*

*A maximum time limit for the submission of a transport document needs to be set so as to avoid any time being lost between the landing and transport of fisheries products, thereby guaranteeing the quality of the catch after landing.*

#### **Amendment 104**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 56**

Regulation (EC) No 1224/2009

Article 68-a (new)

*Text proposed by the Commission*

*Amendment*

**68a.** *Any infringement of these rules at any point in the marketing chain, from the transporter to the buyer, shall be regarded as concealment and subject to criminal and financial penalties.*

Or. fr

#### **Amendment 105**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 58**

Regulation (EC) No 1224/2009

Article 71 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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).

5. The Commission may, ***in concert with the EFCA***, 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).

Or. fr

#### **Amendment 106**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 59 – point c**

*Text proposed by the Commission*

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

*Amendment*

9. The Commission, ***in concert with the EFCA, shall be*** empowered to adopt delegated acts in accordance with Article 119a concerning:

Or. fr

**Amendment 107**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 60**

Regulation (EC) No 1224/2009

Article 74 – paragraph 3 – point f

*Text proposed by the Commission*

(f) the use of ***CCTVs and other*** electronic monitoring devices;

*Amendment*

(f) the use of electronic monitoring devices;

Or. fr

**Amendment 108**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 60**

Regulation (EC) No 1224/2009

Article 76 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. Officials shall draw up an inspection report ***based on an electronic form which is identical for all Member States*** after each inspection and shall forward it to their competent authorities ***and the EFCA***. 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

Member State.

inspection report shall be sent by electronic means and without delay to the flag Member State.

Or. fr

## **Amendment 109**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 60**

Regulation (EC) No 1224/2009

Article 76 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

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, **to the EFCA** and to the Commission in the case of detected serious infringements.

Or. fr

## **Amendment 110**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 60**

Regulation (EC) No 1224/2009

Article 76 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

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.

#### *Amendment*

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 **and to the EFCA**.

## Amendment 111

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 60

Regulation (EC) No 1224/2009

Article 78 – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

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. ***The EFCA shall centralise the Member States' databases.***

Or. fr

## Amendment 112

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 60

Regulation (EC) No 1224/2009

Article 79 – paragraph 4 – point b

#### *Text proposed by the Commission*

(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;

#### *Amendment*

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

Or. fr

## Amendment 113

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 63

Regulation (EC) No 1224/2009

Article 82 – paragraph 2

#### *Text proposed by the Commission*

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."

#### *Amendment*

2. In case of a detected **major or** 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."

Or. fr

## Amendment 114

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 89 a – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

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. ***For that purpose, the Member States shall favour financial sanctions over criminal penalties.***

Or. fr

## Amendment 115

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 89 a – paragraph 4

*Text proposed by the Commission*

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.

*Amendment*

4. Member States **shall** 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.

Or. fr

**Amendment 116**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – Title

*Text proposed by the Commission*

Serious infringements

*Amendment*

**Minor, major and** serious infringements

Or. fr

**Amendment 117**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 1

*Text proposed by the Commission*

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.**

*Amendment*

1. For the purpose of this Regulation 'serious infringement' means any serious infringement listed in paragraph 2.

Or. fr

## **Amendment 118**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

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

Or. fr

## **Amendment 119**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

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

Or. fr

## **Amendment 120**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 2 – point f

*Text proposed by the Commission*

*Amendment*

*(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* *deleted*

## **Amendment 121**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 2 – point m

*Text proposed by the Commission*

*Amendment*

*(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* *deleted*

Or. fr

## **Amendment 122**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 2 – point n

*Text proposed by the Commission*

*Amendment*

*(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* *deleted*

Or. fr

## **Amendment 123**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. fr

## **Amendment 124**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 90 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The following activities shall constitute major infringements:**

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

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

**(c) conducting transfer operations in breach of the common fisheries policy rules or the applicable conservation and management measures adopted by regional fisheries management organisations;**

**(d) 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;**

**(e) 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 given on the engine certificate.*

Or. fr

## Amendment 125

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 90 – paragraph 3

#### *Text proposed by the Commission*

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:

#### *Amendment*

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, ***and infringements (a) to (d) shall be considered minor infringements and (e) to (h) shall be considered major:***

Or. fr

## Amendment 126

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 91 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

1. Where a natural person 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

in conformity with their national law, take relevant and immediate measures such as:

their national law, take relevant and immediate measures such as:

Or. fr

## **Amendment 127**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 91 a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The amounts of fines may be allocated primarily to the activities or funds listed below or, secondarily, be subject to additional fines to finance the following activities or funds:**

- mandatory financing of activities which support fishery resources, such as activities to promote best practices, the financing of scientific research by public bodies, the financing of selectivity plans or educational campaigns**
- the allocation of funds to the EU budget**
- the allocation of funds to the EFCA or specific activities by it.**

Or. fr

## **Amendment 128**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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

2. When a natural person has committed or a legal person is held liable for **an** infringement, a number of points calculated in accordance with Annex III

III shall be assigned to the holder of the fishing licence for the fishing vessel concerned.

shall be assigned to the holder of the fishing licence for the fishing vessel concerned.

Or. fr

## Amendment 129

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 92 – paragraph 3

#### *Text proposed by the Commission*

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.*

#### *Amendment*

3. *Points shall remain on the licence of the licence holder, whether a natural or legal person. The sale of the vessel, its transfer or any change in ownership after the date of the infringement shall not affect the attribution of points.*

Or. fr

## Amendment 130

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 92 – paragraph 4

#### *Text proposed by the Commission*

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.

#### *Amendment*

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 *an* infringement committed aboard the vessel under his or her command.

Or. fr

## Amendment 131

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 92 – paragraph 5

#### *Text proposed by the Commission*

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.

#### *Amendment*

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

Or. fr

## Amendment 132

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 92 – paragraph 8

#### *Text proposed by the Commission*

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.

#### *Amendment*

8. If the holder of a fishing licence or the master does not commit **an** infringement within **two** years from the date of the committing of the last **minor** confirmed infringement, all points shall be deleted. ***This period shall be extended to three years where a major or serious infringement has been committed.***

Or. fr

## Amendment 133

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

*Text proposed by the Commission*

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.

*Amendment*

9. The coastal State is competent to determine under its national laws whether **an** infringement **of this Regulation** has been committed in its waters and to decide about the number of points to be assigned in accordance with Annex III.

Or. fr

**Amendment 134**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 – paragraph 10

*Text proposed by the Commission*

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.

*Amendment*

10. Where the 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.

Or. fr

**Amendment 135**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 – paragraph 11

*Text proposed by the Commission*

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**

*Amendment*

11. Member States shall designate the competent national authorities which shall be responsible for setting up the system for the attribution of points for infringements,

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.

assigning the appropriate number of points to the holder of a fishing licence and master and transferring the points in accordance with paragraph 3.

Or. fr

#### **Amendment 136**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 – paragraph 13 – point a

*Text proposed by the Commission*

*Amendment*

(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;* *deleted*

Or. fr

#### **Amendment 137**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 – paragraph 13 – point d

*Text proposed by the Commission*

*Amendment*

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

Or. fr

#### **Amendment 138**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 69**

*Text proposed by the Commission*

**(b) the transfer of the points when ownership of vessels for which points where assigned, is transferred;**

*Amendment*

**deleted**

Or. fr

**Amendment 139**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 – paragraph 14 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 140**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 a – paragraph 1

*Text proposed by the Commission*

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:

*Amendment*

1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural **or legal** 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:

Or. fr

### *Justification*

*Adding 'legal' ensures that those in question cannot use any corporate arrangements, particularly those involving holding companies in groups of companies, to exclude their liability.*

#### **Amendment 141**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 a – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

2. A legal person may be held liable where the lack of supervision or control, by a natural ***or legal*** 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 ***or legal*** person under its authority.

Or. fr

### *Justification*

*Adding 'legal' ensures that those in question cannot use any corporate arrangements, particularly those involving holding companies in groups of companies, to exclude their liability.*

#### **Amendment 142**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 a – paragraph 3

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. fr

### *Justification*

*Adding 'legal' ensures that those in question cannot use any corporate arrangements, particularly those involving holding companies in groups of companies, to exclude their liability.*

### **Amendment 143**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 92 b – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

They shall also notify to the European **Fisheries Control Agency** 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. ***The Agency shall forward the notification to the Commission as soon as possible.***

Or. fr

### *Justification*

*This measure is intended to unify the central role of the European Fisheries Control Agency.*

### **Amendment 144**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 69**

Regulation (EC) No 1224/2009

Article 93 – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

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 ***that have had proceedings brought against them for*** having committed the infringement in question or

infringement in question.

*been* caught in the act of committing the infringement in question.

Or. fr

## Amendment 145

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 69

Regulation (EC) No 1224/2009

Article 93 – paragraph 4

#### *Text proposed by the Commission*

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.

#### *Amendment*

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. ***However, this paragraph shall be without prejudice to the laws of the Member States limiting data retention periods.***

Or. fr

#### *Justification*

*In accordance with Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States, EU and Member State law on citizens' rights should be taken into account without impeding judicial cooperation.*

## Amendment 146

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 70

Regulation (EC) No 1224/2009

Article 93 a – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

National control programmes shall be notified to the Commission before the 31 December of each year and shall cover at

#### *Amendment*

National control programmes shall be notified to the Commission ***and the European Fisheries Control Agency***

least the following calendar year.

before the 31 December of each year and shall cover at least the following calendar year.

Or. fr

#### **Amendment 147**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 70**

Regulation (EC) No 1224/2009

Article 93 a – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

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 ***and shall notify it to the European Fisheries Control Agency.***

Or. fr

#### **Amendment 148**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 70**

Regulation (EC) No 1224/2009

Article 93 a – paragraph 3

##### *Text proposed by the Commission*

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.

##### *Amendment*

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.

*Every year, the Commission shall submit to the European Parliament a report on control which covers national control programmes and annual reports.*

Or. fr

## Amendment 149

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 71

Regulation (EC) No 1224/2009

Article 95 – paragraph 1

#### *Text proposed by the Commission*

"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).*"

#### *Amendment*

"1. Certain fisheries may be subject to specific control and inspection programmes. The Commission *shall be empowered to adopt delegated acts in accordance with Article 119a* in concert with the Member States concerned *and advisory councils with a view to supplementing this Regulation by determining* 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."

Or. fr

## Amendment 150

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 73 – point a

Regulation (EC) No 1224/2009

Article 104 – paragraph 1

#### *Text proposed by the Commission*

"1. Where a Member State does not respect its obligations for the implementation of a multiannual plan, and where the Commission has evidence that

#### *Amendment*

"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."

the failure to respect those obligations constitutes a serious threat to the conservation of a stock or group of stocks, the Commission *shall be empowered to adopt delegated acts in accordance with Article 119a with a view to supplementing this Regulation by* provisionally *closing* the fisheries affected by those shortcomings for the Member State concerned."

Or. fr

### *Justification*

*For democratic reasons, Parliament must be involved in this procedure.*

## **Amendment 151**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 76 – point a**

Regulation (EC) No 1224/2009

Article 107 – paragraph 1

#### *Text proposed by the Commission*

"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."

#### *Amendment*

"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 *shall be empowered to adopt delegated acts in accordance with Article 119a with a view to supplementing this Regulation by operating* 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."

Or. fr

## Amendment 152

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 77 – point a

Regulation (EC) No 1224/2009

Article 109 – paragraph 1

#### *Text proposed by the Commission*

"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.

#### *Amendment*

"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. ***The set of data from the Member States' databases shall be transferred to a single database managed by the EFCA.***

Or. fr

## Amendment 153

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 77 – point b

Regulation (EC) No 1224/2009

Article 109 – paragraph 5

#### *Text proposed by the Commission*

"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."

#### *Amendment*

"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 ***via the EFCA*** 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."

Or. fr

## Amendment 154

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 78

Regulation (EC) No 1224/2009

Article 110 – paragraph 1

*Text proposed by the Commission*

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:

*Amendment*

1. Member States shall ensure the remote access at all time and without prior notice, for the ***EFCA, to*** the following data in a non-aggregated form, ***and the EFCA may submit them in an aggregated form to the Commission on request:***

Or. fr

## Amendment 155

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 78

Regulation (EC) No 1224/2009

Article 110 – paragraph 2

*Text proposed by the Commission*

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.

*Amendment*

2. ***The EFCA*** 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.

Or. fr

## Amendment 156

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 79

Regulation (EC) No 1224/2009

Article 111 – paragraph 1 – introductory part

*Text proposed by the Commission*

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:

*Amendment*

1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other Member States, and where appropriate, the ***EFCA***, in particular:

Or. fr

**Amendment 157**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 79**

Regulation (EC) No 1224/2009

Article 111 – paragraph 2 – introductory part

*Text proposed by the Commission*

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:

*Amendment*

2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States, and, where appropriate, the ***EFCA***, in particular:

Or. fr

**Amendment 158**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 82**

Regulation (EC) No 1224/2009

Article 114

*Text proposed by the Commission*

“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.

*Amendment*

“For the purpose of this Regulation, each Member State shall, ***in concert with the EFCA***, 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.

## Amendment 159

### Proposal for a regulation

#### Article 2 – paragraph 6

Regulation (EC) No 768/2005

Article 26 – paragraph 4

#### *Text proposed by the Commission*

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

#### *Amendment*

4. The Administrative Board ***shall invite European Parliament representatives*** to attend its meetings. ***Parliament's representatives shall be appointed in line with the principle of gender equality from among the full members of the Committee on Fisheries, following procedures laid down by Parliament. They shall report back to the Committee on Fisheries on Administrative Board meetings.***

Or. fr

## Amendment 160

### Proposal for a regulation

#### Article 2 – point 7

Regulation (EC) No 768/2005

Article 29 – paragraph 3 – point a

#### *Text proposed by the Commission*

(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;

#### *Amendment*

(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, ***the European Parliament's Committee on Fisheries*** 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;

Or. fr

## Amendment 161

### Proposal for a regulation

#### Article 2 – paragraph 8

Regulation (EC) No 768/2005

Article 35 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

*(da) the funds allocated to it as decided by the Member States; competent authorities resulting from penalties for infringements of the rules of the common fisheries policy;*

Or. fr

## Amendment 162

### Proposal for a regulation

#### Article 4 – paragraph 1 – point 6

Regulation (EC) No 1005/2008

Article 12 a – paragraph 2

*Text proposed by the Commission*

*Amendment*

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.

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, *the EFCA* and the Commission as foreseen in this Regulation, shall be made using CATCH.

### **Amendment 163**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 6**

Regulation (EC) No 1005/2008

Article 12 b – point d

#### *Text proposed by the Commission*

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

#### *Amendment*

(d) provide for electronic risk management and analysis.

Or. fr

### **Amendment 164**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 14**

Regulation (EC) No 1005/2008

Article 43 – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

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 *and financial* measures and sanctions against the natural person having committed or a legal person held liable for serious infringements as defined in this Regulation.

Or. fr

### **Amendment 165**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point 14**

Regulation (EC) No 1005/2008

Article 43 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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.

2. Where a natural *or legal* person *has had proceedings brought against them* or is caught in the act while committing 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.

Or. fr

*Justification*

*The term ‘suspicion’ does not justify a criminal penalty, without judicial recognition or the commencement of legal proceedings and it is too imprecise even for precautionary measures.*

**Amendment 166**

**Proposal for a regulation**

**Paragraph 1 – subparagraph 1**

Regulation (EC) No 1224/2009

Annex III – title

*Text proposed by the Commission*

*Amendment*

“ANNEX III

“ANNEX III

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

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

Or. fr

*Justification*

*A distinction should be made between these infringements depending on the gravity of the offences with a view to taking sanctions down an administrative route and therefore their resulting in a financial penalty and down a criminal route for serious infringements. The hierarchical level is established in line with study ECE/CES/2012/6 of the UN Economic and*

*Social Council of 26 March 2016.*

## **Amendment 167**

### **Proposal for a regulation**

#### **Paragraph 1 – subparagraph 1**

Regulation (EC) No 1224/2009

Annex III – Table 1 – Headers for the first category – infringement lines 1 to 5

<i>Text proposed by the Commission</i>		
No	<b><i>Serious</i></b> infringement	points
<i>Amendment</i>		
No	<b><i>Minor</i></b> infringement	points

Or. fr

#### *Justification*

*A distinction should be made between these infringements depending on the gravity of the offences with a view to taking sanctions down an administrative route and therefore their resulting in a financial penalty and down a criminal route for serious infringements. The hierarchical level is established in line with study ECE/CES/2012/6 of the UN Economic and Social Council of 26 March 2016.*

## **Amendment 168**

### **Proposal for a regulation**

#### **Paragraph 1 – subparagraph 1**

Regulation (EC) No 1224/2009

Annex III – Table 1 – Headers for the second category – infringement lines 6 to 14

<i>Text proposed by the Commission</i>		
<i>Amendment</i>		
<b><i>No</i></b>	<b><i>Major infringement</i></b>	<b><i>points</i></b>

Or. fr

#### *Justification*

*A distinction should be made between these infringements depending on the gravity of the offences with a view to taking sanctions down an administrative route and therefore their resulting in a financial penalty and down a criminal route for serious infringements. The*

*hierarchical level is established in line with study ECE/CES/2012/6 of the UN Economic and Social Council of 26 March 2016.*

## **Amendment 169**

### **Proposal for a regulation**

#### **Paragraph 1 – subparagraph 1**

Regulation (EC) No 1224/2009

Annex III – Table 1 – Headers for the third category – infringement lines 15 to 22

<i>Text proposed by the Commission</i>		
<i>Amendment</i>		
<i>No</i>	<i>Serious infringement</i>	<i>points</i>

Or. fr

### *Justification*

*A distinction should be made between these infringements depending on the gravity of the offences with a view to taking sanctions down an administrative route and therefore their resulting in a financial penalty and down a criminal route for serious infringements. The hierarchical level is established in line with study ECE/CES/2012/6 of the UN Economic and Social Council of 26 March 2016.*

## **Amendment 170**

### **Proposal for a regulation**

#### **Paragraph 1 – subparagraph 1**

Regulation (EC) No 1224/2009

Annex III – table 1 – infringement line 6

<i>Text proposed by the Commission</i>		
6	Manipulating of an engine or of continuous engine power monitoring devices with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate.	5
<i>Amendment</i>		
6	Manipulating of an engine or of continuous engine power monitoring devices with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate.	4

Or. fr

## Amendment 171

### Proposal for a regulation

#### Paragraph 1 – subparagraph 1

Regulation (EC) No 1224/2009

Annex III – table 1 – infringement row 10

<i>Text proposed by the Commission</i>		
10	Committing multiple infringements which together constitute a serious disregard of conservation and management measures.	<b>5</b>
<i>Amendment</i>		
10	Committing multiple infringements which together constitute a serious disregard of conservation and management measures.	<b>4</b>

Or. fr

## Amendment 172

### Proposal for a regulation

#### Paragraph 1 – subparagraph 1

Regulation (EC) No 1224/2009

Annex IV – table 1 – row 3 – subparagraph 2

<i>Text proposed by the Commission</i>	
Article 90(3)(d) Not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy.	- the gear used is one of the following: <input type="checkbox"/> Fishing with explosive ▪ Prohibited drifting gillnets
<i>Amendment</i>	
Article 90(3)(d) Not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy.	- the gear used is one of the following: <input type="checkbox"/> Fishing with explosive <input type="checkbox"/> Prohibited drifting gillnets <input type="checkbox"/> <b><i>Electric pulse fishing</i></b>

Or. fr

## EXPLANATORY STATEMENT

### Background of the Commission proposal

Parliament's 2016 resolution on how to make fisheries control in Europe uniform<sup>1</sup> explicitly called on the Commission to revise Regulation (EC) No 1224/2009 on fisheries control.

Parliament's resolution called first and foremost for rules on fisheries, their control and the applicable sanctions to be uniform throughout the European Union. In particular, it called for inspection procedures and penalties for infringements to be harmonised.

With a view to achieving this goal, the resolution listed a number of proposals concerning the entire control chain, from training – including the introduction of a uniform European training curriculum for fisheries inspectors – to the use of new, identical and connected surveillance technologies and of real-time and centralised information transmission and communication. Consolidating Parliament's position, discussions in the Council with the Administrative Board of the European Fisheries Control Agency (EFCA), Member States and stakeholders confirmed that the EU institutions – the direct stakeholders – all believe that the Fisheries Control System is not effective or commensurate with the objectives of the common fisheries policy<sup>2</sup> (CFP).

Firstly, the current fisheries control system was designed before the CFP reform and, despite the adoption of Regulation (EU) No 812/2015, the Omnibus Regulation, it is not fully consistent with that reform.

Secondly, its drafting leaves it very open to interpretation by Member States in their implementation of it.

### Commission proposal

The Commission followed up on Parliament's initiative by publishing, on 30 May 2018, a proposal for a regulation to amend the Union fisheries control system.

The measures establishing a Union fisheries control system (FCS), intended to ensure compliance with rules of the CFP, are provided for in four different legal acts (<sup>3,4,5,6</sup>).

The proposal amends these legal acts, except for the Regulation on the sustainable management of external fishing fleets, which was revised recently and aligns two existing

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<sup>1</sup> European Parliament resolution of 25 October 2016 on how to make fisheries controls in Europe uniform P8\_TA(2016)0407

<sup>2</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council, OJ L 354, 28.12.2013, p.22.

<sup>3</sup> 1) the Regulation on fisheries control, Council Regulation (EC) No 1224/2009, OJ L 343, 22.12.2009, p. 1.

<sup>4</sup> 2) the Regulation establishing a European Fisheries Control Agency (EFCA), Council Regulation (EC) No 768/2005, OJ L 128, 21.5.2005, p. 1.

<sup>5</sup> 3) the Regulation establishing a system to combat illegal, unreported and unregulated fishing (IUU Regulation) Council Regulation (EC) No 1005/2008, OJ L 286, 29.10.2008, p. 1.

<sup>6</sup> 4) the Regulation on the sustainable management of external fishing fleets: Regulation (EU) No 2017/2403 of the European Parliament and of the Council, OJ L 347, 28.12.2017, p. 1.

regulations<sup>12</sup> with the new control system proposal.

In its explanatory memorandum, the Commission states that ‘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 includes the following measures:

- **clarification of the inspection process**, inspectors’ duties, and masters’ and operators’ duties during inspections and the mandatory use of an Electronic Inspection Report System which will allow a better use and exchange of data between relevant authorities;
- **a new list of infringements** of the CFP rules, which should be qualified as serious by nature, a new detailed and exhaustive list of criteria to qualify as serious certain other infringements of the CFP rules, and the introduction of mandatory administrative sanctions and minimum levels of fines for serious infringements of CFP rules, improving harmonisation;
- **a more reliable and comprehensive fisheries data system** providing for the full digitalisation of transshipment and landing declarations, applicable to all EU fishing vessels (including those less than 12 metres in length), an electronic traceability system for all vessels, new weighing procedures for fishery products and strengthened rules on recording catches from recreational fisheries;
- **improved traceability of fishery and aquaculture products** from EU or imported: the requirements regarding traceability information obligations have been clarified and make it possible to link a specific lot of fishery products to a particular landing by an EU fishing vessel. Information is recorded electronically, making controls in the supply chain within the internal market more effective;
- **the use of remote electronic monitoring tools**, such as dynamic positioning and on-board surveillance cameras to control the landing obligation and the requirement that certain vessels with active fishing gears be fitted with a device that monitors and records engine power;
- **improved reporting of lost fishing gear** through the use of (electronic) logbooks for all categories of vessels, the removal of the current derogation applicable to vessels < 12m to carry on board the necessary equipment for the retrieval of lost gear and the setting of conditions with a view to laying down Union provisions on the marking and control of fishing gears for recreational fisheries.
- **revision of the European Fisheries Control Agency (EFCA)’s mission** to fully align its objectives with the common fisheries policy and extend its inspection powers.

## Position of the Rapporteur

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<sup>1</sup> Amendment to Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

<sup>2</sup> 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

At the beginning of the own-initiative report adopted by the Committee on Fisheries in 2016<sup>1</sup>, the rapporteur welcomed the Commission's work and its commitment to publishing a proposal for the revision of the rules on fisheries control before the end of the current parliamentary term. She criticised the delay in publication, which made it more difficult for Parliament to adopt a position before the end of its term. By contrast, she took a positive view on the significant improvement in controls on illegal, unreported and unregulated (IUU) fishing and recreational fisheries.

However, the proposal needed to be both completed and amended.

The rapporteur stated that the proposal should be completed with the aim of addressing the shortcomings in two main points: Parliament's calls for it to be simplified should be met and, to prevent a situation where fishermen from different Member States believe that they receive different treatment and therefore find the rules unfair, it should be harmonised. Lastly, there was room for clarification with regard to aquaculture and the outermost regions.

### ***Strengthening provisions in order to achieve Parliament's harmonisation objective***

In 2016, Parliament agreed when it voted on the report in plenary that it was 'in favour of a simplification (...) focusing primarily on better implementation of norms between different Member States, by researching in particular a greater harmonisation'.

The rapporteur's proposal addresses the following points:

#### ***1. A harmonisation objective***

To prevent unfairness and differences in treatment in the EU, the rapporteur has proposed additional points with a view to better harmonisation of the regularity and duration of controls and procedures.

For this objective to be achieved, each Member State needs to make a single administration the lead body responsible for the implementation of the Control Regulation and that body needs to be held responsible if its respective Member State fails to achieve that objective.

With that goal in mind, in addition to the Commission's proposal as it stands (mandatory digitisation of inspection reports), the Member States must adopt the same tools and, in particular, a single European electronic inspection form.

On the basis of work by the UN on the matter, particularly study ECE/CES/2012/6 of 26 March 2016 on the international hierarchical classification of infringements, the rapporteur considers that a distinction should be drawn between minor, major and serious infringements so that the infringements and their sanctions can be graduated in line with their seriousness, to make them more acceptable and so that they give priority to financial sanctions. Funds raised from sanctions must be allocated to the EFCA budget or to activities that support fishery resources. By obliging fraudsters to finance measures (for example, activities to promote best practices) to preserve those resources, this proposal should improve the image of

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<sup>1</sup> Report of 18 July 2016 on how to make fisheries controls in Europe uniform (2015/2093(INI)) A8-0234/2016

professionals who treat such resources with respect.

What is more, harmonisation is essential to ensuring that fishermen feel that they are treated fairly during checks.

## ***2. The need for simplification***

Lastly, to make this harmonisation effective, the control system should be made easier to understand and more accessible so that fishermen apply it in the best possible way. To make that happen, the European Fisheries Control Agency (EFCA) should be able not only to step up its training mission but also to offer fishermen a simple and inexpensive tool (web application, software or portal accessible by mobile) through which they can access their obligations and the rules in real time and according to their position by zone, gear and date.

As regards the system for declaring catches and the loss of fishing gear, for recording infringements and, more generally, for all reporting obligations, to achieve the two-fold objective of harmonisation and simplification, Member States need to be able to provide identical forms.

Lastly, the rapporteur criticises the fact that no more comprehensive revision has been carried out, in the form of horizontal and vertical codification, to make the legislation simpler and therefore easier to understand.

## ***3. A prevention and sanction acceptance objective***

Fisheries control rules cannot be limited to sanctions, and a long-term reduction in the number of infringements should be set as a main goal. Sanctions must not be simply a means and not an end. The Regulation should therefore take a more preventative approach with the ultimate aim of reducing sanctions and preserving resources and fishing activity.

In the Commission's new Article 90, the number of infringements classified as serious rises from 3 to 17, i.e. almost all of them. That increase in and broader use of the serious classification is counterproductive with regard to the goal of a fair appraisal understood by all parties. A distinction must be drawn between low-level infringements and illegal activity perpetrated on a large scale and between criminal sanctions and other financial and economic sanctions.

On the other hand, given that those who buy IUU catches are not penalised, the possession of catches from illegal fishing should be included in the list of infringements.

Economic sanctions, such as days at sea restrictions and financial penalties, are considered the most effective.

The points-based system introduced in the 'control' regulation of 2009 was an attempt to standardise economic sanctions imposed for serious infractions at European level. Its implementation has, however, been undermined because the Member States have interpreted it differently, resulting in a distinct lack of professional support, made worse by the transferability of the penalty away from individuals to the vessel instead, a new legal scenario inconsistent with the Charter of Fundamental Rights of the European Union.

#### ***4. A more reliable, more comprehensive and shared fisheries data system***

The EFCA must be able to step up its role in this domain in two main areas. Firstly, it should be able to centralise and analyse data from online declarations by fishermen and from the results of checks. The EU rules on confidentiality (particularly the General Data Protection Regulation) must be followed in the centralisation and processing of data, with an obligation on Member States to transfer said data and sanctions for any failures to do so.

What is more, the EFCA should be able to monitor all CFP species on the basis of a proposal by the Commission or the RACs.

Given the sensitivity of this issue for EU citizens, it seems reasonable for Members of the European Parliament to be fully involved in the management of the Agency and to join the EFCA Administrative Board as members.

The rapporteur hopes that the EFCA's budgetary and human resources will be commensurate with the additional functions proposed. For example, allocation to the EU budget of all or part of the financial sanctions linked to the CFP should be considered.

#### ***Adapting remote electronic monitoring instruments***

- vessel monitoring system (VMS): the new article 9 (recast)

The rapporteur welcomes the flexibility introduced with regard to the vessel monitoring system (VMS), which does not necessarily have to be satellite based (amended Article 4(12)) through changes in the definition of 'vessel monitoring system data' and may be carried out using a mobile device for vessels less than 12 metres in length (amended Article 9(3) introducing this derogation).

Data collected must not be marketable under any circumstances and those data must be protected by the provisions of the Fisheries Data Collection Regulation and the General Data Protection Regulation.

Similarly, it must be ensured that those monitoring systems will be eligible for EMFF funding.

- closed circuit television (CCTV or video surveillance) system:

The rapporteur challenges the introduction of the use of remote electronic monitoring tools, particularly CCTV, as part of checks that the landing obligation is being complied with for the control of the landing obligation (new Article 25a).

She takes note of the Commission's approach on this matter, which involves a limited introduction of video surveillance, on the basis of a risk assessment, for a specific percentage of fishing vessels and not all of them. However, she is minded to oppose it for the following reasons: Parliament's clear and unequivocal position in the vote on the own-initiative report rejecting video surveillance, the non-conformity of those provisions with European and national rules on the protection of workers' freedoms and their non-conformity with the General Data Protection Regulation.

The rapporteur would have preferred for the Commission's proposal to focus on the

objectives pursued and results achieved with regard to the landing obligation. She would also have preferred the Commission to consider other surveillance systems more suited to the objectives pursued and to vessels and which take into consideration both workers and economic balance in surveillance (for example, tension meters on trawlers). Again, it is important for the operators concerned that EU funding be granted for such equipment, even if it means that the granting of funds is conditional on, for example, the absence of infringements and/or repeat infringements on operators' records.

### ***Completing provisions on aquaculture, vessels and the outermost regions***

Aquaculture could be a sustainable development path worthy of support, but the current legislation has yet to be adapted to the specific characteristics of the profession, particularly as regards control. Therefore, the rapporteur's proposal is to incorporate into the basic regulation the concept of an aquaculture vessel and into the control regulation provisions which make it possible to take better account of aquaculture vessels. Firstly, such vessels should be exempted from provisions which do nothing to achieve the resource protection objectives of the CFP, such as the requirement to have geo-location and vessel monitoring systems (VMS) on board. Similarly, the principles of controlling marketing (Article 56) and traceability (Article 58) should be adapted to the specific characteristics of aquaculture. In this respect, efforts to simplify the traceability rules with regard to live bivalve molluscs (LBMs) need to be stepped up.

Secondly, vessels are the focus of the provisions on sanctions, as sanctions are allocated by vessel (via the points system for serious infringements, allocated to the holder of a fishing licence, in this case, the vessel), but if we are to reduce infringements, those responsible for them should be penalised, i.e. the captain and/or shipowner, and they must be prevented from using corporate arrangements to exclude their liability.

Thirdly, in its 2017 resolution on management of fishing fleets in the outermost regions (ORs)<sup>1</sup>, Parliament stressed the importance of stepping up the fight against IUU fishing. The Commission's proposal on control in the ORs should therefore be strengthened, taking into account their specific characteristics and increasing the EFCA's presence there.

### ***Strengthening control of recreational fishing***

Lastly, it is important to organise this leisure activity fairly vis-à-vis professional fishing, not least because in some cases recreational fishing catches can have an impact on resources and thus on CFP objectives. Recreational fishing should, therefore, be better regulated and controlled. Consequently, the rapporteur has incorporated provisions to that effect in the proposal. Her proposals include the introduction of financing and proper control mechanisms for this activity.

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<sup>1</sup> European Parliament resolution of 27 April 2017 on the management of the fishing fleets in the Outermost Regions (2016/2016(INI)) P8\_TA(2017)0195