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WORKING PAPER

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation 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/2018/368 final – 2018/0193 (COD) - Comparison Table – Proposed amendments to Regulation (EC) No 1224/2009

Delegations will find attached a document on the above-mentioned subject, as received from the European Commission services.

Comparison Table – Proposed amendments to Regulation (EC) No 1224/2009

DISCLAIMER:

This document is meant purely as a support tool and was prepared for the purpose of facilitating the discussions on Proposal for a Regulation 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/2018/368 final – 2018/0193 (COD))

This text has no legal effect. The authentic versions of Regulation (EC) No 1224/2009 and COM/2018/368/final– 2018/0193(COD) are those published in the Official Journal of the European Union and available in EUR-Lex.

In the right column:

- Absence of text means no proposed change to the current version of Regulation.
- Text in **grey and bold** corresponds to new provisions.
- Text in **bold** corresponds to amended provisions.
- Proposed deletions are indicated: **DELETED**

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>COUNCIL REGULATION (EC) No 1224/2009</p> <p>of 20 November 2009</p> <p>establishing a <i>Union</i> control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>TITLE I</p> <p>GENERAL PROVISIONS</p>	
<p><i>Article 1</i></p> <p>Subject matter</p> <p>This Regulation establishes a Union system for control, inspection and enforcement (hereinafter referred to as Union control system) to ensure compliance with the rules of the common fisheries policy.</p>	
<p><i>Article 2</i></p> <p>Scope</p> <p>1. This Regulation shall apply to all activities covered by the common fisheries policy carried out on the territory of Member States or in Union waters or by Union fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States.</p> <p>2. Activities within maritime waters of the overseas territories and countries referred to in Annex II of the Treaty shall be treated as taking place within maritime waters of third countries.</p>	
<p><i>Article 2a</i></p> <p>Application of the Union control system to certain segments of the fleet of Mayotte as an outermost region</p> <p>1. Until 31 December 2021, Article 5(3) and Articles 6, 8, 41, 56, 58 to 62, 66, 68 and 109 shall not apply to France in respect of fishing vessels which are less than 10 metres in overall length and which operate from Mayotte, an outermost region within the meaning of Article 349 of the Treaty on the Functioning of the European Union</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(hereinafter ‘Mayotte’), and the activities and catch of such fishing vessels.</p> <p>2. By 30 September 2014, France shall establish a simplified and provisional scheme of control applicable to fishing vessels which are less than 10 metres in overall length and which operate from Mayotte. That scheme shall address the following issues:</p> <p>(a) knowledge of fishing capacity;</p> <p>(b) access to Mayotte waters;</p> <p>(c) implementation of declaration obligations;</p> <p>(d) designation of the authorities responsible for the control activities;</p> <p>(e) measures ensuring that any enforcement on vessels longer than 10 metres length is carried out on a non-discriminatory basis.</p> <p>By 30 September 2020, France shall present to the Commission an action plan setting out the measures to be taken in order to ensure the full implementation of Regulation (EC) No 1224/2009 from 1 January 2022 concerning fishing vessels which are less than 10 metres in overall length and which operate from Mayotte. That action plan shall be the subject of a dialogue between France and the Commission. France shall take all necessary measures to implement that action plan.</p>	
<p><i>Article 3</i></p> <p>Relationship with international and national provisions</p> <p>1. This Regulation shall apply without prejudice to special provisions contained in fisheries agreements concluded between the Union and third countries or applicable in the framework of regional fisheries management organisations or similar agreements to which the Union is a Contracting Party or a non-contracting</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Cooperating Party.</p> <p>2. This Regulation shall apply without prejudice to any national control measures which go beyond its minimum requirements, provided that they comply with Union legislation and are in conformity with the common fisheries policy. At the request of the Commission, Member States shall notify those control measures.</p>	
<p><i>Article 4</i></p> <p>Definitions</p> <p>For the purposes of this Regulation, the definitions set out in Regulation (EU) n°1380/2013 shall apply. The following definitions shall also apply:</p> <ol style="list-style-type: none"> 1. 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fisheries products; 2. 'rules of the common fisheries policy' means Union legislation on the conservation, management and exploitation of living aquatic resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products; 3. 'control' means monitoring and surveillance; 4. 'inspection' means any check which is carried out by officials regarding compliance with the rules of the common fisheries policy and which is noted in an inspection report; 5. 'surveillance' means the observation of fishing activities on the basis of sightings by inspection vessels or official aircrafts and technical detection and identification methods; 	<p>For the purpose of this regulation the definitions set out in Article 4 of Regulation (EU) No 1380/2013 and Article 5 of Regulation (EU) No 1379/2013 shall apply unless otherwise provided for in this regulation.</p> <ol style="list-style-type: none"> 1. 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; 3. 4. 5.

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>6. ‘official’ means a person authorised by a national authority, the Commission or the Union Fisheries Control Agency to carry out an inspection;</p> <p>7. ‘Union inspectors’ means officials of a Member State or of the Commission or the body designated by it, whose names are contained in the list established in accordance with Article 79;</p> <p>8. ‘control observer’ means a person authorised by a national authority to observe the implementation of the rules of the common fisheries policy;</p> <p>9. ‘fishing licence’ means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of living aquatic resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a <i>Union</i> fishing vessel;</p> <p>10. ‘fishing authorisation’ means a fishing authorisation issued in respect of a <i>Union</i> fishing vessel in addition to its fishing licence, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;</p> <p>11. ‘automatic identification system’ means an autonomous and continuous vessel identification and monitoring system which provides means for ships to electronically exchange with other nearby ships and authorities ashore ship data including identification, position, course and speed;</p> <p>12. ‘vessel monitoring system data’ means data on the fishing vessel identification, geographical position, date, time, course and speed transmitted by satellite-tracking devices installed on board fishing vessels to the fisheries monitoring centre of the flag Member State;</p> <p>13. ‘vessel detection system’ means a satellite based remote sensing technology which can identify vessels and detect their positions at sea;</p>	<p>6.</p> <p>7.</p> <p>8.</p> <p>9. ‘fishing licence’ means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of marine biological resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a fishing vessel;</p> <p>10.</p> <p>11.</p> <p>12. ‘vessel position data’ means data on the fishing vessel identification, geographical position, date, time, course and speed transmitted by tracking devices on board fishing vessels to the fisheries monitoring centre of the flag Member State;</p> <p>13.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>14. 'fishing restricted area' means any marine area under the jurisdiction of a Member State which has been defined by the Council and where fishing activities are either limited or banned;</p> <p>15. 'fisheries monitoring centre' means an operational centre established by a flag Member State and equipped with computer hardware and software enabling automatic data reception, processing and electronic data transmission;</p> <p>16. 'transshipment' means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel;</p> <p>17. 'risk' means the likelihood of an event that may occur and would constitute a violation of the rules of the common fisheries policy;</p> <p>18. 'risk management' means the systematic identification of risks and the implementation of all measures necessary for limiting the occurrence of these risks. This includes activities such as collecting data and information, analysing and assessing risks, preparing and taking action, and regular monitoring and review of the process and its outcomes, based on international, <i>Union</i> and national sources and strategies;</p> <p>19. 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;</p> <p>20. 'lot' means a quantity of fisheries and aquaculture products of a given species of the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, or the same aquaculture production unit;</p> <p>21. 'processing' means the process by which the presentation was prepared. It includes filleting, packing, canning, freezing, smoking, salting, cooking,</p>	<p>14. 'fishing restricted area' means any marine area where fishing activities are temporarily or permanently restricted or prohibited;</p> <p>15.</p> <p>16.</p> <p>17.</p> <p>18.</p> <p>19.</p> <p>20. 'lot' means a batch of units of fishery or aquaculture products;</p> <p>21.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>pickling, drying or preparing fish for market in any other manner;</p> <p>22. ‘landing’ means the initial unloading of any quantity of fisheries products from on board a fishing vessel to land;</p> <p>23. ‘retail’ means the handling and/or processing of products of living aquatic resources and their storage at the point of sale or delivery to the final consumer, and includes distribution;</p> <p>24. ‘multiannual plans’ means recovery plans as referred to in Article 5 of Regulation (EC) No 2371/2002, management plans as referred to in Article 6 of Regulation (EC) No 2371/2002 as well as other Union provisions adopted on the basis of Article 37 of the Treaty and providing for specific management measures for particular fish stocks for several years;</p> <p>25. ‘coastal State’ means the State in the waters under the sovereignty or jurisdiction or in the ports of which an activity takes place;</p> <p>26. ‘enforcement’ means any actions taken to ensure compliance with the rules of the common fisheries policy;</p> <p>27. ‘certified engine power’ means the maximum continuous engine power which can be obtained at the output flange of an engine according to the certificate issued by the Member State’s authorities or classification societies or other operators assigned by them;</p> <p>28. ‘recreational fisheries’ means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;</p> <p>29. ‘relocation’ means fishing operations where the catch or part thereof is transferred or moved from shared fishing gear to a vessel or from a fishing vessel’s hold or its fishing gear to a keep net, container or cage outside the vessel in which the live catch is kept until landing;</p>	<p>22.</p> <p style="text-align: center;">point 23 is deleted.</p> <p>24.</p> <p>25.</p> <p>26.</p> <p>27.</p> <p>28. ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources for recreation, tourism or sport.</p> <p>29.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>30. 'relevant geographical area' means a sea area that is considered as a unit for the purposes of geographical classification in fisheries expressed by reference to a FAO sub-area, division or sub-division, or where applicable an ICES statistical rectangle, fishing effort zone, economic zone or area bounded by geographical coordinates;</p> <p>31. 'fishing vessel' means any vessel equipped for commercial exploitation of living aquatic resources;</p> <p>32. 'fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort.</p>	<p>30.</p> <p style="text-align: center;">point 31 is deleted.</p> <p>32.</p> <p>33. 'slipping' means the practice of intentionally releasing fish from fishing gear before that gear is fully brought on board a fishing vessel;</p> <p>34. 'catching vessel' means a fishing vessel used for the purpose of the capture of marine biological resources.</p>
<p>TITLE II</p> <p>GENERAL PRINCIPLES</p>	
<p><i>Article 5</i></p> <p>General principles</p> <p>1. Member States shall control the activities carried out by any natural or legal person within the scope of the common fisheries policy on their territory and within waters under their sovereignty or jurisdiction, in particular fishing activities, transshipments, transfer of fish to cages or aquaculture installations including fattening installations, landing, import, transport, processing, marketing and storage of fisheries and aquaculture products.</p> <p>2. Member States shall also control access to waters and resources and control activities outside Union waters carried out by Union fishing vessels flying their flag</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>and, without prejudice to the primary responsibility of the flag Member State, by their nationals.</p> <p>3. Member States shall adopt appropriate measures, allocate adequate financial, human and technical resources and set up all administrative and technical structures necessary for ensuring control, inspection and enforcement of activities carried out within the scope of the common fisheries policy. They shall make available to their competent authorities and officials all adequate means to enable them to carry out their tasks.</p> <p>4. Each Member State shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.</p> <p>5. In each Member State, a single authority shall coordinate the control activities of all national control authorities. It shall also be responsible for coordinating the collection, treatment and certification of information on fishing activities and for reporting to, cooperating with and ensuring the transmission of information to the Commission, the Union Fisheries Control Agency established in accordance with Regulation (EC) No 768/2005 ⁽²³⁾, other Member States and, where appropriate, third countries.</p> <p>6. In accordance with the procedure laid down in Article 103, the payment of contributions from the European Fisheries Fund pursuant to Regulation (EC) No 1198/2006 and of <i>Union</i> financial contributions to measures referred to in Article 8(a) of Regulation (EC) No 861/2006 shall be conditional upon respect by the Member States of their obligation to ensure compliance with and enforcement of the rules of the common fisheries policy related to, or having an impact on the effectiveness of, the measures being financed, and to operate and maintain an effective control, inspection and enforcement system to this effect.</p> <p>7. In accordance with their respective responsibilities, the Commission and the Member States shall ensure that the objectives of this Regulation are fulfilled in the management and control of <i>Union</i> financial assistance.</p>	
<p>TITLE III</p> <p>GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 6</i></p> <p>Fishing licence</p> <p>1. A Union fishing vessel may be used for commercial exploitation of living aquatic resources only if it has a valid fishing licence.</p> <p>2. The flag Member State shall ensure that the information contained in the fishing licence is accurate and consistent with that contained in the Community fishing fleet register referred to in Article 15 of Regulation (EC) No 2371/2002.</p> <p>3. The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 45(4) of Regulation (EC) No 1005/2008.</p> <p>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 11(3) of Regulation (EC) No 2371/2002, or which has had its fishing authorisation withdrawn in accordance with Article 45(4) of Regulation (EC) No 1005/2008.</p> <p>5. The flag Member State shall issue, manage and withdraw the fishing licence in accordance with the detailed rules adopted in accordance with the procedure referred to in Article 119.</p>	<p><i>Article 6</i></p> <p>Fishing licence</p> <p>1. A Union fishing vessel may be used for commercial exploitation of marine biological resources only if it has a valid fishing licence.</p> <p>2. The flag Member State shall ensure that the information contained in the fishing licence is accurate and consistent with that contained in the Union fishing fleet register referred to in Article 24 of Regulation (EU) No 1380/2013.</p> <p>3. The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 91b.</p> <p>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.</p> <p>5. The Commission may, by means of implementing acts, lay down rules on the validity of fishing licences issued by the flag Member State as well as the minimum information contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 7</i></p> <p>Fishing authorisation</p> <p>1. A Union fishing vessel operating in Union waters shall be authorised to carry out specific fishing activities only insofar as they are indicated in a valid fishing authorisation when the fisheries or fishing zones where the activities are authorised are subject to:</p> <p>(a) a fishing effort regime;</p> <p>(b) a multiannual plan;</p> <p>(c) a fishing restricted area;</p>	<p>1.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(d) fishing for scientific purposes;</p> <p>(e) other cases laid down in Union legislation.</p> <p>2. Where a Member State has a specific national fishing authorisation scheme, 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.</p> <p>3. Where the flag Member State has adopted national provisions in the form of a national fishing authorisation scheme for the allocation to individual vessels of the fishing opportunities available to it, it shall send to the Commission at its request information on the fishing vessels authorised to engage in a fishing activity in a given fishery, in particular concerning the external identification number, the name of the fishing vessels concerned, and the individual fishing opportunities allocated to them.</p> <p>4. A fishing authorisation shall not be issued if the fishing vessel concerned does not have a fishing licence obtained in accordance with Article 6 or if its fishing licence has been suspended or withdrawn. A fishing authorisation shall be automatically withdrawn where the fishing licence corresponding to the vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.</p> <p>5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>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.</p> <p>3.</p> <p>4.</p> <p>5. The Commission may, by means of implementing acts, lay down rules on the validity of fishing authorisations issued by the flag Member State as well as the minimum information contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p> <p>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a providing for derogations from the obligation to obtain fishing authorisations for Union fishing vessels below 10 metres' length overall.</p>
<i>Article 8</i>	<i>Article 8</i>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Marking of the fishing gear</p> <p>1. The master of a fishing vessel shall respect conditions and restrictions relating to the marking and identification of fishing vessels and their gear.</p> <p>2. Detailed rules for the marking and identification of fishing vessels and their gear shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>Marking and identification of Union fishing vessels and gears (NEW TITLE)</p> <p>1.</p> <p>2. The Commission may, by means of implementing acts, lay down rules on:</p> <p>(a) marking and identification of vessels</p> <p>(b) vessel identification documents to be carried on board;</p> <p>(c) marking and identification of crafts and fishing aggregating devices;</p> <p>(d) marking and identification of fishing gears;</p> <p>(e) labels for the marking of gears;</p> <p>(f) marking of buoys and setting of cords.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 9</i></p> <p>Vessel monitoring system</p> <p>1. Member States shall operate a satellite-based vessel monitoring system for effective monitoring of fishing activities of the fishing vessels flying their flag wherever those vessels may be and of fishing activities in the Member States' waters.</p> <p>2. Without prejudice to specific provisions contained in multiannual plans, a fishing vessel of 12 metres' length overall or more shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at regular intervals. It shall also allow the fisheries monitoring centre of the flag Member State to poll the fishing vessel. For fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall this Article shall apply as from 1 January 2012.</p>	<p><i>Article 9</i></p> <p>Vessel monitoring systems (NEW TITLE)</p> <p>1. Member States shall operate vessel monitoring systems for effective monitoring of position and movement of the fishing vessels flying their flag wherever those vessels may be, and of fishing vessels in the Member States' waters through the collection and analysis of vessel position data. Each flag Member State shall ensure the continuous and systematic monitoring and control of the accuracy of the vessel position data.</p> <p>2. Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting vessel position data at regular intervals.</p> <p>The vessel monitoring systems shall also allow the fisheries monitoring centre referred to in Article 9a of the flag Member State to poll the fishing vessel at all times. The transmission of vessel position data and the polling shall either pass through a satellite connection, or may use a land-based mobile network when in reach of such network.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>3. When a fishing vessel is in the waters of another Member State, the flag Member State shall make available the vessel monitoring system data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel monitoring system data shall also be made available upon request 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.</p> <p>4. If a Union fishing vessel operates in the waters of a third country or in areas of the high sea where the fishing resources are managed by an international organisation and, if the agreement with that third country or the applicable rules of that international organisation so provide, those data shall also be made available to that country or organisation.</p> <p>5. A Member State may exempt <i>Union</i> fishing vessels of less than 15 metres' length overall flying its flag from the requirement to be fitted with a vessel monitoring system if they:</p> <p>(a) operate exclusively within the territorial seas of the flag Member State; or</p> <p>(b) never spend more than 24 hours at sea from the time of departure to the return to port.</p> <p>6. Third country fishing vessels of 12 metres' length overall or more and third country auxiliary fishing vessels engaged in activities ancillary to fishing activities 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 the vessel monitoring system by transmitting position data at regular intervals in the same way as <i>Union</i> fishing vessels.</p> <p>7. Member States shall establish and operate fisheries monitoring centres, which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating or the port they are in, as well as <i>Union</i> fishing vessels flying the flag of other Member States and fishing vessels of third</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>7. The Commission is empowered to adopt delegated acts in accordance with Article 119a establishing detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the masters concerning the vessel monitoring devices.</p> <p>8. The Commission may, by means of implementing acts, lay down detailed rules on</p> <p>(a) the format and content of vessel position data;</p> <p>(b) the requirements and technical specifications of vessel monitoring devices;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>countries to which a vessel monitoring system applies operating in the waters under the sovereignty or the jurisdiction of that particular Member State.</p> <p>8. 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.</p> <p>9. A Member State may oblige or authorise any fishing vessels flying its flag to be fitted with a vessel monitoring system.</p> <p>10. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>(c) the frequency of transmission of the data concerning the position and movement of fishing vessels including in fishing restricted areas;</p> <p>(d) the transmission of data to coastal Member States.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
	<p><i>Article 9a</i></p> <p>Fisheries monitoring centres</p> <p>1. Member States shall establish and operate fisheries monitoring centres which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating or the port they are in, as well as Union fishing vessels flying the flag of other Member States and fishing vessels of third countries to which vessel monitoring system provisions applies operating in the waters under the sovereignty or the jurisdiction of that particular Member State.</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>centre.</p> <p>3. Flag Member States shall ensure that fisheries monitoring centres have access to all relevant data and in particular as listed in Articles 109 and 110 and operate 7 days a week and 24 hours a day.</p> <p>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular relating to</p> <ul style="list-style-type: none"> (a) the monitoring of entry into and exit from specific areas; (b) the monitoring and recording of fishing activity; (c) the provisions applicable in case of a technical or communication failure or non-functioning of the vessel monitoring device; (d) measures to be taken in case of non-receipt of data concerning the position and movement of fishing vessels.
<p><i>Article 10</i></p> <p>Automatic identification system</p> <p>1. In accordance with Annex II Part I point 3 of the Directive 2002/59/EC, a fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation according to chapter V, Regulation 19, section 2.4.5 of the 1974 SOLAS Convention.</p> <p>2. Paragraph 1 shall apply:</p> <ul style="list-style-type: none"> (a) as from 31 May 2014 to Union fishing vessels of 15 metres' length overall or more and less than 18 metres' length overall; (b) as from 31 May 2013 to Union fishing vessels of 18 metres' length overall or more and less than 24 metres' length overall; 	<p><i>Article 10</i></p> <p>Automatic identification system</p> <p>In accordance with Directive 2002/59/EC, a fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(c) as from 31 May 2012 to Union fishing vessels of 24 metres' length overall or more and less than 45 metres' length overall.</p> <p>3. Member States may use the automatic identification system data when such data are available for the purpose of cross-checking with other available data in accordance with Articles 109 and 110. For that purpose Member States shall ensure that data from the automatic identification system for fishing vessels flying their flag are available to their national fisheries control authorities.</p>	
<p><i>Article 11</i></p> <p>Vessel detection system</p> <p>Where Member States have clear evidence of a cost benefit in relation to the traditional control means in the detection of fishing vessels, they shall use a vessel detection system allowing them to match the positions derived by remotely sensed images sent to earth by satellites or other equivalent systems with the data received by vessel monitoring system or automatic identification system, in order to assess the presence of fishing vessels in the area. Member States shall ensure that their fisheries monitoring centres possess the technical capacity to use a vessel detection system.</p>	
<p><i>Article 12</i></p> <p>Transmission of data for surveillance operations</p> <p>Data from the vessel monitoring system, the automatic identification system and the vessel detection system collected in the framework of this Regulation may be transmitted to <i>Union</i> 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.</p>	<p><i>Article 12</i></p> <p>Transmission of data for surveillance operations</p> <p>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.</p>
<p><i>Article 13</i></p> <p>New technologies</p>	<p style="text-align: center;">DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>1. The Council may decide on the basis of Article 37 of the Treaty on the obligation to use electronic monitoring devices and traceability tools such as genetic analysis. In order to assess the technology to be used, Member States, on their own initiative or in cooperation with the Commission or the body designated by it, shall carry out pilot projects on traceability tools such as genetic analysis before 1 June 2013.</p> <p>2. The Council may decide on the basis of Article 37 of the Treaty on the introduction of other new fisheries control technologies when these technologies lead to improved compliance with the rules of the common fisheries policy in a cost-effective way.</p>	
<p>TITLE IV</p> <p>CONTROL OF FISHERIES</p>	
<p>CHAPTER I</p> <p>Control of the use of fishing opportunities</p>	
<p>Section 1</p> <p>General provisions</p>	
<p><i>Article 14</i></p> <p>Completion and submission of the fishing logbook</p> <p>1. Without prejudice to specific provisions contained in multiannual plans, the master of each Union fishing vessel of 10 metres' length overall or more shall keep a fishing logbook of operations, indicating specifically, for each fishing trip, all quantities of each species caught and kept on board above 50 kg of live-weight equivalent. The 50 kg threshold shall apply as soon as catches of a species exceed 50 kg.</p> <p>2. The fishing logbook referred to in paragraph 1 shall contain in particular the following information:</p>	<p><i>Article 14</i></p> <p>Completion of the fishing logbook (NEW TITLE)</p> <p>1. The master of each Union catching vessel shall keep an electronic fishing logbook for the purpose of recording fishing activities.</p> <p>2. The fishing logbook referred to in paragraph 1 shall contain in particular the following information:</p> <p>(a) a unique fishing trip identification number;</p> <p>(b) the vessel identification numbers and the name of the fishing vessel;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(a) the external identification number and the name of the fishing vessel;</p> <p>(b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(c) the date of catches;</p> <p>(d) the date of departure from and of arrival to port, and the duration of the fishing trip;</p> <p>(e) the type of gear, mesh size and dimension;</p> <p>(f) the estimated quantities of each species in kilograms live weight, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;</p> <p>(g) the number of fishing operations.</p> <p>3. The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % for all species.</p> <p>4. Masters of Union fishing vessels shall record in their fishing logbook all estimated discards above 50 kg of live-weight equivalent in volume for any species not subject to the landing obligation.</p> <p>Masters of Union fishing vessels shall also record in their fishing logbook all estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (1).</p> <p>5. In fisheries subject to a Union regime of fishing effort, masters of <i>Union</i> fishing vessels shall record and account in their fishing logbooks for the time spent in an area as follows:</p> <p>(a) with regard to towed gear:</p> <p>(i) entry into, and exit from the port located in that area;</p> <p>(ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;</p>	<p>(c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(d) the date and, where appropriate, time of catches;</p> <p>(e) the date and time of departure from, and of arrival to, port and the duration of the fishing trip;</p> <p>(f) the type of gear, technical specifications and dimensions;</p> <p>(g) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry; for Union fishing vessels of 12 metres' length overall or more, this information shall be provided per haul or per fishing operation;</p> <p>(h) estimated discards of live-weight equivalent in volume for any species not subject to the landing obligation;</p> <p>(i) estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation (EU) No 1380/2013;</p> <p>(j) the conversion factors used;</p> <p>(k) data required in application of fisheries agreements referred to in paragraph 1 of Article 3.</p> <p>3. In the case of fishing gears lost at sea, the logbook shall also contain:</p> <p>(a) the type of lost gear;</p> <p>(b) the date and time when the gear was lost;</p> <p>(c) the position where the gear was lost;</p> <p>(d) the measures undertaken to retrieve the gear.</p> <p>4. When compared with the quantities landed or the result of an inspection, the</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;</p> <p>(b) with regard to static gear:</p> <p>(i) entry into, and exit from the port located in that area;</p> <p>(ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;</p> <p>(iii) the date and time of setting or re-setting of the static gear in these areas;</p> <p>(iv) the date and time of the completion of fishing operations using the static gear;</p> <p>(v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.</p> <p>6. Masters of Union fishing vessels shall submit the fishing logbook information as soon as possible and not later than 48 hours after landing:</p> <p>(a) to their flag Member State; and</p> <p>(b) if the landing has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.</p> <p>7. To convert stored or processed fish weight into live fish weight, masters of <i>Union</i> fishing vessels shall apply the conversion factor established in accordance with the procedure referred to in Article 119.</p> <p>8. Masters of third country fishing vessels operating in Union waters shall record the information referred to in this Article in the same way as masters of Union fishing vessels.</p> <p>9. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.</p> <p>10. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % per species. For species retained on board that do not exceed 50kg live weight equivalent, the permitted margin of tolerance shall be 20% per species.</p> <p>By derogation to the first subparagraph for fisheries referred to in the first and third indents of Article 15(1)(a) of Regulation (EU) No 1380/2013 which are landed unsorted, the tolerance limitations set out in this paragraph shall not apply to catches of species which meet both of the following conditions:</p> <p>(a) they represent less than 1% in weight of all species landed; and</p> <p>(b) their total weight is less than 100 kg.</p> <p>5. In fisheries subject to a Union regime of fishing effort, masters of Union catching vessels shall record and account in their fishing logbooks for the time spent in an area as follows:</p> <p>(a) with regard to towed gear:</p> <p>(i) entry into, and exit from the port located in that area;</p> <p>(ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;</p> <p>(iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;</p> <p>(b) with regard to static gear:</p> <p>(i) entry into, and exit from the port located in that area;</p> <p>(ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;</p> <p>(iii) the date and time of setting or re-setting of the static gear in these areas;</p> <p>(iv) the date and time of the completion of fishing operations using the static gear;</p> <p>(v) the catch retained on board by species in kilograms live weight at the time of</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>exit from that area or before entry into a port located in that area.</p> <p>6. To convert stored or processed fish weight into live fish weight for the purposes of the logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 9.</p> <p>7. Masters of third country catching vessels operating in Union waters shall record the information referred to in this Article in the same way as masters of Union fishing vessels.</p> <p>8. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.</p> <p>9. The Commission may, by means of implementing acts,</p> <p>(a) lay down detailed rules on the implementation of the margin of tolerance as defined in paragraph 3;</p> <p>(b) lay down detailed rules on the use of conversion factors;</p> <p>(c) set conversion factors.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 15</i></p> <p>Electronic completion and transmission of fishing logbook data</p> <p>1. Masters of Union fishing vessels of 12 metres' length overall or more shall record by electronic means the information referred to in Article 14, and shall send it by electronic means to the competent authority of the flag Member State at least once a day.</p> <p>2. Masters of Union fishing vessels of 12 metres' length overall or more shall send the information referred to in Article 14 at the request of the competent authority of the flag Member State, and shall in any event transmit the relevant fishing logbook</p>	<p><i>Article 15</i></p> <p>Electronic submission of the logbook (NEW TITLE)</p> <p>1. Masters of Union catching vessels of 12 metres' length overall or more shall submit by electronic means the information referred to in Article 14 to the competent authority of their flag Member State:</p> <p>(a) at least once a day, and where applicable, after each haul; and</p> <p>(b) after the last fishing operation has been completed and before entering port.</p> <p>2. Masters of Union catching vessels of less than 12 metres' length overall shall submit by electronic means the information referred to in Article 14, to the competent authority of their flag Member State after the last fishing operation has been completed and</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>data after the last fishing operation has been completed and before entering port.</p> <p>3. Paragraph 1 shall apply:</p> <p>(a) as from 1 January 2012 to <i>Union</i> fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;</p> <p>(b) as from 1 July 2011 to <i>Union</i> fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and</p> <p>(c) as from 1 January 2010 to <i>Union</i> fishing vessels of 24 metres' length overall or more.</p> <p>4. A Member State may exempt masters of <i>Union</i> fishing vessels of less than 15 metres' length overall flying its flag from paragraph 1 if they:</p> <p>(a) operate exclusively within the territorial seas of the flag Member State; or</p> <p>(b) never spend more than 24 hours at sea from the time of departure to the return to port.</p> <p>5. Masters of <i>Union</i> fishing vessels that electronically record and report data on their fishing activities shall be exempt from the obligation to complete a paper fishing logbook, a landing declaration and a transshipment declaration.</p> <p>6. Member States may conclude bilateral agreements on the use of electronic reporting systems on vessels flying their flags within the waters under their sovereignty or jurisdiction. The vessels falling within the scope of such agreements shall be exempt from completing a paper fishing logbook within those waters.</p> <p>7. A Member State may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in Article 14.</p> <p>8. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.</p> <p>9. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>before entering port.</p> <p>3. Masters of Union catching vessels shall also send electronically the information referred to in Article 14 at the time of any inspection and upon request of the competent authority of their flag Member State.</p> <p>4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1, 2 and 3.</p> <p>5. Masters of third country catching vessels operating in Union waters shall submit by electronic means the information referred to in Article 14 to the competent authority of the coastal Member State.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p><i>Article 15a</i></p> <p>Delegated and implementing acts concerning logbook requirements</p> <p>1. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</p> <ul style="list-style-type: none"> (a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for logbook data; (b) measures to be taken in case of non-receipt of logbook data; (c) the access to logbook data and measures to be taken in case of data access failure. <p>2. The Commission may, by means of implementing acts, lay down detailed rules on:</p> <ul style="list-style-type: none"> (a) the format, content and submission of the fishing logbook; (b) the completion and digital recording of information in the fishing logbook; (c) the functioning of the electronic recording and reporting system for logbook data; (d) the requirements for the transmission of logbook data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities; (e) the requirements and format for exchange of logbook information between Member States; (f) the tasks of the single authority referred to in Article 5(5) with regards to the fishing logbook; (g) the frequency of logbook data transmissions. <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 16</i></p> <p>Fishing vessels not subject to fishing logbook requirements</p>	<p style="text-align: center;">DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>1. Each Member State shall monitor, on the basis of sampling, the activities of fishing vessels which are not subject to the requirements specified in Articles 14 and 15 in order to ensure compliance by these vessels with the rules of the common fisheries policy.</p> <p>2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology adopted by the Commission in accordance with the procedure referred to in Article 119 and transmit it every year by 31 January to the Commission indicating the methods used for the establishment of this plan. The sampling plans shall be, as far as possible, stable over time and standardised within relevant geographical areas.</p> <p>3. Member States requiring fishing vessels of less than 10 metres' length overall flying their flag to submit fishing logbooks referred to in Article 14, in accordance with their national law, shall be exempted from the obligation laid down in paragraphs 1 and 2 of this Article.</p> <p>4. By way of derogation from paragraphs 1 and 2 of this Article, sales notes submitted in accordance with Articles 62 and 63 shall be accepted as an alternative measure to sampling plans.</p>	
<p><i>Article 17</i></p> <p>Prior notification</p> <p>1. Masters of Union fishing vessels of 12 metres' length overall or more engaged in fisheries on stocks subject to a multiannual plan, which are under the obligation to record fishing logbook data electronically in accordance with Article 15, shall notify the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information:</p> <p>(a) the external identification number and the name of the fishing vessel;</p>	<p>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:</p> <p>(a) the unique trip identification number as indicated in the logbook;</p> <p>(b) the vessel identification numbers and the name of the fishing vessel;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(b) the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services;</p> <p>(c) the dates of the fishing trip and the relevant geographical areas in which the catches were taken;</p> <p>(d) the estimated date and time of arrival at port;</p> <p>(e) the quantities of each species recorded in the fishing logbook, including those below the applicable minimum conservation reference size, as a separate entry;</p> <p>(f) the quantities of each species to be landed or trans-shipped, including those below the applicable minimum conservation reference size, as a separate entry.</p>	<p>(c) the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services;</p> <p>(d) the dates of the fishing trip and the relevant geographical areas in which the catches were taken;</p> <p>(e) the date and time of departure from port and the estimated date and time of arrival at port;</p> <p>(f) the FAO alpha-3 code of each species;</p> <p>(g) the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;</p> <p>(h) the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size.</p> <p>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.</p>
<p>2. When a Union fishing vessel intends to enter a port in a Member State other than the flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the electronic prior notification to the competent authorities of the coastal Member State.</p>	<p>2.</p>
<p>3. The competent authorities of the coastal Member State may give permission to an earlier entry at port.</p>	<p>3.</p>
<p>4. The electronic fishing logbook data referred to in Article 15 and the electronic prior notification may be sent in a single electronic transmission.</p>	<p>4.</p>
<p>5. The accuracy of the data recorded in the electronic prior notification shall be the</p>	<p>5.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>responsibility of the master.</p> <p>6. The Commission, in accordance with the procedure referred to in Article 119, may exempt certain categories of fishing vessels from the obligation set out in paragraph 1 for a limited period, which may be renewed, or make provision for another notification period taking into account, inter alia, the type of fisheries products, the distance between the fishing grounds, landing places and ports where the vessels in question are registered.</p>	<p>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning</p> <ul style="list-style-type: none"> (a) the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisheries products to be landed; (b) the extension of the prior notification obligation set out in paragraph 1 to fishing vessels of less than 12 metres' length overall for specific fisheries; (c) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification; (d) measures to be taken in case of non-receipt of prior notifications data; (e) the access to prior notification data and measures to be taken in case of data access failure.
<p><i>Article 18</i></p> <p>Prior notification of landing in another Member State</p> <p>1. Masters of <i>Union</i> fishing vessels which are not under the obligation to record fishing logbook data electronically pending the entry into force of the provisions referred to in Article 15(3) and who intend to use port or landing facilities in a coastal Member State other than their flag Member State shall notify the competent authorities of the coastal Member State at least four hours before the estimated time of arrival at the port of the information referred to in Article 17(1).</p> <p>2. The competent authorities of the coastal Member State may give permission to an earlier entry.</p>	<p style="text-align: center;">DELETED</p>
<p><i>Article 19</i></p>	<p><i>Article 19</i></p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Authorisation to access to port</p> <p>The competent authorities of the coastal Member State may deny access to port to fishing vessels if the information referred to in Articles 17 and 18 is not complete, except in cases of force majeure.</p>	<p>Authorisation to access to port</p> <p>The competent authorities of the coastal Member State may deny access to port to fishing vessels if the information referred to in Articles 17 and 18 is not complete, except in cases of force majeure.</p>
	<p>Article 19a</p> <p>Prior notification of landing in third country ports</p> <ol style="list-style-type: none"> 1. Union fishing vessels shall only be authorised to land in ports outside Union waters if they have notified by electronic means the competent authorities of their flag Member State at least 3 days before the estimated time of arrival at port of the information listed in paragraph 3 and the flag Member State has not denied the authorisation to land within this period of time. 2. The flag Member State may set a shorter period, of not less than four hours, for the prior notification referred to in paragraph 1 for fishing vessels flying their flag carrying out fishing activities in third country waters, taking into account the type of fishery products and the distance between the fishing grounds and port. 3. Masters of Union fishing vessels shall submit to the flag Member State, the following information: <ol style="list-style-type: none"> (a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a); (b) the vessel identification number and the name of the fishing vessel; (c) the name of the port of destination and the purposes of the call, such as landing or access to services; (d) the relevant geographical areas in which the catches were taken; (e) the date and time of departure from port and the estimated date and time of arrival at port; (f) the FAO alpha-3 code of each species;

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(g) the quantities of each species recorded in the fishing logbook.</p> <p>(h) the quantities of each species to be landed.</p> <p>4. Where, on the basis of the analysis of the information submitted and other information available, there are reasonable grounds to believe that the fishing vessel is not complying with the rules of the common fisheries policy, the competent authorities of the flag Member State shall request the cooperation of the third country where the vessel intends to land in view of a possible inspection. For this purpose the flag Member State may require the fishing vessel to land in a different port, or delay the time of arrival at port or of landing.</p>
<p><i>Article 20</i></p> <p>Transshipment operations</p> <p>1. Transshipments at sea shall be prohibited in <i>Union</i> waters. They shall be allowed only subject to an authorisation and to the conditions laid down in this Regulation in ports or places close to the shore of Member States designated for this purpose, and in accordance with the conditions laid down in Article 43(5).</p> <p>2. If the transshipment operation is interrupted, permission may be required before the transshipment operation is resumed.</p>	<p>1.</p> <p>2.</p> <p>2a. Without prejudice to Article 4(4) of Council Regulation (EC) No 1005/2008 and Article 43(3) of this Regulation, Union donor vessels and Union receiving vessels shall only be authorised to tranship at sea outside Union waters or in ports of third countries subject to an authorisation received from their flag Member State(s).</p> <p>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 transshipment operation, the following information:</p> <p>(a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);</p> <p>(b) the vessel identification numbers and the name of both the donor and the</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>3. For the purposes of this Article, relocation, pair trawling activities and fishing operations involving joint action by two or more <i>Union</i> fishing vessels shall not be considered as transshipment.</p>	<p>receiving fishing vessels;</p> <p>(c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation;</p> <p>(e) the port of destination of the receiving fishing vessel;</p> <p>(f) date and time of the planned transshipment;</p> <p>(g) the geographical position or the specific name of the port in which the transshipment operation is planned.</p> <p>3.</p>
<p><i>Article 21</i></p> <p>Completion and submission of the transshipment declaration</p> <p>1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 10 metres' length overall or more involved in a transshipment operation shall complete a transshipment declaration, indicating specifically all quantities of each species transhipped or received above 50 kg of live-weight equivalent.</p> <p>2. The transshipment declaration referred to in paragraph 1 shall contain at least the following information:</p> <p>(a) the external identification number and the name of both the transshipping and the receiving fishing vessels;</p> <p>(b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p>	<p><i>Article 21</i></p> <p>Completion of the transshipment declaration (NEW TITLE)</p> <p>1. Masters of Union fishing vessels of 10 metres' length overall or more involved in a transshipment operation shall complete an electronic transshipment declaration.</p> <p>2. The transshipment declaration referred to in paragraph 1 shall contain at least the following information:</p> <p>(a) the unique trip identification number as provided on the logbook in accordance with Article 14(2)(a);</p> <p>(b) the vessel identification numbers and the name of both the donor and the receiving fishing vessels;</p> <p>(c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(d) the estimated quantities of each species in kilograms in product weight and in live weight, broken down by type of product presentation or, where appropriate, the number of individuals, including, as a separate entry, the quantities or</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(c) the estimated quantities of each species in kilograms in product weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;</p> <p>(d) the port of destination of the receiving fishing vessel;</p> <p>(e) the designated port of transhipment.</p> <p>3. The permitted margin of tolerance in estimates recorded in the transhipment declaration of the quantities in kilograms of fish transhipped or received shall be 10 % for all species.</p> <p>4. The masters of both the transhipping and the receiving fishing vessel shall each submit a transhipment declaration, as soon as possible and not later than 48 hours after transhipment:</p> <p>(a) to their flag Member State (s); and</p> <p>(b) if the transhipment has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.</p> <p>5. The masters of both the transhipping and the receiving fishing vessel shall each be responsible for the accuracy of the data recorded in their transhipment declaration.</p> <p>6. The Commission, in accordance with the procedure referred to in Article 119, may exempt certain categories of fishing vessels from the obligation laid down in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, inter alia, the type of fishery products and the distance between the fishing grounds, transhipping places and ports where the vessels in question are registered.</p> <p>7. Transhipment declaration procedures and forms shall be determined in accordance with the procedure referred to in Article 119.</p>	<p>individuals below the applicable minimum conservation reference size;</p> <p>(e) the port of destination of the receiving fishing vessel and estimated date and time of arrival;</p> <p>(f) date and time of transhipment;</p> <p>(g) the geographical area or the designated port of transhipment;</p> <p>(h) the conversion factors used.</p> <p>3. When compared with the quantities landed or the result of an inspection, the permitted margin of tolerance in estimates recorded in the transhipment declaration of the quantities in kilograms of fish retained on board shall be 10 % per species.</p> <p>4. The masters of both the donor and the receiving fishing vessel shall each be responsible for the accuracy of the data recorded in their respective transhipment declarations.</p> <p>5. To convert stored or processed fish weight into live fish weight for the purposes of transhipment declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9).</p> <p>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1, taking into account the quantities and/or type of fisheries products.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 22</i></p> <p>Electronic completion and transmission of transhipment declaration data</p> <p>1. Masters of <i>Union</i> fishing vessels of 12 metres' length overall or more shall record by electronic means the information referred to in Article 21 and shall send it by electronic means to the competent authority of the flag Member State within 24 hours after completion of the transhipment operation.</p> <p>2. Paragraph 1 shall apply:</p> <p>(a) as from 1 January 2012 to <i>Union</i> fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;</p> <p>(b) as from 1 July 2011 to <i>Union</i> fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and</p> <p>(c) as from 1 January 2010 to <i>Union</i> fishing vessels of 24 metres' length overall or more.</p> <p>3. A Member State may exempt masters of <i>Union</i> fishing vessels of less than 15 metres' length overall flying its flag from paragraph 1 if they:</p> <p>(a) operate exclusively within the territorial seas of the flag Member State; or</p> <p>(b) never spend more than 24 hours at sea from the time of departure to the return to port.</p> <p>4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.</p> <p>5. When a <i>Union</i> fishing vessel tranships its catches in a Member State other than the flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the transhipment declaration data by electronic means to the competent authorities of the Member State where the catch was transhipped and where the catch is destined.</p> <p>6. A Member State may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in</p>	<p><i>Article 22</i></p> <p>Electronic transmission of transhipment declaration data (NEW TITLE)</p> <p>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 transhipment operation.</p> <p>2. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1.</p> <p>3. When a Union fishing vessel tranships 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 transhipment declaration data by electronic means to the competent authorities of the Member State where the catch was transhipped and where the catch is destined.</p> <p>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</p> <p>(a) the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for transhipment data;</p> <p>(b) measures to be taken in case of non-receipt of transhipment data;</p> <p>(c) the access to transhipment data and measures to be taken in case of data access failure.</p> <p>5. The Commission may by means of implementing acts, lay down detailed rules on:</p> <p>(a) the format and content of the transhipment declaration;</p> <p>(b) the completion and electronic recording of transhipment data;</p> <p>(c) the functioning of the electronic recording and reporting system for transhipment data;</p> <p>(d) the requirements for the transmission of transhipment data from a Union fishing</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Article 21.</p> <p>7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>vessel to the competent authorities of its flag Member State and return messages from the authorities of the flag Member State;</p> <p>(e) the requirements and format for exchange of transshipment information between Member States;</p> <p>(f) the tasks of the single authority referred to in Article 5(5) with regard to transshipments;</p> <p>(g) the frequency of transshipment data transmissions.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 23</i></p> <p>Completion and submission of the landing declaration</p> <p>1. Without prejudice to specific provisions contained in multiannual plans, the master of a <i>Union</i> fishing vessel of 10 metres' length overall or more, or his representative, shall complete a landing declaration, indicating specifically all quantities of each species landed.</p> <p>2. The landing declaration referred to in paragraph 1 shall contain at least the following information:</p> <p>(a) the external identification number and the name of the fishing vessel;</p> <p>(b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(c) the quantities of each species in kilograms in product weight broken down by type of product presentation, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;</p> <p>(d) the port of landing.</p> <p>3. The master of a <i>Union</i> fishing vessel or his representative shall submit the landing declaration, as soon as possible and not later than 48 hours after the completion of</p>	<p><i>Article 23</i></p> <p>Completion of the landing declaration (NEW TITLE)</p> <p>1. The master of a Union fishing vessel, or its representative, shall complete an electronic landing declaration.</p> <p>2. The landing declaration referred to in paragraph 1 shall contain at least the following information:</p> <p>(a) the unique fishing trip identification number;</p> <p>(b) the vessel identification numbers and the name of the fishing vessel;</p> <p>(c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken;</p> <p>(d) the quantities of each species landed in kilograms of product weighed in accordance with Article 60 and in live weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size;</p> <p>(e) the port of landing;</p> <p>(f) date and time of landing;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>the landing:</p> <p>(a) to their flag Member State; and</p> <p>(b) if the landing has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.</p> <p>4. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.</p> <p>5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>(g) the registration number of the weigher;</p> <p>(h) the conversion factors used.</p> <p>3. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.</p> <p>5. To convert stored or processed fish weight into live fish weight for the purposes of the landing declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9).</p>
<p><i>Article 24</i></p> <p>Electronic completion and transmission of landing declaration data</p> <p>1. The master of a <i>Union</i> fishing vessel of 12 metres' length overall or more, or his representative, shall record by electronic means the information referred to in Article 23, and shall send it by electronic means to the competent authority of the flag Member State within 24 hours after completion of the landing operation.</p> <p>2. Paragraph 1 shall apply:</p> <p>(a) as from 1 January 2012 to <i>Union</i> fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;</p> <p>(b) as from 1 July 2011 to <i>Union</i> fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and</p> <p>(c) as from 1 January 2010 to <i>Union</i> fishing vessels of 24 metres' length overall or more.</p> <p>3. A Member State may exempt masters of <i>Union</i> fishing vessels of less than 15 metres' length overall flying its flag from paragraph 1 if they:</p> <p>(a) operate exclusively within the territorial seas of the flag Member State; or</p> <p>(b) never spend more than 24 hours at sea from the time of departure to the return to port.</p> <p>4. When a <i>Union</i> fishing vessel lands its catches in a Member State other than the</p>	<p><i>Article 24</i></p> <p>Electronic transmission of landing declaration data (NEW TITLE)</p> <p>1. The master of a Union fishing vessel or their representative shall submit by electronic means the information referred to in Article 23 to the competent authority of their flag Member State within 24 hours after completion of the landing.</p> <p>2. By way of derogation for fisheries products for human consumption landed unsorted which are weighed in accordance with Article 60(5)(c), the master shall submit the information referred to in Article 23 as updated immediately after the second weighing, to include the result of the second weighing.</p> <p>3. When a Union fishing vessel lands its catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State where the catch was landed.</p> <p>4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.</p> <p>5. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</p> <p>(a) derogations concerning the submission of the landing declaration;</p> <p>(b) the provisions applicable in the event of technical or communication failure or</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State where the catch was landed.</p> <p>5. The master of a <i>Union</i> fishing vessel, or his representative, who records by electronic means the information referred to in Article 23 and who lands his catch in a Member State other than the flag Member State shall be exempt from the requirement to submit a paper landing declaration to the coastal Member State.</p> <p>6. A Member State may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in Article 23.</p> <p>7. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.</p> <p>8. Landing declaration procedures and forms shall be determined in accordance with the procedure referred to in Article 119.</p>	<p>non-functioning of electronic recording and reporting systems for landing declaration data;</p> <p>(c) measures to be taken in case of non-receipt of landing declaration data;</p> <p>(d) the access to landing declaration data and measures to be taken in case of data access failure.</p> <p>6. The Commission may, by means of implementing acts, lay down detailed rules on:</p> <p>(a) the format and content of the landing declaration;</p> <p>(b) the completion and digital recording of landing declaration data;</p> <p>(c) the functioning of the electronic recording and reporting system for landing declaration data;</p> <p>(d) the requirements for the transmission of landing declaration data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities;</p> <p>(e) the requirements and format for exchange of landing declaration data between Member States;</p> <p>(f) the tasks of the single authority referred to in Article 5(5), as regards landing declarations;</p> <p>(g) the frequency of transmissions of landing declaration data.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 25</i></p> <p>Vessels not subject to landing declaration requirements</p> <p>1. Each Member State shall monitor, on the basis of sampling, the activities of fishing vessels which are not subject to the landing declaration requirements specified in Articles 23 and 24 in order to ensure compliance by these vessels with the rules of the common fisheries policy.</p> <p>2. For the purposes of the monitoring referred to in paragraph 1, each Member State</p>	<p>DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>shall establish a sampling plan based on the methodology adopted by the Commission in accordance with the procedure referred to in Article 119, and transmit it every year by 31 January to the Commission indicating the methods used for the establishment of this plan. The sampling plans shall be, as far as possible, stable over time and standardised within relevant geographical areas.</p> <p>3. Member States requiring fishing vessels of less than 10 metres' length overall flying their flag to submit landing declarations referred to in Article 23, in accordance with their national law, shall be exempted from the obligation laid down in paragraphs 1 and 2 of this Article.</p> <p>4. By way of derogation from paragraphs 1 and 2 of this Article, sales notes submitted in accordance with Articles 62 and 63 shall be accepted as an alternative measure to sampling plans.</p>	
	<p>Article 25a</p> <p>Control of the landing obligation</p> <ol style="list-style-type: none"> 1. Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed-Circuit Television (CCTV) systems incorporating data storage. 2. The percentage of fishing vessels referred to in paragraph 1 shall be established for different risk categories in specific control and inspection programmes adopted pursuant to Article 95. Those programmes shall also determine the risk categories and the types of fishing vessels included in such categories. 3. In addition to the CCTV systems referred to in paragraph 1, Member States may require the use of other electronic monitoring systems for the purpose of controlling the landing obligation. 4. The Commission may, by means of implementing acts, lay down detailed rules on the requirements, technical specifications, installation and functioning of the electronic monitoring systems for the control of the landing obligation, including continuously recording CCTV systems.

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
Section 2 Control of fishing effort	
<i>Article 26</i> Monitoring of fishing effort <p>1. Member States shall control the compliance with fishing effort regimes in geographical areas where maximum allowable fishing effort applies. They shall ensure that fishing vessels flying their flag are present in a geographical area subject to a fishing effort regime when carrying on board or, where appropriate, deploying a fishing gear or gears subject to that fishing effort regime or, where appropriate, operating in a fishery subject to that fishing effort regime only if the maximum allowable fishing effort available to them has not been reached and if the effort available to the individual fishing vessel has not been exhausted.</p> <p>2. Without prejudice to special rules, where a fishing vessel carrying on board or, where appropriate, deploying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime crosses during the same day two or more geographical areas subject to that fishing effort regime, the fishing effort deployed shall be counted against the maximum allowable fishing effort related to such fishing gear or such fishery and to the geographical area in which the largest proportion of time was spent during that day.</p> <p>3. Where a Member State has authorised a fishing vessel in accordance with Article 27(2) to use more than one fishing gear or gears belonging to more than one grouping of fishing gears subject to a fishing effort regime during a certain fishing trip in a geographical area subject to that fishing effort regime, the fishing effort deployed during that trip shall be counted simultaneously against the maximum allowable fishing effort available to this Member State and related to each of such gears or groupings of fishing gears and to such geographical area.</p> <p>4. Where fishing gears belong to the same grouping of fishing gears subject to the fishing effort regime, the fishing effort deployed in a geographical area by fishing vessels when carrying those gears on board shall be counted only once against the</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>maximum allowable fishing effort related to such grouping of fishing gears and to such geographical area.</p> <p>5. Member States shall regulate the fishing effort of their fleet in geographical areas subject to a fishing effort regime when carrying on board or, where appropriate, deploying a fishing gear or gears subject to that fishing effort regime or operating in a fishery subject to that fishing effort regime by taking appropriate action if the available maximum allowable fishing effort is about to be reached to ensure that the deployed fishing effort does not exceed the set limits.</p> <p>6. A day present within an area shall be any continuous period of 24 hours or part thereof during which a fishing vessel is present within the geographical area and absent from port or where appropriate deploying its fishing gear. The time from which the continuous period of a day present in the area is measured is at the discretion of the Member State whose flag is flown by the fishing vessel concerned. A day absent from port shall be any continuous period of 24 hours or part thereof during which the fishing vessel is absent from port.</p>	
<p><i>Article 27</i></p> <p>Notification of fishing gear</p> <p>1. Without prejudice to specific rules, in relevant geographical areas subject to a fishing effort regime where gear restrictions apply or where maximum allowable fishing effort were set for different fishing gears or groupings of fishing gears, the master of a fishing vessel or his representative shall notify to the competent authorities of the flag Member State before a period to which maximum allowable fishing effort applies which fishing gear or, where applicable, fishing gears he intends to use during the forthcoming period. Until such notification is provided the fishing vessel shall not be entitled to fish within the geographical areas to which the fishing effort regime applies.</p> <p>2. Where a fishing effort regime allows the use of gears belonging to more than one grouping of fishing gears in a geographical area, the use of more than one fishing gear during a fishing trip shall be subject to a prior authorisation by the flag Member State.</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 28</i></p> <p>Fishing effort report</p> <p>1. When the Council so decides for <i>Union</i> fishing vessels which are not equipped with a functioning vessel monitoring system as referred to in Article 9 or which do not transmit fishing logbook data electronically as referred to in Article 15 and which are subject to a fishing effort regime, the masters of these fishing vessels shall communicate by telex, fax, telephone message or e-mail duly recorded by the recipient or by radio via a radio station approved under <i>Union</i> rules the following information in the form of a fishing effort report to the competent authorities of his flag Member State and, where appropriate, to the coastal Member State immediately before each entry into and exit from a geographical area subject to that fishing effort regime:</p> <p>(a) the name, external identification mark, radio call sign and name of the master of the fishing vessel;</p> <p>(b) the geographical location of the fishing vessel to which the communication refers;</p> <p>(c) the date and time of each entry into and exit from the area and, where applicable, parts thereof;</p> <p>(d) the catch retained on board by species in kilograms live weight.</p> <p>2. Member States may implement, in accordance with Member States concerned by the fishing activities of the former's vessels, alternative control measures to ensure compliance with effort reporting obligations. These measures shall be as effective and transparent as the reporting obligations in paragraph 1 and shall be notified to the Commission before being implemented.</p>	<p style="text-align: center;">DELETED</p>
<p><i>Article 29</i></p> <p>Exemptions</p> <p>1. A fishing vessel carrying on board fishing gears subject to a fishing effort regime may transit across a geographical area subject to that fishing effort regime if it has no fishing authorisation to operate in that geographical area or it has first notified its competent authorities of its intention to transit. While the fishing vessel is within that</p>	<p>1.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>geographical area, any fishing gear subject to that fishing effort regime and carried on board shall be lashed and stowed in accordance with conditions laid down in Article 47.</p> <p>2. A Member State may choose not to count against any available maximum allowable fishing effort the activity of a fishing vessel undertaking non-fishing related activities in a geographical area subject to a fishing effort regime provided that the fishing vessel first notifies its flag Member State of its intention to do so, of the nature of its activity and that it surrenders its fishing authorisation for that time. Such fishing vessels shall not carry any fishing gear or fish during that time.</p> <p>3. A Member State may choose not to count against any maximum allowable fishing effort the activity of a fishing vessel in a geographical area subject to a fishing effort regime which has been present in that geographical area but was unable to fish because it was assisting another fishing vessel in need of emergency aid or because it was transporting an injured person for emergency medical aid. Within one month after taking that decision, the flag Member State shall inform the Commission and provide evidence of the emergency aid supplied.</p>	<p>2.</p> <p>3. A Member State may choose not to count against any maximum allowable fishing effort the activity of a fishing vessel in a geographical area subject to a fishing effort regime which has been present in that geographical area but was unable to fish because it was assisting another fishing vessel in need of emergency aid or because it was transporting an injured person for emergency medical aid. Within one month after taking that decision, the flag Member State shall inform the Commission and provide evidence of the emergency aid supplied.</p>
<p><i>Article 30</i></p> <p>Exhaustion of fishing effort</p> <p>1. Without prejudice to Articles 29 and 31, in a geographical area where fishing gears are subject to a fishing effort regime a fishing vessel carrying on board such fishing gear or gears shall remain in port or out of that geographical area for the remainder of a period in which such fishing effort regime applies if:</p> <p>(a) it has exhausted the share of the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears that has been assigned to it; or</p> <p>(b) the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears available to its flag Member State has been exhausted.</p> <p>2. Without prejudice to Article 29, in a geographical area where a fishery is subject to a fishing effort regime, a fishing vessel shall not operate in that fishery in that area</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>if:</p> <p>(a) it has exhausted the share of the maximum allowable fishing effort related to that geographical area and to that fishery that has been assigned to it; or</p> <p>(b) the maximum allowable fishing effort related to that geographical area and to that fishery available to its flag Member State has been exhausted.</p>	
<p><i>Article 31</i></p> <p>Fishing vessels excluded from the application of a fishing effort regime</p> <p>This Section shall not apply to fishing vessels to the extent that they are exempted from the application of a fishing effort regime.</p>	
<p><i>Article 32</i></p> <p>Detailed rules</p> <p>Detailed rules for the application of this Section may be adopted in accordance with the procedure referred to in Article 119.</p>	DELETED
<p>Section 3</p> <p>Recording and exchange of data by Member States</p>	
<p><i>Article 33</i></p> <p>Recording of catches and fishing effort</p> <p>1. Each flag Member State shall record all relevant data, in particular data referred to in Articles 14, 21, 23, 28 and 62, on fishing opportunities as referred to in this Chapter, expressed both in terms of landings and, where appropriate, fishing effort, and shall keep the originals of those data for a period of three years or longer in accordance with national rules.</p> <p>2. Without prejudice to specific rules laid down in <i>Union</i> legislation, before the 15th of each month, each flag Member State shall notify the Commission or the body designated by it, by computer transmission of the aggregated data:</p>	<p><i>Article 33</i></p> <p>Recording of catches and fishing effort</p> <p>1. Each flag Member State shall record all data related to catches and fishing effort referred to in this Regulation, in particular data referred to in Articles 14, 21, 23, 55, 59a, 62, 66 and 68, and shall keep the originals of those data for a period of at least three years in accordance with national rules.</p> <p>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:</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(a) for the quantities of each stock or group of stocks subject to TACs or quotas landed during the preceding month, including those below the applicable minimum conservation reference size, as a separate entry; and</p> <p>(b) for the fishing effort deployed during the preceding month for each fishing area subject to a fishing effort regime or, where appropriate, for each fishery subject to a fishing effort regime.</p> <p>3. By way of derogation from paragraph 2(a), for quantities landed from 1 January 2010 until 31 December 2010, Member States shall record quantities landed by fishing vessels of other Member States in their ports and notify them to the Commission in accordance with the procedures set out in this Article.</p> <p>4. Each flag Member State shall notify the Commission by electronic means, before the end of the first month of each calendar quarter, of the quantities of stocks in aggregated form other than those mentioned in paragraph 2 landed during the preceding quarter.</p> <p>5. All catches of a stock or a group of stocks subject to quota made by <i>Union</i> fishing vessels shall be charged against the quotas applicable to the flag Member State for the stock or group of stocks in question, irrespective of the place of landing.</p> <p>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 counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the quotas concerned. Article 12(2) of Council Regulation (EC) No 199/2008 (1) shall not apply to scientific research voyages during which such catches are taken.</p> <p>7. Without prejudice to Title XII, Member States may until 30 June 2011 carry out pilot projects with the Commission and body designated by it on the real-time remote access to Member States data recorded and validated according to this Regulation.</p>	<p>(a) on the quantities of each stock or group of stocks caught and kept on board, and on the quantities of each species discarded, in live-weight equivalent, during the preceding month, including, as separate entries, those below the applicable minimum conservation reference size;</p> <p>(b) on the fishing effort deployed during the preceding month for each fishing area subject to a fishing effort regime or, where appropriate, for each fishery subject to a fishing effort regime.</p> <p>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.</p> <p>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.</p> <p>5. All catches of a stock or a group of stocks subject to quota made by Union fishing vessels shall be counted against the quotas applicable to their flag Member State for the stock or group of stocks in question, irrespective of the place of landing.</p> <p>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 (*).</p> <p>7. Except for effort deployed by fishing vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by Union fishing vessels when carrying on board or, where appropriate, using a fishing gear or gears subject to a</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>The data access format and procedures shall be considered and tested. Member States shall inform the Commission before 1 January 2011 if they plan to carry out pilot projects. As from 1 January 2012 the Council may decide on a different way and frequency of data transmission by Member States to the Commission.</p> <p>8. Except for effort deployed by fishing vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by <i>Union</i> fishing vessels when carrying on board or, where appropriate, using a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to the flag Member State.</p> <p>9. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. Article 12(2) of Regulation (EC) No 199/2008 shall not apply to scientific research voyages during which such catches are taken.</p> <p>10. The Commission may adopt formats for the transmission of the data referred to in this Article in accordance with the procedure referred to in Article 119.</p>	<p>fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to the flag Member State.</p> <p>8. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5(1)(b) of Regulation (EU) 2017/1004.</p> <p>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).</p> <p>-----</p> <p>(* Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).</p>
<p><i>Article 34</i></p> <p>Data on the exhaustion of fishing opportunities</p> <p>A Member State shall inform the Commission, without delay, when it establishes that:</p> <p>(a) the catches of a stock or group of stocks subject to a quota made by the fishing vessels flying its flag are deemed to have exhausted 80 % of that quota; or</p> <p>(b) 80 % of the maximum fishing effort level related to a fishing gear or a fishery</p>	<p><i>Article 34</i></p> <p>Data on exhaustion of fishing opportunities</p> <p>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.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>and to a geographical area and applicable to all or a group of the fishing vessels flying its flag is deemed to have been reached.</p> <p>In such an eventuality, it shall provide the Commission, at the Commission's request, with more detailed and more frequent information than provided for in Article 33.</p>	
<p>Section 4</p> <p>Closure of fisheries</p>	
<p><i>Article 35</i></p> <p>Closure of fisheries by Member States</p> <p>1. Each Member States shall establish the date from which:</p> <p>(a) the catches of a stock or group of stocks subject to a quota made by the fishing vessels flying its flag shall be deemed to have exhausted that quota;</p> <p>(b) the maximum allowable fishing effort related to a fishing gear or a fishery and to a geographical area and applicable to all or a group of the fishing vessels flying its flag shall be deemed to have been reached.</p> <p>2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing either for the stock or group of stocks whose quota has been exhausted, in the relevant fishery or when carrying on board the relevant fishing gear in the geographical area where the maximum allowable fishing effort has been reached, by all or part of the fishing vessels flying its flag and in particular the retention on board, the transshipments, the relocations and the landings of fish taken after that date and shall decide on a date up to which transshipments, transfers and landings or final declarations of catches are permitted.</p> <p>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 published in the <i>Official Journal of the European Union</i> (C series) and 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 retention on board, transshipments, relocations or landings either of the relevant fish or when carrying on</p>	<p>1.</p> <p>2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing activities either for the stock or group of stocks whose quota has been exhausted, in the relevant fishery, or when carrying on board the relevant fishing gear in the geographical area where the maximum allowable fishing effort has been reached, by all or part of the fishing vessels flying its flag and shall decide on a date up to which transshipments, transfers and landings or final declarations of catches are permitted.</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>board relevant fishing gears in relevant geographical areas 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.</p> <p>4. The Commission shall make available to Member States by electronic means the notifications received pursuant to this Article.</p>	<p>waters and on their territory.</p> <p>4.</p>
<p><i>Article 36</i></p> <p>Closure of fisheries by the Commission</p> <p>1. Where the Commission finds that a Member State has not complied with the obligation to notify the monthly data on fishing opportunities as provided for in Article 33(2), it may set the date on which 80 % of the fishing opportunities of that Member State are deemed to have been exhausted and it may set the estimated date on which the fishing opportunities shall be deemed to have been exhausted.</p> <p>2. On the basis of the information under Article 35 or on its own initiative, where the Commission finds that fishing opportunities available to the <i>Union</i>, a Member State or group of Member States are deemed to have been exhausted, the Commission shall inform the Member States concerned thereof and shall prohibit fishing activities for the respective area, gear, stock, group of stocks or fleet involved in those specific fishing activities.</p>	<p>1.</p> <p>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.</p>
<p><i>Article 37</i></p> <p>Corrective measures</p> <p>1. When the Commission has prohibited fishing because of the alleged exhaustion of the fishing opportunities available to a Member State or group of Member States or to the <i>Union</i> and it transpires that a Member State has not in fact exhausted its fishing opportunities, this Article shall apply.</p> <p>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, measures shall be adopted with the aim of remedying in an appropriate manner the prejudice caused, in accordance with the procedure referred to in Article 119. These measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted</p>	<p>1.</p> <p>2. If the prejudice suffered by the Member State for which fishing has been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall adopt measures with the aim of remedying in an appropriate manner the prejudice caused, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). Those measures may involve making deductions from the fishing opportunities of any</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>appropriately to the Member States whose fishing activities were prohibited before their fishing opportunities were exhausted.</p> <p>3. The deductions referred to in paragraph 2 and the consequent allocations shall be made taking into account as a matter of priority the species and relevant geographical areas for which the fishing opportunities were fixed. They may be made during the year in which the prejudice occurred or in the succeeding year or years.</p> <p>4. Detailed rules for the application of this Article, and in particular for determining the quantities concerned, shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>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.</p> <p>3.</p> <p>4. The Commission shall lay down, by means of implementing acts :</p> <ul style="list-style-type: none"> (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. <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p>CHAPTER II</p> <p>Control of fleet management</p>	
<p>Section 1</p> <p>Fishing capacity</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 38</i></p> <p>Fishing capacity</p> <p>1. Member States shall be responsible for carrying out the necessary checks in order to ensure that the total capacity corresponding to the fishing licences issued by a Member State, in GT and in kW, shall at any moment not be higher than the maximum capacity levels for that Member State established in accordance with:</p> <p>(a) Article 13 of <i>Regulation (EU) n°1380/2013</i>;</p> <p>(b) Regulation (EC) No 639/2004;</p> <p>(c) Regulation (EC) No 1438/2003; and</p> <p>(d) Regulation (EC) No 2104/2004.</p> <p>2. Detailed rules for the application of this Article, and in particular regarding:</p> <p>(a) registration of fishing vessels;</p> <p>(b) verification of the engine power of fishing vessels;</p> <p>(c) verification of the tonnage of fishing vessels;</p> <p>(d) verification of the type, number and characteristics of the fishing gear;</p> <p>may be adopted in accordance with the procedure referred to in Article 119.</p> <p>3. Member States shall inform the Commission as part of the report referred to in Article 118 of the check methods used, together with the names and addresses of the bodies responsible for carrying out the verifications referred to in paragraph 2 of this Article.</p>	<p>Article 38</p> <p>Fishing capacity</p> <p>1. Member States shall be responsible for carrying out the necessary checks in order to ensure that the total capacity corresponding to the fishing licences issued by a Member State, in GT and in kW, shall at any moment not be higher than the maximum capacity levels for that Member State established in accordance with Article 22 of Regulation (EU) No 1380/2013.</p> <p>2. The Commission may adopt, by means of implementing acts, detailed rules for the application of this article regarding:</p> <p>(a) the verification of the engine power of fishing vessels;</p> <p>(b) the verification of the tonnage of fishing vessels;</p> <p>(c) the verification of the type, number and characteristics of the fishing gear.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p>Section 2</p> <p>Engine power</p>	<p>Section 2</p> <p>Engine power and tonnage (NEW TITLE)</p>
<p><i>Article 39</i></p> <p>Monitoring of engine power</p> <p>1. It shall be prohibited to fish with a fishing vessel that is equipped with an engine</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>the power of which exceeds the one established in the fishing licence.</p> <p>2. Member States shall ensure that the certified engine power is not exceeded. Member States shall inform the Commission as part of the report referred to in Article 118 on the control measures they have undertaken to ensure that the certified engine power is not exceeded.</p> <p>3. Member States may charge parts or all costs arising from the certification of engine power to the operators of the fishing vessels.</p>	
	<p>Article 39a</p> <p>Continuous monitoring of engine power</p> <p>1. Member States shall ensure that vessels using the following active fishing gears: trawls, seines and surrounding nets, are equipped with permanently installed devices that measure and record engine power in cases where:</p> <p>(a) the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; or</p> <p>(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.</p> <p>2. The devices referred to in paragraph 1, in particular permanently affixed shaft strain gauges and revolution counters, shall ensure the continuous measurement of propulsive engine power in kilowatts.</p> <p>3. Masters shall ensure that the devices referred to in paragraph 1 function at all times and that the information from the continuous measurement of propulsive engine power is recorded and stored on board and is accessible to officials at all times.</p> <p>4. The Commission may, by means of implementing acts, lay down detailed rules concerning the technical requirements and characteristics of the devices referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<i>Article 40</i>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Certification of engine power</p> <p>1. Member States shall be responsible for certifying engine power and issuing engine certificates for Union fishing vessels whose propulsion engine power exceeds 120 kilowatts (kW), except vessels using exclusively static gear or dredge gear, auxiliary vessels and vessels used exclusively in aquaculture.</p> <p>2. A new propulsion engine, a replacement propulsion engine and a propulsion engine that has been technically modified of fishing vessels referred to in paragraph 1 shall be officially certified by the Member States' competent authorities as not being capable of developing more maximum continuous engine power than stated in the engine certificate. Such a certificate shall only be issued if the engine is not capable of developing more than the stated maximum continuous engine power.</p> <p>3. Member States' competent authorities may assign the certification of engine power to classification societies or to other operators having the necessary expertise for the technical examination of engine power. Those classification societies or other operators shall only certify a propulsion engine as not being capable of exceeding the officially stated power if there is no possibility to increase the performance of the propulsion engine above the certified power.</p> <p>4. It shall be prohibited to use a new propulsion engine, a replacement propulsion engine or a propulsion engine that has been technically modified if such engine has not been officially certified by the Member State concerned.</p> <p>5. This Article shall apply for fishing vessels subject to a fishing effort regime as from 1 January 2012. For other fishing vessels it shall apply as from 1 January 2013.</p> <p>6. Detailed rules for the application of this Section shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6. The Commission may, by means of implementing acts, lay down detailed rules concerning the certification of propulsion engine power. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 41</i></p> <p>Verification of engine power</p> <p>1. Member States shall undertake, following a risk analysis, data verification,</p>	<p><i>Article 41</i></p> <p>Verification of engine power and tonnage (NEW TITLE)</p> <p>In cases where there are indications from data collected such as vessel position data,</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>established on a sampling plan based on the methodology adopted by the Commission in accordance with the procedure referred to in Article 119, of the consistency of engine power using all the information available to the administration concerning the technical characteristics of the vessel concerned. In particular they shall verify the information contained in:</p> <ul style="list-style-type: none"> (a) vessel monitoring system records; (b) the fishing logbook; (c) the Engine International Air Pollution Prevention (EIAPP) Certificate issued for the engine in accordance with Annex VI to the Marpol 73/78 Convention; (d) class certificates issued by a recognised ship inspection and survey organisation within the meaning of Directive 94/57/EC; (e) the sea trial certificate; (f) the <i>Union</i> Fishing Fleet Register; and (g) any other documents providing relevant information on vessel power or any related technical characteristics. <p>2. Following the analysis of the information referred to in paragraph 1, where there are indications that the engine power of a fishing vessel is greater than the power stated on its fishing licence, Member States shall proceed to a physical verification of the engine power.</p>	<p>fishing logbook data, or continuous measurement of propulsive engine power, that the engine power of a fishing vessel is greater than the power stated established in the fishing licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the engine power.</p> <p>In cases where there are indications from data collected such as fishing logbooks, landing declarations or other relevant information, that the tonnage of fishing vessel is greater than that stated in the licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the tonnage.</p>
<p>CHAPTER III</p> <p>Control of multiannual plans</p>	
<p><i>Article 42</i></p> <p>Transshipment in port</p> <p>1. Fishing vessels engaged in fisheries subject to a multiannual plan shall not tranship their catches on board of any other vessel in a designated port or in places close to the shore unless they have been weighed in accordance with Article 60.</p> <p>2. By way of derogation from paragraph 1, fishing vessels may tranship pelagic</p>	<p>1.</p> <p>2. By way of derogation from paragraph 1, fishing vessels may tranship pelagic catches subject</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>catches subject to a multiannual plan in designated ports or places close to the shore which have not been weighed provided that a control observer or an official is present on board the receiving vessel or an inspection is carried out before the departure of the receiving vessel after the transshipment is completed. The master of the receiving vessel is responsible for informing the competent authorities of the coastal Member State 24 hours before the estimated departure of the receiving vessel. The control observer or official shall be designated by the competent authorities of the flag Member State of the receiving vessel. If the receiving vessel engages in fishing activities before or after having received such catches, it shall carry on board the control observer or official until the landing of the received catches. The receiving vessel shall land the received catches in a port of a Member State designated for this purpose in accordance with the conditions laid down in Article 43(4) where the catch shall be weighed in accordance with Articles 60 and 61.</p>	<p>to a multiannual plan in designated ports or places close to the shore which have not been weighed provided that a control observer or an official is present on board the receiving vessel or an inspection is carried out before the departure of the receiving vessel after the transshipment is completed. The master of the receiving vessel is responsible for informing the competent authorities of the coastal Member State 24 hours before the estimated departure of the receiving vessel. The control observer or official shall be designated by the competent authorities of the flag Member State of the receiving vessel. If the receiving vessel engages in fishing activities before or after having received such catches, it shall carry on board the control observer or official until the landing of the received catches. The receiving vessel shall land the received catches in a port of a Member State designated for this purpose in accordance with the conditions laid down in Article 43(4) where the catch shall be weighed in accordance with Articles 60 and 61 Article 60.</p>
<p><i>Article 43</i></p> <p>Designated ports</p> <ol style="list-style-type: none"> 1. The Council may decide, when adopting a multiannual plan, on a threshold applicable to the live weight of species subject to a multiannual plan, above which a fishing vessel shall be required to land its catches in a designated port or a place close to the shore. 2. Where more than the threshold of fish as referred to in paragraph 1 is to be landed, the master of a Union fishing vessel shall ensure that such landing is only made in a designated port or a place close to the shore in the Union. 3. When the multiannual plan is applied in the framework of a regional fisheries management organisation, the landings or transshipments may take place in the ports of a Contracting Party or a non-contracting Cooperating Party of that organisation, in accordance with the rules laid down by that regional fisheries management organisation. 4. Each Member State shall designate ports or places close to the shore in which landings referred to in paragraph 2 shall take place. 5. For a port or place close to the shore to be determined as a designated port, the 	<ol style="list-style-type: none"> 1. A multiannual plan may set a threshold applicable to the live weight of species subject to that plan, above which a fishing vessel shall be required to land its catches in a designated port or place close to the shore. 2. 3. 4.

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>following conditions shall be met:</p> <p>(a) established landing or transshipment times;</p> <p>(b) established landing or transshipment places;</p> <p>(c) established inspection and surveillance procedures.</p> <p>6. Where a port or place close to the shore has been determined as a designated port for the landing of a given species subject to a multiannual plan, it may be used for the landing of any other species.</p> <p>7. Member States shall be exempted from paragraph 5(c) if the national control action programme adopted in accordance with Article 46 contains a plan on how to perform control in designated ports, ensuring the same level of control by competent authorities. The plan shall be deemed satisfactory if agreed by the Commission in accordance with the procedure referred to in Article 119.</p>	<p>5.</p> <p>6.</p> <p>7. DELETED</p>
<p>Article 44</p> <p>Separate stowage of demersal catches subject to multiannual plans</p> <p>1. All catches of demersal stocks subject to a multiannual plan retained on board a Union fishing vessel of 12 metres' length overall or more shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.</p> <p>2. Masters of Union fishing vessels shall keep the catches of demersal stocks subject to a multiannual plan according to a stowage plan that describes the location of the different species in the holds.</p> <p>3. It shall be prohibited to retain on board a Union fishing vessel in any box, compartment or container any quantity of catches of demersal stocks subject to a multiannual plan mixed with any other fisheries product.</p>	
<p>Article 45</p> <p>Real time use of quotas</p> <p>1. When accumulated catches of stocks subject to a multiannual plan have reached a certain threshold of the national quota, data on catches shall be sent more frequently</p>	<p>DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>to the Commission.</p> <p>2. The Council shall decide on the relevant threshold to apply and the frequency of the communication of the data referred to in paragraph 1.</p>	
<p><i>Article 46</i></p> <p>National control action programmes</p> <p>1. Member States shall define a national control action programme applicable to each multiannual plan. All national control action programmes shall be notified to the Commission or made available on the secure part of the Member State's website in accordance with Article 115(a).</p> <p>2. Member States shall set out specific inspection benchmarks in accordance with Annex I. Such benchmarks shall be defined in accordance with risk management and shall be revised periodically after an analysis of the results achieved has been made. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Annex I are reached.</p>	<p>DELETED (replaced by Article 93a)</p>
<p>CHAPTER IV</p> <p>Control of technical measures</p>	
<p>Section 1</p> <p>Use of fishing gear</p>	
<p><i>Article 47</i></p> <p>Fishing gear</p> <p>In fisheries in which it is not allowed to use more than one type of gear, any other gear shall be lashed and stowed so that it may not readily be used, in accordance with the following conditions:</p> <p>(a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes;</p> <p>(b) nets which are on or above deck shall be securely lashed and stowed;</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
(c) longlines shall be stowed in lower decks.	
<p><i>Article 48</i></p> <p>Retrieval of lost gear</p> <p>1. A Union fishing vessel shall have the equipment on board to retrieve lost gear.</p> <p>2. The master of a Union fishing vessel that has lost gear or part of it shall attempt to retrieve it as soon as possible.</p> <p>3. If the lost gear cannot be retrieved, the master of the vessel shall inform the competent authority of its flag Member State, which shall then inform the competent authority of the coastal Member State, within 24 hours of the following:</p> <p>(a) the external identification number and the name of the fishing vessel;</p> <p>(b) the type of lost gear;</p> <p>(c) the time when the gear was lost;</p> <p>(d) the position where the gear was lost;</p> <p>(e) the measures undertaken to retrieve the gear.</p> <p>4. If the gear that is retrieved by the competent authorities of the Member States has not been reported as lost, these authorities may recover the cost from the master of the fishing vessel that lost the gear.</p> <p>5. A Member State may exempt Union fishing vessels of less than 12 metres' length overall flying its flag from the requirement set out in paragraph 1 if they:</p> <p>(a) operate exclusively within the territorial seas of the flag Member State; or</p> <p>(b) never spend more than 24 hours at sea from the time of departure to the return to port.</p>	<p>1.</p> <p>2.</p> <p>3. If the lost gear cannot be retrieved, the Master of the vessel shall include the information on the lost gear in the logbook pursuant to Article 14(3). The competent authority of the flag Member State shall inform the competent authority of the coastal Member State.</p> <p>4.</p> <p>5. Member States shall collect and record information concerning lost gears and provide this information to the Commission upon request.</p>
<p><i>Article 49</i></p> <p>Catch composition</p> <p>1. If catches which have been retained on board any Union fishing vessel have been</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>taken with nets with different minimum mesh sizes during the same voyage, the species composition shall be calculated for each part of the catch which has been taken under different conditions. To that end, all changes from the mesh size previously used as well as the catch composition on board at the moment of any such change shall be entered into the fishing logbook.</p> <p>2. Without prejudice to Article 44, detailed rules on the keeping on board of a stowage plan, by species, of processed products, indicating where they are located in the hold, may be adopted in accordance with the procedure referred to in Article 119.</p>	
<p><i>Article 49a</i></p> <p>Separate stowage of catches below the minimum conservation reference sizes</p> <p>1. All catches below the applicable minimum conservation reference size retained on board a Union fishing vessel shall be placed in boxes, compartments or containers in such a way that they are identifiable from other boxes, compartments or containers. Those catches shall not be mixed with any other fishery products.</p> <p>2. Paragraph 1 shall not apply:</p> <p>(a) where the catches contain more than 80 % of one or more small pelagic or industrial species as listed in point (a) of Article 15(1) of Regulation (EU) No 1380/2013;</p> <p>(b) to fishing vessels of less than 12 metres' length overall where catches below the minimum conservation reference size have been sorted, estimated and recorded in accordance with Article 14 of this Regulation.</p> <p>3. In the cases referred to in paragraph 2, Member States shall monitor the catch composition by way of sampling.</p>	
<p><i>Article 49b</i></p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>De minimis rule</p> <p>Member States shall ensure that catches falling under the de minimis exemption referred to in point (c) of Article 15(5) of Regulation (EU) No 1380/2013 do not exceed the percentage of the exemption established in the relevant Union measure.</p>	
<p><i>Article 49c</i></p> <p>Landing of catches below the minimum conservation reference sizes</p> <p>Where catches below the applicable minimum conservation reference size are landed, those catches shall be stored separately and be treated in such a way that they are distinguished from fishery products destined for direct human consumption. Member States shall control compliance with that obligation in accordance with Article 5.</p>	
<p>Section 2</p> <p>Control of fishing restricted areas</p>	
<p><i>Article 50</i></p> <p>Control of fishing restricted areas</p> <p>1. Fishing activities of Union fishing vessels and third country fishing vessels in fishing zones where a fishing restricted area has been established by the Council shall be controlled by the fisheries monitoring centre of the coastal Member State, which shall have a system to detect and record the vessels' entry into, transit through and exit from the fishing restricted areas.</p> <p>2. In addition to paragraph 1, the Council shall establish a date from which the fishing vessels shall have an operational system on board which shall alert the master of the entry and exit into a fishing restricted area.</p> <p>3. The frequency of data transmissions shall be of at least once every 30 minutes</p>	<p><i>Article 50</i></p> <p>Control of fishing restricted areas</p> <p>1. Fishing activities in fishing restricted areas located in Union waters shall be controlled by the coastal Member State. The coastal Member State shall have a system to detect and record the fishing vessels' entry into, transit through and exit from fishing restricted areas under its jurisdiction or sovereignty.</p> <p>2. Fishing activities of Union fishing vessels in fishing restricted areas located in high seas or in third country waters shall be controlled by the flag Member States.</p> <p>3. Transit through a fishing restricted area is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions:</p> <p>(a) all gears carried on board are lashed and stowed during the transit; and</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>when a fishing vessel enters a fishing restricted area.</p> <p>4. Transit through a fishing restricted area is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions:</p> <p>(a) all gears carried on board are lashed and stowed during the transit; and</p> <p>(b) the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of the flag Member State which shall then inform the competent authorities of the coastal Member State.</p> <p>5. This Article shall apply to Union fishing vessels and third country fishing vessels of 12 metres' length overall or more.</p>	<p>(b) the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of its flag Member State which shall then inform the competent authorities of the coastal Member State.</p> <p>(c) the tracking device providing position of the vessels in accordance with Article 9 is functioning.</p>
<p>Section 3</p> <p>Real-time closure of fisheries¹</p>	
<p><i>Article 51</i></p> <p>General provisions</p> <p>1. When a trigger catch level of a particular species or group of species as defined in accordance with the procedure referred to in Article 119 has been reached, the area concerned shall be temporarily closed to the relevant fisheries in accordance with this Section.</p> <p>2. The trigger catch level shall be calculated on the basis of a sampling methodology adopted by the Commission in accordance with the procedure referred to in Article 119, as the percentage or weight of a particular species or group of species compared to the total catch in a haul of the fish concerned.</p> <p>3. Detailed rules for the application of this Section may be adopted in accordance</p>	

¹ Section 3 is deleted by Article 37 of *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.*

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
with the procedure referred to in Article 119.	
<p data-bbox="123 323 246 355"><i>Article 52</i></p> <p data-bbox="123 371 436 403">Trigger catch in two hauls</p> <p data-bbox="123 419 1059 579">1. Where the quantity of catches exceeds a trigger catch level in two consecutive hauls, the fishing vessel shall change the fishing area by at least five nautical miles, or two nautical miles for fishing vessels of less than 12 metres' length overall, from any position of the previous haul before continuing fishing and shall inform without delay the competent authorities of the coastal Member State.</p> <p data-bbox="123 595 1059 691">2. The Commission in accordance with the procedure referred to in Article 119, at its own initiative or at the request of the Member State concerned, may modify distances referred to in paragraph 1.</p>	
<p data-bbox="123 699 246 730"><i>Article 53</i></p> <p data-bbox="123 746 548 778">Real-time closure by Member States</p> <p data-bbox="123 794 1059 922">1. When an official, control observer or research platform detects that a trigger catch level has been reached, the official, the control observer of the coastal Member State or the person who is participating in a joint operation under a Joint Deployment Plan shall inform without delay the competent authorities of the coastal Member State.</p> <p data-bbox="123 938 1059 1153">2. On the basis of the information received in accordance with paragraph 1 the coastal Member State shall decide the real-time closure of the area concerned without delay. It may also use the information received in accordance with Article 52, or any available information for this decision. The decision establishing the real-time closure shall define clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure.</p> <p data-bbox="123 1169 1059 1297">3. If the area referred to in paragraph 2 straddles jurisdictions, the Member State concerned shall without delay inform the neighbouring coastal Member State of the findings and the decision to close. The neighbouring coastal Member State shall close its part of the area without delay.</p> <p data-bbox="123 1313 1059 1332">4. The real time closure referred to in paragraph 2 shall be non-discriminatory and</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>shall only apply to fishing vessels that are equipped to catch the species concerned and/or which have an authorisation to fish on the fishing grounds concerned.</p> <p>5. The coastal Member State shall inform without delay the Commission, all Member States and third countries whose fishing vessels are authorised to operate in the area concerned that a real-time closure has been established.</p> <p>6. The Commission may request the Member State at any time to cancel or amend the real time closure with immediate effect if the Member State concerned has not provided sufficient information that a trigger catch level has been reached in accordance with Article 51.</p> <p>7. Fishing activities in the area referred to in paragraph 2 shall be prohibited as defined in the decision establishing the real-time closure.</p>	
<p><i>Article 54</i></p> <p>Real-time closure by the Commission</p> <p>1. On the basis of the information demonstrating that a trigger catch level has been reached the Commission may determine an area to be temporarily closed if the coastal Member State has not itself established such a closure.</p> <p>2. The Commission shall inform without delay all Member States and third countries whose fishing vessels operate in the closed area and shall make available without delay on its official website a map with the coordinates of the area temporarily closed, specifying the duration of the closure and the conditions governing fisheries in that specific closed area.</p>	
<p>CHAPTER V</p> <p><i>Control of recreational fisheries</i></p>	
<p><i>Article 55</i></p> <p>Recreational fisheries</p> <p>1. Member States shall ensure that recreational fisheries on their territory and in Union waters are conducted in a manner compatible with the objectives and rules of</p>	<p><i>Article 55</i></p> <p>Recreational fisheries</p> <p>1. Member States shall ensure that recreational fisheries on their territory and in Union waters are conducted in a manner compatible with the objectives and rules of the</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>the common fisheries policy.</p> <p>2. The marketing of catches from recreational fisheries shall be prohibited.</p> <p>3. Without prejudice to Regulation (EC) No 199/2008, Member States shall monitor, on the basis of a sampling plan, the catches of stocks subject to recovery plans by recreational fisheries practised from vessels flying their flag and from third country vessels in waters under their sovereignty or jurisdiction. Fishing from shore shall not be included.</p> <p>4. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall evaluate the biological impact of recreational fisheries as referred to in paragraph 3. Where a recreational fishery is found to have a significant impact, the Council may decide, in accordance with the procedure referred to in Article 37 of the Treaty, to submit recreational fisheries as referred to in paragraph 3 to specific management measures such as fishing authorisations and catch declarations.</p> <p>5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>common fisheries policy.</p> <p>For this purpose Member States shall:</p> <p>(a) put in place a registration or a licensing system monitoring the number of natural and legal persons involved in recreational fisheries; and</p> <p>(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.</p> <p>2. As regards stocks, groups of stocks and species that are subject to Union conservation measures applicable to recreational fisheries, Member States shall</p> <p>(a) ensure that natural and legal persons involved in recreational fisheries for such stocks or species record and send catch declarations electronically to the competent authorities on a daily basis or after each fishing trip; and</p> <p>(b) put in place a registration or licensing system for vessels used in such recreational fisheries, in addition to the registration or licencing system for natural and legal persons referred to in paragraph 1.</p> <p>3. The sale of catches from recreational fisheries shall be prohibited.</p> <p>4. National control programmes referred to in Article 93a shall include specific control activities concerning the recreational fisheries.</p> <p>5. The Commission may, by way of implementing acts, adopt detailed rules concerning:</p> <p>(a) the registration or licensing systems for recreational fisheries for specific species or stocks,</p> <p>(b) the collection of data and the recording and submission of the catch data,</p> <p>(c) the tracking of vessels used for recreational fisheries, and</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(d) the control and marking of gears used for recreational fisheries.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p> <p>6. This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition.</p>
<p>TITLE V</p> <p>CONTROL OF MARKETING</p>	<p>TITLE V</p> <p>CONTROLS IN THE SUPPLY CHAIN (NEW TITLE)</p>
<p>CHAPTER I</p> <p>General provisions</p>	
<p><i>Article 56</i></p> <p>Principles for the control of marketing</p> <p>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 the marketing of fisheries and aquaculture products, from the first sale to the retail sale, including transport. Member States shall in particular 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.</p> <p>2. Where a minimum size has been fixed for a given species in <i>Union</i> legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.</p> <p>3. Member States shall ensure that all fisheries and aquaculture products from catching or harvesting are put into lots prior to the first sale.</p> <p>4. Quantities of less than 30 kg per single species coming from the same management area from several fishing vessels may be put into lots by the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer prior to the first sale. The producer organisation and the registered</p>	<p><i>Article 56</i></p> <p>Principles for the control of marketing</p> <p>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.</p> <p>2. Where a minimum size has been fixed for a given species in Union legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>buyer shall keep records for at least three years on the origin of the contents of the lots in which catches of several fishing vessels are put.</p> <p>5. Quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, may be put into lots prior to the first sale.</p>	
	<p>Article 56a</p> <p>Lots</p> <ol style="list-style-type: none"> 1. Fishery and aquaculture products from catching or harvesting shall be put into lots prior to placing on the market. 2. A lot shall only contain fishery or aquaculture products of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or group of fishing vessels, or coming from the same aquaculture production unit. 3. By way of derogation from paragraph 2, quantities of fishery products totalling less than 30kg of fishery products of several species and coming from the same relevant geographical area and of the same presentation, per vessel and per day, may be put into the same lot by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer, prior to the placing on the market. 4. By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, may be put into lots prior to the placing on the market for purposes other than direct human consumption. 5. After the placing on the market, a lot of fishery or aquaculture products may only be merged with another lot or split, if the lot created by merging or the lots created by

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>splitting meet the following conditions:</p> <ul style="list-style-type: none"> (a) they contain fishery or aquaculture products of a single species and of the same presentation; (b) the traceability information listed in Article 58 paragraphs 5 and 6 is provided for the newly created lot(s); (c) the operator responsible for placing the newly created lot on the market is able to provide the information concerning the composition of the newly created lot, in particular the information relating to each of the lots of fishery or aquaculture products which it contains and the quantities of fishery or aquaculture products coming from each of the lots forming the new lot. <p>6. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.</p>
<p><i>Article 57</i></p> <p>Common marketing standards</p> <p>1. Member States shall ensure that the products to which common marketing standards apply are displayed for first sale, offered for first sale, sold or otherwise marketed only if they comply with these standards.</p> <p>2. Products withdrawn from the market in accordance with Regulation (EC) No 104/2000 shall respect common marketing standards, in particular freshness categories.</p> <p>3. Operators responsible for purchasing, selling, stocking or transporting lots of fisheries and aquaculture products shall be able to prove that the products comply with the minimum marketing standards at all stages.</p>	<p><i>Article 57</i></p> <p>Common marketing standards</p> <p>1. Member States shall check that the products to which common marketing standards apply are made available on the market in compliance with these standards.</p> <p>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.</p> <p>3. Operators at all stages of the supply chain responsible for purchasing, selling, stocking or transporting lots of fishery and aquaculture products shall be able to prove that the products comply with the minimum marketing standards.</p>
<p><i>Article 58</i></p>	<p><i>Article 58</i></p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Traceability</p> <p>1. Without prejudice to Regulation (EC) No 178/2002, all lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage.</p> <p>2. Fisheries and aquaculture products placed on the market or likely to be placed on the market in the <i>Union</i> shall be adequately labelled to ensure the traceability of each lot.</p> <p>3. Lots of fisheries and aquaculture products may be merged or split after first sale only if it is possible to trace them back to catching or harvesting stage.</p> <p>4. Member States shall ensure that operators have in place systems and procedures to identify any operator from whom they have been supplied with lots of fisheries and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.</p> <p>5. The minimum labelling and information requirements for all lots of fisheries and aquaculture products shall include:</p> <p>(a) the identification number of each lot;</p> <p>(b) the external identification number and name of the fishing vessel or the name of the aquaculture production unit ;</p> <p>(c) the FAO alpha-3 code of each species;</p> <p>(d) the date of catches or the date of production;</p> <p>(e) the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals;</p> <p>(ea) minimum conservation reference size are present in the quantities referred to in point (e), separate information on the quantities of each species in kilograms expressed in net weight, or the number of individuals;</p>	<p>Traceability</p> <p>1. Without prejudice to traceability requirements set out in Regulation (EC) No 178/2002, lots of fishery or aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, including fisheries and aquaculture products which are destined for export.</p> <p>2. Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5 and 6:</p> <p>(a) is kept on record in a digitalised way;</p> <p>(b) is made available upon request to competent authorities;</p> <p>(c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.</p> <p>3. Lots of fishery and aquaculture products placed on the market or likely to be placed on the market in the Union, or exported or likely to be exported, shall be adequately marked or labelled to ensure the traceability of each lot.</p> <p>4. Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.</p> <p>5. Information on lots of fishery and aquaculture products, except products imported into the Union, the information referred to in paragraph 2 shall include:</p> <p>(a) the identification number of the lot;</p> <p>(b) the unique fishing trip identification number(s) referred to in Article 14(2)(a) of all fishery products included in the lot, or the name and registration number of the aquaculture production unit;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(f) the name and address of the suppliers;</p> <p>(g) the information to consumers provided for in Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council (1);</p> <p>6. Member States shall ensure that the information listed in point (g) of paragraph 5 is available to the consumer at retail sale stage</p> <p>7. The information listed in points (a) to (f) of paragraph 5 shall not apply to fisheries and aquaculture products imported into the Union with catch certificates submitted in accordance with Regulation (EC) No 1005/2008.</p> <p>8. Member States may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed the value of EUR 50 per day. Any amendment to this threshold shall be adopted in accordance with the procedure referred to in Article 119.</p> <p>9. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>(c) the FAO alpha-3 code of the species and the scientific name;</p> <p>(d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;</p> <p>(e) for fishery products, the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;</p> <p>(f) the date of catches for fishery products or date of harvest for aquaculture products, and the date of production where applicable;</p> <p>(g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;</p> <p>(h) if fishery products below the minimum conservation reference size are present in the quantities referred to in point (g), separate information on the quantities in kilograms expressed in net weight, or the number of individuals below the minimum conservation reference size;</p> <p>(i) for lots of products subject to common marketing standards, the individual size or weight, size category, presentation and freshness.</p> <p>6. Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:</p> <p>(a) the identification number of the lot;</p> <p>(b) the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and registration number of the aquaculture production unit;</p> <p>(c) the FAO alpha-3 code of the species and the scientific name;</p> <p>(d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(e) the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013 for fishery products;</p> <p>(f) the date of catches for fishery products or date of harvest for aquaculture products, and the date of production where applicable;</p> <p>(g) the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;</p> <p>(h) for lots of products subject to common marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;</p> <p>7. Member States may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed 5kg of fishery product per consumer per day.</p> <p>8. The Commission is empowered to adopt delegated acts in accordance with the Article 119a concerning:</p> <p>(a) digitalisation of the traceability information and its electronic transmission;</p> <p>(b) the physical affixing of traceability information on lots of fishery and aquaculture products;</p> <p>(c) the cooperation between Member States on the access to information accompanying a lot and the methods of marking or labelling lots;</p> <p>(d) the traceability requirements for lots resulting from the merging or splitting of different lots referred to in Article 56(5) and lots containing several species referred to in Article 56(3);</p> <p>(e) the information on the relevant geographical area.</p> <p>9. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>Nomenclature established by Council Regulation (EEC) No 2658/87*.</p> <p>10. his article shall not apply to ornamental fish, crustaceans and molluscs.</p>
<p>CHAPTER II</p> <p>Post-landing activities</p>	
<p><i>Article 59</i></p> <p>First sale of fisheries products</p> <p>1. Member States shall ensure that all fisheries products are first marketed or registered at an auction centre or to registered buyers or to producer organisations.</p> <p>2. The buyer of fisheries products from a fishing vessel at first sale shall be registered with the competent authorities of the Member State where the first sale takes place. For the purpose of registration, each buyer shall be identified according to its VAT number, tax identification number or other unique identifier in national databases.</p> <p>3. A buyer acquiring fisheries products up to an amount of 30 kg which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article. Any amendment to this threshold shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>1.</p> <p>2.</p> <p>3. Consumers acquiring up to an amount of 5kg of fishery product per day which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article.</p>
	<p><i>Article 59a</i></p> <p>Weighing systems</p> <p>1. Member States shall ensure that procedures are in place to enable that all fishery products are weighed upon landing on systems approved by the competent authorities and that weighing is carried out by operators registered for the weighing of fisheries products.</p> <p>2. Before registration of an operator to perform the weighing of fishery products, Member States shall ensure that the operator is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered.</p> <p>3. Member States may require the submission of the weighing records at regular intervals.</p> <p>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records.</p>
<p><i>Article 60</i></p> <p>Weighing of fishery products</p> <p>1. A Member State shall ensure that all fishery products are weighed on systems approved by the competent authorities unless it has adopted a sampling plan approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.</p> <p>2. Without prejudice to specific provisions, the weighing shall be carried out on landing prior to the fisheries products being held in storage, transported or sold.</p> <p>3. By way of derogation from paragraph 2, Member States may permit fisheries products to be weighed on board the fishing vessel subject to a sampling plan as referred to in paragraph 1.</p> <p>4. Registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in a Member State shall be responsible for the accuracy of the weighing operation unless, in accordance with paragraph 3, the weighing takes place on board a fishing vessel, in which case it shall be the master's responsibility.</p> <p>5. The figure resulting from the weighing shall be used for the completion of landing declarations, transport document, sales notes and take-over declarations.</p>	<p><i>Article 60</i></p> <p>Weighing of fishery product</p> <p>1. Masters shall ensure that all quantities of fishery products are weighed per species on weighing systems and by operators registered pursuant to Article 59a immediately after landing, prior to the fishery products being held in storage, transported or placed on the market.</p> <p>2. Operators registered to perform the weighing of fishery products shall complete a weighing record for each landing and shall be responsible for the accuracy of the weighing. The registered weigher shall keep weighing records for a period of three years.</p> <p>3. The figure from the weighing record shall be transmitted to the master and shall be used for the completion of the landing declaration and the transport document.</p> <p>4. The competent authorities of a Member State may require that any quantity of fishery products first landed in that Member State is weighed by, or weighed in the presence of officials before being transported elsewhere from the place of landing.</p> <p>5. By way of derogation from paragraph 1, Member States may permit fishery products to be weighed unsorted on landing if the following conditions are met:</p> <p>(a) The weighing of the unsorted fishery product is performed upon landing on a system operated or controlled by the competent authorities before transport,</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>6. The competent authorities of a Member State may require that any quantity of fisheries products first landed in that Member State is weighed in the presence of officials before being transported elsewhere from the place of landing.</p> <p>7. Detailed rules on the risk-based methodology and procedure of weighing shall be established in accordance with the procedure referred to in Article 119.</p>	<p>storage or placing on the market;</p> <p>(b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan;</p> <p>(c) In the case of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall be transmitted to the master.</p> <p>6. The Commission may, by way of implementing acts, determine a risk-based methodology for the establishment of the sampling plans referred to in paragraph 5(b) and approve those plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
	<p><i>Article 60a</i></p> <p>Detailed rules on weighing</p> <p>1. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set general rules for the weighing. Those rules may concern:</p> <p>(a) the determination of weighing procedures;</p> <p>(b) the weighing records;</p> <p>(c) the time of weighing;</p> <p>(d) the weighing systems;</p> <p>(e) the weighing of frozen fishery products;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(f) the deduction of ice and water;</p> <p>(g) the access of competent authorities to the weighing systems, weighing records, written declarations and premises where the fisheries products are stored or processed;</p> <p>2. The Commission is also empowered to adopt delegated acts in accordance with Article 119a in order to set special rules for the weighing of certain pelagic species. Those rules may concern:</p> <p>(a) the determination of weighing procedure for catches of herring, mackerel and horse mackerel;</p> <p>(b) the ports of weighing;</p> <p>(c) the information of competent authorities before entering into port;</p> <p>(d) discharge;</p> <p>(e) the fishing logbook;</p> <p>(f) publically-operated weighing facilities;</p> <p>(g) privately-operated weighing facilities;</p> <p>(h) weighing of frozen fish;</p> <p>(i) keeping of weighing records;</p> <p>(j) sales note and takeover declaration;</p> <p>(k) cross-checks;</p> <p>(l) monitoring of weighing.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 61</i></p> <p>Weighing of fisheries products after transport from the place of landing</p> <p>1. By way of derogation from Article 60(2), Member States may permit fisheries products to be weighed after transport from the place of landing provided that they are transported to a destination on the territory of the Member State concerned and that this Member State has adopted a control plan approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.</p> <p>2. By way of derogation from paragraph 1, the competent authorities of the Member State in which the fisheries products are landed may permit the transport before weighing of these products to registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in another Member State. This permission shall be subject to a common control programme between the Member States concerned as referred to in Article 94 which has been approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.</p>	<p style="text-align: center;">DELETED</p>
<p><i>Article 62</i></p> <p>Completion and submission of sales notes</p> <p>1. Registered buyers, registered auctions or other bodies or persons authorised by Member States with an annual financial turnover in first sales of fisheries products of less than EUR 200 000 which are responsible for the first marketing of fisheries products landed in a Member State, shall submit, if possible electronically, within 48 hours after the first sale, a sales note to the competent authorities of the Member State in whose territory the first sale takes place. The accuracy of the sales note shall be the responsibility of these buyers, auctions, bodies or persons.</p> <p>2. A Member State may oblige or authorise registered buyers, registered auctions or</p>	<p><i>Article 62</i></p> <p>Completion and submission of sales notes</p> <p>1. Registered buyers, registered auctions or other bodies or persons authorised by Member States which are responsible for placing on the market of fishery products landed in a Member State, shall record by electronic means the information referred to in Article 64(1) and shall submit by electronic means, within 24 hours after the placing on the market, a sales note containing such information to the competent authorities of the Member State in whose territory the first sale takes place. The accuracy of the sales note shall be the responsibility of these buyers, auctions, bodies or persons.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>other bodies or persons authorised by Member States with an annual financial turnover in first sales of fisheries products of less than EUR 200 000 to electronically record and transmit the data mentioned in Article 64(1).</p> <p>3. If the Member State in whose territory the first sale takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the sales note is submitted, if possible electronically, to the competent authorities of the flag Member State upon receipt of the relevant information.</p> <p>4. Where the first marketing of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for controlling the first marketing shall ensure that a copy of the sales note is submitted, if possible electronically, to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note.</p> <p>5. When the landing takes place outside the Union and the first sale takes place in a third country, the master of the fishing vessel or his representative shall forward, if possible electronically, a copy of the sales note or any equivalent document containing the same level of information to the competent authority of the flag member State within 48 hours after the first sale.</p> <p>6. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽²⁵⁾, the Member State concerned shall adopt the necessary provisions to ensure that the information on the price excluding tax for deliveries of goods to the purchaser is identical to that indicated on the invoice. Member States shall adopt the necessary provisions to ensure that the information on the price excluding tax for deliveries of goods to the purchaser is identical to that indicated on the invoice.</p>	<p>2. If the Member State in whose territory the fishery product is placed on the market is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the sales note is submitted electronically, to the competent authorities of the flag Member State upon receipt of the relevant information.</p> <p>3. Where the placing on the market of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for controlling the placing on the market shall ensure that a copy of the sales note is submitted electronically to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note.</p> <p>4. When the landing takes place outside the Union and the first sale takes place in a third country, the master of the fishing vessel or their representative shall forward electronically a copy of the sales note, or any equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale.</p> <p>5. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC(*), the Member State concerned shall adopt the necessary provisions to ensure that the information on the quantities and on the price, excluding tax for deliveries of goods to the purchaser, is identical to that indicated on the invoice.</p> <p>6. The Commission may, by means of implementing acts, lay down detailed rules concerning the registration of buyers, the indication of the price in sales notes, the format of sales notes, the electronic recording and the electronic submission of sales notes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p> <hr/> <p>(*) Council Directive 2006/112/EC of 28 November 2006 on the common system of value</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	added tax (OJ L 347, 11.12.2006, p. 1.”
<p><i>Article 63</i></p> <p>Electronic completion and transmission of sales notes data</p> <p>1. Registered buyers, registered auctions or other bodies or persons authorised by Member States with an annual financial turnover in first sales of fisheries products of EUR 200 000 or more shall record by electronic means the information referred to in Article 64(1), and shall send it by electronic means within 24 hours after completion of the first sale to the competent authorities of the Member State in whose territory the first sale takes place.</p> <p>2. Member States shall transmit in the same way, by electronic means, information on sales notes referred to in Article 62(3) and (4).</p>	<p style="text-align: center;">DELETED</p>
<p><i>Article 64</i></p> <p>Content of the sales notes</p> <p>1. The sales notes referred to in Articles 62 and 63 shall contain the following data:</p> <p>(a) the external identification number and the name of the fishing vessel that has landed the product concerned;</p> <p>(b) the port and date of landing;</p> <p>(c) the name of the fishing vessel’s operator or master and, if different, the name of the seller;</p> <p>(d) the name of the buyer and its VAT number, its tax identification number, or other unique identifier;</p>	<p><i>Article 64</i></p> <p>Content of the sales notes</p> <p>The sales notes referred to in Article 62 shall have a unique identification number and contain the following data:</p> <p>(a) the unique fishing trip identifier, as referred to in with Article 14(2)(a);</p> <p>(b) the name of the fishing vessel’s operator or master and, if different, the name of the seller;</p> <p>(c) the name of the buyer and the buyer's VAT number, the buyer's tax identification number, or other unique identify;</p> <p>(d) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(e) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(f) the quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;</p> <p>(g) for all products subject to marketing standards, as appropriate, the individual size or weight, grade, presentation and freshness;</p> <p>(h) where appropriate, the destination of products withdrawn from the market for storage of fishery products in accordance with Article 30 of Regulation (EU) No 1379/2013;</p> <p>(ha) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size, and the destination thereof;</p> <p>(i) the place and the date of the sale;</p> <p>(j) where possible, the reference number and date of invoice and, where appropriate, the sales contract;</p> <p>(k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;</p> <p>(l) the price.</p> <p>2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>(e) the quantities of each species placed on the market or registered at an auction in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals;</p> <p>(f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;</p> <p>(g) where appropriate, the quantities placed on the market or registered at an auction in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size, and the destination thereof;</p> <p>(h) the registration number of the weigher;</p> <p>(i) the place and the date of the sale;</p> <p>(j) where possible, the reference number and date of invoice and, where appropriate, the sales contract</p> <p>(k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;</p> <p>(l) the price excluding taxes and currency.</p>
<i>Article 65</i>	<i>Article 65</i>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Exemptions from sales notes requirements</p> <p>1. The Commission, in accordance with the procedure referred to in Article 119, may grant an exemption from the obligation to submit the sales note to the competent authorities or other authorised bodies of the Member State for fisheries products landed from certain categories of <i>Union</i> fishing vessels of less than 10 metres' length overall or for quantities landed of fisheries products not exceeding 50 kg of live weight equivalent by species. Such exemptions may be granted only in cases where the Member State in question has installed an acceptable sampling system, in accordance with Articles 16 and 25.</p> <p>2. A buyer acquiring products up to an amount of 30 kg which are not thereafter placed on the market but used only for private consumption shall be exempted from the provisions laid down in Articles 62, 63 and 64. Any amendment to this threshold shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>Exemptions from sales notes requirements</p> <p>A consumer acquiring products not exceeding 5 kg of fishery product per consumer per day which is not thereafter placed on the market but used only for private consumption, shall be exempted from the provisions laid down in Articles 62 and 64.</p>
<p><i>Article 66</i></p> <p>Take-over declaration</p> <p>1. Without prejudice to specific provisions contained in multiannual plans, when the fisheries products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons with an annual financial turnover in first sales of fisheries products of less than EUR 200 000 which are responsible for the first marketing of fisheries products landed in a Member State shall submit within 48 hours after completion of landing a take-over declaration to the competent authorities of the Member State where the take-over takes place. The submission of the take-over declaration and its accuracy shall be the responsibility of these buyers, auctions or other bodies or persons.</p> <p>2. If the Member State where the take-over takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the take over declaration is submitted, if possible electronically, to the competent authorities of the</p>	<p><i>Article 66</i></p> <p>Completion and submission of take-over declaration (NEW TITLE)</p> <p>1. When the fishery products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons which are responsible for the storage or placing on the market of fisheries products landed in a Member State shall record by electronic means the information referred to in paragraph 3 and shall submit a take-over declaration by electronic means, within 24 hours after completion of landing, to the competent authorities of the Member State where the take-over takes place. The submission of the take-over declaration and its accuracy shall be the responsibility of these buyers, auctions or other bodies or persons.</p> <p>2. If the Member State where the take-over takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the take-over declaration is submitted electronically to the competent authorities of the flag Member</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>flag Member State upon receipt of the relevant information.</p> <p>3. The take-over declaration referred to in paragraph 1 shall contain at least the following information:</p> <p>(a) the external identification number and name of the fishing vessel that has landed the products;</p> <p>(b) the port and date of landing;</p> <p>(c) the name of the vessel's operator or master;</p> <p>(d) the FAO alpha-3 code of each species and its relevant geographical area in which the catches were taken;</p> <p>(e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;</p> <p>(f) the name and address of the facilities where the products are stored;</p> <p>(g) where applicable, reference to the transport document specified to in Article 68;</p> <p>(h) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size.</p>	<p>State upon receipt of the relevant information.</p> <p>3. The take-over declaration referred to in paragraph 1 shall have a unique identification number and contain at least the following information:</p> <p>(a) the unique fishing trip identifier(s) as referred to with Article 14(2)(a);</p> <p>(b) the port and date of landing;</p> <p>(c) the name of the vessel's operator or master;</p> <p>(d) the FAO alpha-3 code of each species and its relevant geographical area in which the catches were taken;</p> <p>(e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals;</p> <p>(f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;</p> <p>(g) the registration number of the weigher;</p> <p>(h) the name and address of the facilities where the products are stored and its unique identifier;</p> <p>(i) where applicable, reference to the transport document specified in Article 68;</p> <p>(j) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size.</p>
<i>Article 67</i>	DELETED

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Electronic completion and transmission of take over declaration data</p> <p>1. Without prejudice to specific provisions contained in multiannual plans, when the fisheries products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons with an annual financial turnover in first sales of fisheries products of EUR 200 000 or more which are responsible for the first marketing of fisheries products landed in a Member State shall record by electronic means the information referred to in Article 66 and shall send it within 24 hours by electronic means to the competent authorities of the Member State where the take-over takes place.</p> <p>2. Member States shall transmit, by electronic means, information on take over declarations referred to in Article 66(2).</p>	
<p><i>Article 68</i></p> <p>Completion and submission of the transport document</p> <p>1. Fisheries products landed into the <i>Union</i>, either unprocessed or after having been processed on board, for which neither a sales note nor a take-over declaration has been submitted in accordance with Articles 62, 63, 66 and 67 and which are transported to a place other than that of landing, shall be accompanied by a document drawn up by the transporter until the first sale has taken place. The transporter shall submit, within 48 hours after the loading, a transport document to the competent authorities of the Member State in whose territory the landing has taken place or other bodies authorised by it.</p> <p>2. The transporter shall be exempted from the requirement of having the transport document accompanying the fisheries products if a transport document has been transmitted electronically, before the transport begins, to the competent authorities of the flag Member State which shall, in the event that the products are transported to a Member State other than the Member State of landing, immediately upon receipt forward the transport document to the competent authorities of the Member State in</p>	<p><i>Article 68</i></p> <p>Transport of fishery products and completion and submission of the transport document (NEW TITLE)</p> <ol style="list-style-type: none"> 1. Fisheries products when transported before placing on the market or before the first sale in a third country shall be accompanied by a transport document covering the fisheries products and quantities transported. 2. Before the transport begins, the transporter shall transmit the transport document by electronic means to the competent authorities of the flag Member State, of the Member State of landing, the Member State(s) of transit, the Member State of destination of the fisheries product, as appropriate. 3. The transporter shall be responsible for the accuracy of the transport document. 4. The transport document shall indicate: <ol style="list-style-type: none"> (a) the place(s) of destination of the consignment(s) and the identification of the

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>whose territory the first marketing is declared to take place.</p> <p>3. In the event that the products are transported to a Member State other than the Member State of landing, the transporter shall also transmit, within 48 hours following the loading of the fisheries products, a copy of the transport document to the competent authorities of the Member State in whose territory the first marketing is declared to take place. The Member State of first marketing may require further information in this regard from the Member State of landing.</p> <p>4. The transporter shall be responsible for the accuracy of the transport document.</p> <p>5. The transport document shall indicate:</p> <p>(a) the place of destination of the consignment(s) and the identification of the transport vehicle;</p> <p>(b) the external identification number and name of the fishing vessel that has landed the products;</p> <p>(c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;</p> <p>(e) the name(s) and address(es) of the consignee(s);</p> <p>(f) the place and date of loading;</p> <p>(g) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation</p>	<p>transport vehicle and of the transporter;</p> <p>(b) the unique fishing trip identifier, as referred to in Article 14(2)(a);</p> <p>(c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals and where appropriate by places of destination;</p> <p>(e) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness;</p> <p>(f) the registration number of the weigher;</p> <p>(g) the name(s), unique identification number and address(es) of the consignee(s) and place and address of destination;</p> <p>(h) the place and date and time of loading;</p> <p>(i) where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size.</p> <p>5. The competent authorities of Member States may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than 20 km from the place of landing.</p> <p>6. Where fisheries products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove that a sales transaction has taken place."</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>reference size.</p> <p>6. The competent authorities of Member States may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than 20 km from the place of landing.</p> <p>7. Where fisheries products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove with a document that a sales transaction has taken place.</p> <p>8. The transporter shall be exempt from the obligation laid down in this Article if the transport document is replaced by a copy of the landing declaration provided for in Article 23 pertaining to the quantities transported, or any equivalent document containing the same level of information.</p>	
<p>CHAPTER III</p> <p>Producer organisations and price and intervention arrangements</p>	
<p><i>Article 69</i></p> <p>Monitoring of producer organisations</p> <p>1. In accordance with Article 6(1) of Regulation (EC) No 104/2000, Member States shall carry out checks at regular intervals to ensure that:</p> <p>(a) producer organisations comply with the terms and conditions for recognition;</p> <p>(b) recognition of a producer organisation may be withdrawn if the conditions set out in Article 5 of Regulation (EC) No 104/2000 are no longer fulfilled or if recognition is based on wrong information;</p> <p>(c) recognition is immediately withdrawn retroactively if the organisation obtains</p>	<p style="text-align: center;">DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>or benefits from recognition by fraudulent means.</p> <p>2. In order to ensure that the rules pertaining to producer organisations as laid down in Article 5 and Article 6(1)(b) of Regulation (EC) No 104/2000 are complied with, the Commission shall carry out checks and in the light of such checks may, where appropriate, request that Member States withdraw recognition.</p> <p>3. Each Member State shall carry out appropriate checks to ensure that each producer organisation fulfils the obligations laid down in the operational programme for the fishing year concerned, as referred to in Regulation (EC) No 2508/2000, and shall apply the penalties provided for in Article 9(3) of Regulation (EC) No 104/2000 in the event that those obligations are not fulfilled.</p>	
<p><i>Article 70</i></p> <p>Monitoring of price and intervention arrangements</p> <p>Member States shall carry out all the checks regarding the price and intervention arrangements, in particular:</p> <p>(a) the withdrawal of products from the market for purposes other than human consumption;</p> <p>(b) carry-over operations for stabilising, storing and/or processing of products withdrawn from the market;</p> <p>(c) private storage of products frozen at sea;</p> <p>(d) compensatory allowance for tuna intended for processing.</p>	<p>DELETED</p>
<p>TITLE VI</p> <p>SURVEILLANCE</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 71</i></p> <p>Sightings at sea and detection by Member States</p> <p>1. Member States shall carry out surveillance in Union waters under their sovereignty or jurisdiction based on:</p> <p>(a) sightings of fishing vessels by inspection vessels or surveillance aircrafts;</p> <p>(b) a vessel monitoring system as referred to in Article 9; or</p> <p>(c) any other detection and identification methods.</p> <p>2. If the sighting or detection does not correspond to other information available to the Member State, it shall undertake any investigations that may be necessary to determine the appropriate follow-up.</p> <p>3. If the sighting or detection refers to a fishing vessel of another Member State or a third country and the information does not correspond to any other information that is available to the coastal Member State and if that coastal Member State is not in a position to undertake further action, it shall record its findings in a surveillance report and shall transmit that report without delay, if possible by electronic means, to the flag Member State or to the third country concerned. In case of a third country vessel, the surveillance report shall also be sent to the Commission or the body designated by it.</p> <p>4. In the event that an official of a Member State sights or detects a fishing vessel engaged in activities that may be considered to be an infringement of the rules of the common fisheries policy, he shall without delay issue a surveillance report and send it to his competent authorities.</p> <p>5. The content of the surveillance report shall be determined in accordance with the procedure referred to in Article 119.</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	the examination procedure referred to in Article 119(2).
<p><i>Article 72</i></p> <p>Action to be taken upon information on sightings and detection</p> <p>1. Flag Member States shall, upon receipt of a surveillance report from another Member State, take prompt action on it and undertake such further investigation as is necessary to allow them to determine appropriate follow-up.</p> <p>2. Member States other than the flag Member State concerned shall, where appropriate, verify whether the sighted vessel reported has carried out activities in the waters under their jurisdiction or sovereignty or if fisheries products stemming from that vessel have been landed or imported into their territory and shall investigate its record of compliance with relevant conservation and management measures.</p> <p>3. The Commission or the body designated by it or, where appropriate, the flag Member State and other Member States shall also examine suitably documented information regarding sighted vessels submitted by individual citizens, civil society organisations, including environmental organisations, as well as representatives of fisheries or fish trade stakeholder interests.</p>	
<p><i>Article 73a</i></p> <p>Control observers for the monitoring of the landing obligation</p> <p>Without prejudice to Article 73(1) of this Regulation, Member States may deploy control observers on board fishing vessels flying their flag for the monitoring of fisheries subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Article 73(2) to (9) of this Regulation shall apply to those control observers.</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 73</i></p> <p>Control observers</p> <p>1. Where a Union control observer scheme has been established by the Council, control observers on board fishing vessels shall verify the fishing vessel's compliance with the rules of the common fisheries policy. They shall implement all the tasks of the observer scheme and in particular verify and record the vessel's fishing activities and relevant documents.</p> <p>2. Control observers shall be qualified for their tasks. They shall be independent of the owner, the master of the fishing vessel and any crew member. They shall not have any economic link with the operator.</p> <p>3. As far as possible, control observers shall ensure that their presence on board fishing vessels does not hinder or interfere with the fishing activities and the normal operations of the vessel.</p> <p>4. In the event a control observer notices a serious infringement, he shall inform without delay the competent authorities of the flag Member State.</p> <p>5. Control observers shall draw up an observer report, if possible electronically, and</p>	<p>1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor the fishing vessel's compliance with the rules of the common fisheries policy. They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.</p> <p>2. Control observers shall</p> <p>(a) be certified and trained for their tasks by Member State;</p> <p>(b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member;</p> <p>(c) have no economic link with the operator;</p> <p>(d) accomplish their tasks in a non-discriminatory manner;</p> <p>(e) be equipped with a two way communication device independent from the vessel at sea.</p> <p>3.</p> <p>4. In the event control observers notice a serious infringement, including the act of obstructing or otherwise preventing the performance by control observers of their their duties, they shall inform without delay the competent authorities of the flag Member State.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>forward it without delay, using if deemed necessary electronic means of transmission on board the fishing vessel, to their competent authorities and to the competent authorities of the flag Member State. Member States shall insert the report in the database referred to in Article 78.</p> <p>6. In the event that the observer report indicates that the vessel observed has engaged in fishing activities contrary to the rules of the common fisheries policy, the competent authorities referred to in paragraph 4 shall take all appropriate action to investigate the matter.</p> <p>7. Masters of Union fishing vessels shall provide adequate accommodation for assigned control observers, facilitate their work and avoid interference with the discharge of their duties. Masters of Union fishing vessels shall also provide control observers access to relevant parts of the vessel, including the catch, and to the vessel's documents including electronic files.</p> <p>8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States. Member States may charge those costs, in part or in full, to the operators of the fishing vessels flying their flags involved in the relevant fishery.</p> <p>9. Detailed rules for the application of this Article may be adopted in accordance with the procedure referred to in Article 119.</p>	<p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</p> <p>(a) the identification of vessels for the application of a control observer scheme;</p> <p>(b) format and content of observers reports;</p> <p>(c) the communication system for control observers;</p> <p>(d) rules pertaining to the security of control observers on vessels;</p> <p>(e) measures to ensure independence of control observers including modalities of their remuneration;</p> <p>(f) the duties of control observers including in the event of a suspicion of serious</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	infringement.
TITLE VII INSPECTION AND PROCEEDINGS	
CHAPTER I General provisions	
<i>Article 74</i> Conduct of inspections <p>1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.</p> <p>2. Officials shall carry out their duties in accordance with Union law. They shall conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and during the marketing of the fisheries products.</p> <p>3. Officials shall check in particular:</p> <p>(a) the legality of the catch kept on board, stored, transported, processed or marketed and the accuracy of the documentations or electronic transmissions relating to it;</p> <p>(b) the legality of the fishing gear used for the targeted species and for the catches kept on board;</p> <p>(c) if appropriate, the stowage plan and the separate stowage of species;</p>	<i>Article 74</i> Conduct of inspections <p>1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.</p> <p>2. Officials shall carry out their duties in accordance with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.</p> <p>3. Officials shall verify compliance of the activities carried out by the operators and the masters with the rules of the common fisheries policy, and in particular:</p> <p>(a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred, landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them;</p> <p>(b) the legality of fishing gears used for the targeted species and for the catches kept on board and the equipment used for the retrieval of the fishing gears as referred to in Article 48;</p> <p>(c) if appropriate, the stowage plan and the separate stowage of species;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(d) the marking of gears; and</p> <p>(e) the information on the engine referred to in Article 40.</p> <p>4. Officials may examine all relevant areas, decks and rooms. They may also examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They may also question persons deemed to have information on the matter that is the subject of the inspection.</p> <p>5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.</p> <p>6. Detailed rules for the application of this Article, in particular on the methodology and the conduct of an inspection, shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>(d) the markings of the vessels and gears;</p> <p>(e) the information on the engine referred to in Article 40;</p> <p>(f) the use of CCTVs and other electronic monitoring devices;</p> <p>(g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems.</p> <p>4. Officials shall be able to examine all relevant areas, decks and rooms. They shall also be able to examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to question persons deemed to have information on the matter that is the subject of the inspection.</p> <p>5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.</p> <p>6. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set specific rules on the conduct of the inspections. Those rules may concern:</p> <p>(a) the authorisation and qualification of the officials responsible to conduct inspection at sea or on land;</p> <p>(b) the adoption by Member States of a risk-based approach for the selection of inspection targets;</p> <p>(c) the coordination of control inspection and enforcement activities among Member States;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(d) duties of officials during the preparation of the inspection;</p> <p>(e) the duties of officials authorised to conduct inspections;</p> <p>(f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections;</p> <p>(g) inspections at sea and in ports, transport inspections, and market inspection.</p>
<p><i>Article 75</i></p> <p>Duties of the operator</p> <p>1. The operator shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. It shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.</p> <p>2. Detailed rules for the application of this Article may be adopted in accordance with the procedure referred to in Article 119.</p>	<p><i>Article 75</i></p> <p>Duties of the operator and the master (NEW TITLE)</p> <p>1. The operator and the master shall cooperate with officials in the performance of their duties. They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.</p> <p>2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties operators and masters during inspections</p>
<p><i>Article 76</i></p> <p>Inspection report</p> <p>1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Where possible, 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 without delay to the flag Member State concerned if an infringement has been found in the course of the inspection. 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 without delay to the competent authorities of the third country concerned if an infringement has</p>	<p><i>Article 76</i></p> <p>Inspection report</p> <p>1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>been found in the course of the inspection. In case of an inspection carried out in the waters under the jurisdiction of another Member State, a copy of the inspection report shall be sent without delay to that Member State.</p> <p>2. Officials shall communicate their findings from the inspection to the operator, who shall have the possibility to comment on the inspection and its findings. The operator's comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.</p> <p>3. A copy of the inspection report shall be sent as soon as possible to the operator, and in any case no later than 15 working days after the completion of the inspection.</p> <p>4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>competent authorities of the third country concerned and to the Commission in the case of detected serious infringements.</p> <p>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.</p> <p>2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. The operator's or master's comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.</p> <p>3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection.</p> <p>4. The Commission may, by means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 77</i></p> <p>Admissibility of inspection and surveillance reports</p> <p>Inspection and surveillance reports drawn up by <i>Union</i> inspectors or officials of another Member State or Commission officials shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts they shall be treated as equivalent to inspection and surveillance reports of the Member States.</p>	<p><i>Article 77</i></p> <p>Admissibility of inspection and surveillance reports</p> <p>Inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials or competent authorities from a third country shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts, they shall be treated as equivalent to inspection and surveillance reports of the Member States.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 78</i></p> <p>Electronic database</p> <p>1. Member States shall set up and keep up to date an electronic database where they upload all inspection and surveillance reports drawn up by their officials.</p> <p>2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p><i>Article 78</i></p> <p>Electronic database</p> <p>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.</p> <p>2. The Commission may, by means of implementing acts, lay down detailed rules concerning the operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 79</i></p> <p>Union inspectors</p> <p>1. A list of Union inspectors shall be established by the Commission in accordance with the procedure referred to in Article 119.</p> <p>2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation in Union waters, and on Union fishing vessels outside <i>Union</i> waters.</p> <p>3. Union inspectors may be assigned for:</p> <p>(a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;</p> <p>(b) international fisheries control programmes, where the <i>Union</i> is under an obligation to provide for controls.</p> <p>4. For the accomplishment of their tasks and subject to paragraph 5, <i>Union</i></p>	<p><i>Article 79</i></p> <p>Union inspectors</p> <p>1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called 'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States.</p> <p>2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation on the territory of Member States and in Union waters, and on Union fishing vessels outside Union waters.</p> <p>3. Union inspectors may be assigned in particular for:</p> <p>(a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>inspectors shall have access without delay to:</p> <p>(a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and</p> <p>(b) all information and documents which are needed to fulfil their tasks, in particular the fishing logbook, landing declarations, catch certificates, the transshipment declaration, sales notes and other relevant documents;</p> <p>to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.</p> <p>5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the <i>Union</i> waters under the sovereignty and jurisdiction of their Member State of origin.</p> <p>6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.</p> <p>7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>(b) international fisheries control programmes, where the Union is under an obligation to provide for controls.</p> <p>4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to:</p> <p>(a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and</p> <p>(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;</p> <p>to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.</p> <p>5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.</p> <p>6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.</p> <p>7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:</p> <p>(a) the notification of Union inspectors to the Agency;</p> <p>(b) the adoption and maintenance of the list of Union inspectors;</p> <p>(c) the notification of Union inspectors to Regional Fisheries Management Organisations;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(d) the powers and duties of Union inspectors;</p> <p>(e) the reports of Union inspectors;</p> <p>(f) the follow-up of reports of Union inspectors.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p>CHAPTER II</p> <p>Inspections outside the waters of the inspecting Member State</p>	
<p><i>Article 80</i></p> <p>Inspections of fishing vessels outside the waters of the inspecting Member State</p> <p>1. Without prejudice to the primary responsibility of the coastal Member State, a Member State may inspect fishing vessels flying its flag in all Union waters outside waters under the sovereignty of another Member State.</p> <p>2. A Member State may carry out inspections on fishing vessels of another Member State in accordance with this Regulation relating to fishing activities in all Union waters outside waters under the sovereignty of another Member State:</p> <p>(a) following authorisation by the coastal Member State concerned; or</p> <p>(b) where a specific control and inspection programme has been adopted in accordance with Article 95.</p> <p>3. A Member State shall be authorised to inspect Union fishing vessels flying the flag of another Member State in international waters.</p> <p>4. A Member State may inspect Union fishing vessels flying its own flag or the flag</p>	<p>1.</p> <p>2.</p> <p>3.</p> <p>4. A Member State may inspect Union fishing vessels flying its own flag or the flag of</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>of another Member State in waters of third countries in accordance with international agreements.</p> <p>5. Member States shall designate the competent authority which shall act as the contact point for the purpose of this Article. The contact point of the Member States shall be available 24 hours a day.</p>	<p>another Member State in waters or ports of third countries in accordance with international agreements.</p> <p>5.</p>
<p><i>Article 81</i></p> <p>Requests for authorisation</p> <p>1. Requests for authorisation of a Member State to carry out inspections on fishing vessels in <i>Union</i> waters outside waters under its sovereignty or jurisdiction, as referred to in Article 80(2)(a), shall be decided by the coastal Member State concerned within 12 hours of the time of the request or within an appropriate period where the reason for the request is a hot pursuit commenced in the waters of the inspecting Member State.</p> <p>2. The requesting Member State shall be informed of the decision without delay. Decisions shall also be communicated to the Commission or the body designated by it.</p> <p>3. Requests for authorisations shall only be refused, in whole or in part only to the extent necessary, for compelling reasons. Refusals and the reasons underlying them shall be sent without delay to the requesting Member State and to the Commission or the body designated by it.</p>	
<p>CHAPTER III</p> <p>Infringements detected in the course of inspections</p>	<p>Proceedings in the event of an infringement (NEW TITLE)</p>
<p><i>Article 82</i></p>	<p><i>Article 82</i></p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Procedure in the event of an infringement</p> <p>If the information collected during an inspection or any other relevant data leads the official to believe that an infringement of the rules of the common fisheries policy has been committed, the official shall:</p> <p>(a) note the suspected infringement in the inspection report;</p> <p>(b) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;</p> <p>(c) immediately forward the inspection report to his competent authority;</p> <p>(d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report.</p>	<p>Duties of officials in the event of an infringement (NEW TITLE)</p> <p>1. If the information collected during an inspection or any other relevant data or information leads the official to believe that an infringement of the rules of the common fisheries policy has been committed, the official shall:</p> <p>(a) note the detected infringement in the inspection report;</p> <p>(b) take all necessary action to ensure safekeeping of the evidence pertaining to such detected infringement;</p> <p>(c) immediately forward the inspection report to his competent authority;</p> <p>(d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in sanctions and the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report.</p> <p>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."</p>
<p><i>Article 83</i></p> <p>Infringements detected outside the waters of the inspecting Member State</p> <p>1. If an infringement has been detected as a result of an inspection carried out in accordance with Article 80, the inspecting Member State shall without delay submit a summary inspection report to the coastal Member State or, in case of an inspection outside <i>Union</i> waters, to the flag Member State of the fishing vessel concerned. A full inspection report shall be submitted to the coastal and to the flag Member State within 15 days from the time of inspection.</p> <p>2. The coastal Member State or, in case of an inspection outside <i>Union</i> waters, the</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>flag Member State of the fishing vessel concerned shall undertake all appropriate measures in respect of the infringement referred to in paragraph 1.</p>	
<p><i>Article 84</i></p> <p>Enhanced follow-up with regard to certain serious infringements</p> <p>1. The flag Member State or the coastal Member State in whose waters a fishing vessel is suspected of having:</p> <p>(a) misrecorded catches of stocks subject to a multiannual plan of more than 500 kg or 10 %, calculated as a percentage of the fishing logbook figures, whichever is the higher; or</p> <p>(b) committed any of the serious infringements referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90(1) of this Regulation within one year of committing a first such serious infringement;</p> <p>may require the fishing vessel to proceed immediately to a port for a full investigation, in addition to the measures referred to in Chapter IX of Regulation (EC) No 1005/2008.</p> <p>2. The coastal Member State shall immediately and in compliance with its procedures under national law notify the flag Member State of the investigation referred to in paragraph 1.</p> <p>3. Officials may remain on board a fishing vessel until a full investigation as referred to in paragraph 1 has been undertaken.</p> <p>4. The master of the fishing vessel referred to in paragraph 1 shall cease all fishing activities and proceed to port if he has been requested to do so.</p>	<p>DELETED</p>
<p>CHAPTER IV</p>	<p>DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
Proceedings of infringements detected in the course of inspections	
<p><i>Article 85</i></p> <p>Proceedings</p> <p>Without prejudice to Article 83(2) and Article 86, where an infringement of the rules of the common fisheries policy is discovered by the competent authorities in the course of or after an inspection, the competent authorities of the inspecting Member State shall take appropriate measures in accordance with Title VIII against the master of the vessel involved or against any other legal or natural person responsible for the infringement.</p>	<p><i>Article 85</i></p> <p>Proceedings</p> <ol style="list-style-type: none"> 1. Without prejudice to Article 72, Article 83(2) and Article 86, competent Member State shall immediately carry out an investigation where any infringement is detected in the course of an inspection carried out by their officials, officials of other Member States, Union inspectors or third countries officials, or where any relevant data or information leads Member States' competent authorities to believe that an infringement of the rules of the common fisheries policy, has been committed. 2. Member States shall take immediate measures as provided in Article 91.
<p><i>Article 86</i></p> <p>Transfer of proceedings</p> <ol style="list-style-type: none"> 1. The Member State in the territory or waters of which an infringement has been discovered may transfer proceedings relating to that infringement to the competent authorities of the flag Member State or the Member State of which the offender holds the citizenship, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89(2). 2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the inspecting Member State, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89(2). 	<p><i>Article 86</i></p> <p>Transfer of proceedings</p> <ol style="list-style-type: none"> 1. The Member State in the territory or waters of which an infringement has been detected may transfer proceedings relating to that infringement to the competent authorities of the flag Member State or the Member State of which the offender holds the citizenship, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89. 2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the Member State which has detected the infringement, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89.
<i>Article 87</i>	DELETED

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Infringement detected by <i>Union</i> inspectors</p> <p>Member States shall undertake all appropriate measures in respect of any infringement that a <i>Union</i> inspector has discovered in the waters under their sovereignty or jurisdiction, or on a fishing vessel flying their flag.</p>	
<p><i>Article 88</i></p> <p>Corrective measures in the absence of proceedings by the Member State of landing or transhipment</p> <p>1. If the Member State of landing or transhipment is not the flag Member State and its competent authorities do not take appropriate measures against the natural or legal persons responsible, or do not transfer proceedings in accordance with Article 86, the quantities illegally landed or transhipped may be set against the quota allocated to the Member State of landing or transhipment.</p> <p>2. The quantities of fish to be set against the quota of the Member State of landing or transhipment shall be fixed in accordance with the procedure referred to in Article 119 after the Commission has consulted the two Member States concerned.</p> <p>3. If the Member State of landing or transhipment no longer has a corresponding quota at its disposal, Article 37 shall apply. To that end the quantities of fish illegally landed or transhipped shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State.</p>	<p><i>Article 88</i></p> <p>Corrective measures in the absence of proceedings by the Member State of landing or transhipment</p> <p>1. If the Member State of landing or transhipment is not the flag Member State and its competent authorities do not take appropriate measures against the natural or legal persons responsible, or do not transfer proceedings in accordance with Article 86, the quantities of fish caught, landed or transhipped in the breach of the rules of the common fisheries policy may be counted against the quota allocated to the Member State of landing or transhipment.</p> <p>2. After consulting the flag Member State or the Member State of landing or transhipment, the Commission shall, by means of implementing acts, decide on the quantities of fish to be set against the quota of the Member State of landing or transhipment after the Commission has consulted the two Member States concerned.</p> <p>3. If the Member State of landing or transhipment no longer has a corresponding quota at its disposal, Article 37 shall apply. To that end the quantities of fish caught, landed or transhipped in the breach of the rules of the common fisheries policy shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State."</p>
<p>TITLE VIII</p> <p>ENFORCEMENT</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Article 89</p> <p>Measures to ensure compliance</p> <p>1. Member States shall ensure that appropriate measures are systematically taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons suspected of a breach of any of the rules of the common fisheries policy.</p> <p>2. The overall level of sanctions and accompanying sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to make sure that they effectively deprive those responsible of the economic benefit derived from their infringement without prejudice to the legitimate right to exercise their profession. Those sanctions shall also be capable of producing results proportionate to the seriousness of such infringements, thereby effectively discouraging further offences of the same kind.</p> <p>3. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the financial advantage achieved or envisaged by committing the infringement.</p> <p>4. The competent authorities of the Member State having jurisdiction in the event of an infringement shall, without delay and in compliance with their procedures under national law, notify the flag Member States, the Member State of which the offender holds the citizenship, or any other Member State with an interest in following up the administrative action, criminal proceedings or other measures taken and of any definitive ruling relating to such infringement, including the number of points assigned in accordance with Article 92.</p>	<p><i>Article 89</i></p> <p>Measures to ensure compliance</p> <p>1. Without prejudice to the powers of the Member States to initiate criminal proceedings and impose criminal sanctions, Member States shall lay down rules on administrative measures and sanctions and ensure that they are systematically applied, in conformity with their national law, against the natural person having committed or a legal person held liable for a breach of the rules of the common fisheries policy.</p> <p>2. Member States shall, by [24 months from date of entry into force of the present Regulation], notify national provisions referred to in paragraph 1 to the Commission and shall notify it without delay of any subsequent amendment thereof.</p>
	<p><i>Article 89a</i></p> <p>Sanctions</p> <p>1. Member States shall ensure that a natural person having committed or a legal person</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>held liable for infringements of rules of common fisheries policy is punishable by effective, proportionate and dissuasive administrative sanctions.</p> <ol style="list-style-type: none"> 2. Member States shall ensure that the overall level of sanctions and accompanying sanctions set in accordance with this Regulation and the relevant provisions of national law is adequate in severity to discourage further infringements and effectively deprive those responsible of the economic benefit derived or expected from their infringement without prejudice to the legitimate right to exercise their profession. For this purpose, account shall be taken of immediate measures taken pursuant to Article 91. 3. When determining these sanctions the Member States shall take into account, in particular, the gravity of the infringement, including the level of environmental damage done, the value of the prejudice to the fishing resources, the nature and extent of the infringement, its duration or repetition, or the accumulation of simultaneous infringements. 4. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit achieved or envisaged by committing the infringement.
<p><i>Article 90</i></p> <p>Sanctions for serious infringements</p> <p>1. In addition to Article 42 of Regulation (EC) No 1005/2008, the following activities shall also be considered as serious infringements for the purpose of this Regulation depending on the gravity of the infringement in question which shall be determined by the competent authority of the Member State, taking into account criteria such as the nature of the damage, its value, the economic situation of the offender and the extent of the infringement or its repetition:</p> <p>(a) the non-transmission of a landing declaration or a sales note when the landing</p>	<p><i>Article 90</i></p> <p>Serious infringements (NEW TITLE)</p> <ol style="list-style-type: none"> 1. For the purpose of this Regulation 'serious infringement' means any serious infringement listed in paragraph 2 or considered as serious pursuant to paragraph 3. 2. The following activities shall constitute serious infringements: <ol style="list-style-type: none"> (a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or (b) falsifying or concealing markings of fishing vessel or fishing gear, identity or

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>of the catch has taken place in the port of a third country;</p> <p>(b) the manipulation of an engine with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate;</p> <p>(c) the failure to bring and retain on board the fishing vessel and to land any catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations or subject to exemptions provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply.</p> <p>2. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive administrative sanctions, in accordance with the range of sanctions and measures provided for in Chapter IX of Regulation (EC) No 1005/2008.</p> <p>3. Without prejudice to Article 44(2) of Regulation (EC) No 1005/2008, the Member States shall impose a sanction that is effectively dissuasive and, as appropriate, calculated on the value of the fisheries products obtained by committing a serious infringement.</p> <p>4. In fixing the sanction, the Member States shall also take into account the value of the prejudice to the fishing resources and the marine environment concerned.</p> <p>5. Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.</p> <p>6. The sanctions provided for in this Chapter may be accompanied by other sanctions or measures, in particular those described in Article 45 of Regulation (EC) No 1005/2008.</p>	<p>registration of a fishing vessel; or</p> <p>(c) concealing, tampering with or disposing of evidence relating to an investigation; or</p> <p>(d) obstructing the work of officials or observers, in the exercise of their duties; or</p> <p>(e) transshipping without the required authorisation or where such transshipment is prohibited; or</p> <p>(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</p> <p>(g) transshipping from or to, or conducting transfer operations with, participating in joint fishing operations with, supporting or supplying vessels, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008; or</p> <p>(h) being involved in the operation, management, ownership of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a vessel engaged in IUU fishing; or</p> <p>(i) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth; or</p> <p>(j) engaging in directed fishing, retaining on board, transshipping, transferring or landing species which are subject to a moratorium, a closed season or for which</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>fishing is prohibited; or</p> <p>(k) being a vessel with no nationality and therefore a stateless vessel, in accordance with international law; or</p> <p>(l) using prohibited fishing gear; or</p> <p>(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</p> <p>(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</p> <p>(o) falsifying documents, data or information or using of falsified or invalid documents, data or information required under the rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or</p> <p>(p) conducting business directly connected to IUU fishing including the trade in, importation, exportation, processing, marketing, of fisheries products stemming from IUU fishing activities; or</p> <p>(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.</p> <p>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:</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<ul style="list-style-type: none"> <li data-bbox="1115 284 2112 371">(a) not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior notices, as required under the rules of the common fisheries policy; or <li data-bbox="1115 408 2112 528">(b) not making available a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403(*); or <li data-bbox="1115 564 1585 592">(c) using non-compliant fishing gear; or <li data-bbox="1115 628 2112 684">(d) not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy; or <li data-bbox="1115 721 2112 963">(e) failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply; or <li data-bbox="1115 1000 2112 1150">(f) carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation in the case where these activities are not considered as serious infringement under paragraph 2 of this Article; or <li data-bbox="1115 1187 2112 1275">(g) making available on the market fishery products in breach of the rules of the common fisheries policy in the case where this activity is not considered as serious infringement under paragraph 2 of this Article; or <li data-bbox="1115 1311 2112 1332">(h) conducting recreational fishing activities in breach of rules of the common

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>fisheries policy or selling of catches from recreational fisheries; or</p> <p>(i) committing multiple infringements which together constitute a serious disregard of the rules of the common fisheries policy.</p>
<p><i>Article 91</i></p> <p>Immediate enforcement measures</p> <p>Member States shall take immediate measures to prevent masters of fishing vessels or other natural persons and legal persons caught in the act of committing a serious infringement, as defined in Article 42 of Regulation (EC) No 1005/2008, from continuing to do so.</p>	<p><i>Article 91</i></p> <p>Immediate enforcement measures for serious infringements (NEW TITLE)</p> <p>1. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with the provisions of Article 85, shall immediately in conformity with their national law, take relevant and immediate measures such as:</p> <p>(a) the immediate cessation of fishing activities;</p> <p>(b) the immediate rerouting to a port;</p> <p>(c) the rerouting of the transport vehicle to another location for inspection;</p> <p>(d) the ordering of a bond;</p> <p>(e) the seizure of fishing gear, catches or fisheries products or the profit earned from the sale of the catches or fisheries products;</p> <p>(f) restriction to or prohibition of the placing on the market of fisheries products;</p> <p>(g) the temporary immobilisation of the fishing vessel or transport vehicle concerned;</p> <p>(h) the suspension of the authorisation to fish;</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(i) the temporary cessation of business activities.</p> <p>2. The immediate enforcement measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious infringement concerned, to take all necessary action to ensure safekeeping of the evidence pertaining to such suspected serious infringement and to allow the competent authorities to complete their investigation.</p> <p>3. The Member State shall immediately and, in compliance with its procedures under national law, notify the flag State concerned of the measures referred to in paragraph 1.</p>
	<p><i>Article 91a</i></p> <p>Sanctions for serious infringements</p> <p>1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where the serious infringement has lead to obtaining fishery products, Member States shall impose fines for which:</p> <ul style="list-style-type: none"> – the minimum shall be at least three times the value of the fishery products obtained by committing the serious infringement, and – the maximum shall be at least five times the value of the fishery products obtained by committing the serious infringement. <p>2. In case of any repeated serious infringement where the serious infringement leads to obtaining fishery products within a three-year period, the Member States shall impose fines for which:</p> <ul style="list-style-type: none"> – the minimum shall be at least five times the value of the fishery products obtained by committing the serious infringement, and

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<ul style="list-style-type: none"> – the maximum shall be at least eight times the value of the fishery products obtained by committing the serious infringement. <p>3. The amounts referred to in paragraphs 1 and 2 shall be calculated on the value of the fisheries products according to the prices of the European Market Observatory for Fisheries and Aquaculture Products (EUMOFA) platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices in auction halls or prices identified on principal international markets relevant for the species and fishing area concerned shall be applicable and the higher price prevail.</p> <p>4. Where the serious infringement did not lead to obtaining fishery products, the fines shall be determined by the Member States in accordance with Article 89a, at a level leading to a deterrent effect similar to the effect of the fines set in paragraphs 1 and 2.</p>
	<p><i>Article 91b</i></p> <p>Accompanying sanctions</p> <p>The sanctions provided for in Articles 89, 89a and 91a and measures provided for in Article 91 may be accompanied by other dissuasive sanctions or measures, in particular:</p> <ul style="list-style-type: none"> (1) the sequestration of the fishing vessel(s) involved in the infringement; (2) the temporary immobilisation of the fishing vessel; (3) the confiscation of the vessel(s), prohibited fishing gear, catches or fishery products; (4) the suspension or withdrawal of the fishing license or fishing authorisation; (5) the reduction or withdrawal of fishing rights;

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(6) the temporary or permanent exclusion from the right to obtain new fishing rights;</p> <p>(7) the temporary or permanent ban on access to public assistance or subsidies;</p> <p>(8) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3) of Regulation (EC) No 1005/2008;</p> <p>(9) the withdrawal of the ship certificate of national registry;</p> <p>(10) the temporary suspension of the economic activity or its permanent cessation;</p> <p>(11) the temporary or permanent withdrawal of the authorisation to engage in fish trade activities.</p>
<p><i>Article 92</i></p> <p>Point system for serious infringements</p> <p>1. Member States shall apply a point system for serious infringements as referred to in point (a) of Article 42(1) of Regulation (EC) No 1005/2008 and for violations of the landing obligation referred to in point (c) of Article 90(1) of this Regulation, on the basis of which the holder of a fishing licence is assigned the appropriate number of points as a result of an infringement of the rules of the common fisheries policy.</p> <p>2. When a natural person has committed or a legal person is held liable for a serious infringement of the rules of the common fisheries policy, the appropriate number of points shall be assigned to the holder of the fishing licence as a result of the infringement. The points assigned shall be transferred to any future 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. The holder of the fishing licence shall be entitled to review proceedings in accordance with national law.</p> <p>3. When the total number of points equals or exceeds a specified number of points,</p>	<p><i>Article 92</i></p> <p>Point system for serious infringements</p> <p>1. Member States shall apply a point system for infringements referred to in Article 90, except for serious infringements referred to in paragraph 1 points (k) and (p) and in paragraph (2) points (g) and (h) of that Article.</p> <p>2. When a natural person has committed or a legal person is held liable for a serious infringement, a number of points calculated in accordance with Annex III shall be assigned to the holder of the fishing licence for the fishing vessel concerned.</p> <p>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.</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>the fishing licence shall be automatically suspended for a period of at least two months. That period shall be four months if the fishing licence is suspended a second time, eight months if the fishing licence is suspended a third time and one year if the fishing licence is suspended a fourth time as a consequence of a licence holder being assigned the specified number of points. In case of the holder being assigned the specified number of points for a fifth time, the fishing licence shall be permanently withdrawn.</p> <p>4. If the holder of a fishing licence does not commit, within three years from the date of the last serious infringement, another serious infringement, all points on the fishing licence shall be deleted.</p> <p>5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p> <p>6. Member States shall also establish a point system under which the master of a vessel is assigned the appropriate number of points as a result of a serious infringement of the rules of the common fisheries policy committed by him.</p>	<p>serious infringement committed aboard the vessel under his or her command.</p> <p>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.</p> <p>6. When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel shall be automatically suspended for a period of at least two months. That period shall be four months if the suspension is occurring a second time and the points equals or exceeds 36 points, eight months if the suspension is occurring a third time and the number of points equals or exceeds 54 points and one year if the suspension is occurring a fourth time and the number of points equals or exceeds 72 points. In case the suspension is occurring for a fifth time and the number of points equals or exceeds 90 points, the fishing licence shall be permanently withdrawn and the fishing vessel shall not be used anymore for commercial exploitation of marine biological resources.</p> <p>7. The accumulation of 90 points by the holder of a fishing license or a master shall trigger automatically the permanent withdrawal of the fishing licence or of the right to command a fishing vessel as a master.</p> <p>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.</p> <p>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.</p> <p>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.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>11. Member States shall designate the competent national authorities which shall be responsible for setting up the system for the attribution of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and master and transferring the points in accordance with paragraph 3.</p> <p>12. Member States shall ensure that the application of national proceedings does not render the point system ineffective.</p> <p>13. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:</p> <ul style="list-style-type: none"> (a) the amendment of the threshold of points triggering the suspension and permanent withdrawal of a fishing licence or of the right to command a fishing vessel as a master; (b) the follow-up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master; (c) measures to be taken in case of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master; (d) conditions justifying the deletion of points; (e) the registration of masters authorized to exercise fishing activity. <p>14. The Commission shall, by means of implementing acts, lay down detailed rules concerning:</p> <ul style="list-style-type: none"> (a) the notifications of decisions on assignment of points; (b) the transfer of the points when ownership of vessels for which points were assigned, is transferred;

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(c) the deletion of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements from relevant lists;</p> <p>(d) the obligations of information on the point system for masters of fishing vessels established by the Member States.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
	<p><i>Article 92a</i></p> <p>Liability of legal persons</p> <p>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:</p> <p>(a) a power of representation of the legal person,</p> <p>(b) an authority to take decisions on behalf of the legal person, or</p> <p>(c) an authority to exercise control within the legal person.</p> <p>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.</p> <p>3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned.</p>
	<p><i>Article 92b</i></p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>Obligation to notify definitive ruling</p> <p>1. The competent authorities of the Member State having jurisdiction in the event of an infringement shall, without delay and in compliance with their procedures under national law, notify the flag States, the State of which the offender holds the citizenship or is incorporated, or any other State with an interest in following up the administrative and other relevant criminal proceedings or other measures taken, of any definitive ruling relating to such infringement, including the number of points assigned in accordance with Article 92.</p> <p>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.</p> <p>2. In case of a notification from the Member State referred to in paragraph 1, the flag Member State shall assign the appropriate number of points to the holder of the fishing licence and to the master for the fishing vessel concerned.</p>
<p><i>Article 93</i></p> <p>National register of infringements</p> <p>1. Member States shall enter in a national register all infringements of the rules of the common fisheries policy committed by vessels flying their flag or by their nationals, including the sanctions they incurred and the number of points assigned. Infringements of fishing vessels flying their flag or by their nationals prosecuted in other Member States shall also be entered by Member States in their national register on infringements, upon notification of the definitive ruling by the Member State having jurisdiction, pursuant to Article 90.</p> <p>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</p>	<p><i>Article 93</i></p> <p>National register of infringements</p> <p>1. Member States shall enter in a national register all suspected and confirmed infringements of the rules of the common fisheries policy committed by vessels flying their flag or the flag of a third country or by their nationals, including all decisions and sanctions they incurred and the number of points assigned. Infringements of fishing vessels flying their flag or by their nationals prosecuted in other Member States shall also be entered by Member States in their national register on infringements, upon notification of the definitive ruling by the Member State having jurisdiction, pursuant to Article.92b.</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>infringement in question.</p> <p>3. Where a Member State requests information from another Member State in relation to the measures taken on an infringement, that other Member State may provide the relevant information on the fishing vessels and persons in question.</p> <p>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 three calendar years, starting from the year following that in which the information is recorded.</p>	<p>infringement in question or caught in the act of committing the infringement in question.</p> <p>3. Where a Member State requests information from another Member State in relation to an infringement, that other Member State shall provide without delay the relevant information on the fishing vessels and physical or legal persons involved in the infringement.</p> <p>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.</p> <hr/> <p>(* Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).</p>
<p>TITLE IX</p> <p>CONTROL PROGRAMMES</p>	
	<p><i>Article 93a</i></p> <p>National control programmes and annual reports</p> <p>1. Member States shall establish annual or multiannual national control programmes for the inspections and the control of the rules of the common fisheries policy.</p> <p>National control programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>National control programmes shall be notified to the Commission before the 31 December of each year and shall cover at least the following calendar year.</p> <ol style="list-style-type: none"> 2. By 30 June every year, Member States shall submit to the Commission a report on inspections and controls performed in the previous year, in accordance with the national control programmes and in compliance with the present Regulation. 3. The Commission is empowered to adopt delegated acts in accordance with Article 119a to adopt minimum requirements for national control programmes and annual reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments.
<p><i>Article 94</i></p> <p>Common control programmes</p> <p>Member States may carry out, among themselves and on their initiative, control, inspection and surveillance programmes concerning fisheries activities.</p>	
<p><i>Article 95</i></p> <p>Specific control and inspection programmes</p> <ol style="list-style-type: none"> 1. The Commission in accordance with the procedure referred to in Article 119 and in concert with the Member State concerned, may determine which fisheries shall be subject to specific control and inspection programmes. 2. The specific control and inspection programmes referred to in paragraph 1 shall state the objectives, priorities and procedures as well as benchmarks for inspection activities. Such benchmarks shall be established based on risk management and 	<ol style="list-style-type: none"> 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). 2.

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>revised periodically after an analysis has been made of the results achieved.</p> <p>3. When a multiannual plan has entered into force and before a specific control and inspection programme has become applicable, each Member State shall establish risk management based target benchmarks for inspection activities.</p> <p>4. The Member States concerned shall adopt the necessary measures to ensure the implementation of the specific control and inspection programmes, particularly as regards required human and material resources and the periods and zones where these are to be deployed.</p>	<p>3.</p> <p>4.</p>
<p>TITLE X</p> <p>EVALUATION AND CONTROL BY THE COMMISSION</p>	
<p><i>Article 96</i></p> <p>General principles</p> <p>1. The Commission shall control and evaluate the application of the rules of the common fisheries policy by the Member States by means of the examination of information and documents and by conducting verifications, autonomous inspections and audits and shall facilitate coordination and cooperation between them. For this purpose the Commission may, of its own accord and by its own means, initiate and carry out inquiries, verifications, inspections and audits. It may in particular verify:</p> <p>(a) the implementation and application of the rules of the common fisheries policy by Member States and their competent authorities;</p> <p>(b) the implementation and application of the rules of the common fisheries policy in the waters of a third country in accordance with an international agreement with that country;</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(c) the conformity of national administrative practices and inspection and surveillance activities with the rules of the common fisheries policy;</p> <p>(d) the existence of the required documents and their compatibility with the applicable rules;</p> <p>(e) the circumstances in which control activities are carried out by Member States;</p> <p>(f) the detection and proceedings of infringements;</p> <p>(g) the cooperation between Member States.</p> <p>2. Member States shall cooperate with the Commission in order to facilitate the accomplishment of its tasks. Member States shall ensure that the verification, autonomous inspection and audit missions carried out under this Title are not subject to publicity that is injurious to on-the-spot missions. Wherever the Commission officials encounter difficulties in the execution of their duties, the Member States concerned shall provide the Commission with the means to accomplish its task and give the Commission officials the opportunity to evaluate the specific control and inspection operations.</p> <p>Member States shall afford the Commission such assistance as it needs to fulfil its tasks.</p>	
<p><i>Article 97</i></p> <p>Competences of Commission officials</p> <p>1. Commission officials may carry out verifications and inspections on fishing vessels as well as on the premises of businesses and other bodies with activities relating to the common fisheries policy and shall have access to all information and documents needed to exercise their responsibilities, to the same extent and under the same conditions as officials of the Member State in which the verification and</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>inspection take place.</p> <p>2. Commission officials shall be entitled to take copies of the relevant files and to take the necessary samples if they have reasonable grounds to believe that the rules of the common fisheries policy are not complied with. They may request the identification of any person found on the inspected premises.</p> <p>3. Commission officials shall have no powers going beyond those of national inspectors and they shall have no police and enforcement powers.</p> <p>4. Commission officials shall present a written authority stating their identity and capacity.</p> <p>5. The Commission shall issue written instructions to its officials indicating their authority and the objectives of their mission.</p>	
<p><i>Article 98</i></p> <p>Verifications</p> <p>1. Wherever it is deemed necessary by the Commission, its officials may be present during control activities carried out by national control authorities. In the framework of these missions of verification, the Commission shall establish appropriate contacts with Member States with a view, wherever possible, to establishing a mutually acceptable verification programme.</p> <p>2. The Member State concerned shall ensure that the bodies or persons concerned accept to be submitted to the verifications referred to in paragraph 1.</p> <p>3. If the control and inspection operations envisaged in the framework of the initial verification programme cannot be carried out for factual reasons, the Commission officials, in liaison and agreement with the competent authorities of the Member State concerned, shall modify the initial verification programme.</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>4. In case of sea or air controls and inspections, the commander of the vessel or aircraft shall be in sole charge of the control and inspection operations. In exercising his command he shall take due account of the verification programme referred to in paragraph 1.</p> <p>5. The Commission may arrange for its officials visiting a Member State to be accompanied by one or more officials from another Member State as observers. Upon request from the Commission the sending Member State shall nominate, at short notice if necessary, the national officials selected as observers. Member States may also draw up a list of national officials whom the Commission may invite to be present at such controls and inspections. The Commission can invite national officials included in that list or those notified to the Commission at its discretion. The Commission shall, where appropriate, place the list at the disposal of all the Member States.</p> <p>6. Commission officials may decide, if they consider it necessary, to carry out missions of verification referred to in this Article without prior notice.</p>	
<p><i>Article 99</i></p> <p>Autonomous inspections</p> <p>1. When there is reason to believe that irregularities occur in the application of the rules of the common fisheries policy, the Commission may carry out autonomous inspections. It shall carry out such inspections of its own accord and without the presence of officials of the Member State concerned.</p> <p>2. All operators may be subject to autonomous inspections where these are considered necessary.</p> <p>3. In the framework of autonomous inspections on the territory or in waters under the sovereignty or jurisdiction of a Member State, the procedural rules of that Member State shall apply.</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>4. If a serious infringement of the provisions of this Regulation is discovered by Commission officials on the territory or in waters under the sovereignty or jurisdiction of a Member State, Commission officials shall inform without delay the competent authorities of the Member State concerned which shall undertake all appropriate measures in respect of such infringement.</p>	
<p><i>Article 100</i></p> <p>Audits</p> <p>The Commission may carry out audits of the control systems of Member States. The audits may include in particular the evaluation of:</p> <ul style="list-style-type: none"> (a) the quota and the effort management system; (b) data validation systems, including systems of cross-checks of vessel monitoring systems, catch, effort and marketing data and data related to the Union fishing fleet register as well as the verification of licences and fishing authorisations; (c) the administrative organisation, including the adequacy of the available staff and the available means, the training of staff, the delimitation of functions of all authorities involved in control as well as the mechanisms in place to coordinate the work and the joint evaluation of the results of those authorities; (d) the operational systems, including procedures for control of designated ports; (e) national control action programmes including the establishment of inspection levels and their implementation; (f) the national system of sanctions, including the adequacy of the sanctions imposed, duration of proceedings, economic benefits forfeited by offenders and the deterrent nature of such system of sanctions. 	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 101</i></p> <p>Verification, autonomous inspection and audit reports</p> <p>1. The Commission shall inform the Member States concerned of the preliminary findings of verifications and of autonomous inspections within one day after they have taken place.</p> <p>2. Commission officials shall draw up a verification, autonomous inspection or audit report after each verification, autonomous inspection or audit. The report shall be made available to the Member State concerned within one month after the conclusion of the verification, autonomous inspection or audit. Member States shall have the possibility to comment on the findings of the report within one month.</p> <p>3. Member States shall take the necessary action on the basis of the report referred to in paragraph 2.</p> <p>4. The Commission shall publish the finalised verification, autonomous inspection and audit reports, together with the comments of the Member State concerned, on the secure part of its official website.</p>	
<p><i>Article 102</i></p> <p>Follow-up of verification, autonomous inspection and audit reports</p> <p>1. Member States shall provide the Commission with any relevant information as that may request on the implementation of this Regulation. In submitting a request for information, the Commission shall specify a reasonable time limit within which the information is to be supplied.</p> <p>2. If the Commission considers that irregularities have occurred in the implementation of the rules of the common fisheries policy or that the existing control provisions and methods in particular Member States are not effective it shall inform the Member States concerned, which shall then conduct an administrative</p>	<p>1.</p> <p>2.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>inquiry in which Commission officials may participate.</p> <p>3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. This period may be extended by the Commission, on a duly reasoned request from the Member State, for a reasonable delay.</p> <p>4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan.</p>	<p>3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. This period may be extended by the Commission, by means of implementing acts, on a duly reasoned request from the Member State, for a reasonable delay.</p> <p>4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall, by means of implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan."</p>
<p>TITLE XI</p> <p>MEASURES TO ENSURE COMPLIANCE BY MEMBER STATES WITH COMMON FISHERIES POLICY OBJECTIVES</p>	
<p>CHAPTER I</p> <p>Financial measures</p>	
<p>CHAPTER II</p> <p>Closure of fisheries</p>	
<p>Article 104</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Closure of fisheries for failure to comply with the common fisheries policy objectives</p> <p>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 the stock concerned, the Commission may provisionally close the fisheries affected by those shortcomings for the Member State concerned.</p> <p>2. The Commission shall inform in writing the Member State concerned of its findings and the relevant documentation and set a deadline of no more than ten working days for the Member State to demonstrate that the fisheries can be safely exploited.</p> <p>3. The measures referred to in paragraph 1 shall only apply if the Member State fails to respond to the request of the Commission within the deadline given in paragraph 2 or if the response is considered unsatisfactory or is clearly indicative of the fact that the necessary measures have not been implemented.</p> <p>4. The Commission shall lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited.</p>	<p>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.</p> <p>2.</p> <p>3.</p> <p>4. The Commission shall, by means of implementing acts, lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited.</p>
<p>CHAPTER III</p> <p>Deduction and transfers of quotas and fishing effort</p>	
<p><i>Article 105</i></p> <p>Deduction of quotas</p> <p>1. When the Commission has established that a Member State has exceeded the quotas which have been allocated to it, the Commission shall operate deductions</p>	<p>1.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009												
<p>from future quotas of that Member State.</p> <p>2. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year the Commission shall operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished by applying a multiplying factor according to the following table:</p> <table border="1" data-bbox="136 528 1046 962"> <thead> <tr> <th data-bbox="136 528 725 627">Extent of overfishing relative to the permitted landings</th> <th data-bbox="725 528 1046 627">Multiplying factor</th> </tr> </thead> <tbody> <tr> <td data-bbox="136 627 725 692">Up to 10 %</td> <td data-bbox="725 627 1046 692">Overfishing * 1,0</td> </tr> <tr> <td data-bbox="136 692 725 758">Over 10 % up to 20 %</td> <td data-bbox="725 692 1046 758">Overfishing * 1,2</td> </tr> <tr> <td data-bbox="136 758 725 823">Over 20 % up to 40 %</td> <td data-bbox="725 758 1046 823">Overfishing * 1,4</td> </tr> <tr> <td data-bbox="136 823 725 888">Over 40 % up to 50 %</td> <td data-bbox="725 823 1046 888">Overfishing * 1,8</td> </tr> <tr> <td data-bbox="136 888 725 962">Any further overfishing greater than 50 %</td> <td data-bbox="725 888 1046 962">Overfishing * 2,0</td> </tr> </tbody> </table> <p>However, a deduction equal to the overfishing * 1,00 shall apply in all cases of overfishing relative to permitted landing equal to, or less than, 100 tonnes.</p> <p>3. In addition to the multiplying factors referred to in paragraph 2 and provided that the extent of overfishing relative to the permitted landings exceeds 10 %, a multiplying factor of 1,5 shall apply if:</p> <p>(a) a Member State has repeatedly overfished its quota, allocation or share of the stock or group of stocks over the previous 2 years and such overfishing has been the subject of deductions as referred to in paragraph 2;</p> <p>(b) the available scientific, technical and economic advice and, in particular, the</p>	Extent of overfishing relative to the permitted landings	Multiplying factor	Up to 10 %	Overfishing * 1,0	Over 10 % up to 20 %	Overfishing * 1,2	Over 20 % up to 40 %	Overfishing * 1,4	Over 40 % up to 50 %	Overfishing * 1,8	Any further overfishing greater than 50 %	Overfishing * 2,0	<p>2. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year, the Commission shall, by means of implementing acts, operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished by applying a multiplying factor according to the following table:</p> <p>3.</p>
Extent of overfishing relative to the permitted landings	Multiplying factor												
Up to 10 %	Overfishing * 1,0												
Over 10 % up to 20 %	Overfishing * 1,2												
Over 20 % up to 40 %	Overfishing * 1,4												
Over 40 % up to 50 %	Overfishing * 1,8												
Any further overfishing greater than 50 %	Overfishing * 2,0												

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>reports drawn up by STECF have established that overfishing constitutes a serious threat to the conservation of the stock concerned; or</p> <p>(c) the stock is subject to a multiannual plan.</p> <p>4. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission, after consultation of the Member State concerned, may deduct quotas in accordance with the procedure referred to in Article 119 from future quotas of that Member State to take account of the level of overfishing.</p> <p>5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission, after consultation of the Member State concerned, may deduct in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area, or with the same commercial value in accordance with paragraph 1.</p> <p>6. Detailed rules for the application of this Article, and in particular for determining the quantities concerned, may be adopted in accordance with the procedure referred to in Article 119.</p>	<p>4. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission, may, by means of implementing acts, deduct quotas from future quotas of that Member State to take account of the level of overfishing.</p> <p>5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission may, by means of implementing acts, deduct in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area, or with the same commercial value in accordance with paragraph 1.</p> <p>6. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the adapted quota against which the excess of utilisation shall be calculated. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 106</i></p> <p>Deduction of fishing effort</p> <p>1. When the Commission has established that a Member State has exceeded the fishing effort which has been allocated to it, the Commission shall operate deductions from future fishing effort of that Member State.</p> <p>2. If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall operate deductions in the following year or</p>	<p>1. When the Commission has established that a Member State has exceeded the fishing effort which has been allocated to it, the Commission shall, by means of implementing acts, operate deductions from future fishing effort of that Member State.</p> <p>2. If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall, by means of implementing acts, operate deductions</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009												
<p>years from the fishing effort available to that Member State for the geographical area or the fishery concerned by applying a multiplying factor according to the following table:</p>	<p>in the following year or years from the fishing effort available to that Member State for the geographical area or the fishery concerned by applying a multiplying factor according to the following table:"</p>												
<table border="1"> <thead> <tr> <th data-bbox="136 403 703 467">Extent of excess of available fishing effort</th> <th data-bbox="703 403 1046 467">Multiplying factor</th> </tr> </thead> <tbody> <tr> <td data-bbox="136 467 703 531">Up to 10 %</td> <td data-bbox="703 467 1046 531">Excess* 1,0</td> </tr> <tr> <td data-bbox="136 531 703 595">Over 10 % up to 20 %</td> <td data-bbox="703 531 1046 595">Excess* 1,2</td> </tr> <tr> <td data-bbox="136 595 703 659">Over 20 % up to 40 %</td> <td data-bbox="703 595 1046 659">Excess* 1,4</td> </tr> <tr> <td data-bbox="136 659 703 722">Over 40 % up to 50 %</td> <td data-bbox="703 659 1046 722">Excess* 1,8</td> </tr> <tr> <td data-bbox="136 722 703 786">Any further excess greater than 50 %</td> <td data-bbox="703 722 1046 786">Excess* 2,0</td> </tr> </tbody> </table>	Extent of excess of available fishing effort	Multiplying factor	Up to 10 %	Excess* 1,0	Over 10 % up to 20 %	Excess* 1,2	Over 20 % up to 40 %	Excess* 1,4	Over 40 % up to 50 %	Excess* 1,8	Any further excess greater than 50 %	Excess* 2,0	
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Over 40 % up to 50 %	Excess* 1,8												
Any further excess greater than 50 %	Excess* 2,0												
<p>3. If a deduction according to paragraph 2 cannot be operated on the maximum allowable fishing effort that was exceeded as such because such maximum allowable fishing effort is not or not sufficiently available to the Member State concerned, the Commission may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2.</p> <p>4. Detailed rules for the application of this Article, and in particular for determining the fishing effort concerned, may be adopted in accordance with the procedure referred to in Article 119.</p>	<p>3. If a deduction according to paragraph 2 cannot be operated on the maximum allowable fishing effort for a stock that was exceeded as such because such maximum allowable fishing effort for that stock is not or not sufficiently available to the Member State concerned, the Commission, by means of implementing acts, may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2.</p> <p>4. The Commission may, by means of implementing acts, lay down detailed rules concerning the assessment of the maximum available effort against which the excess of utilisation shall be calculated. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>												

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Article 107</i></p> <p>Deduction of quotas for failure to comply with the rules of the common fisheries policy</p> <p>1. Where there is evidence that rules on stocks subject to multiannual plans are not being complied with by a Member State and that this may lead to a serious threat to the conservation of these stocks, the Commission may 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.</p> <p>2. The Commission shall inform in writing the Member State concerned of its findings and set a deadline of no more than 15 working days for the Member State to demonstrate that the fisheries can be safely exploited.</p> <p>3. The measures referred to in paragraph 1 shall only apply if the Member State fails to respond to the request of the Commission within the deadline given in paragraph 2 or if the response is considered unsatisfactory or is clearly indicative of the fact that the necessary measures have not been implemented.</p> <p>4. Detailed rules for the application of this Article, and in particular for determining the quantities concerned, shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>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."</p> <p>2.</p> <p>3.</p> <p>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the deadline for Member States to demonstrate that the fisheries can be safely exploited, the material to be included by Member States in their reply and the determination of the quantities to be deducted by taking into account:</p> <p>(a) the extent and nature of non-compliance,</p> <p>(b) the gravity of the threat to conservation,</p> <p>(c) the damage caused to the stock by non-compliance.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>CHAPTER IV</p> <p>Emergency measures</p>	
<p><i>Article 108</i></p> <p>Emergency measures</p> <p>1. If there is evidence, including based on the results of the sampling carried out by the Commission, that fishing activities and/or measures adopted by a Member State or Member States undermine the conservation and management measures adopted in the framework of multiannual plans or threaten the marine eco-system and this requires immediate action, the Commission, at the substantiated request of any Member State or on its own initiative, may decide on emergency measures which shall last not more than six months. The Commission may take a new decision to extend the emergency measures for no more than six months.</p> <p>2. The emergency measures provided for in paragraph 1 shall be proportionate to the threat and may include, inter alia:</p> <ul style="list-style-type: none"> (a) suspension of fishing activities of vessels flying the flag of the Member States concerned; (b) closure of fisheries; (c) prohibition against Union operators accepting landings, placing in cages for fattening or farming, or transshipments of fish and fisheries products caught by the vessels flying the flag of the Member States concerned; (d) prohibition against the placing on the market or use for other commercial purposes fish and fisheries products caught by the vessels flying the flag of the Member States concerned; 	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(e) prohibition against the provision of live fish for fish farming in the waters under the jurisdiction of the Member States concerned;</p> <p>(f) prohibition against the accepting of live fish caught by vessels flying the flag of the Member State concerned for the purposes of fish farming in waters under the jurisdiction of the other Member States;</p> <p>(g) prohibition against fishing vessels flying the flag of the Member State concerned to fish in waters under the jurisdiction of other Member States;</p> <p>(h) modification of the fishing data submitted by Member States in an appropriate way.</p> <p>3. A Member State shall communicate the request referred to in paragraph 1 simultaneously to the Commission and to the Member States concerned. The other Member States may submit their written comments to the Commission within five working days of receipt of the request. The Commission shall take a decision within 15 working days of receipt of the request.</p> <p>4. The emergency measures shall have immediate effect. They shall be notified to the Member States concerned and published in the <i>Official Journal of the European Union</i>.</p> <p>5. The Member States concerned may refer the Commission decision to the Council within 15 working days of receipt of the notification.</p> <p>6. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.</p>	
<p>TITLE XII</p> <p>DATA AND INFORMATION</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>CHAPTER I</p> <p>Analysis and audit of data</p>	
<p><i>Article 109</i></p> <p>General principles for the analysis of data</p> <p>1. Member States shall set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation and a validation system no later than 31 December 2013.</p> <p>2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted within deadlines laid down in the common fisheries policy. In particular:</p> <p>(a) Member States shall perform cross-checking, analyses and verifications of the following data through automated computerised algorithms and mechanisms:</p> <ul style="list-style-type: none"> (i) vessel monitoring system data; (ii) fishing activities data, in particular the fishing logbook, the landing declaration, the transshipment declaration and prior notification; (iii) data from take-over declarations, transport documents and sales notes; (iv) data from fishing licences and fishing authorisations; (v) data from inspection reports; (vi) data on engine power; <p>(b) the following data shall also be cross-checked, analysed and verified where</p>	<p>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.</p> <p>2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted by operators within deadlines laid down in the common fisheries policy rules. In particular:</p> <p>(a) Member States shall validate the following data through automated computerised algorithms and mechanisms:</p> <ul style="list-style-type: none"> (i) vessel position data; (ii) fishing activity data, in particular the fishing logbook, the landing declaration, the transshipment declaration and prior notification; (iii) data from take-over declarations, transport documents and sales notes; <p>(b) Member States shall also validate the data listed above with the following data where applicable:</p> <ul style="list-style-type: none"> (i) vessel detection system data; (ii) data on sightings; (iii) data relating to fishing activity in the context of fisheries agreements referred

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>applicable:</p> <ul style="list-style-type: none"> (i) vessel detection system data; (ii) data on sightings; (iii) data relating to international fisheries agreements; (iv) data on entries into and exits from fishing areas, maritime areas where specific rules on access to waters and resources apply, regulatory areas of regional fisheries management organisations and similar organisations and waters of a third country; (v) automatic identification system data. <p>3. The validation system shall allow the immediate identification of inconsistencies, errors and missing information in the data.</p> <p>4. Member States shall ensure that the database clearly displays any data inconsistencies detected by the data validation system. The database shall also flag all data that were corrected and indicate the reason for such a correction.</p> <p>5. If an inconsistency in the data has been identified, the Member State concerned shall undertake the necessary investigations and, if there are reasons to suspect that an infringement has been committed, take the necessary action.</p> <p>6. Member States shall ensure that the dates for data receipt, data entry, data validation and the dates for the follow-up of detected inconsistencies are clearly visible in the database.</p> <p>7. If the data referred to in paragraph 2 are not transmitted by electronic means</p>	<p>to in paragraph 1 of Article 3;</p> <ul style="list-style-type: none"> (iv) data on entries into and exits from fishing areas, (v) automatic identification system data; (vi) data from fishing licences and fishing authorisations; (vii) data from inspection reports and data contained in national register of infringements; (viii) data on engine power; (ix) control observers reports; (x) data from close circuit television systems on board of fishing vessels and other electronic monitoring of the landing obligation in accordance with Article 25a." <p>3.</p> <p>4.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>Member States shall ensure that they are entered manually into the database without delay.</p> <p>8. Member States shall establish a national plan for the implementation of the validation system covering the data listed under points (a) and (b) of paragraph 2 and the follow-up of inconsistencies. The plan shall allow Member States to make priorities for the validation and cross-checks and subsequent follow up on inconsistencies based on risk management. The plan shall be submitted to the Commission for approval by 31 December 2011. The Commission shall approve the plans before 1 July 2012 having allowed for the Member States to make corrections. Amendments to the plan shall be submitted to the Commission on an annual basis for approval.</p> <p>9. If the Commission has identified inconsistencies in the data entered in the database of the Member State as a result of its own investigations, and after having presented documentation and consulted with the Member State, it may require the Member State to investigate the reason for the inconsistency and to correct the data if necessary.</p> <p>10. The databases established and data collected by Member States referred to in this Regulation shall be deemed authentic under the conditions established under national law.</p>	<p>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.</p> <p>6.</p> <p>7.</p> <p>8. Member States shall establish and keep up to date a national plan for the implementation of the validation system covering the data listed under points (a) and (b) of paragraph 2 and the follow-up of inconsistencies. The plan shall define the Member State priorities for the validation of data and subsequent follow up on inconsistencies, following a risk-based approach.</p> <p>9.</p>
<p><i>Article 110</i></p> <p>Access to data</p> <p>1. Member States shall ensure the remote access for the Commission or the body designated by it to all data referred to in Article 115 at any time without prior notice. In addition, the Commission shall be given the possibility to download manually and</p>	<p><i>Article 110</i></p> <p>Access to, storage and processing of data (NEW TITLE)</p> <p>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-</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>automatically these data for any period or for any number of fishing vessels.</p> <p>2. Member States shall grant access to Commission officials based on electronic certificates generated by the Commission or the body designated by it.</p> <p>The access shall be made available on the Member States' secure part of their websites referred to in Article 115.</p> <p>3. Without prejudice to paragraphs 1 and 2, Member States may until 30 June 2012 carry out pilot project(s) with the Commission or the body designated by it to provide real-time remote access to Member States data on fishing opportunities recorded and validated according to this Regulation. When both the Commission and the Member State concerned are satisfied with the outcome of the pilot project, and as long as the remote access is functioning as agreed, the Member State concerned shall no longer be obliged to report on fishing opportunities as described in Article 33(2) and (8). The data access format and procedures shall be considered and tested. Member States shall inform the Commission before 1 January 2012 if they plan to carry out pilot project(s). As from 1 January 2013 the Council may decide on a different way and frequency of data transmission by Member States to the Commission.</p>	<p>aggregated form:</p> <p>(a) fishing activity data:</p> <p>(i) vessel position data;</p> <p>(ii) fishing activity data, in particular fishing logbooks, landing declarations, transshipment declarations and prior notifications;</p> <p>(iii) data from take-over declarations, transport documents and sales notes;</p> <p>(iv) data on fishing effort.</p> <p>(b) other control data:</p> <p>(i) data on sightings;</p> <p>(ii) data relating to fishing activity in the context of fisheries agreements referred to in paragraph 1 of Article 3;</p> <p>(iii) data on entries into and exits from fishing areas,</p> <p>(iv) data from fishing licences and fishing authorisations;</p> <p>(v) inspection reports;</p> <p>(vi) data on engine power;</p> <p>(vii) control observers reports;</p> <p>(viii) national control action programmes;</p> <p>(ix) list of national officials.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(c) the electronic database for the purpose of the verification of the completeness and the quality of the data collected as referred to in Article 109;</p> <p>(d) the national register of infringements as referred to in Article 93.</p> <p>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.</p> <p>3. Member States shall grant access to Commission officials or staff of the body designated by the Commission to the data referred to in paragraph 1.</p> <p>4. Vessel position data may be provided to and used by scientific bodies of Member States and scientific bodies of the Union in order to perform scientific research and provide scientific advice if this data no longer contains the reference to the vessel identification numbers and does not allow for the identification of natural persons.</p> <p>Data listed in paragraph 1(a)(ii) and (iii) may be provided to scientific bodies of Member States, scientific bodies of the Union and Eurostat.</p> <p>5. Member States shall establish, implement and host the relevant fisheries data bases containing the data referred to in paragraph 1. Access to these data bases shall be granted by means of secured access with control of access and specific user profiles, solely for the purpose of reporting, statistics, inspections and the investigation of infringements.</p>
<p><i>Article 111</i></p> <p>Exchange of data</p> <p>1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other Member States, and where appropriate, the Commission or</p>	<p><i>Article 111</i></p> <p>Exchange of data</p> <p>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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>the body designated by it, in particular:</p> <ul style="list-style-type: none"> (a) vessel monitoring system data when its vessels are present in another Member State's waters; (b) fishing logbook information when its vessels are fishing in another Member State's waters; (c) landing declarations and transshipment declarations when such operations take place in another Member States ports; (d) prior notification when the intended port is in another Member State. <p>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 designated by it, in particular by sending:</p> <ul style="list-style-type: none"> (a) sales notes information to the flag Member State when a first sale originates from another Member State's fishing vessel; (b) take-over declaration information when the fish is placed in storage in Member State other than the flag Member State or the Member State of landing; (c) sales notes and take-over declaration information to the Member State where the landing took place. <p>3. Detailed rules for the application of this Chapter, in particular on checking the quality, compliance with deadlines for submission of data, cross-checks, analysis, verification of the data and on establishing a standardised format for the download and exchange of data, shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>body(ies) designated by it, in particular:</p> <ul style="list-style-type: none"> (a) vessel position data when its vessels are present in another Member State's waters; (b) fishing logbook information when its vessels are fishing, landing or transhipping in another Member State's waters; (c) landing declarations and transshipment declarations when such operations take place in another Member State's ports; (d) prior notification when the intended port is in another Member State; (e) sales notes, transport documents and take-over declarations when one or more of those operations take place in another Member State; (f) inspection and surveillance reports; (g) the national register of infringements. <p>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:</p> <ul style="list-style-type: none"> (a) sales notes' information to the flag Member State when a first sale originates from another Member State's fishing vessel; (b) take-over declaration information when the fish is placed in storage in a Member State other than the flag Member State or the Member State of landing; (c) sales notes and take-over declaration information to the Member State where the landing took place;

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(d) transport documents to the flag Member State, Member State of destination and transit of the transport.</p> <p>(e) inspection and surveillance reports;</p> <p>(f) the national register of infringements.</p> <hr/> <p>(*) 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).</p>
	<p>Article 111a</p> <p>Uniform conditions for the implementation of provisions on data</p> <p>For the purpose of implementing Articles 110 and 111, the Commission may, by means of implementing acts, lay down detailed rules on</p> <ul style="list-style-type: none"> – Data quality, compliance with deadlines for submission of data by operators, validation of the data, including cross-checks, analysis, verification, – exchange of data between Member States, – Access to the data by the Commission or body designated by it, – Access to the data by scientific bodies of the Union and Eurostat, – interoperability and standardisation of databases

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>– data listed in Article 110(1) and (2), including additional specific safeguards for processing of personal data and security rules applicable to the databases.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p>CHAPTER II</p> <p>Confidentiality of data</p>	
<p><i>Article 112</i></p> <p>Protection of personal data</p> <p>1. This Regulation leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of <i>Union</i> and national law, and in particular does not alter either the obligations of Member States relating to their processing of personal data under Directive 95/46/EC or the obligations of the <i>Union</i> institutions and bodies relating to their processing of personal data under Regulation (EC) No 45/2001 when fulfilling their responsibilities.</p> <p>2. The rights of persons with regard to their registration data processed in national systems shall be exercised in accordance with the law of the Member State which stored their personal data, and in particular the provisions implementing Directive 95/46/EC, and, with regard to their registration data processed in <i>Union</i> systems, shall be exercised in accordance with Regulation (EC) No 45/2001.</p>	<p><i>Article 112</i></p> <p>Protection of personal data</p> <p>1. Data referred to in Article 110(1) with the exception of data referred to in paragraph 1(b) (viii), and in Article 110(2) may include personal data.</p> <p>2. The Commission may process personal data to which it has access pursuant to Article 110(1) and (2) for the following purposes:</p> <ul style="list-style-type: none"> (a) monitoring of fishing opportunities including quota consumption; (b) validation of data; (c) monitoring of fishing activities carried out by Union fishing vessels, or fishing activities of vessels within Union waters; (d) monitoring Member States' controls of fishing activities and in the supply chain; (e) inspections, verifications, audits and enquiries; (f) preparation of, and compliance with international agreements and conservation measures;

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>(g) policy evaluations and impact assessments;</p> <p>(h) scientific research and scientific advice;</p> <p>(i) enquiries pertaining to complaints and infringements.</p> <p>3. Personal data contained in information referred to in Article 110(1) and (2) shall not be stored for a period longer than 5 years, except for personal data that is necessary to allow the follow up of a complaint, an infringement, an inspection, a verification or an audit or on-going judicial or administrative proceedings, which may be retained for 10 years. If the information listed in Article 110(1) and (2) is retained for a longer period of time, the data shall be anonymized.</p> <p>4. Member States shall be regarded as a controller as defined in Article 4(7) of Regulation (EU) 2016/679(*) in relation with the processing of personal data which they collect pursuant to this Regulation.</p> <p>5. The Commission shall be regarded as a controller as defined in point (b) of Article 3(2) of Regulation (EU) 2018/2018 of the European Parliament and of the Council(**) in relation with the processing of personal data which it has collected pursuant to Article 110(1) and (2) of this Regulation.</p> <p>6. The Commission or body designated by it and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to the application of this Regulation. The Commission or body designated by it and the Member State authorities shall cooperate on security-related tasks.</p> <p>7. In particular, the Commission shall adopt the necessary measures, including a security plan, a business continuity plan and a disaster recovery plan, in order to:</p> <p>(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;</p> <p>(b) prevent the unauthorised reading, copying, modification or removal of data</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>media;</p> <p>(c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of recorded personal data;</p> <p>(d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;</p> <p>(e) ensure that persons authorised to access the relevant fisheries data bases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;</p> <p>(f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted and what data has been processed in the relevant fisheries data bases, when, by whom and for what purpose;</p> <p>(g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries data bases or during the transport of data media, in particular by means of appropriate encryption techniques;</p> <p>(h) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.</p> <p>8. Member States shall take measures equivalent to those referred to in paragraph 7 as regards security in respect of the processing of personal data by the authorities having a right to access any of the relevant fisheries data bases.</p> <hr/> <p>(*) 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</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p>95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p> <p>(**) 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)"</p>
<p><i>Article 113</i></p> <p>Confidentiality of professional and commercial secrecy</p> <p>1. Member States and the Commission shall take all necessary steps to ensure that the data collected and received within the framework of this Regulation shall be treated in accordance with applicable rules on professional and commercial secrecy of data.</p> <p>2. The data exchanged between Member States and the Commission shall not be transmitted to persons other than those in Member States or <i>Union</i> institutions whose functions require them to have such access unless the Member States transmitting the data give their express consent.</p> <p>3. The data referred to in paragraph 1 shall not be used for any purpose other than that provided for in this Regulation unless the authorities providing the data give their express consent for the use of the data for other purposes and on condition that the provisions in force in the Member State of the authority receiving the data do not prohibit such use.</p> <p>4. Data communicated in the framework of this Regulation to persons working for competent authorities, courts, other public authorities and the Commission or the body designated by it, the disclosure of which would undermine:</p> <p>(a) the protection of the privacy and the integrity of the individual, in accordance</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>with <i>Union</i> legislation regarding the protection of personal data;</p> <p>(b) the commercial interests of a natural or legal person, including intellectual property;</p> <p>(c) court proceedings and legal advice; or</p> <p>(d) the scope of inspections or investigations;</p> <p>shall be subject to applicable rules on confidentiality. Information may always be disclosed if this is necessary to bring about the cessation or prohibition of an infringement of the rules of the common fisheries policy.</p> <p>5. The data referred to in paragraph 1 shall benefit from the same protection as is accorded to similar data by the national legislation of Member State receiving them and by the corresponding provisions applicable to <i>Union</i> institutions.</p> <p>6. This Article shall not be construed as an obstacle to the use of the data, obtained pursuant to this Regulation, in the framework of legal actions or proceedings subsequently undertaken for failure to respect the rules of the common fisheries policy. The competent authorities of the Member State transmitting the data shall be informed of all the instances where those data are utilised for these purposes.</p> <p>7. This Article shall not prejudice the obligations pursuant to international conventions concerning mutual assistance in criminal matters.</p>	
<p>CHAPTER III</p> <p>Official websites</p>	
<p><i>Article 114</i></p> <p>Official websites</p>	<p><i>Article 114</i></p> <p>Official website (NEW TITLE)</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>1. For the purpose of this Regulation each Member State shall set up before 1 January 2012 at the latest an official website accessible via Internet and containing the information listed in Articles 115 and 116. Member States shall communicate the Internet address of their official website to the Commission. The Commission may decide to develop common standards and procedures to ensure transparent communication between the Member States themselves as well as between the Member States, the <i>Union</i> Fisheries Control Agency and the Commission, including transmission of regular snapshots on records of fishing activities in relation to fishing possibilities.</p> <p>2. Each Member State's official website shall be composed of a publicly accessible part and a secure part. On that website each Member State shall establish, maintain and keep up to date the data necessary for control purposes in accordance with this Regulation.</p>	<p>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.</p>
<p><i>Article 115</i></p> <p>The publicly accessible part of the website</p> <p>On the publicly accessible part of their websites Member States shall publish without delay or provide a direct link to:</p> <ul style="list-style-type: none"> (a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7; (b) the list of designated ports for the purpose of transshipment specifying their operating hours, as referred to in Article 20; (c) one month after the entry into force of a multiannual plan, and after approval by the Commission, the list of designated ports, specifying their operating hours as referred to in Article 43, and within 30 days thereafter, the associated conditions for recording and reporting the quantities of the species under the multiannual plan for each landing; 	<p><i>Article 115</i></p> <p>Content of the website (NEW TITLE)</p> <p>On their websites, Member States shall publish without delay, or provide a direct link to, the following information:</p> <ul style="list-style-type: none"> (a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7; (b) the list of designated ports for the purpose of transshipment specifying their operating hours, as referred to in Article 20; (c) one month after the entry into force of a multiannual plan, and after approval by the Commission, the list of designated ports, specifying their operating hours as referred to in Article 43, and within 30 days thereafter, the associated conditions for recording and reporting the quantities of the species under the multiannual plan for each landing;

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>(d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);</p> <p>(e) the contact point details for the transmission or submission of fishing logbooks, prior notifications, transshipment declarations, landing declarations, sales notes, take-over declarations and transport documents as referred to in Articles 14, 17, 20, 23, 62, 66 and 68;</p> <p>(f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure;</p> <p>(g) the decision to close a fishery under Article 35 and all necessary details.</p>	<p>(d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);</p> <p>(e) the contact point details for the transmission or submission of fishing logbooks, prior notifications, transshipment declarations, landing declarations, sales notes, take-over declarations and transport documents as referred to in Articles 14, 17, 20, 23, 55, 62, 66 and 68;</p> <p>(f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure;</p> <p>(g) the decision to close a fishery under Article 35 and all necessary details;</p> <p>(h) a list of the fishing restricted areas and corresponding restrictions</p> <p>(i) a list of registered weighers specifying the port and the weighing facility in accordance with Article 59a.</p>
<p><i>Article 116</i></p> <p>The secure part of the website</p> <p>1. On the secure part of its website each Member State shall establish, maintain and keep up to date access to the following lists and databases:</p> <p>(a) the lists of officials in charge of inspections as referred to in Article 74;</p> <p>(b) the electronic database for the treatment of inspection and surveillance reports drawn up by the officials as referred to in Article 78;</p> <p>(c) the vessel monitoring system computer files recorded by its fisheries</p>	<p style="text-align: center;">DELETED</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>monitoring centre as referred to in Article 9;</p> <p>(d) the electronic database containing the list of all fishing licences, and fishing authorisations issued and managed in accordance with this Regulation, with a clear indication of the conditions set out and the information on all suspensions and withdrawals;</p> <p>(e) the way of measuring the continuous period of 24 hours as referred to in Article 26(6);</p> <p>(f) the electronic database containing all relevant data on fishing opportunities as referred to in Article 33;</p> <p>(g) national control action programmes as referred to in Article 46;</p> <p>(h) the electronic database for the purpose of the verification of the completeness and the quality of the data collected as referred to in Article 109.</p> <p>2. Each Member State shall ensure:</p> <p>(a) the remote access for the Commission or the body designated by it to all data referred to in this Article by secure Internet connection on a 24-hour, seven-days-a-week basis;</p> <p>(b) the direct electronic exchange of relevant information with other Member States and the Commission or the body designated by it.</p> <p>3. The Member State shall grant access to Commission officials based on electronic certificates generated by the Commission or the body designated by it.</p> <p>4. The data contained in the secure part of the website shall be made available only for specific users authorised to that effect by either the Member State concerned or the Commission or the body designated by it. The data accessible to these persons shall be limited to the data they need in order to carry out their tasks and activities of</p>	

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>ensuring compliance with the rules of the common fisheries policy and thus shall be bound by the rules governing the confidentiality of the use of such data.</p> <p>5. The data contained in the secure part of the website shall only be stored for as long as necessary for the purpose of this Regulation, but always for a minimum of three calendar years, starting from the year following that in which the information is recorded. Personal data which are to be exchanged, in accordance with this Regulation, for historical, statistical or scientific use shall be exchanged either in anonymous form only or, if that is not possible, only with the identity of the data subjects encrypted.</p> <p>6. Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure referred to in Article 119.</p>	
<p>TITLE XIII</p> <p>IMPLEMENTATION</p>	
<p><i>Article 117</i></p> <p>Administrative cooperation</p> <p>1. The authorities responsible for the implementation of this Regulation in the Member States shall cooperate with each other, with the competent authorities of third countries, with the Commission and with the body designated by it in order to ensure compliance with this Regulation.</p> <p>2. For the purposes referred to in paragraph 1, a system of mutual assistance shall be established, which shall include rules on the exchange of information upon prior request or on a spontaneous basis.</p> <p>3. The Member State where fishing activities have taken place shall transmit to the Commission, at its request, by electronic means, any relevant information at the</p>	<p>1.</p> <p>2.</p> <p>3.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>same time as it is communicated to the flag Member State of the fishing vessel.</p> <p>4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>4. The Commission may by means of implementing acts, lay down rules on mutual assistance concerning:</p> <ul style="list-style-type: none"> (a) administrative cooperation between Member States, third countries, the Commission and the body designated by it; (b) costs of executing a requests for assistance; (c) designation of Member States' single authority; (d) communication of follow-up measures taken by national authorities further to exchange of information; (e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies; (f) information without prior request; (g) Member States' relations with the Commission and with third countries. <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 118</i></p> <p>Reporting obligations</p> <p>1. Every five years, Member States shall transmit a report to the Commission on the</p>	<p>1.</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p>application of this Regulation.</p> <p>2. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a report every five years to be submitted to the European Parliament and the Council.</p> <p>3. An evaluation of the impact of this Regulation on the common fisheries policy shall be undertaken by the Commission five years after the entry into force of this Regulation.</p> <p>4. Member States shall transmit to the Commission a report stating the rules that have been used for producing reports on basic data.</p> <p>5. Detailed rules on the content and format of the reports by Member States for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.</p>	<p>2.</p> <p>3.</p> <p>4.</p> <p>5. The Commission may, by means of implementing act, lay down rules concerning the content and format of the reports by Member States.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</p>
<p><i>Article 119</i></p> <p>Committee procedure</p> <p>1. The Commission shall be assisted by the Committee set up under Article 30 of Regulation (EC) No 2371/2002.</p> <p>2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply.</p> <p>The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.</p>	<p><i>Article 119</i></p> <p>Committee procedure</p> <p>1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <hr/> <p>(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
	<p style="text-align: center;">mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)</p>
	<p><i>Article 119a</i></p> <p>Exercise of the delegation</p> <ol style="list-style-type: none"> 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. 2. The delegation of powers referred to in Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) shall be conferred for an indeterminate period of time. 3. The delegation of powers referred to in Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. 5. A delegated act adopted pursuant to Articles 7(6), 9(7), 9a(4), 15a(1), 17(6), 21(6), 22(4), 24(5), 39a(4), 58(9), 59a(4), 60a(1) and (2), 73(9), 74(6), 75(2), 92(10), 93a(3), and 107(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<i>Articles 120 to 124</i>	<i>Unchanged</i>
<p>ANNEX I</p> <p>SPECIFIC INSPECTION BENCHMARKS FOR MULTIANNUAL PLANS</p> <p>Objective</p> <p><i>1. Each Member State shall set specific inspection benchmarks in accordance with this Annex.</i></p> <p>Strategy</p> <p><i>2. Inspection and surveillance of fishing activities shall concentrate on fishing vessels likely to catch species subject to a multiannual plan. Random inspections of transport and marketing of species subject to a multiannual plan shall be used as a complementary cross-checking mechanism to test the effectiveness of inspection and surveillance.</i></p> <p>Priorities</p> <p><i>3. Different gear types shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing opportunity limits. For that reason, each Member State shall set specific priorities.</i></p> <p>Target benchmarks</p> <p><i>4. Not later than one month from the date of entry into force of a Regulation establishing a multiannual plan, Member States shall implement their inspection schedules taking account of the targets set out below.</i></p> <p><i>Member States shall specify and describe which sampling strategy will be applied.</i></p> <p><i>The Commission shall have access on request to the sampling plan used by the</i></p>	<p style="text-align: center;">ANNEX I DELETED</p> <p style="text-align: center;">THE TEXTS SET OUT IN ANNEX I OF THIS REGULATION ARE ADDED AS ANNEXES III AND VI</p>

Current	Proposed amendments to Council Regulation (EC) No 1224/2009
<p><i>Member State.</i></p> <p>(a) <i>Level of inspection in ports</i></p> <p><i>As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20 % of all landings of species subject to a multiannual plan by weight in a Member State.</i></p> <p>(b) <i>Level of inspection of marketing</i></p> <p><i>Inspection of 5 % of the quantities of species subject to a multiannual plan offered for sale at auction.</i></p> <p>(c) <i>Level of inspection at sea</i></p> <p><i>Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer to the number of patrol days at sea in the management areas, possibly with a separate benchmark for days patrolling specific areas.</i></p> <p>(d) <i>Level of aerial surveillance</i></p> <p><i>Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources at the Member State's disposal into consideration.</i></p>	