

Procedure file

Basic information	
CNS - Consultation procedure Regulation	2008/0216(CNS) Procedure completed
Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP	
Amending Regulation (EC) No 509/2007	
Repealing Regulation (EEC) No 2847/93	
Amending Regulation (EC) No 2166/2005	
Repealing Regulation (EC) No 1627/94 1993/1038(CNS)	
Amending Regulation (EC) No 847/96 1994/0303(CNS)	
Amending Regulation (EC) No 2371/2002 2002/0114(CNS)	
Amending Regulation (EC) No 811/2004 2003/0137(CNS)	
Amending Regulation (EC) No 388/2006 2003/0327(CNS)	
Amending Regulation (EC) No 768/2005 2004/0108(CNS)	
Amending Regulation (EC) No 2115/2005 2004/0229(CNS)	
Repealing Regulation (EC) No 1966/2006 2004/0252(CNS)	
Amending Regulation (EC) No 676/2007 2006/0002(CNS)	
Amending Regulation (EC) No 1098/2007 2006/0134(CNS)	
Amending Regulation (EC) No 1342/2008 2008/0063(CNS)	
Amending Regulation (EC) No 1300/2008 2008/0091(CNS)	
Amended by 2011/0194(COD)	
Amended by 2011/0195(COD)	
Amended by 2013/0007(COD)	
Amended by 2013/0191(COD)	
Amended by 2013/0436(COD)	
Amended by 2016/0074(COD)	
Amended by 2018/0193(COD)	
Subject 3.15 Fisheries policy	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		10/11/2008
		Verts/ALE ROMEVA I RUEDA Raül	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety		
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2976	20/11/2009
	Agriculture and Fisheries	2966	19/10/2009
	Agriculture and Fisheries	2904	18/11/2008
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	BORG Joe	

Key events			
14/11/2008	Legislative proposal published	COM(2008)0721	Summary
18/11/2008	Debate in Council	2904	
18/12/2008	Committee referral announced in Parliament, 1st reading/single reading		

31/03/2009	Vote in committee, 1st reading/single reading		Summary
06/04/2009	Committee report tabled for plenary, 1st reading/single reading	A6-0253/2009	
21/04/2009	Debate in Parliament		
22/04/2009	Results of vote in Parliament		
22/04/2009	Decision by Parliament, 1st reading/single reading	T6-0255/2009	Summary
03/07/2009	Final act published in Official Journal		
20/11/2009	Act adopted by Council after consultation of Parliament		
20/11/2009	End of procedure in Parliament		

Technical information

Procedure reference	2008/0216(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	<p>Amending Regulation (EC) No 509/2007</p> <p>Repealing Regulation (EEC) No 2847/93</p> <p>Amending Regulation (EC) No 2166/2005</p> <p>Repealing Regulation (EC) No 1627/94 1993/1038(CNS)</p> <p>Amending Regulation (EC) No 847/96 1994/0303(CNS)</p> <p>Amending Regulation (EC) No 2371/2002 2002/0114(CNS)</p> <p>Amending Regulation (EC) No 811/2004 2003/0137(CNS)</p> <p>Amending Regulation (EC) No 388/2006 2003/0327(CNS)</p> <p>Amending Regulation (EC) No 768/2005 2004/0108(CNS)</p> <p>Amending Regulation (EC) No 2115/2005 2004/0229(CNS)</p> <p>Repealing Regulation (EC) No 1966/2006 2004/0252(CNS)</p> <p>Amending Regulation (EC) No 676/2007 2006/0002(CNS)</p> <p>Amending Regulation (EC) No 1098/2007 2006/0134(CNS)</p> <p>Amending Regulation (EC) No 1342/2008 2008/0063(CNS)</p> <p>Amending Regulation (EC) No 1300/2008 2008/0091(CNS)</p> <p>Amended by 2011/0194(COD)</p> <p>Amended by 2011/0195(COD)</p> <p>Amended by 2013/0007(COD)</p> <p>Amended by 2013/0191(COD)</p> <p>Amended by 2013/0436(COD)</p> <p>Amended by 2016/0074(COD)</p> <p>Amended by 2018/0193(COD)</p>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/69837

Documentation gateway					
Legislative proposal		COM(2008)0721	14/11/2008	EC	Summary
Document attached to the procedure		COM(2008)0718	14/11/2008	EC	Summary
Document attached to the procedure		SEC(2008)2760	14/11/2008	EC	
Document attached to the procedure		SEC(2008)2761	14/11/2008	EC	
Committee draft report		PE420.021	05/02/2009	EP	
Committee opinion	ENVI	PE418.191	17/02/2009	EP	
Document attached to the procedure		52009XX0703(01) OJ C 151 03.07.2009, p. 0011	04/03/2009	EDPS	Summary
Amendments tabled in committee		PE421.302	10/03/2009	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0253/2009	06/04/2009	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0255/2009	22/04/2009	EP	Summary
Economic and Social Committee: opinion, report		CES0875/2009	13/05/2009	ESC	
Committee of the Regions: opinion		CDR0073/2009	17/06/2009	CofR	
Commission response to text adopted in plenary		SP(2009)3507	25/06/2009	EC	
Follow-up document		COM(2017)0192	24/04/2017	EC	Summary
Follow-up document		SWD(2017)0134	24/04/2017	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Regulation 2009/1224 OJ L 343 22.12.2009, p. 0001 Summary
Corrigendum to final act 32009R1224R(03) OJ L 149 16.06.2015, p. 0023

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

PURPOSE: to establish a Community control system of the rules of the Common Fisheries Policy.

PROPOSED ACT: Council Regulation.

CONTENT: the cornerstone of the Common Fisheries Policy (CFP) is to limit and control catch volumes by setting total allowable catches (TACs) and national quotas coupled with technical rules and effort schemes. The European fisheries control policy is at the heart of the CFP, because its credibility depends on effective application of this control policy. Despite some progress, the control system continues to suffer from substantial shortcomings identified by both the European Commission¹ and the European Court of Auditors (CoA). The current control system is inefficient, expensive and complex and does not produce the desired results. Accordingly, the Commission proposes a substantial reform of the control system underpinning the CFP. This initiative is a core priority for the Commission in the field of fisheries in 2008.

The basic idea of the proposal is that an efficient control policy should be global and integrated and cover all facets of the problem, from net to plate.

A new, common approach to control and inspection: although the level of compliance by fishing vessels with technical measures should not be ignored, greater attention needs to be paid to comprehensive monitoring of catches. In this context, it is, in particular, necessary to achieve:

- standardised, coordinated inspection activities and procedures at every link in the chain (at sea, in port, during transport and on marketing);
- general standards for specific control measures applicable to recovery and multiannual plans, marine protected areas and discards;
- introduction of a comprehensive traceability system;
- full use of modern technologies and efficient data validation systems in order to carry out systematic and comprehensive cross-checks of all relevant data;
- strategic programming, tactical targeting and sampling strategy; and
- use of information that makes it possible to identify risks and to streamline control.

A culture of compliance: in this context, it is necessary to focus on:

- simplification and streamlining of the legal framework;
- introduction of harmonised deterrent sanctions;
- introduction of a penalty point system for infringements committed by masters, operators or beneficial owners of a fishing licence;
- enforcement measures and accompanying sanctions;
- improved cooperation between Member States and with the Commission, including extension of the mandate of the Community Fisheries Control Agency (CFCA);
- a modern approach to transfers of data and exchanges of information, both between Member States and with the Commission or the CFCA via secure websites.

Effective application of CFP rules: in order to ensure effective application of CFP rules, the capacity of the Commission to intervene proportionately to the level of non-compliance by the Member States should be strengthened. At the same time, the management capacity of the Commission should be enhanced. The proposals include:

- redefinition of the powers of Commission inspectors;
- action plans for Member States to improve their implementation if need be;
- powers for the Commission to rectify catch figures of Member States;
- closures of fisheries on the Commission's initiative;
- more flexibility for the Commission to proceed with deductions from quotas in cases of poor quota management; and
- financial measures in cases of bad management Simplification

The proposal will lead to simplification of the relevant legislation, together with improvements in the control system. Over the years the current CFP control policy has added layers of provisions, scattered across different regulations, some of them overlapping. One objective of this proposal is to bring clarity to the applicable control rules. However, control clearly remains a complex issue and a balance has to be found between the necessary obligations which have to be maintained and the need to clarify and reduce the administrative burden for the authorities and the private sector. In this context, simplification has different facets:

- the system establishes a single ambitious framework laying down the principles governing all aspects of control, but leaving it to implementing regulations to establish detailed technical rules.

- the system sets up a single framework applying to Community operators and public authorities by standardising the rules on inspection and control (including introducing harmonised sanctions), thereby contributing to establishment of a level playing field in the EU.

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

The Commission presents a Communication on the proposal establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy. The European fisheries control policy is at the heart of the CFP, because its credibility depends on its effective application. Despite certain progress, there is a general consensus that there are still many shortcomings in the CFP in general, notably overfishing due to an overcapacity of the EU fishing fleet, and in its control policy in particular. The current control system is inefficient, expensive, complex, and it does not produce the desired results. The continued failure of the control policy will have significant consequences for the future of fisheries resources, the fishing industry and the regions dependent on fishing.

It is within this context that the Commission proposes to reform the control system of the CFP.

Reform: the proposal defines the general concept of inspections for all catches at all stages of the chain - at sea, in port, on transports and markets ? and introduces harmonised inspection procedures with a view to ensuring uniformity in the implementation of the new control regime. The new approach will make the best possible use of modern technologies. The proposal extends the use of the Vessel Monitoring System (VMS), the Automated Identification System (AIS), the Electronic Reporting System (ERS), the Vessel Detection System (VDS) and other new technologies. To answer new needs on the control of specific fisheries, specific control measures applicable for multiannual plans, marine protected areas and discards will be established and a permanent mechanism of real time closures of fisheries under the responsibility of the Member States will be introduced. Since the limitation of effort as a supplementary management tool is becoming more and more important, the monitoring of engine power, e.g. by certification, will be an integral part of the proposal. Finally, as recreational fisheries have an increasing influence on fish stocks and the marine environment, the proposal envisages control measures for this activity, such as the registration of catches. Actions proposed by the Commission:

- systematic risk analysis as a basis for fisheries control;
- strategic programming, tactical targeting and sampling strategy;
- use of modern technologies and comprehensive data validation systems;
- standardised and coordinated inspection activities and procedures at sea and on land (including transport and market);

- introduction of a comprehensive traceability system;

specific control measures for multiannual plans, discards, marine protected areas and real time closure of fisheries;

- measures for the control of recreational fishing.

Compliance: an important cornerstone of the proposed Regulation will also be to influence the behaviour of all stakeholders involved in the full range of fishing activities (catching, processing, distribution and marketing). The Commission wants to concentrate the CFP control measures, which are currently spread in many different texts, with the objective of simplifying and rationalising the legislative framework. This will be done by establishing the principles in the proposal itself while laying down the more technical and detailed matters in implementing regulations. Moreover, a regime of harmonised and proportionate administrative sanctions must be established if we are serious about ensuring an equal and effective application of the CFP rules. Actions proposed by the Commission:

- simplifying and rationalising the legal framework;

- introducing deterrent and harmonised sanctions (including establishing a penalty point system);

- improving cooperation between Member States and with the Commission;

- reviewing the mandate of the Community Fisheries Control Agency (CFCA).

Effective application of CFP rules: the reform also aims to define the roles and responsibilities of Member States, the

Commission and the CFCA. The capacity of the Commission to ensure the respect of Community law by Member States has to be strengthened. For that reason the Commission must be able to intervene effectively and proportionately in cases where shortcomings in some Member States threaten the uniform application of CFP rules.

Actions proposed by the Commission:

-redefining and strengthening the powers of the Commission and the Commission inspectors;

- action plans for deficient Member States to improve their implementation of the CFP;

- extending the possibilities for the Commission to close a fishery;

- possible financial measures against Member States in case of inadequate management;

- more flexibility for the Commission to proceed to deductions of quotas and the denial of quota transfers and exchanges in case of inadequate management;

- package of emergency measures.

As the future control system will contribute to ensuring that only legal fish will be caught, the lack of available quotas will entail a concentration of the fleet by market forces until it reaches a level that allows all remaining vessels to make a living on the basis of lawful fishing opportunities. The vicious circle of fishing vessels having to fish excessively for their economic survival would be broken. In the long run the adjustment of the fishing fleet will also bring about a reduction of control and surveillance costs as the likelihood of infringements will be lower when the fishing fleet is able to generate sufficient economic income on the basis of legal catches.

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the Proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

The aforementioned proposal was sent by the Commission to the EDPS for an opinion on 14 November 2008. The proposal establishes a Community system for control, monitoring, surveillance, inspection and enforcement of the rules of the Common Fisheries Policy. Recall that the objective of the Common Fisheries Policy is to ensure exploitation of living aquatic resources in such a way that ensures sustainable economic, environmental and social conditions.

The EDPS has noted the initiative of establishing a Community system for control, monitoring, surveillance, inspection, and enforcement of the rules of the Common Fisheries Policy. It welcomes that reference to privacy and data protection is made within the current proposal. However, some amendments are needed in order to provide clear requirements, both for the Member States and for the Commission to address the data protection aspects of the system.

The observations of this opinion, which should be taken into account, include:

- the review of Article 104, paragraph 2, in order to cover any personal data and not only names of natural persons;
- the review of Article 105, paragraphs 4 and 6, on confidentiality, professional and commercial secrecy, so as to clarify the specific cases in which these paragraphs shall apply;
- the introduction in Article 103 of additional rules regarding the control over the information downloaded by Commission officials;
- the establishment of a specific storage period of data on national electronic databases and on national websites;
- the respect of procedures on transfers of personal data to third countries;
- the consultation of the EDPS when the procedure of Article 111 is used.

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

The Committee on Fisheries adopted the report by Raül ROMEVA i RUEDA (Greens/EFA, ES) amending, under the consultation procedure, the proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

The main amendments are as follows:

Fishing activities with bottom gears: a detailed list of such gears should be drawn up because they may have a wider impact on the marine ecosystem.

VMS: an appropriate device must be installed by 1 July 2013 rather than 1 July 2012 for vessels exceeding 10 meters length and up to 15 meters length overall. Financial assistance for the installation of Vessel Monitoring System devices shall be eligible for funding under Regulation (ES) No 861/2006. Co-financing from the Community budget shall be at the rate of 80%.

Logbook: the permitted margin of tolerance in estimates recorded in the logbook of the quantities in kilograms of fish retained on board shall be 10% (rather than 5%, as proposed by the Commission).

Financial assistance for the installation of electronic logbooks shall be eligible for funding under Regulation (ES) No 861/2006. Co-financing from the Community budget shall be at the rate of 80%.

Electronic recording and transmission of logbook data: this will apply to fishing vessels exceeding 15 meters length and up to 24 meters length overall as from 1 July 2011, and to Community fishing vessels exceeding 10 meters length and up to 15 meters length overall as from 1 July 2013. (rather than 2012)

Prior notification: the committee states that the conditions governing notification could be made more flexible for certain categories of fishing vessels and taking into account distances from the fishing grounds and the landing place, but no vessel should be exempt from these obligations.

Furthermore, a new clause states that the competent authorities of the Member State whose port or landing facilities the master of a fishing vessel wishes to use, having made a request to do so at least 4 hours prior to the estimated time of arrival at the port shall, within 2 hours of receiving this request, give permission accordingly.

Landing declaration: this must be given 6 hours after landing (rather than 2 hours). Again, the date of application for certain vessels is extended to 2013.

Recording of catches and fishing effort: the data in electronic format shall be kept for a minimum of 10 years (rather than 3 years.)

The committee states that discards should be deducted from the national quota, as a means of providing incentives for more selective fishing to avoid catching them in the first place.

Transfer of unused quotas: a new article is inserted providing that if all or part of the quotas for a Member State will not be used during the year in which they were granted, these quotas may be used, that same year, by other Member States.

Transshipments in port: this article is deleted.

Registration of discards: the Commission shall consider a scheme to fit video-monitoring equipment for the purpose of ensuring compliance with this Regulation. Released fish in recreational fisheries shall not be considered to constitute discards or mortality for the purposes of the Regulation.

Real time closure of fisheries: the whole of this section is deleted. The committee states that closures are a technical measure which should be regulated under this Regulation, and not in the Control Regulation. In addition, the committee has not yet decided on the characteristics of the closures, since the draft Report and corresponding amendments are still to be voted on and both texts should be consistent.

Recreational fisheries: within 2 years of the date of entry into force of the Regulation, Member States may estimate the impact of recreational fisheries conducted in their waters and submit the information to the Commission. The relevant Member State and the Commission, on the basis of the advice of the Scientific, Technical and Economic Committee for Fisheries, shall decide which recreational fisheries are having a significant impact on such stocks. For those fisheries having a significant impact, the Member State concerned, in close cooperation with the Commission, shall develop a monitoring system that is able to accurately estimate the total recreational catches from each stock. Recreational fisheries shall comply with the objectives of the Common Fisheries Policy.

Observers: the Commission should cover the cost of observation programmes, together with Member States.

Sanctions for serious infringements: Member States shall ensure that operators found liable for a serious infringement of the rules of the Common Fisheries Policy are precluded from benefiting from the European Fisheries Fund, Fisheries Partnership Agreements and other public aid. The sanctions provided for shall be accompanied by other sanctions or measures, in particular the repayment of public assistance or subsidies received by IUU vessels during the financing period concerned.

The committee made some amendments to the penalty points system.

Deduction of quotas: Members amended the multiplying factors applicable. They state that as regards the table of penalties, those expressed in percentages do not properly reflect the situation regarding quotas exceeded. This is the case in particular for deep-water species, where, for some Member States, the quotas are limited to small quantities that may even be less than 30-50 tonnes.

The committee deleted the Commission's powers to deduct quotas and refuse quota transfers or quota exchanges. It deleted the article on deduction of quotas for failure to comply with the objectives of the Common Fisheries Policy. It notes that any Member State that allows a fleet repeatedly to exceed its quota should be penalised. Nevertheless, the mechanisms for doing so should not involve the deduction of quotas and refusal of quota transfers or quota exchanges, since this would not affect the Member State that is failing to comply but would affect fleets which may be uninvolved in the infringements, and even - in the case of quota exchanges - other Member States that have nothing to do with the violation in question.

Secure part of the website: third countries shall be provided with certain information for Community vessels that apply for licences to fish in their waters. The information shall be provided on condition that the third country guarantees in writing the confidentiality of the information.

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

The European Parliament adopted by 564 votes to 42 with 49 abstentions, a legislative resolution amending, under the consultation procedure, the proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

The main amendments are as follows:

Definition: Parliament defined "recreational fisheries" as non-commercial fishing activities exploiting living aquatic resources for recreation or sport and including, inter alia, recreational angling, sports fishing, sports tournaments and other forms of recreational fishing.

Fishing activities with bottom gears: Members add that a list shall be drawn up of the gears referred to in this provision.

VMS: an appropriate device must be installed by 1 July 2013 rather than 1 July 2012 for vessels exceeding 10 meters length and up to 15 meters length overall. Financial assistance for the installation of Vessel Monitoring System devices shall be eligible for funding under Regulation (ES) No 861/2006. Co-financing from the Community budget shall be at the rate of 80%.

Logbook: the permitted margin of tolerance in estimates recorded in the logbook of the quantities in kilograms of fish retained on board shall be 10% (rather than 5%, as proposed by the Commission).

Financial assistance for the installation of electronic logbooks shall be eligible for funding under Regulation (ES) No 861/2006. Co-financing from the Community budget shall be at the rate of 80%.

Electronic recording and transmission of logbook data: this will apply to Community fishing vessels exceeding 10 meters length and up to 15 meters length overall as from 1 July 2013 (rather than 2012)

Prior notification: a new clause states that the competent authorities of the Member State whose port or landing facilities the master of a fishing vessel wishes to use, having made a request to do so at least 4 hours prior to the estimated time of arrival at the port shall, within 2 hours of receiving this request, give permission accordingly.

Transshipment declaration: Parliament deleted the Commission's discretion to may exempt certain categories of fishing vessels from the obligation laid down in the text. It also deleted the clause requiring the competent authorities shall assign a unique landing number (ULN) to the landing.

Landing declaration: this must be given 6 hours after landing (rather than 2 hours). Again, the date of application for certain vessels is extended to 2013.

Recording of catches and fishing effort: the data in electronic format shall be kept for a minimum of 10 years (rather than 3 years.)

Parliament states that catches and discards should be deducted from the national quota. Transfer of unused quotas: a new article is inserted providing that if all or part of the quotas for a Member State will not be used during the year in which they were granted, these quotas may be used, that same year, by other Member States.

Transshipments in port: this article is deleted.

Designated ports: a new clause states that Member States may designate a port not meeting the criteria in order to avoid vessels having to sail for a distance greater than 50 miles to port.

Registration of discards: the Commission shall consider a scheme to fit video-monitoring equipment for the purpose of ensuring compliance with this Regulation. Released fish in recreational fisheries shall not be considered to constitute discards or mortality for the purposes of the Regulation.

Real time closure of fisheries: the whole of this section is deleted.

Recreational fisheries: Recreational Fisheries conducted from a vessel in Community marine waters on a stock subject to a multiannual recovery plan may be evaluated by the Member State in whose waters they are conducted. Fishing with rod and reel from shore shall not be included. Within 2 years of the date of entry into force of the Regulation, Member States may estimate the impact of Recreational Fisheries conducted in their waters and submit the information to the Commission. The relevant Member State and the Commission, on the basis of the advice of the Scientific, Technical and Economic Committee for Fisheries, shall decide which Recreational Fisheries are having a significant impact on stocks. For those fisheries having a significant impact, the Member State concerned, in close cooperation with the Commission, shall develop a monitoring system that is able to accurately estimate the total recreational catches from each stock. Recreational Fisheries shall comply with the objectives of the Common Fisheries Policy.

Where a Recreational Fishery is found to have a significant impact, catches shall be counted against the relevant quota of the flag Member State. The Member State may establish a share from such quota to be used exclusively for the purpose of that Recreational Fishery.

Observers: the Commission should cover the cost of observation programmes, together with Member States.

Sanctions for serious infringements: Member States shall ensure that operators found liable for a serious infringement of the rules of the Common Fisheries Policy are precluded from benefiting from the European Fisheries Fund, Fisheries Partnership Agreements and other public aid. The sanctions provided for shall be accompanied by other sanctions or measures, in particular the repayment of public assistance or subsidies received by IUU vessels during the financing period concerned.

Penalty points system: as long as a holder of a fishing authorisation has been assigned penalty points, that holder shall be precluded from receiving Community subsidies and national public aid during that time.

National registers of infringements: information on infringements committed and for which a conviction has been obtained by the fishing vessels and individuals in question will be available to the public via the public part of the website.

Deduction of quotas: Members amended the multiplying factors applicable. They added that if the quota, allocation or share of a stock or a group of stocks allocated to a Member State does not exceed 100 tonnes, the reduction for exceeding the quota shall be applied in a linear

manner and not by percentage, except for species covered by a multiannual plan.

Parliament deleted the Commission's powers to deduct quotas and refuse quota exchanges. It deleted the article on deduction of quotas for failure to comply with the objectives of the Common Fisheries Policy.

Secure part of the website: third countries shall be provided with certain information for Community vessels that apply for licences to fish in their waters. The information shall be provided on condition that the third country guarantees in writing the confidentiality of the information. The transfer of personal data under this provision shall be deemed to comply with Article 26(1)(d) of Directive 95/46/EC.

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

PURPOSE: to substantially reform the control system underpinning the Common Fisheries Policy.

LEGISLATIVE ACT: Council Regulation (EC) No 1224/2009 establishing a Community 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.

CONTENT: the Council adopted a regulation establishing a modernised system for inspection, monitoring, control, surveillance and enforcement of the rules of the Common Fisheries Policy (CFP) throughout the market chain, "from net to plate".

The new regulation will replace the existing legal framework laid down in Council regulation No 2847/93 as from 1.1.2010 for most of its provisions and as from 1.1.2011 for certain provisions requiring implementing measures.

General principles: under the new regulation, 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;
- also control access to waters and resources and control activities outside Community waters carried out by Community fishing vessels flying their flag and, without prejudice to the primary responsibility of the flag Member State, by their nationals;
- 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.

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.

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 Community Fisheries Control Agency, to other Member States and, where appropriate, third countries.

In concrete terms, the new regulation includes the following provisions:

Control and monitoring

- standardised, coordinated inspection activities at every link in the chain: at sea, in port, during processing, transport and on marketing;
- general standards for specific control measures applicable to recovery and multiannual plans, marine protected areas and discards;
- introduction of a comprehensive traceability system;
- recreational fisheries to be compatible with the objectives and rules of CFP;
- full use of modern inspection technology (satellite-based Vessel Monitoring System (VMS) for vessels over 12 meters, Automatic Identification System (AIS), electronic logbook) allowing cross-checks of all relevant data;
- monitoring of fishing capacity and certification of engine power;
- margin of tolerance in estimates recorded in the fishing logbook set at 10% instead of 20% for all species.

Sanctions

- introduction of harmonised deterrent sanctions;
- penalty point system for infringements committed by masters, operators or beneficial owners of a fishing permit;
- possibility of suspending or reducing EU financial assistance should a member state fail to comply with CFP rules;
- closures of fisheries on the Commission's initiative;
- more flexibility for the Commission to proceed with deductions from quotas in cases of poor quota management.

Inspection powers

- inspections of fishing vessels to take place outside the waters or territory of the inspecting Member State;

- independent inspections by Commission fishery inspectors will be possible without prior notice to the member state concerned.

Cooperation among Member States and coordinating authority

- system of mutual assistance and systematic exchange of control-related information between Member States, together with communication of control data via secure national websites with remote access for the Commission;
- extension of the mandate of the Community Fisheries Control Agency (CFCA).

Reports: every five years, Member States shall transmit a report to the Commission on the application of this Regulation. 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.

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.

ENTRY INTO FORCE: 23/12/2009.

APPLICATION: from 01/01/2010. Certain provisions shall apply from 01/01/2011.

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

The Commission presented a report on the implementation and evaluation of Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy (CFP). The evaluation of the control regulation is also included in the Commission's Regulatory Fitness and Performance programme (REFIT).

The control regulation ensures respect of the CFP rules as well as the application of conservation and management measures by tackling issues that have previously led to extensive overfishing and poor compliance with the rules.

Implementation: on the basis of the data reported by the Member States and the Commission's observations resulting from the audits and inspections carried out, the Commission considered that the Member States have implemented the main obligations of the Regulation and have set up the instruments, procedures and standards necessary to ensure the monitoring and inspection of fishing activities throughout the European Union:

- the legal framework is well accepted by the relevant stakeholders. The control regulation is regarded as an essential instrument for ensuring a level playing field between operators. It simplified and rationalised the previous control system and enabled the EU to comply with its international obligations in the control area;
- effective and efficient implementation of vessel monitoring systems (VMS) and electronic reporting systems (ERS), as well as the application of risk-based control strategies, have been found to be essential for monitoring activities and to improve the reliability of data. However, due to the complexity of the rules and the time required to adapt to them, the implementation of certain provisions is delayed in some cases.

Shortcomings identified and gaps to be filled: the evaluation confirmed however that the current legislative framework is not fully fit for purpose. The coherence of the Regulation with other European Union policies, for example in the environmental, maritime, innovation (blue growth), health, customs and trade fields is not disputed.

There is a strong call from stakeholders to better adapt the control system to the new CFP, addressing in particular the landing obligation, increase synergies with other policies for an effective and efficient implementation of the [Marine Strategy Framework Directive](#) and of the newly created European Cooperation function on Coast Guard.

Lack of clarity in some of the provisions, obsolete provisions and discretionary implementation across Member States (e. g. derogations, sanctions) also hamper the effectiveness and efficiency of this legal instrument.

Shortcomings in the implementation and deficiencies have been identified, in particular as regards:

- sanctions and point system, follow up of infringements: it is essential to implement in a consistent and even manner adequate sanctions for infringements to ensure their deterrent effects;
- exchange and sharing of data between Member States: the analysis confirmed that the development of EU standards, a harmonised approach towards control activities and of shared IT platforms for data exchange is essential to ensure a level playing field;
- traceability of fishery products: problems with controls remain unresolved regarding first sales and during transport. The main problems are linked to the loss of traceability during these two stages of the production chain. Since the paper based traceability system is ineffective, some Member States have set up voluntary electronic traceability systems. However, the different approaches adopted at national level have detrimental effects on the exchange, verification and validation of data;
- control of weighing practices: the supervisory authorities consider that the current framework for weighing and transport control leads to reporting errors, whereas the weighing provisions tend to transfer the control from the flag state to the coastal state;
- monitoring and catch reporting tools for vessels less than 12 metres in length: Member States are not properly implementing the control of the activities of vessels less than 10 metres, which are currently exempt from the obligation to keep a logbook (for example, control by sampling at the time of landing). The lack of control provisions for recreational fishing is also perceived as distorting the conditions of competition.

Challenges also include improving the overall performance of the control regulation to ensure sustainable fisheries while improving synergies with other policies. The Commission will present the results of the evaluation to Member States and stakeholders to discuss effective solutions.

