












# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2018/0193(COD)</p>	Awaiting Parliament's position in 1st reading
<p>Fisheries control</p> <p>Amending Regulation (EC) No 1967/2006 <a href="#">2003/0229(CNS)</a>            Amending Regulation (EC) No 768/2005 <a href="#">2004/0108(CNS)</a>            Amending Regulation (EC) No 1005/2008 <a href="#">2007/0223(CNS)</a>            Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a>            Amending Regulation (EU) 2016/1139 <a href="#">2014/0285(COD)</a></p> <p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources            3.15.04 Management of fisheries, fisheries, fishing grounds            3.15.06 Fishing industry and statistics, fishery products            3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas</p> <p>Legislative priorities  <a href="#">Joint Declaration 2021</a></p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p><b>PECH</b> Fisheries</p>	<p> <a href="#">AGUILERA Clara</a></p> <p>Shadow rapporteur</p> <p> <a href="#">MILLÁN MON Francisco José</a></p> <p> <a href="#">BILBAO BARANDICA Izaskun</a></p> <p> <a href="#">O'SULLIVAN Grace</a></p> <p> <a href="#">CONTE Rosanna</a></p> <p> <a href="#">RUISSEN Bert-Jan</a></p> <p> <a href="#">PIMENTA LOPES João</a></p>	23/07/2019
	<p>Former committee responsible</p> <p><b>PECH</b> Fisheries</p>	<p> <a href="#">THOMAS Isabelle</a></p>	14/06/2018
	<p>Committee for opinion</p> <p><b>ENVI</b> Environment, Public Health and Food Safety</p>	<p>Rapporteur for opinion</p> <p> <a href="#">CANFIN Pascal</a></p>	<p>Appointed</p> <p>22/07/2019</p>
	<p>Former committee for opinion</p>		

## Key events

10/09/2018	Committee referral announced in Parliament, 1st reading		
21/10/2019	Committee referral announced in Parliament, 1st reading		
05/02/2021	Vote in committee, 1st reading		
10/02/2021	Committee report tabled for plenary, 1st reading	<a href="#">A9-0016/2021</a>	Summary
09/03/2021	Debate in Parliament		
10/03/2021	Results of vote in Parliament		
11/03/2021	Decision by Parliament, 1st reading	<a href="#">T9-0076/2021</a>	Summary
11/03/2021	Matter referred back to the committee responsible		

## Technical information

Procedure reference	2018/0193(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1967/2006 <a href="#">2003/0229(CNS)</a> Amending Regulation (EC) No 768/2005 <a href="#">2004/0108(CNS)</a> Amending Regulation (EC) No 1005/2008 <a href="#">2007/0223(CNS)</a> Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a> Amending Regulation (EU) 2016/1139 <a href="#">2014/0285(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	PECH/9/00323

## Documentation gateway

Legislative proposal	<a href="#">COM(2018)0368</a>	30/05/2018	EC	Summary
Document attached to the procedure	<a href="#">SWD(2018)0279</a>	30/05/2018	EC	

Document attached to the procedure		SWD(2018)0280	30/05/2018	EC	
Economic and Social Committee: opinion, report		<a href="#">CES4143/2018</a>	12/12/2018	ESC	
Committee draft report		<a href="#">PE647.060</a>	19/02/2020	EP	
Amendments tabled in committee		<a href="#">PE650.704</a>	15/05/2020	EP	
Amendments tabled in committee		<a href="#">PE650.705</a>	15/05/2020	EP	
Amendments tabled in committee		<a href="#">PE652.304</a>	15/05/2020	EP	
Amendments tabled in committee		<a href="#">PE650.701</a>	20/05/2020	EP	
Committee opinion	ENVI	<a href="#">PE647.141</a>	03/11/2020	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0016/2021</a>	10/02/2021	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		<a href="#">T9-0076/2021</a>	11/03/2021	EP	Summary

### Additional information

Research document

[Briefing](#)

## Fisheries control

**PURPOSE:** to revise the fisheries control system.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** an effective control system is essential to ensure that EU fisheries are managed in a sustainable manner, which in turn ensures the long-term viability of the EU fisheries sector and protects the livelihoods of EU fishermen.

The measures establishing a Union Fisheries Control System (FCS) for ensuring compliance with rules of the CFP are provided for in four different legal acts: 1) the Fisheries Control [Regulation](#); 2) the [Regulation](#) establishing a European Fisheries Control Agency (EFCA); 3) the [Regulation](#) establishing a system to combat illegal, unreported and unregulated fishing (IUU Regulation); and 4) the [Regulation](#) on the sustainable management of the external fishing fleets (SMEF).

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

Several discussions and exchanges of view have taken place in the Council, in the Parliament, in the Administrative Board of the European Fisheries Control Agency (EFCA) with Member States and with stakeholders since the publication of all these documents. Those discussions confirmed that there is unanimous agreement among the European Institutions and among direct stakeholders that the Fisheries Control System is not effective and efficient and that, as such, it is not entirely fit for purpose to sustain the achievements of the CFP objectives.

**IMPACT ASSESSMENT:** the option selected is targeted changes to the fisheries control system (in particular regulations on fisheries control, illegal, unreported and unregulated fishing and the European Fisheries Control Agency).

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

**CONTENT:** the specific objectives of the proposed revision of the fisheries control regime are to:

- bridge the gaps with the CFP and with other EU policies;
- simplify the legislative framework and reduce unnecessary administrative burden;
- improve availability, reliability and completeness of fisheries data and information, in particular of catch data, and allow exchange and sharing of information;
- remove obstacles that hinder the development of a culture of compliance and the equitable treatment of operators within and across Member States.

The proposal contains, inter alia, the following measures:

- clarification of the inspection process, inspectors' duties, and masters' and operators' duties during inspections. Digitisation of inspection reports through the mandatory use of an Electronic Inspection Report System which will allow a better use and exchange of data between relevant authorities and Member States;
- a new list of infringements of the CFP rules, which should be qualified as serious by nature, new detailed and exhaustive list of criteria to qualify as serious certain other infringements of the CFP rules;
- a more reliable and complete fisheries data system providing for the full digitisation of transshipment and landing declarations, applicable to all EU fishing vessels (including those less than 12 metres in length), an electronic traceability system for all vessels, new weighing procedures for fishery products and strengthened rules for recording recreational catches;
- better traceability of EU and imported fishery and aquaculture products: traceability information is clarified so that it allows linking a specific lot of fishery products to a particular landing by an EU fishing vessel. Information is recorded electronically so that controls in the supply chain within the internal market are more effective and efficient;
- the use of remote electronic monitoring tools, in particular CCTVs, for the control of the landing obligation. Certain vessels with active fishing gears shall be fitted with a device that monitors and records engine power;
- improving the reporting of lost fishing gear through the use of (electronic) logbooks for all categories of vessels, the deletion of the current derogation for vessels under 12 metres to take on board the equipment necessary to recover lost gear and laying down conditions to establish EU provisions for the marking and control of fishing gear for recreational fisheries;
- the revision of the mandate of the European Fisheries Control Agency (EFCA) to fully align its objectives with the Common Fisheries Policy and extend its inspection powers.

## Fisheries control

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The Committee on Fisheries adopted the report by Clara AGUILERA (S&D, ES) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council

Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control.

As a reminder, the aim of the proposed regulation is to have a simple, transparent and effective fisheries control system that ensures effective, uniform and up-to-date compliance in the EU Member States, without leading to an increase in the administrative burden.

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

### Enhanced harmonisation

In order to promote greater clarity and harmonisation of the EU regulatory framework and thus improve its application, the committee proposed harmonising specific terms such as direct sale, sensitive species, inspections, traceability, etc.

### Identification of vessels

Members proposed that Member States should ensure that data from the automatic identification system is made available to their national fisheries control authorities for control purposes, including cross-checks of automatic identification system data with other available data. Masters of Union fishing vessels of less than 12 metres length overall, as well as natural persons engaging in fishing without vessels, should keep an electronic logbook in a simplified format.

### Electronic monitoring

Members proposed equipping fishing vessels with CCTV technology on a voluntary basis provided that an incentive such as catch quota uplifts or freedom of choice of method in conducting a fishery is granted by the competent authority.

Fishing vessels should be equipped with CCTV technology on a temporary and mandatory basis if they have committed two or more serious infringements.

### Training for inspectors

It is proposed that inspectors should receive the training necessary to perform the tasks assigned to them and shall be equipped with the tools necessary to conduct the inspections. In order to standardise controls across the EU, Member States should use a common form for inspection reports containing the same basic information on the checks conducted. EU inspectors should report to the authorities of the Member State or to the Commission any non-compliant fishing activity by fishing vessels flying the flag of a third country in international waters subject to requirements and/or recommendations issued by a regional international body.

EU vessels operating outside EU waters are often checked by third country inspectors who need to be aware of the applicable EU rules. EU inspectors should also be able to train inspectors from these third countries where EU vessels operate.

### Non-compliance and infringements

To prevent unfairness and differences in treatment within the EU, the Commission needs to help Member States determine the seriousness of infringements and ensure uniform interpretation of the various penalties applicable. In all cases, no more than one Member State may institute proceedings or impose sanctions for each act of infringement.

### EU register of infringements

Members proposed that a European register of infringements should be set up to record individual Member States data concerning the infringements identified, with the aim of improving transparency and monitoring the penalty points system more effectively.

## Fisheries control

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The European Parliament adopted by 401 votes to 247 with 47 abstentions amendments to the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008 and Regulation (EU) 2016/1139 of the European Parliament and of the Council as regards fisheries control.

The matter was referred back to the committee responsible for interinstitutional negotiations.

The main amendments adopted in plenary concern the following points:

#### Monitoring compliance with the landing obligation

Members suggested that a minimum percentage of fishing vessels of an overall length equal to or greater than 12 metres flying the flag of Member States which are considered to be at high risk of non-compliance with the landing obligation should be equipped with closed-circuit television (CCTV) systems with continuous recording incorporating data storage, in compliance with all applicable rules on the protection of privacy and the processing of personal data.

In addition, fishing vessels should be required to be equipped with CCTV technology if they have committed two or more serious infringements.

Operators could equip their fishing vessels with CCTV systems on a voluntary basis. In this respect, the competent authority should adopt incentives, such as the allocation of additional quotas or the removal of penalty points.

#### Training for inspectors

It is proposed that inspectors should receive the training necessary to perform the tasks assigned to them and shall be equipped with the tools necessary to conduct the inspections.

In order to standardise controls across the EU, Member States should use a common form for inspection reports containing the same basic information on the checks conducted. EU inspectors should report to the authorities of the Member State or to the Commission any non-compliant fishing activity by fishing vessels flying the flag of a third country in international waters subject to requirements and/or recommendations issued by a regional international body.

EU vessels operating outside EU waters are often checked by third country inspectors who need to be aware of the applicable EU rules. EU inspectors should also be able to train inspectors from these third countries where EU vessels operate.

#### Traceability throughout the whole food chain

The rules applicable to the placing of fishery and aquaculture products into lots should be clarified. Members considered that it should be possible to merge lots in order to create a new batch, as long as the traceability requirements are fulfilled and it is possible to identify the origin and species of those fishery and aquaculture products throughout the whole food chain.

#### Serious infringements

Serious infringements should include:

- fishing for, retaining on board, transshipping, transferring or landing species subject to a moratorium or for which fishing is temporarily closed or prohibited;
- failing to comply with technical and other measures aimed at reducing the incidental catch of juvenile fish and protected species;
- intentionally discarding fishing gear and marine litter at sea from fishing vessels;
- failing to comply with obligations relating to the use of fishing gear or obligations relating to technical measures and protection of the marine environment.

Members also considered that recreational fishermen who fail to comply with conservation measures or EU fishing rules should be penalised.

The Commission should publish, prior to implementation of the provisions on sanctions, guidelines to ensure standard determination of the seriousness of infringements in the Union and uniform interpretation of the various sanctions applicable.

#### EU register of infringements

Members proposed the creation of a European register of infringements to record individual Member States data concerning the infringements identified, with the aim of improving transparency and monitoring the penalty points system more effectively.