

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2018/0193(COD)</p>	Procedure completed
<p>Fisheries control</p> <p>Amending Regulation (EC) No 1967/2006 2003/0229(CNS) Amending Regulation (EC) No 768/2005 2004/0108(CNS) Amending Regulation (EC) No 1005/2008 2007/0223(CNS) Amending Regulation (EC) No 1224/2009 2008/0216(CNS) Amending Regulation (EU) 2016/1139 2014/0285(COD)</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</p> <p>Joint Declaration 2023-24 Joint Declaration 2022 Joint Declaration 2021</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Fisheries	 AGUILERA Clara	23/07/2019
		Shadow rapporteur	
		 MILLÁN MON Francisco José	
		 BILBAO BARANDICA Izaskun	
		 O'SULLIVAN Grace	
		 CONTE Rosanna	
		 RUISSEN Bert-Jan	
	Former committee responsible		
	 Fisheries		
Committee for opinion	Rapporteur for opinion	Appointed	
 Environment, Public Health and Food Safety	 CANFIN Pascal	22/07/2019	
Former committee for opinion			

Council of the European Union
European Commission

Commission DG
[Maritime Affairs and Fisheries](#)

Commissioner
VELLA Karmenu

European Economic and
Social Committee
European Committee of the
Regions

Key events

30/05/2018	Legislative proposal published	COM(2018)0368	Summary
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	A9-0016/2021	Summary
09/03/2021	Debate in Parliament		
11/03/2021	Decision by Parliament, 1st reading	T9-0076/2021	Summary
11/03/2021	Matter referred back to the committee responsible		
27/06/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE750.109 GEDA/A/(2023)004051	
16/10/2023	Debate in Parliament		
17/10/2023	Results of vote in Parliament		
17/10/2023	Decision by Parliament, 1st reading	T9-0365/2023	Summary
13/11/2023	Act adopted by Council after Parliament's 1st reading		
22/11/2023	Final act signed		
20/12/2023	Final act published in Official Journal		

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 2003/0229(CNS) Amending Regulation (EC) No 768/2005 2004/0108(CNS) Amending Regulation (EC) No 1005/2008 2007/0223(CNS)

	Amending Regulation (EC) No 1224/2009 2008/0216(CNS) Amending Regulation (EU) 2016/1139 2014/0285(COD)
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	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	PECH/9/00323

Documentation gateway

Legislative proposal		COM(2018)0368	30/05/2018	EC	Summary
Document attached to the procedure		SWD(2018)0279	30/05/2018	EC	
Document attached to the procedure		SWD(2018)0280	30/05/2018	EC	
Economic and Social Committee: opinion, report		CES4143/2018	12/12/2018	ESC	
Committee draft report		PE647.060	19/02/2020	EP	
Amendments tabled in committee		PE650.704	15/05/2020	EP	
Amendments tabled in committee		PE650.705	15/05/2020	EP	
Amendments tabled in committee		PE652.304	15/05/2020	EP	
Amendments tabled in committee		PE650.701	20/05/2020	EP	
Committee opinion	ENVI	PE647.141	03/11/2020	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0016/2021	10/02/2021	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0076/2021	11/03/2021	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2023)004051	23/06/2023	CSL	
Text agreed during interinstitutional negotiations		PE750.109	23/06/2023	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0365/2023	17/10/2023	EP	Summary
Draft final act		00038/2023/LEX	22/11/2023	CSL	
Commission response to text adopted in plenary		SP(2023)591	17/01/2024	EC	

Additional information

Research document	Briefing
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Final act

[Regulation 2023/2842](#)
[OJ L 000 20.12.2023, p. 0000](#) Summary

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

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

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.

Fisheries control

The European Parliament adopted by 436 votes to 148, with 40 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control.

The European Parliament's position, adopted at first reading under the ordinary legislative procedure, should amend the proposal as follows:

Fishing authorisation for Union fishing vessels other than catching vessels

According to the amended text, a Union catching vessel 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 fishing activities are authorised, or the vessel, are subject to: (i) a fishing effort regime; (ii) a multiannual plan; (iii) a fishing restricted area; (iv) fishing for scientific purposes; (v) the obligation to use a remote electronic monitoring (REM) system.

Union fishing vessels other than catching vessels may carry out fishing activities only if they have been authorised by their flag Member State.

A fishing authorisation should not be issued for a catching vessel if that vessel does not have a fishing licence, or if its fishing licence has been suspended or withdrawn.

Vessel monitoring systems

Each EU fishing vessel must be equipped with a fully operational vessel monitoring system enabling it to be automatically located and identified by a tracking device through the automatic transmission of vessel position data at regular intervals. EU fishing vessels of an overall length of less than 12 metres will be able to carry a device, which need not be installed on board, enabling the vessel to be automatically located and identified at sea by recording and transmitting the vessel's position data at regular intervals by means of a satellite connection or any other network.

A Member State may, under certain conditions, exempt, until 31 December 2029, fishing vessels of an overall length of less than 9 metres flying its flag from the obligation to be equipped with a monitoring system. All small-scale fishing fleets should have up to four years to adapt to the new requirements.

Automatic identification systems

Union fishing vessels exceeding 15 metres in length overall should be fitted with and maintain in continuous operation an automatic identification system (AIS) which meets the performance standards referred to in that Directive. By way of derogation, the master of a Union fishing vessel may switch off the AIS in exceptional circumstances when the master considers that the safety or security of the crew is imminently at risk of being compromised.

Remote electronic monitoring

Member States should ensure monitoring and control of fishing activities through remote electronic monitoring (REM) systems. Member States should ensure that Union catching vessels of 18 metres in length overall or more flying their flag which pose a high risk of non-compliance with the landing obligation have installed on board an operating REM system, including closed-circuit television (CCTV) cameras, no later than four years after the legislation comes into force.

Fishing logbook

The fishing logbook should contain estimated quantities of each species discarded in kilograms live weight or, where appropriate, in number of individuals. When compared with the quantities landed or with the result of an inspection, the permitted margin of tolerance in estimates

recorded in the fishing logbook of the quantities in kilograms of fish retained on board should be 10 % per each species. For species retained on board the quantity of which does not exceed 100 kg of live-weight equivalent, the permitted margin of tolerance shall be 20 % per each species.

All EU vessels, without exception, should record and declare their catches electronically. This applies in particular to fishing registers, transshipment declarations and landing declarations. Masters of Union catching vessels of less than 12 metres in length overall should have the possibility to complete and submit the electronic fishing logbook by simplified means.

Recreative fishing

Coastal Member States should have in place an electronic system for the recording and reporting of catches from recreational fisheries. Coastal Member States should collect data on catches by natural persons engaged in recreational fisheries for species, stocks or groups of stocks for which fishing opportunities are set by the Union, which are covered by a multiannual plan, or which are subject to the landing obligation.

Measures and sanctions to ensure compliance

Member States should lay down rules on measures and sanctions against natural persons having infringed the rules of the Common Fisheries Policy or against legal persons found responsible for such infringement, and in a systematic way. Serious infringements should be subject to effective, proportionate and dissuasive administrative or criminal penalties.

Member States should ensure that a serious infringement which has led to obtaining fishery or aquaculture products should be punishable by administrative financial penalties, the minimum of which should be at least the value of the fishery or aquaculture products obtained as a result of committing the serious infringement, and the maximum of which should be at least five times the value of the fishery or aquaculture products obtained as a result of committing the serious infringement.

Member States should apply a point system and allocate points to the fishing licence holders and masters of catching vessels concerned in case of confirmed serious infringements.

Traceability of fish and its derivatives

Fishing and aquaculture products must be divided into lots by operators and their traceability must be ensured at all stages of production, processing and distribution, from capture or harvest to retail.

Lots of fishery and aquaculture products made available on the market or likely to be made available on the market must be adequately marked to ensure the traceability of each lot. These lots will be accompanied by a minimum set of information.

Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, should ensure that in respect of each lot of fishery or aquaculture products, the information should be kept on record and made available in a digital way to the operator to whom the fishery or aquaculture product is supplied, and, upon request, to the competent authorities.

Fisheries control

PURPOSE : to adopt revised rules for the EU's fisheries control system.

LEGISLATIVE ACT: Regulation (EU) 2023/2842 of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control.

CONTENT: this Regulation updates the existing rules on the control of fishing vessels, which will help to ensure that EU vessels and other vessels fishing in EU waters comply with the rules of the Common Fisheries Policy (CFP).

The main changes introduced concern the following:

Vessel monitoring systems

Member States will use satellite-based electronic vessel monitoring systems (VMS) to effectively monitor the position and movement of fishing vessels flying their flag, wherever these vessels may be, and of fishing vessels in their waters. Each flag Member State will collect, analyse and continuously and systematically monitor vessel position data.

Union fishing vessel will be equipped with a fully operational vessel monitoring system enabling it to be automatically located and identified by a tracking device through the automatic transmission of vessel position data at regular intervals.

Union fishing vessels of less than 12 metres in length overall may carry on board a device which does not have to be installed on board and which allows the vessel to be automatically located and identified while at sea through recording and transmitting the vessel position data at regular intervals through a satellite connection or any other network.

In the case of certain small-scale coastal fishing vessels of less than 9 metres in length, derogations from the VMS monitoring requirement may be granted until 31 December 2029.

Remote electronic monitoring

Remote electronic monitoring tools will be used in the case of larger vessels (at least 18 metres) to ensure that unwanted catches are not discarded at sea in breach of the landing obligation.

Recreative fishing

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

For that purpose, coastal Member States should put in place an electronic system for the recording and reporting of catches from recreational fisheries. They should collect data on catches by natural persons engaged in recreational fisheries for species, stocks or groups of stocks for

which fishing opportunities are set by the Union, which are covered by a multiannual plan, or which are subject to the landing obligation.

Penalties

The Regulation establishes an exhaustive list of infringements that must be considered serious in all circumstances. It also establishes a list of criteria to be used by the competent national authorities to qualify an activity as a serious infringement.

Serious infringements of CFP rules will be subject to effective, proportionate and dissuasive administrative or criminal penalties.

To increase levels of compliance and reduce the likelihood of serious infringements being committed, Member States will apply a point system and assign points to holders of fishing licences and masters of catching vessels concerned in the case of confirmed serious infringements.

Improved traceability of fish

Fishing and aquaculture products must be divided into lots by operators and their traceability must be ensured at all stages of production, processing and distribution, from capture or harvest to retail.

Lots of fishery and aquaculture products made available on the market or likely to be made available on the market must be adequately marked to ensure the traceability of each lot. These lots will be accompanied by a minimum set of information.

Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, will ensure that in respect of each lot of fishery or aquaculture products, the information should be kept on record and made available in a digital way to the operator to whom the fishery or aquaculture product is supplied, and, upon request, to the competent authorities.

In the case of processed products, the Commission will carry out a study which will include an analysis of available digital solutions or methods which meet the traceability requirements of this Regulation, while taking into account the impact on small operators. On the basis of this study, the traceability requirements will apply from 10 January 2029.

ENTRY INTO FORCE: 9.1.2024.

Transparency				
AGUILERA Clara	Rapporteur	PECH	22/05/2023	OCEANA
AGUILERA Clara	Rapporteur	PECH	19/05/2023	ASOCIACIÓN DE ORGANIZACIONES DE PRODUCTORES DE PESCA DEL CANTÁBRICO
MILLÁN MON Francisco José	Shadow rapporteur	PECH	23/03/2023	Market Advisory Council / Conseil Consultatif pour les Marchés CONXEMAR
O'SULLIVAN Grace	Shadow rapporteur	PECH	22/03/2023	The Irish Wildlife Trust Birdwatch Ireland
BILBAO BARANDICA Izaskun	Shadow rapporteur	PECH	22/03/2023	l'Union du Mareyage Français (UMF)
O'SULLIVAN Grace	Shadow rapporteur	PECH	20/03/2023	Environmental Justice Foundation
BILBAO BARANDICA Izaskun	Shadow rapporteur	PECH	09/03/2023	Conxemar
AGUILERA Clara	Rapporteur	PECH	22/02/2023	Association of National Organisations of Fishing Enterprises in the European Union Europeche
AGUILERA Clara	Rapporteur	PECH	21/02/2023	G Plus Ltd (t/a Portland) Union du Mareyage Français
BILBAO BARANDICA Izaskun	Shadow rapporteur	PECH	06/02/2023	Comisión Europea