

# Revising the fisheries control system

## OVERVIEW

During the March I part-session, Parliament is expected to vote on the European Commission's proposal to revise the fisheries control system, centred on the amendment of the Control Regulation 1224/2009. The Committee on Fisheries has adopted a report that supports the proposal on major aspects, such as tracking of all EU fishing vessels, reporting of all catches, monitoring of recreational fisheries and improving traceability along the supply chain for all fishery and aquaculture products, whether from EU fisheries or imported. The report also backs the proposal on harmonising sanctions for infringements of fisheries rules across the EU, and requires the creation of a 'Union register' of infringements centralising Member States' information. In the same line of harmonised control, the report introduces uniform formats throughout the EU for a wide range of documents. The PECH report departs from the proposal as regards the mandatory use of on-board CCTV cameras to control the landing obligation, only allowing it on a voluntary basis (if associated with incentives such as quota increases), or as an accompanying sanction for vessels that commit repeated infringements. The report amends the proposal to exempt vessels under 10 m in length from the obligation to keep electronic logbooks, and to introduce derogations to the weighing of fishery products upon landing. It increases the margin of tolerance in estimates recorded in the fishing logbook, in particular for small pelagic and tuna species. It also limits the continuous monitoring of the engine power to vessels exceeding 221 kilowatts that operate under fishing effort regimes.

**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**

<i>Committee responsible:</i>	Fisheries (PECH)	COM(2018) 368
<i>Rapporteur:</i>	Clara Aguilera (S&D, Spain)	30.5.2018
<i>Shadow rapporteurs:</i>	Francisco José Millán Mon (EPP, Spain) Izaskun Bilbao Barandica (Renew, Spain) Rosanna Conte (ID, Italy) Grace O'Sullivan (Greens/EFA, Ireland) Bert-Jan Ruissen (ECR, Netherlands) João Ferreira (The Left, Portugal)	2018/0193(COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	First-reading vote in plenary	



## Introduction

The EU [fisheries control](#) system is a key part of the common fisheries policy (CFP), aimed at ensuring compliance with CFP rules. The efficiency of the control system is widely recognised as a necessary condition for a successful fisheries policy. Designed to support the CFP, whose core business is one of the few EU exclusive competences, the control system was nevertheless conceived as a national competence: Member States are responsible for controlling their fishing and related activities, whereas the European Commission verifies how they fulfil their responsibilities.

EU fisheries control was initiated as part of the process of setting up the CFP, with a first [regulation](#) adopted in 1982 establishing basic obligations to ensure compliance with the conservation measures of the new policy. In particular, the 1982 regulation introduced requirements for Member States to record and declare their catches, so as to adequately enforce the national 'quotas' allocated among Member States under the fishing opportunities system of the CFP. The second [regulation](#), adopted in 1987 after the accession of Spain and Portugal, strengthened the monitoring of the catches, and empowered the Commission to close fisheries once the quotas have been exhausted. The control framework was revised again in the wake of the 1992 CFP reform. While the [regulation](#) adopted the following year was still very much focused on controlling the use of quotas, it extended the scope of the control system to include new elements in areas such as the marketing of fisheries products, fishing fleet capacity, aquaculture and technical measures. It also required Member States to introduce a system of sanctions for cases of non-compliance with fisheries rules. However, frequent amendment of the 1993 regulation and the lack of the implementing provisions needed to support it led to a dispersed and incomplete control framework.<sup>1</sup> Moreover, a [special report](#) of the Court of Auditors in 2007 showed that the mechanisms in place for control, inspection and sanction were not capable of ensuring that the rules on managing the fisheries resources were effectively applied. This prompted a major overhaul of the control regime leading to the adoption of the **Control Regulation [1224/2009](#)**, which has become the core of the EU fisheries control system.

In addition to the Control Regulation, this system includes a framework for authorising EU vessels that fish in waters beyond the national jurisdiction of the Member States, as well as third country vessels operating in EU waters. This framework, previously covered by the Fishing Authorisation Regulation [1006/2008](#), was recently revised by Regulation [2017/2403](#) on the **sustainable management of external fishing fleets**, which has applied since 2018.<sup>2</sup> EU fisheries control also includes an instrument for action against global illegal, unreported and unregulated fishing: the **IUU Regulation [1005/2008](#)**, aiming to prevent, deter, and eliminate the trade of IUU caught products into the EU.<sup>3</sup> The IUU Regulation and Regulation on the external fleets complement the Control Regulation, to form a comprehensive control package covering Member States' responsibilities in each of their roles as flag, coastal, port and market states. Finally, in 2005, the EU [established](#) the **European Fisheries Control Agency (EFCA)**, based in Vigo (Spain) and active since 2007, to improve coordination of Member States' control activities.

EU fisheries control benefits from financial support provided by the European Maritime and Fisheries Fund ([EMFF](#)). Most of this funding comes under shared management between the Commission and Member States: the EMFF established that €580 million must be allocated to control measures over the 2014-2020 programming period. Funding under direct management from the Commission is also available for regional cooperation in fisheries control.

The Control Regulation was adopted in November 2009, while the EU was launching a thorough reform of the CFP. The reform, finalised in 2013, introduced new priorities and requirements, such as a landing obligation for all catches, designed to end the wasteful practice of discarding undesired catch back into the sea. Several evaluations of the control system addressed its efficiency and its coherence with the reformed CFP, as well as with other strategies and new technologies developed over the past 10 years, and identified a series of shortcomings. On 30 May 2018 the Commission then launched a proposal for the [revision](#) of the fisheries control system, aimed at increasing its efficiency and ensuring its compliance with the reformed CFP.

## Existing situation

The Control Regulation 1224/2009, in force since January 2010, was a milestone in the development of the EU fisheries control system. It brought the dispersed control provisions together into one legal instrument, providing a unique legal basis for fisheries control. It extended the scope of control activities in such areas as transport and marketing of fisheries products, and traceability of the catches throughout the supply chain, 'from net to plate'. It made progress towards more uniform control rules, mainly by establishing harmonised inspection procedures. It introduced obligations to use new control technologies, such as an electronic logbook and a satellite-based vessel monitoring system (VMS). The basic rules of the Control Regulation were complemented, two years later, by their corresponding rules of application through Implementing Regulation [404/2011](#).<sup>4</sup>

The Control Regulation applies to all CFP-related activities carried out in EU waters or on the territory of Member States, or by EU fishing vessels and EU nationals wherever they operate. It establishes the conditions for access to waters and resources, and the control rules for all fisheries management measures, including the use of fishing opportunities, the capacity of the fishing fleet and the marketing of fisheries products. It also covers surveillance of fishing activities and inspection, and in the event of infringements, the sanctions to be applied.

## Conditions for access to waters and resources

All EU fishing vessels must hold a valid **fishing licence** certifying that the vessel can be used for commercial exploitation of fisheries resources, and containing information on identification and technical characteristics. In addition, for activities subject to specific conditions (e.g. taking place under a fishing effort regime that limits the number of fishing days, in a fishing restricted area, or concerning fishing for scientific purposes), vessels must also hold a specific **fishing authorisation**.

All fishing vessels over 12 metres (m) in length (i.e. EU vessels as well as non-EU vessels fishing in EU waters) must be equipped with a device allowing them to be located and identified automatically through a satellite-based **vessel monitoring system (VMS)** that transmits position data at regular intervals. However, Member States exempt fishing vessels between 12 and 15 m from using the VMS, if they operate exclusively within their territorial waters or never spend more than 24 hours at sea. Each Member State collects the resulting data via a fisheries monitoring centre that monitors the fishing vessels flying its flag, wherever they fish, and all the other EU and non-EU vessels operating in its waters. The centres in different Member States may exchange VMS data, for example between the flag state of a fishing vessel and the coastal state in whose waters it operates.

EU fishing vessels over 15 m must also use an **automatic identification system (AIS)**, a tool developed mainly for maritime safety, according to the standards of the International Maritime Organisation (IMO), and used by all types of vessels. Member States may use such data for cross-checking. To complement VMS or AIS monitoring data, Member States may use a vessel detection system indicating the position of the vessels based on satellites images.

## Control of the compliance with CFP management measures

### Use of fishing opportunities

The use of fishing opportunities is controlled on the basis of a series of requirements for registering and declaring activities and catches. Masters of all fishing vessels over 10 m in length must keep a **fishing logbook**, recording among other information the catches of each species exceeding 50 kg. On landing they must complete a **landing declaration**, indicating all quantities of each species. In addition, in cases of transshipping (i.e. moving the catches from one vessel to another), a **transshipment declaration** is required, mentioning the transhipped quantities of each species above 50 kg. For vessels between 10 and 12 m, the fishing logbook and the landing and transshipment declarations may be recorded and submitted on paper, within 48 hours of the landing. In contrast, for vessels over 12 m, the logbook and the declarations must be recorded in an

electronic registration system (ERS), and are sent electronically to the competent authority of the flag Member States at least once a day. However, as for the VMS, vessels 12 to 15 m may be exempted if they operate only in the territorial waters of their flag Member State or for less than 24 hours. As regards vessels under 10 m, which are not subject to any of these requirements, Member States must monitor them by sampling, based on a sampling plan communicated annually to the Commission. As an additional measure, fishing vessels over 12 m involved in fisheries under a multiannual plan must provide **prior notification** to their Member State authorities before arrival at port.

The data recorded by Member States on catches and fishing effort are transmitted each month to the Commission. Member States must also inform the Commission when they reach 80 % of their allocated fishing opportunities (quota or maximum allowable fishing effort). If the fishing opportunities are exhausted, Member States must prohibit fishing for the species concerned. If the Commission finds, on the basis of information from Member States or on its own initiative, that fishing opportunities are exhausted, it has the power to close the fisheries.

## Fishing fleet capacity

Member States must control the capacity of their fishing fleets, to ensure that they do not exceed the maximum level established for each Member State. As such, they are responsible for monitoring the engine power of their fishing vessels, for certifying that engines correspond to the officially stated power, and for verifying engine power consistency with other available data concerning the technical characteristics of the vessel (e.g. VMS, fishing logbook).

## Marketing

Member States are responsible for controlling the marketing of fisheries and aquaculture products on their territories at all stages, from the first sales to transport and retail. They must ensure traceability of these products based on adequate labelling over the whole production chain, during catching or harvesting, processing and distribution. On first sale, the registered buyer or auction must submit, within 48 hours, a **sales note** to the competent authorities of the Member State where the first sale takes place. Buyers with an annual financial turnover in first sales of fisheries products of more than €200 000 are required to record and send the sales note by electronic means within 24 hours. The first-sale Member State must ensure that copies of the sales note are submitted to the flag state of the vessel that landed the products and to the state where the products were landed (if different). When fisheries products are intended for sale at a later stage, a similar procedure applies, based on a **take-over declaration**. For fisheries products landed in the EU and transported to a different place, a **transport document** must be submitted to the authorities of the Member State where the landing took place.

## Surveillance

Member States must ensure surveillance of fishing activities in their waters, by means of direct sightings by inspection vessels or aircraft and remote detection from analysis of VMS data for instance. They must have inspectors to carry out inspections at sea, in ports, during transport, on processing premises and during the marketing of fisheries products. The inspectors must check in particular the legality of the catches, the fishing gear and vessels' engines, and the accuracy of all required documents and declarations. They draw up an **inspection report** for their competent authorities, and if they come across infringements during inspection of a vessel from another Member State or a non-EU country, the report is also sent to the authorities of the country concerned.

## Sanctions

Following identification of infringements, Member States must ensure that appropriate sanctions are applied, in conformity with their national laws. The sanctions must be effective, proportionate

and dissuasive, and consist of administrative action and/or criminal proceedings. Certain breaches of the CFP rules, such as undeclared landings or manipulation of an engine to increase its power, are considered 'serious infringements'. The gravity of the infringements is determined by the national authorities in each Member State, based on criteria such as the nature of the damage, its value, the economic situation of the offender, the extent of the infringement or its repetition. Member States apply a **point system** whereby the holder of a fishing licence who has committed a serious infringement is assigned a certain number of points. Accumulation of points and recurrent infringements may lead to suspension of the fishing licence and ultimately to withdrawal. Member States must maintain a national register of infringements committed by vessels flying their flag or by their nationals, including the sanctions and the number of points assigned.

## European Commission supervision

Overall, the Commission's role is to monitor and evaluate how Member States apply the control rules. If the Commission finds that irregularities have occurred and the issues cannot be resolved by consultation, it may establish an action plan with the Member State or take other measures to ensure compliance. It can interrupt or suspend financial assistance under the EMFF, or close the fishery concerned until the issue is resolved. If a Member State exceeds its quota or allowed fishing effort, the Commission operates a deduction from future fishing opportunities, corresponding to the amount overfished and multiplied by a factor proportional with the level of overfishing. Ultimately, if a Member State does not take adequate action, the Commission may take the case to the EU Court of Justice.

## European Court of Auditors special report

In May 2017, the European Court of Auditors (ECA) examined the effectiveness of the Control Regulation and published its findings in a [special report](#), tellingly entitled 'EU fisheries controls: more efforts needed'. The Court finds that Member States do not fully implement the required controls, and that the Control Regulation needs to be updated to enable Member States to control fisheries activities effectively. It identifies a series of weaknesses, relating mainly to the following areas:

- Verification of the accuracy of fleet capacity. The report shows that some Member States did not perform the required verifications of engine power of their vessels, and finds discrepancies of vessels details between the national fleet registers and supporting documents. It notes that the Control Regulation does not require verification of fishing capacity in terms of gross tonnage. The report recommends that the amendment of the Control Regulation include detailed rules for documentary and on-the-spot verifications of both gross tonnage and engine power indicators.
- Control of small vessels. The report notes that, under current Control Regulation requirements, 89 % of the EU fishing fleet is not monitored by VMS. In addition to vessels under 12 m, which are not required to use the VMS, the Member States audited also exempt from the VMS obligation 79 % of the vessels 12 to 15 m in length. The ECA report considers that, while small vessels do not have big catches individually, their total catches and their impact on some species can be significant, as is the case in the Mediterranean, where most vessels are under 15 m and most stocks are in a serious condition. The report recommends that the Control Regulation revision remove the VMS exemptions for vessels 12 to 15 m, and require the installation of smaller and cheaper localisation systems on vessels under 12 m.
- Reliability of reported catch data. Catch data for vessels making paper declarations, a significant part of the EU fleet, are incomplete and often incorrectly recorded in national databases. The report finds discrepancies between declared landings and subsequent records of sales, and differences in overall catch data between Member States and the Commission. It shows that some Member States exempt most of their fishing vessels between 12 and 15 m from the electronic catch declaration. Among other suggestions, the report recommends that the revision remove the exemptions from electronic catch

declarations for vessels 12-15 m in length or consider alternatives, and review Member States' obligations to report catch data, to include details such as fishing area, size of vessels and fishing gear.

- Equal treatment of fishing operators in the application of sanctions. The report considers that the sanctions are not always dissuasive. The point system is applied to very different extents across Member States and even within the same Member State. There is currently no European register of infringements and sanctions (but only national registers). The report recommends that amendment of the Control Regulation requires Member States to use the electronic inspection system developed by EFCA as their national database for inspection reports. It also recommends that the revision include a provision for a system to exchange data on infringements and sanctions in cooperation with EFCA and the Member States.

## Parliament's starting position

On 25 October 2016, the European Parliament adopted a [resolution](#) on 'How to make fisheries controls in Europe uniform'. Parliament is in favour of simplifying the control rules and reducing the administrative burden, in particular through limited and targeted revision of the Control Regulation. The revision should maintain the strong existing control framework, and should focus on better implementation of the rules by Member States and on reaching greater harmonisation. Among other proposals for improvement, the resolution stresses the need to strengthen the role of EFCA, its budget, competences and human resources, and suggests creating an EFCA electronic registry to provide electronic models for inspections and centralise inspection reports. It calls for a uniform EU training curriculum for fisheries inspectors by EFCA and Member States, based on standardised rules. It recommends assigning responsibility for control at sea to a single administrative body in each Member State. It proposes that national inspections cover marine fisheries within 12 miles of the coast (i.e. the territorial waters), and EU inspections cover all other waters beyond. The resolution calls for standardisation of sanctions, which should be rather economic than penal, and supports the development of a harmonised minimum-level penalty applicable to serious infringements. It considers that new technologies such as electronic reporting and monitoring represent a cost-effective means of control, but opposes mandatory onboard videosurveillance. The resolution supports including control of recreational fisheries in the revised Control Regulation. It also requests the development of an EU monitoring, information transfer and data analysis system.

The control regime was also discussed by the European Parliament's [resolution](#) on 'Conformity of fisheries products with access criteria to the EU market', adopted in May 2018. The resolution defines several basic principles for the revision of the control system, in particular:

- complete data on catches by all operators, including vessels under 10 m and recreational fishermen;
- full traceability of fishery products along the supply chain;
- common EU-wide inspection standards;
- common levels of sanctions in all Member States;
- a common definition of what constitutes an infraction;
- a point system applied by all Member States in an equivalent manner;
- sanctions that are sufficiently dissuasive, effective and proportionate;
- a system for information exchange on infractions observed and legal and judicial follow-up, accessible to the Commission and all Member States;
- full adoption of improvements in available technologies;
- no regionalisation of the Control Regulation.

The resolution insists that the provisions and principles of the successful IUU Regulation must not be altered or weakened, given its impact on fisheries around the world. It considers that the role of EFCA should be reinforced so as to increase its involvement in the application of the Control and IUU Regulations, including the verification and cross-checking of data along the supply chain, the planning and coordination of inspections and the verification of catch certificates.

## Preparation of the proposal

The European Commission has a legal obligation to report on the implementation of the Control Regulation every five years, and to evaluate its impact on the CFP five years after its entry into force. In addition, the Commission put the Control Regulation on its Regulatory Fitness and Performance Programme (REFIT), aimed at making EU law simpler and reducing regulatory costs. It therefore carried out a REFIT evaluation covering the period 2010-2016, and published the results in April 2017 in a [report](#) accompanied by a [staff working document](#). The report shows that the Control Regulation proved to be a valid instrument that provides a consistent framework for ensuring compliance with the CFP, but it also highlights several implementation shortcomings and deficiencies in some provisions. Among the concerns, the report includes the uneven application of the point system for serious infringements across the EU, with the gravity of infringements being determined by the competent authority of each Member State. The report identifies traceability problems, in particular at first sale and during transport. It notes that there are no adequate provisions for controlling compliance with the landing obligation. The evaluation also identifies concerns with monitoring and catch reporting for vessels below 12 m, and shows that the control of the activities of vessels under 10 m, exempt from keeping a logbook, is not properly implemented by the Member States. It concludes that, while the Control Regulation improved the fisheries control system and stepped up compliance with the CFP, the current legislative framework is not entirely fit for purpose.

To support its Control Regulation evaluation, the Commission also conducted a [public consultation](#) between 18 December 2015 and 13 March 2016. This was complemented by additional targeted [stakeholder consultations](#) involving, in particular, national, regional and local competent authorities, advisory councils, the fishing sector, NGOs, EFCA and the two other EU agencies concerned: the European Maritime Safety Agency (EMSA) and the European Border and Coast Guard Agency (Frontex). The consultations, based on the results of the REFIT evaluation, helped to define the policy options available and the stakeholders' opinions on the key issues to be revised.

In the process of preparing the revision, the Commission produced an [impact assessment](#), with a view to choosing the best options to address the problems identified. An external [study](#), conducted between October 2017 and February 2018, provided supporting information and technical analyses for this assessment. The impact assessment analysed three policy options:

- the baseline option, i.e. maintaining the current rules, but fully enforcing them as regards the shortcomings identified by the REFIT evaluation;
- option 1, consisting of a targeted amendment of the Control Regulation, focused on: data availability, quality and sharing, especially on reporting and tracking for vessels below 12 m, recreational fisheries, and weighing and monitoring of the fishing capacity; enforcement, including sanctions, the point system and follow-up of infringements; control of the landing obligation; and synergies with other policy areas, in particular environment, market, food safety and the fight against IUU fishing;
- option 2, building on option 1 and including all the actions proposed therein, but expanding its scope to amend, in addition to the Control Regulation, other rules of the EU fisheries control system. More specifically, it involves amending the IUU Regulation as regards enforcement and the move from the current paper-based catch certificates to an electronic scheme, the EFCA-founding regulation for updating its tasks, procedures and working practices, and several specific control-related provisions of the Mediterranean Regulation [1967/2006](#) and of the Baltic Multiannual Plan Regulation [2016/1139](#).

The impact assessment indicated that option 2, involving a wider revision of the control system, was best suited to address the current shortcomings (for an initial appraisal of this impact assessment, see the relevant EPRS [briefing](#)).

## The changes the proposal would bring

On 30 May 2018, the European Commission put forward a [proposal](#) for revising the EU fisheries control system, intended to modernise and simplify the rules for monitoring fisheries activities and to improve the enforcement of the CFP. The proposal also aims to update the control system, which was designed before the latest CFP reform. The revision of the control system centres on the amendment of the Control Regulation, which covers a wide range of topics, most notably those presented below.

As regards the conditions for **access to waters**, the proposal amends the VMS rules. In particular it requires that all fishing vessels have a tracking system, including those under 12 m, which are currently not concerned, and with no exemption for vessels between 12 and 15 m. The tracking system can use either a satellite connection, as is now the case, or a land-based mobile network.

Control provisions on the **use of fishing opportunities** are significantly amended. For all fishing vessels, an electronic logbook would be required. The logbook must contain information on all catches (the current exemption for catches below 50 kg is therefore removed). All fishing vessels should complete a landing declaration (however, the transshipment declaration is still required only for vessels over 10 m). All landing and transshipment declarations should be recorded and submitted electronically. The logbook and the landing and transshipment declarations should contain a unique fishing trip identification number, intended to improve traceability after landing. The proposal extends the requirement of prior notification to all fishing vessels above 12 m (currently only those fishing under multiannual plans are concerned). Fishing vessels landing their catches in ports of non-EU countries must also provide prior notification.

Following on from the introduction of the **landing obligation** by the 2013 CFP reform, the proposal defines measures for controlling its implementation. The main tool proposed concerns closed-circuit television (CCTV) systems incorporating data storage. Continuously-recording CCTV systems should be installed on a minimum percentage of vessels fishing for species subject to the landing obligation. Specific control and inspection programmes should establish this percentage for different risk categories, and the types of vessels included in such categories. The Commission requests the power to lay down, by implementing acts, detailed rules on the requirements, technical specifications, installation and functioning of the CCTV systems, or other additional electronic monitoring systems used by Member States for controlling compliance with the landing obligation.

Control of the **fleet capacity** is amended to simplify the verification of the engine power and to include verification of the tonnage of fishing vessels. The proposal introduces a new clause for continuous monitoring of the engine power of certain vessels using trawls, seines and surrounding nets, via a permanently installed device.

The proposal introduces new requirements for **recreational fisheries**. Member States should set up a system to monitor recreational fishermen through registration or licensing, and should collect data on their catches. Where EU conservation measures are applicable to recreational fisheries, Member States should ensure that electronic catch declarations are sent electronically to the competent authorities, and should set up a registration or licensing system for the fishing vessels involved. The proposal maintains the prohibition on selling catches and removes the current derogations to this rule in the Mediterranean.

The amendment of the **marketing** control rules includes improving traceability information, in particular by linking a specific lot of fishery products to a particular landing by a fishing vessel (identified by the unique fishing trip number). Operators at all stages of production, processing and distribution should ensure that information on each lot of fishery products is recorded and transmitted electronically along the supply chain, and Member States should check that operators use digitalised systems of identification. The proposal introduces a new requirement for operators to provide information on fishery products imported into the EU, similar to information on fishery products from EU catches, and including the reference of the catch certificate in accordance with



the IUU Regulation. The proposal establishes a new system for weighing fish at landing by a registered operator. The sales notes, the take-over declarations and the transport documents should be recorded and submitted electronically.

The proposal amends the **surveillance** provisions for clarifying various aspects of the inspection process, and requires digitisation of the inspection reports.

The **sanctions** system is thoroughly revised. The accent is on administrative measures. The proposal introduces a wide-ranging common list of activities defined as serious infringements by default. An additional list contains activities that could constitute serious infringements depending on their gravity, which is to be determined by national authorities. The proposal also identifies a series of immediate enforcement measures to be taken in case of serious infringement, mainly concerning cessation of fishing and seizure of catches. It introduces mandatory administrative sanctions for serious infringements and determines the level of the fines to be imposed. The proposal maintains the point system, but clarifies that points should be assigned to both the fishing licence holder and the master of the vessel (if different). It also clarifies that the coastal Member State is competent to determine whether a serious infringement was committed in its waters and to decide about the number of points to be assigned, which must be recognised by the flag Member State.

In line with policies for reducing marine litter and the impact of plastic products on the marine environment, the proposal reinforces the rules for dealing with **lost fishing gear**. All fishing vessels should report lost fishing gear via the electronic logbooks, and carry the necessary equipment for retrieval on board.

In addition to the revision of the Control Regulation, the proposal amends two other key pieces of the control system:

- The EFCA founding Regulation [768/2005](#). This regulation was codified as Regulation [2019/473](#) (incorporating the initial regulation and subsequent amendments, and preserving their content), in force since 14 April 2019. The proposal revises the mandate of EFCA to align its objective and missions with the reformed CFP. It also upgrades the inspection powers of the agency, increasing its geographical scope, which is no longer limited to international waters;
- The IUU Regulation [1005/2008](#). To ensure that fisheries products imported into the EU come from legal sources, fishery consignments must be accompanied by a catch certificate validated by the flag state of the catching vessel. The proposal replaces the current paper-based catch certification scheme with a digital information management system named CATCH, which would reduce opportunities for fraudulent imports, allow for risk-based controls and decrease the administrative burden. The [CATCH system](#) was launched in May 2019 and is already in use on a voluntary basis.

The Mediterranean Regulation [1967/2006](#) and the Baltic Multiannual Plan Regulation [2016/1139](#) are also amended for compatibility with the Control Regulation.

## Advisory committees

On 1 October 2018 the European Committee of the Regions [decided](#) not to give an opinion.

The European Economic and Social Committee (EESC) adopted an [opinion](#) on the proposal on 12 December 2018 (rapporteur: Emilio Fatovic, Workers – Group II, Italy). The EESC broadly endorses the proposal, but considers that some problems have not been adequately addressed. The opinion supports a more uniform and equitable system of sanctions, and proportionate penalties that act as an effective deterrent. It also supports the use of digital tools for more efficient controls, but argues that the obligations of fishing operators have not been reduced, in particular for small scale fishing, or indeed sufficiently simplified. The EESC is opposed to a blanket obligation to install onboard CCTV, and proposes a more nuanced approach based on risk assessments.

## National parliaments

The proposal was submitted to [scrutiny](#) by the national parliaments; however, since the legal basis provides for exclusive EU competence, objections on grounds of subsidiarity are not possible.

## Legislative process

On 18 June 2018, the European Commission [presented](#) the proposal to the Council. In their interventions ministers generally welcomed the proposal, with many delegations highlighting the need to simplify the current system while minimising additional administrative burden, particularly with regard to controls on small vessels and recreational fisheries. They also touched on the possibility of obtaining financial support for the electronic solutions contained in the proposal. The Council's Working Party on Internal and External Fisheries Policy carried out the first examination of the proposal under the Austrian, Romanian and Finnish Presidencies, and a first compromise proposal was examined during the Croatian Presidency. Work continued under the [German Presidency](#), with a final revised compromise proposal presented at the Working Party on 29 October 2020. However, the views of delegations remained divergent on certain points, such as extending vessel monitoring to small scale fleets and using CCTV cameras on board. The current [Portuguese Presidency](#) continues this work, with a view to reaching a general political agreement.

In Parliament, the Commission presented the proposal to the PECH committee on 20 June 2018. The committee considered the proposal on the basis of the [draft report](#) put forward by rapporteur Isabelle Thomas (S&D, France) on 18 December 2018. However, in March 2019, the committee decided that it needed more time to come to a satisfactory and balanced conclusion, and that it was not possible to adopt its report before the end of the legislature.

In the current parliamentary term, the new PECH committee appointed Clara Aguilera (S&D, Spain) as rapporteur on 23 July 2019. In the process of preparing the draft report, PECH organised a [public hearing](#) on 12 November 2019, intended to underpin the debate with inputs from experts in the field. The Committee on Environment, Public Health and Food Safety (ENVI) also decided to provide an [opinion](#) (rapporteur Pascal Canfin, Renew, France). On 29 January 2020, the Commission highlighted the proposal as a priority in its 2020 work programme (Annex III), under the theme 'A European Green Deal'.

Following the publication of Clara Aguilera's [draft report](#) on 19 February 2020, the PECH committee thoroughly examined the proposal, submitting 1 129 amendments. The PECH [report](#) was adopted on 5 February 2021, by 23 votes to 2 and 3 abstentions.

The PECH report supports the proposal on **tracking** of all EU fishing vessels, which must be equipped with a vessel monitoring system, allowing them to be automatically located and identified.

The report also backs the proposal on **reporting** of all catches. However, it specifies that it remains possible for vessels under 10 m to present catch data in paper format, therefore exempting them from the obligation to keep electronic logbooks. The report introduces a simplified electronic logbook for vessels of less than 12 metres in length. Also, it increases the margin of tolerance in estimates recorded in the fishing logbook from 10 % to 20 % for species from small pelagic and mixed fisheries, and to 25 % for tuna species. Transshipment declarations are required for vessels over 12 m (as compared to 10 m in the proposal), and the margin of tolerance is increased from 10 % to 15 %.

As regards the control of the **landing obligation**, the PECH report opposes the mandatory use of CCTV systems, thus departing from the proposal and the position of the rapporteur. The report argues that fishing vessels may use CCTV technology on a voluntary basis, provided that they are granted incentives such as quota increases or the possibility to choose their fishing method. It also

indicates that CCTV technology may be imposed by competent authorities as an accompanying sanction for vessels that commit two or more serious infringements of the landing obligation.

On the control of **fishing capacity**, the report reinstates the existing obligation for Member States to verify the accuracy and consistency of the data on engine power, also adding the verification of vessels' tonnage as recommended by the Court of Auditors' 2017 report. However, it limits the continuous engine-power monitoring to vessels with certified engine power exceeding 221 kilowatts and operating in areas subject to fishing effort regimes or restrictions on engine power.

In line with the proposal, the report supports monitoring of **recreational fisheries** through the creation of a registration system, to which it adds a system of sanctions for non-compliance, and requires that Member States collect catch data through a simple, harmonised electronic form or application. Member States must also put in place a registration system monitoring the number of natural and legal persons engaged in **fishing without vessels**.

The report fully supports the proposed measures for improving **traceability** of fishery products along the supply chain. However, it amends the proposal with regard to the required **weighing** of fishery products upon landing, allowing fishery products to be weighed on board or after transport, if Member States adopt Commission-approved sampling plans. For fishery products weighed immediately after landing but sold later, the report introduces a margin of tolerance of 10 % between the landing weight and the sale weight.

The report strongly backs the proposal on harmonising **sanctions** across the EU. In addition, it requires the Commission to establish a 'Union register' of infringements, centralising information from the Member States, and that Member States' annual reports on inspections, surveillance and controls are made public.

In the same line of fisheries control harmonisation across Member States, the report amends the proposal to introduce uniform formats throughout the EU for a wide range of documents, such as the fishing logbook, the landing declaration, the transshipment declaration, the sales note, the surveillance report, the observer report and the inspection report.

In order to prevent **IUU-fishing** products from entering the EU market, the report allows the Commission to introduce safeguard measures in the case of a country warned with a 'yellow card' for IUU fishing, such as temporarily suspending preferential tariffs for fishery products from that country.

The proposed revision of the fisheries control system is expected to be voted by Parliament in plenary during the March I part-session.

## EP SUPPORTING ANALYSIS

Dalli H., [Revision of the fisheries control system](#), initial appraisal of a European Commission impact assessment, EPRS, European Parliament, October 2018.

Weissenberger J., [Le contrôle de la pêche européenne - une vue d'ensemble](#), EPRS, European Parliament, September 2015.

[Fisheries control](#), Legislative Observatory (OEIL), European Parliament.

## ENDNOTES

- <sup>1</sup> E. Penas Lado, *The Common Fisheries Policy: The quest for sustainability*, 2016, pp. 189-190.
- <sup>2</sup> I. Popescu, [New rules for managing the EU external fishing fleet](#), EPRS, European Parliament, 2018.
- <sup>3</sup> I. Popescu, [Illegal, unreported and unregulated \(IUU\) fishing](#), EPRS, European Parliament, 2017.
- <sup>4</sup> For an overview of the Control Regulation, see J. Weissenberger, [Le contrôle de la pêche européenne: Une vue d'ensemble](#), EPRS, European Parliament, 2015.

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