Observations of MEDAC's Working Group on the Proposal for a Regulation of the EP and of the Council as regards fisheries control COM(2018) 368 final

Article 9 **Vessel monitoring systems** (Totally replaced) 3

Article 14 Completion of the **fishing logbook** 10

Article 15 **Electronic** submission of the **logbook** 22

Article 15a **Delegated and implementing acts** concerning logbook requirements 27

Article 17 **Prior Notification** (amended) 29

Article 23 Completion of the **landing declaration** 36

Article 24**Electronic** transmission of **landing declaration** data 39

Article 25aControl of the **landing obligation** (NEW) 46

Article 39a Continuous **monitoring of engine power** 51

Article 41**Verification of engine** power and tonnage (Totally replaced) 58

Article 55 **Recreational fisheries**(Totally replaced) 59

Article 56Principles for the control of **marketing**(Totally replaced) 68

Article 56a**Lots** (NEW) 71

Article 59**First sale** of fisheries products (Totally replaced) 89

Article 59a**Weighing systems** (NEW) 90

Article 60**Weighing** of fishery product (Totally replaced) 94

*Article 60a***Detailed rules** on weighing (NEW) 101

Article 62Completion and submission of **sales notes** (totally replaced) 105

Article 64**Content** of the sales notes (Totally replaced) 112

Article 65**Exemptions from sales notes** requirements(Totally replaced) 115

*Article 89a***Sanctions** (NEW) 116

*Article 90***Serious infringements** 121

*Article 91*Immediate **enforcement measures** for serious infringements 136

*Article 91a***Sanctions** for serious infringements 141

*Article 91b***Accompanying sanctions** 146

*Article 92***Point system** for serious infringements 149

MASTER's Obligations
Member States Obligations
DelegatedActs byCommission
Implementingacts by Commission

Article 9Vessel monitoring systems (Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
Member States shall operate **vessel monitoring systems** for effective monitoring of position and movement of the fishing vessels flying their flag. Union fishing vessels shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified by a vessel monitoring system through transmitting vessel position data at regular intervals. The transmission of vessel position data and the polling shall either pass through a **satellite connection**, or may use a **land-based mobile network** when in reach of such network.	NGOs, CNPMEM, ACI PEPMA	CEPESCA, EMPA, FACOPE, FBCP FNCP FNCCP PEPMA	Monitoring of all fishing vessels, regardless of their length or type of gear used, is key to ensure that fishing activities in EU waters are environmentally sustainable and managed in a way that is consistent with the objectives of the CFP. Small-scale fisheries are critical in supporting the livelihoods of coastal communities and play an important role in sustainable development, but they are not necessarily a synonym for low impact fisheries. Their operations therefore need to be properly assessed, monitored and controlled to guarantee that their impacts are accurately accounted for, especially as 89% of the EU fleet – responsible for 25% of the catches – currently does not have a vessel monitoring system on board. In this context, the installation of small and cost-efficient tracking devices on board – recent advances in technology have made these devices small and cost-effective, and they do not undermine the	10 members are in favour 7 are against: The imposition of this system should not cause expenses to companies.

			safeoperation of the vessels and gears – to automatically locate and identify small-scale (under 12 meters) vessels' position is essential. **We therefore supportthe Commission's proposal to extend the use of a vessel position data system to small-scale fishing activities. (**NGOs**)** Estos sistemas ya están implantados en buques con eslora superior a 15m. La IMPOSICION de este sistema NO debe ocasionar gastos a las empresas. (CEPESCA, EMPA) Los sistemas de localización figuran ya implementados para las flotas con eslora superior a 15 metros, o entre 12 y 15 metros, si su actividad es mayor de una marea diaria. (FBCP) What is the real purpose for installing a vms? (PEPMA) Actualmente el R. 1224/2009 exime de llevar la caja azul, al barco de menos de 12 metros, o de menos de 15 metros que faena exclusivamente en las aguas territoriales del Estado miembro del pabellón, o que nunca pasa más de 24 horas en el mar, desde la hora de salida del puerto hasta la de	

			regreso a él. (FNCP)	
Masters of Union fishing vessels below 12 metres' length overall may carry on board a mobile device which allows the vessel to be automatically located and identified by a vessel monitoring system through recording and transmitting vessel position data at regular intervals. In case the device is not within reach of a mobile network, the vessel position data shall be recorded during that period of time and shall be transmitted as soon as the vessel is in reach of such network and at the latest before entering port	NGOs, CEPESCA, EMPA, FACOPE PEPMA FNCCP	CNPMEM, FBCP FNCP Coldiretti ACIFederpesca	As above (NGOs) El sistema de control de la posición de los buques deben estar incorporados en todos los buques de pesca profesional, sobretodo por seguridad.(CEPESCA) What is the benefit to have all vessels with VMS, when they work close to the coast? If the VMS is extended to all vessel, we need to know which technical device will be implemented, (CNPMEM) Entendemos de no necesaria aplicación a este tipo de flota, de marea diaria y que trabaja en caladeros próximos a la costa.(FBCP) Non è ben chiara la volontà del legislatore quando si cita che il comandante di un peschereccio dell'Unione con l.f.t. inferiore a 12 metri "può detenere" *(may carry*) a bordo un dispositivo mobile che consenta a un sistema di controllo di localizzazare … la nave ? L'utilizzo del condizionale "può detenere" non permette di ben comprendere. Per	10 in favour 8against: The introduction of a control system for vesselsbelow 12 m' lengthoverallrepresents a news fulfillment. Therefore, alsoconsidering the limitedeconomic dimension of the company, financial support for thispurposeisconsidered indispensable.

			quale motivo un armatore se non esiste un obbligo per tale segmento di imbarcazioni, dovrebbe installare, con i relativi costi, tale impianto ? Quali sono i vantaggi ? (COLDIRETTI) L'introduzione di un sistema di controllo per le imbarcazioni di lunghezza FT minore di 12 m, rappresenta un nuovo adempimento, rispetto alle previsioni del Reg CE 1224/09. Pertanto, anche in considerazione della limitata dimensione economica dell'impresa, si ritiene indispensabile un sostegno finanziario a tale finalità. (ACI) Without exception (PEPMA) El dispositivo móvil según el preámbulo será menos costoso y fácil de usar. Pero supondrá un coste añadido para las empresas más pequeñas. Los patrones de estos barcos de menos de 12 metros también deberán registrar y transmitir datos de posición a intervalos regulares. Y si no hay una red móvil al alcance del dispositivo (o si no funciona), deberán registrar los datos de posición y luego transmitirlos cuando tenga la red móvil al alcance,	

			antes de entrar en puerto.(FNCP) L'estensione alle unità al di sotto di 12 mt, sia pure con sistemi di localizzazione che utilizzano una rete mobile terrestre, rappresenta una novazione certamente condivisibile, ma che dovrà essere accompagnata da adeguato sostegno economico alle imprese, stante la ridotta dimensione delle imprese interessate. (FEDERPESCA)	
The Commission is empowered to adopt **delegated acts**establishing detailed rules on monitoring of fishing activities and fishing effort by the fishing monitoring centres, in particular as regards the responsibilities of the masters concerning the vessel monitoring devices.	NGOs, CNPMEM	CEPESCA, EMPA, FBCP, ACI FNCPFederpesca	Todo cambio normativo NO debe ser impuesto mediante actos delegados. Deben proceder de la participación del sector y el trabajo con la administración. (CEPESCA, EMPA) Sobre la hipótesis alegada de mantener la no aplicación de sistemas VMS a flotas menores de 15 metros que realizan mareas diarias, no cabe la aplicación de actos delegados sobre esta exención. (FBCP) Soppressione (ACI) In case of failure of the VMS device, a reasonable time should be envisaged i.e one week for the failure to be repaired. Within this	6 in favour 8against:All regulatory changes must not beimposedthroughdelegatedacts. They must come from the participation of the sectorworkingtogetherwith the administration.

			period of time, departure from the port will be allowed and the exact location of the vessel should be given by phone every two hours. Another possibility would be that of placing a second device probably a lighter one, which will replace the main device until the failure is fixed.The reason is that the vessels of middle range fishery leave the port for one day, so any prohibition of departure because of a failure of the device, will deprive the fisherman of his professional freedom. **We fully agree that the control of the position of the vessel should be expanded to all vessels independently on their length. (PEPMA)** Parecería más prudente que lo referente a la responsabilidad de los capitanes en relación con los dispositivos de localización de buques se acordara por el procedimiento de examen del artículo 5 del Reglamento 182/2011-art. 119.2 de esta propuesta de Reglamento). (FNCP)	

			Al riguardo non si comprendono le ragioni delle riserve in ordine al conferimento alla Commissione di poteri per adottare atti delegati contenenti ulteriori norme di dettaglio che certamente renderebbero più complessi gli adempimenti, estendendo la responsabilità del comandante.(Federpesca)	
8. The Commission may, by means of **implementing acts**, lay down detailed rules on: (a) the format and content of vessel position data; (b) the requirements and technical specifications of vessel monitoring devices; (c) the frequency of transmission of the data concerning the position and movement of fishing vessels including in fishing restricted areas; (d) the transmission of data to coastal Member States.	NGOs, CNPMEM. FBCP ACI FNCPFederpesca	CEPESCA, EMPA	The Commission is proposing to revise the current provision in the Control Regulation requiring vessel position to be transmitted at least once every 30 minutes, when a fishing vessel enters a fishing restricted area. A frequent transmission of vessel position is essential for the effective protection of these areas and stock sustainability. **We therefore support Commission's proposal as well as a future implementing act setting vessel transmission to at least 20 minutes and at more frequent intervals if needed, for vessels fishing in restricted areas. (NGOs)** Hay que consultar al sector porque NO todas las flotas son iguales ni tampoco la operatividad del buque. (CEPESCA, EMPA)	12 in favour 2 against: It is necessary to consult the sector because not all the fleets are equal nor the operability of the vessels.

			Sólo en aquellos casos en que la obligación de implementar un sistema VMS esté vigente según el Reglamento (CE) 1224/2009. (FBCP) Se está de acuerdo con que se utilice el procedimiento de examen del art. 119.2 en caso de que se lleve adelante (FNCP)	

FNCP Observaciones al artículo 9.

Actualmente el R. 1224/2009 exime de llevar la caja azul, al barco de menos de 12 metros, o de menos de 15 metros que faena exclusivamente en las aguas territoriales del Estado miembro del pabellón, o que nunca pasa más de 24 horas en el mar, desde la hora de salida del puerto hasta la de regreso a él.

El dispositivo móvil que se prevé para estos barcos de menos de 12 metros según el preámbulo, será menos costoso y fácil de usar. Pero supondrá un coste añadido para las empresas más pequeñas. Los patrones de estos barcos de menos de 12 metros también deberán registrar y transmitir datos de posición a intervalos regulares. Y si no hay una red móvil al alcance del dispositivo (o si no funciona), deberán registrar los datos de posición y luego transmitirlos cuando tenga la red móvil al alcance, antes de entrar en puerto.Esto dificultará las operaciones de pesca.

En cuanto a las normas sobre la responsabilidad de los capitanes en relación con los dispositivos de localización de buques, sería más conveniente que se acordara por el procedimiento de examen del artículo 5 del Reglamento 182/2011-art. 119.2 de esta propuesta de Reglamento)-. Se está de acuerdo con que se utilice el procedimiento de examen del art. 119.2 para lo que está previsto

Article 14Completion of the fishing logbook

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. **The master of each Union catching vessel** shall keep an electronic fishing logbook for the purpose of recording	NGOs, CNPMEM PEPMA	CEPESCA, EMPA, FACOPE, FBCP FNCP FNCCP ACI	Hay que reconocer que en los barcos de pesca costera artesanal y la flota de bajura que cada dia vuelve a puerto, es muy inoperativo porque pocas personas deben hacer todo el trabajo. El diario electrónico lleva mucho tiempo que es necesario para	7 in favour 9against:Fulfillmenttooheavydependin g on the characteristics, the type of boat and the

fishing activities.			otras maniobras. No debe ser necesariamente Electronico. (CEPESCA) Se debe excluir de esta obligación "electrónica" a la flota artesanal. (EMPA) We must take into account the type of fleet and especially the artisanal coastal fishing. (FACOPE) Se debería eximir de su aplicación a los buques menores de 15 metros que realizan mareas diarias, debido a la inoperabilidad por tripulación reducida.(FBCP) Si ritiene l'adempimento troppo gravoso in funzione delle caratteristiche dell'impresa, della tipologia di imbarcazione e degli esigui quantitativi pescati giornalmente. (ACI) For all vessels without exception (PEPMA) Actualmente el R. 1224/2009 exime del Cuaderno Diario al barco de menos de 10 metros, y exime del Cuaderno Diario Electrónico también al barco de menos de 15 metros que faena exclusivamente en las aguas territoriales del Estado miembro del pabellón, o que nunca pasa más de 24 horas en el mar, desde la hora de salida del puerto hasta la de regreso a él. La extensión de la obligación a los barcos más pequeños, hará	smallquantitiesfisheddaily.

			más gravosa las operaciones de pesca (FNCP) According to the type of vessel (FNCCP)	
2. The fishing logbook referred to in paragraph 1 shall contain in particular the following information: (a) a unique fishing trip identification number; (b) the vessel identification numbers and the name of the fishing vessel; (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken; (d) the date ~~and, where appropriate, time of catches~~; (ACI) (e) the date and time of departure from, and of arrival to, port and the duration of the fishing trip; (f) the type of gear, ~~technical specifications and dimensions~~; (ACI) (g) the estimated quantities of each species in kilograms live weight or, where	NGOs but strengthen , FBCP PEPMA FNCP	CEPESCA, EMPA, FACOPE FNCCP CNPMEM ACIFederpesca	In the current Control Regulation catches under 50kg do not need to be recorded. This exemption not only seriously impacts the scientific information available for stock assessments and the objective of achieving fully documented fisheries management as foreseen in Article 15 (1) of the Common Fisheries Policy, it also significantly reduces the controllability of the adherence to the LO at sea. It has been highlighted by the Scientific, Technical and Economic Committee for Fisheries (STECF) that the current scope of obligations needs to be expanded to improve resolution in terms of catch reporting, inclusion of vessels not currently covered, and information at an individual operational level, such as per haul. **We therefore support the Commission's proposal to require full documentation of all catches and discards for all vessels.** In addition, we suggest creating a new paragraph under g)*G new) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals of protected species under Directive 2008/56/EC28, Directive 2009/147/EC of the European Parliament and of the Council and the Council Directive*	8 in favour 9 against: Excessive burden and contrary to the objectives of simplification of the same regulation.

appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry; ~~for Union fishing vessels of 12 metres' length overall or more, this information shall be provided per haul or per fishing operation~~;(ACI) (h) estimated discards of live-weight equivalent in volume for any species not subject to the landing obligation; (i) estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of Regulation (EU) No 1380/2013; (j) the conversion factors used; (k) data required in application of fisheries agreements referred to in paragraph 1 of Article 3.			*92/43/EC.*We also support the requirement to declare which conversion factor is used and to have mandatory and harmonized conversion factors as it will give a more accurate picture of the actual level of catches. (NGOs) Esto solo se puede pedir para barcos superiores a 15 metros de eslora (FBCP) , por las mismas razones de la pregunta anterior. Hay que valorar la actividad que realiza el buque, para exigir mas reglamentacion, hay tripulacion minima. La responsabilidad del pescador es pescar dela mejor forma pero ello no DEBE implicar saber ESTIMAR valores que resultan poco previsibles, y las consecuencias son unas sanciones muy altas y injustas. (CEPESCA) The introduction of new data should be limited in order to limit the changes in the technical device, and even so if this data can't improve control, like in d) the time of catches or in g) the information by fishing operation. A limit should be reintroduced, maybe less than 50kg as it is in the actual regulation. (CNPMEM) Se debe excluir de esta obligación "electrónica" a la flota artesanal (<15m.). Exceso de burocracia que impide durante demasiado tiempo que el Patrón atienda su	

			principal obligación: el gobierno y la seguridad del buque y su tripulación. (EMPA) We reiterate the previous answer, since we consider excessive data for these fisheries and the type of vessel.(FACOPE) Si ritiene l'adempimento inutile e gravoso e contrario agli obiettivi di semplificazione dello stesso regolamento (ACI) (d) Therecording of the time is an exaggeration. NO for (h) and (i) (PEPMA) Se exige incorporar el cuaderno diario de pesca más información que actualmente: es nuevo que se pida incorporar el número único de identificación de la marea -R. 404/2011 art. 146 quater- ; en su caso, la hora de las capturas; las especificaciones técnicas, incluidas las cantidades o ejemplares que no alcancen la talla mínima de referencia a efectos de conservación aplicable, como anotación separada y que si el barco es de 12 metros o más, la facilite por lance o por operación de pesca. También se pasa a exigir que se incorpore información sobre descartes estimados en equivalente de peso vivo en volumen de especies no sujeta a la obligación de desembarque; los descartes estimados en volumen de cualquier especie	

			no sujeta a la obligación de desembarque con arreglo al artículo 15, apartados 4 y 5, del Reglamento 1380/2013; los factores de conversión utilizados; y los datos exigidos en aplicación de los acuerdos de pesca (FNCP) According to the type of vessel (FNCCP) Anche su questo punto possiamo condividere l'estensione alle imbarcazioni del giornale di pesca sotto i 12 mt a condizione che gli adempimenti siano il più possibile semplificati, sempre in relazione alle caratteristiche delle imbarcazioni inserite nel nostro sistema. In generale l'ampliamento degli adempimenti a carico delle imprese rappresenta un inutile appesantimento, per altro non certo in linea con i dichiarati obiettivi di semplificazione. (Federpesca)	
3. In the case of fishing gears lost at sea, the logbook shall also contain: (a) the type of lost gear; (b) the date ~~and time~~(ACI) when the gear was lost; (c) the position where the gear was lost; (d) the measures undertaken to retrieve the gear.	NGOs, CEPESCA, FBCP FNCP	EMPA, FACOPE ACI PEPMA FNCCP	En la medida que sea posible, y los datos que sean posibles. (CEPESCA) No siempre se puede determinar el momento, y por tanto la posición, de la perdida. Así mismo,no siempre se pueden tomar medidas para su recuperación (condiciones climatológicas, profundidad, medios técnicos, …) (EMPA) There are types of gear that are known for the draft area, but not the loss zone.	8 in favour 7 against:Excessive burden and contrary to the objectives of simplification of the same regulation.

			(FACOPE) Si ritiene l'adempimento inutile e gravoso e contrario agli obiettivi di semplificazione dello stesso regolamento(ACI) This is utopic. No way of having such a recording (PEPMA) Hoy el R. 1224/2009, art. 48, manda comunicar la pérdida de artes. El Proyecto propone derogar el actual art. 48.5 que permite eximir a los barcos de menos de 12 m. que faenan exclusivamente en las aguas territoriales del Estado miembro de pabellón, o que nunca pasan más de 24 horas en el mar, desde la hora de salida del puerto hasta la de regreso a él.Se debería considerar la posibilidad de mantener estas exclusiones para estos barcos más pequeños. En cuanto a la notificación de pérdida de artes de pesca, se deben considerar las dificultades de aplicación en la pesca en pequeña escala y artesanal como recomiendan las DIRECTRICES VOLUNTARIAS PARA EL MARCADO DE LAS ARTES DE PESCA de la FAO http://www.fao.org/3/MX136ES/mx136es.pdf La FAO también ve la dificultad en las actividades de pesca recreativa, y en este caso parece que el proyecto por el contrario, sí lo tiene en cuenta.(FNCP)	

			Only for paragraphs: a-b-c put “shall also contain” (FNCCP)	
4. When compared with the quantities landed or 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 shall be ~~10~~20% (ACI) per species**. For species retained on board that do not exceed 50kg live weight equivalent, the permitted margin of tolerance shall **be ~~20~~40% (ACI)per species**. By derogation to the first subparagraph for fisheries referred to in the first and third indents of Article 15(1)(a) of Regulation (EU) No 1380/2013 which are landed unsorted, the tolerance limitations set out in this paragraph shall not apply to catches of species which meet ~~both~~of the following alternative(ACI)conditions	NGOs, FBCP FNCP	CEPESCA, EAA, EMPA PEPMA ACIFederpesca	Ya existen topes diarios de capturas impuestos por el propio sector…este margen de tolerancia resulta altamente perjudicial. Es muy difícil calcular la cantidad total antes de desembarcar y pesar…para la flota de Cerco de determinadas especies como jurel, sardine, caballa, boquerón, además, un 10% es fácil de equivocarse, y no es por mala fe sino por la dificultad de las capturas que pueden venir muy mezcladas. (CEPESCA) No exemptions for logbook registration. (EAA) Este punto es muy peligroso, ya que posteriormente un ***error de estimación*** se penaliza como falta grave con importantes consecuencias negativas. En muchos tipos de pesquerías, principalmente en cerco, es imposible estimar las diferentes cantidades por especie. El margen debería estar, como mínimo, en el 20%, sin excepciones. (EMPA) A tolerance for the weight must be established, maintaining the tolerance of 10% and 20% respectively. (FACOPE) Le percentuali proposte non si ritengono giustificate e sufficienti alla luce della	7 in favour 8against: The percentages proposed are not consideredjustified and sufficient in the light of the abolition of the 50kg limit for the exemption from registration in the fishinglogbook. An alternative isproposedbetween the two conditions becauseveryoftenthey are not satisfied at the same time, especially in the case of small-scalefishing.

: (a) they represent less than 1% in weight of all species landed; and (b) their total weight is less than 100 kg.			soppressione del limite di 50kg per l'esenzione dalla registrazione nel giornale di pesca. Si ritiene proporre una alternativa tra le due condizioni poiché molto spesso non sono soddisfatte contemporaneamente, soprattutto nel caso della pesca artigianale. (ACI) Unrealistic. The assessment is subjective and a deviation of more than 10% can easily result particularly for seiners. (PEPMA) Es positivo que se fijen reglas de tolerancia más flexibles para las especies transportadas a bordo que no superen los 50 kg en equivalente de peso vivo, y que no haya límite de tolerancia si las especies representen menos del 1 % en peso de todas las especies desembarcadas cuyo peso total sea inferior a 100 kg (FNCP) Le percentuali proposte non si ritengono giustificate e sufficienti, alla luce della soppressione del limite di 50kg per l'esenzione dalla registrazione del giornale di pesca. Si ritiene proporre un'alternativa tra le due condizioni poiché molto spesso non sono soddisfatte contemporaneamente, soprattutto nel caso della pesca artigianale. (Federpesca)	

5. In fisheries subject to a Union regime of fishing effort, masters of Union catching vessels shall record and account in their fishing logbooks for the time spent in an area as follows: (a) with regard to towed gear: (i) entry into, and exit from the port located in that area; (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply; (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area; (b) with regard to static gear: (i) entry into, and exit from the port located in that area; (ii) each entry into, and exit from maritime	NGOs, CEPESCA, EMPA, FBCP FNCP	FACOPE FNCCP	En Andalucia ya se hacen esas anotaciones.In Andalusia, all small vessels have established a departure / entry to port, so it is considered unnecessary to include this information. Regarding the information by area, if there is monitoring by ship, no type of annotation would be necessary.(CEPESCA, FACOPE) Excepto flota artesanal < 15m. con entrada y salida diaria a Puerto. (EMPA) Los datos a incorporar en los cuadernos diarios de pesca en las pesquerías sujetas a un régimen de control del esfuerzo pesquero, son los que actualmente rigen, pero ahora deben cumplimentarlos -fecha y hora de cada calado, de la finalización de la operación ...- los barcos más pequeños. (FNCP)	9 in favour 2 against

areas where specific rules on access to waters and resources apply; (iii) the date and time of setting or re-setting of the static gear in these areas; (iv) the date and time of the completion of fishing operations using the static gear; (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.				
6. To convert stored or processed fish weight into live fish weight for the purposes of the logbook, masters of Union catching vessels shall apply a conversion factor established in accordance with paragraph 9.	NGOs, CEPESCA, FBCP FNCP	EMPA	Aunque hay que decir que son demasiadas exigencies para el patron del barco que tiene otras responsabilidades mas importantes y que este exceso de tramites puede entorpedecer la seguridad de las maniobras de pesca. (CEPESCA) Se debe excluir de esta obligación “electrónica” a la flota artesanal (<15m.) con salida y entrada diaria a puerto. Exceso de burocracia que impide durante demasiado tiempo que el Patrón atienda su principal obligación: el gobierno y la seguridad del	8 in favour 1 against

			buque y su tripulación. (EMPA) Esta obligación, que ya rige, se empezará a exigir al patrón de un barco de pesca de menos de 10 m. (FNCP)	
7. Masters of third country catching vessels operating in Union waters shall record the information referred to in this Article in the same way as masters of Union fishing vessels.	NGOs, CEPESCA, EMPA, FACOPE, FBCP FNCP FNCCP		¿terceros paises en aguas de la Union Europea? (CEPESCA, EMPA) Ya se exige actualmente y es positivo que las reglas que finalmente se acuerden obliguen a los barcos de Estados no miembros. (FNCP)	11 in favour
8. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.	NGOs, CEPESCA, EMPA, FACOPE, FBCP FNCP FNCCP		Ya se exige actualmente y es lógica esta exigencia (FNCP)	11 in favour
9. The Commission may, by means of implementing acts, (a) lay down detailed rules on the implementation of the margin of tolerance as defined in paragraph 3; (b) lay down detailed rules on the use of conversion factors;	NGOs, FBCP FNCP	CEPESCA, EMPAFederpesca	We support the Commission's proposal to tackle some of these data deficiencies and discrepancies by requiring information on conversion factors used to be included in logbooks as well as landing or transshipment declarations. (NGOs) La realidad de como se pesca en el mar debe tenerse en cuenta cuando se elabora la	7 in favour 3 against

(c) set conversion factors. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”			normativa…y tristemente este abismo se ve en algunos casos como el margen de tolerancia en el diario electronico. La cogestion, la participación del sector, el dialogo…es fundamental para hacer la norma apropiada a la actividad, y asi se podrá conseguir mayor cumplimiento. (CEPESCA) Consultar con el sector ANTES de decidir su ejecución. (EMPA) Puede ser suficiente garantía este procedimiento de examen para establecer normas de desarrollo sobre la aplicación del margen de tolerancia, sobre el uso de los factores de conversión y sobre el propio establecimiento de los factores de conversión.(FNCP) Al riguardo non si comprendono le ragioni delle riserve in ordine al conferimento alla Commissione di poteri per adottare atti delegati contenenti ulteriori norme di dettaglio che certamente renderebbero più complessi gli adempimenti, estendendo la responsabilità del comandante. (Federpesca)	

Article 15Electronic submission of the logbook

Proposal as regards fisheries	OK	NO	NOTES	COMPROMISE TEXT

control				
1. Masters of Union catching vessels of 12 metres' length overall or more shall submit by electronic means the information referred to in Article 14 to the competent authority of their flag Member State: (a) at least once a day, ~~and where applicable, after each haul; and~~(ACI) (b) after the last fishing operation has been completed and before entering port or for vessels that target small pelagic species, before landing operations commence(ACI)	NGOs	CEPESCA, CNPMEM, EMPA, FBCP FNCP, ACI, Coldiretti Federpesca	El Diario Electronico NO es operativo para la flota de bajura que cada dia vuelve a puerto. Tantos registros resultan confusos y estresan. La norma debe ser mas simple. (CEPESCA) Because of "after each haul" (CNPMEM) Se debe excluir de esta obligación "electrónica" a la flota artesanal (<15m.) con salida y entrada diaria a puerto.(FBCP) Exceso de burocracia que impide durante demasiado tiempo que el Patrón atienda su principal obligación: el gobierno y la seguridad del buque y su tripulación. En cualquier caso, antes del desembarco y después de la llegada a puerto. (EMPA) Paragrafo 1 – punto (a) – non si comprende cosa voglia significare il legislatore con il termine "se del caso" (*and where applicable*) lasciando intendere che esiste una casualità non codificata …. Quale ? (COLDIRETTI) Si ritiene l'adempimento inutile e gravoso econtrario agli obiettivi di semplificazione dello stesso regolamento. Nel caso di imbarcazioni dedite alla pesca di piccoli pelagici, i quantitativi pescati sono di tale entità che risulta assai difficile e, talora anche insicuro, compiere le operazioni di cernita durante la	5 in favour 10against:Excessive burden and contrary to the objectives of simplification of the same regulation. In the case of vessels fishing small pelagics, the quantities caught are of such magnitude that it is very difficult and, sometimes even insecure, to carry out the sorting operations during navigation, including the return to port. For this reason, it is suggested to allow the transmission once the boat is docked in port and before starting the landing operations.

			navigazione, compreso il rientro in porto. Per tale ragione, si suggerisce di consentire la trasmissione una volta attraccata l'imbarcazione in porto e prima di avviare le operazioni di sbarco (ACI) NO for (a) , OK for (b). Possibility should be given to record the arrival at port even before the end of the fishing activity. The reason is that the vessel of middle range fishery and particularly purse seines are active mainly at nighttime close to a unloading port. The objective is to sell the fish at the closest auction the same night since they are particularly perishable products. So, most of the times, the departure takes place before any other fishing operation (selection, packaging, counting etc) (PEPMA) Exigir que se transmitan los datos después de cada lance es nuevo, y parece excesivo. En todo caso deben determinarse bien los supuestos en que proceda, con consulta al sector.(FNCP) Si ritiene auspicabile applicare le disposizioni dell'articolo 15 del regolamento 1224/2009. In ogni caso, va consentito l'adempimento al rientro in porto prima dello sbarco del pescato. (Federpesca)	

2. Masters of Union catching vessels of less than 12 and over 10 metres (ACI) length overall shall submit by electronic means the information referred to in Article 14, to the competent authority of their flag Member State after the last fishing operation has been completed and before entering port.	NGOs PEPMA FNCP	CEPESCA, CNPMEM, EMPA, FACOPE, FBCP FNCCP	Under current legislation, vessels below 10m are not required to record fishing logbook data or complete a landing declaration indicating their catches. This poses a serious threat to the quality of stock assessments, as smaller vessels are also responsible for the catching of significant quantities of fish, and without the appropriate information on the amount of catches, it is not possible to achieve the objectives of the CFP. **In this regard, we support the Commission's proposal to introduce an accurate and complete electronic fishing logbook to record small-scale vessels' operations, including details of all catches by species, category, type and gear used. (NGOs)** Igual respuesta que la anterior pregunta (FBCP). Ademas, problemas de comunicacion con telefonia movil podrian dares…Se debe entregar la informacion antes del desembarque pero que no sea obligatorio antes de llegar a Puerto.(CEPESCA) Until now, we don't have enough information on technical devices that will be used for small vessel (CNPMEM) Idem anterior (EMPA) Given the possible communication problems if a system such as mobile telephony is used, the	7 in favour 6 against:given the possible communication problems if a system such as mobile telephony is used, the information should, in any case, be sent before the disembarkation, but not before reaching port. There aren't enough information on technical devices that will be used for small vessel

			information should, in any case, be sent before the disembarkation, but not before reaching port. (FACOPE) Per coordinamento con art. 14 paragrafo 1 (ACI) Es una obligación añadida para estos barcos más pequeños. (FNCP)	
3. Masters of Union catching vessels shall also send electronically the information referred to in Article 14 at the time of any inspection and upon request of the competent authority of their flag Member State.	NGOs , FBCP FNCP	CEPESCA, CNPMEM, EMPA	Los inspectores pueden comprobarlo ”in situ” (CEPESCA) For small vessel because comment made for point 2. (CNPMEM) Idem anterior (EMPA) Únicamente aplicable en los casos en que la obligación de diario electrónico esté vigente con el Rgl. 1224/2009 (FBCP) Se colabora en el respeto de las normas de la PPC (FNCP)	7 in favour 3 against:There aren’t enough information on technical devices that will be used for small vessel.
4. The competent authorities of a coastal Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1, 2 and 3.	NGOs CEPESCA EMPA FBCP FNCP		Parece una regla lógica (FNCP)	9 in favour

Article 15a~~Delegated and~~ implementing acts concerning logbook requirements

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. ~~The Commission is empowered to adopt delegated acts concerning:~~ (a) ~~the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for logbook data;~~ (b) ~~measures to be taken in case of non-receipt of logbook data;~~ (c) ~~the access to logbook data and measures to be taken in case of data access failure.~~(ACI)	NGOs, FBCP FNCP	CEPESCA, EMPA FNCCP ACIFederpesca	Estamos totalmente en contra de los Actos delegados (CEPESCA, EMPA) Si ritiene tale previsione eccessiva rispetto alle prerogative del Parlamento (ACI) Se reserva a la Comisión la competencia para determinadas cuestiones relativas al cuaderno diario de pesca. Podría tener más garantías que la adopción de estas medidas se ajustara al procedimiento de examen regulado en el art. 5 del R. 182/2011 -art. 119.2 de esta propuesta de Reglamento- (FNCP) Improve co-management model (FNCCP) A riguardo, al disposto del paragrafo 1, sarebbe opportuno che disposizioni come guasto, avaria e mancata presenza del segnale, siano di competenza dello Stato Membro tenendo conto del piano di controllo della propria forza di pesca. (Federpesca)	7 in favour 7against: Excessive prediction of Parliament'sprerogatives.
2. The Commission may, by means of	NGOs,	CEPESCA,	Consultar segun técnicas de pesca. (CEPESCA)	7 in favour

implementing acts, lay down detailed rules on: (a) the format, content and submission of the fishing logbook; (b) the completion and digital recording of information in the fishing logbook; (c) the functioning of the electronic recording and reporting system for logbook data; (d) the requirements for the transmission of logbook data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities; (e) the requirements and format for exchange of logbook information between Member States;	FBCP FNCP	EMPA FNCCP	Consultar con el sector ANTES de decidir su ejecución.(EMPA) Aplicable a las esloras de más de 15 metros, ya que para menores de 15 metros con mareas diarias entendemos no se debería aplicar la transmisión electrónica de los diarios de pesca. (FBCP) Se considera adecuado que se sujete la adopción de estas medida al procedimiento de examen (art. 5 del R. 182/2011, al que se remite el art. 119.2 de esta propuesta de Reglamento). (FNCP) Improve co-management model (FNCCP)	3 against: Consult with the sectorbeforedecidingitsexecution. Improve co-management model.

(f) the tasks of the single authority referred to in Article 5(5) with regards to the fishing logbook; (g) the frequency of logbook data transmissions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."				

~~Article 17 Prior Notification (amended~~)(ACI)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
~~*paragraph 1 is replaced by the following*~~ ~~"1. Without prejudice to specific provisions contained in multiannual plans,~~	NGOs	CEPESCA, CNPMEM, EMPA, FACOPE, FBCP ACI PEPMA FNCP FNCCPFederpesca	Este requisito no se puede generalizar, hay barcos que pescan en areas a menos de 4h, incluso a menos de 2h…es muy poco realista para todos los tipos de pesca. EXCESIVA CARGA BUROCRATICA PARA EL PATRON. This requirement cannot be generalized, given that depending on the fishing zones and the modality, the vessels may be fishing in areas less than four hours away.(CEPESCA, FACOPE)	5 in favour 12against: It issufficient to keep the current provision, also in consideration of the factthat the new and future MAPsalreadycontain provisions concerningprior notification. Excessive bureaucratic load for the owner.

~~**masters of Union fishing vessels of 12 metres' length overall or more** shall notify by electronic means the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information:~~ (a) ~~the unique trip identification number as indicated in the logbook;~~ (b) ~~the vessel identification numbers and the name of~~			Keep like it is now, it is sufficient. (CNPMEM) Esta propuesta es irrealizable. La flota con entrada y salida diaria a puerto, en la práctica totalidad de pesquerías y caladeros, faena a menos de 4 horas de puerto, incluso a menos de 2. Por tanto, lo que solicita este artículo es imposible. Además, aumenta la burocracia. El Patrón NO es un administrativo informatico. (EMPA) Si ritiene sufficiente mantenere la disposizione vigente, anche in considerazione del fatto che i nuovi e futuri MAP contengono già disposizoni relative alla notifica preventiva (ACI) ABSOLUTELY IMPOSSIBLE for purse seine and bottom trawler, which depart only for one day , they unload in dozens of port along the Greek coastline and fish at the coastal zone close to a port and In most cases the last fishing operation completes half an hour before the arrival at port and whole fishing activity ends after the arrival at port. (PEPMA) Actualmente sólo se exige a los barcos de eslora total igual o superior a 12 metros dedicados a la pesca de poblaciones sujetas a un plan plurianual que estén obligados a registrar electrónicamente los datos del cuaderno diario de pesca. La propuesta obligará a todos los barcos de dicha eslora, aunque no haya un plan de pesca, y es nuevo	

~~the fishing vessel;~~ (c) ~~the name of the port of destination and the purposes of the call, such as landing, transhipment or access to services;~~ (d) ~~the dates of the fishing trip and the relevant geographical areas in which the catches were taken;~~ (e) ~~the date and time of departure from port and the estimated date and time of arrival at port;~~ (f) ~~the FAO alpha-3 code of each~~			que se obligue a notificar el número de identificación único de la marea -R. 404/2011 art. 146 quater- indicado en el cuaderno diario de pesca; el código 3-alfa de la FAO de cada especie; las cantidades de cada especie anotadas en el cuaderno diario de pesca, incluidas, anotándolas como entrada separada, las que no alcancen la talla mínima de referencia para la conservación aplicable; y las cantidades de cada especie que vayan a ser desembarcadas o transbordadas, incluidas, anotándolas como entrada separada, las que no alcancen la talla mínima de referencia para la conservación aplicable.(FNCP) Si ritiene sufficiente mantenere la disposizione vigente, anche in considerazione del fatto che i nuovi e futuri MAP contengono già disposizioni relative alla notifica preventiva. Si suggerisce a riguardo di delegare allo stato membro la possibilità di fissare termini per la notifica preventiva in relazione alle proprie esigenze ispettive (Federpesca)	

~~species;~~ (g) ~~the quantities of each species recorded in the fishing logbook, including, as a separate entry, those below the applicable minimum conservation reference size;~~ (h) ~~the quantities of each species to be landed or transhipped, including, as a separate entry, those below the applicable minimum conservation reference size.”~~(ACI)				
~~*paragraph 1a is inserted:*~~	NGOs, CEPESCA, EMPA,	ACI Federpesca	Extending the notification notice stipulated for the fleet of less than 12 meters would have to analyze what type of fisheries, modalities, zones, etc.	11 in favour

~~"1a. **The coastal Member State may set a shorter period of prior notification for vessels flying its flag** which operate exclusively within its territorial waters provided that it does not impair the ability of Member States to carry out inspections."~~ *~~paragraph 6 is replaced by the following:~~* ~~"6 The Commission is empowered to adopt delegated acts~~	FACOPE, FBCP FNCP FNCCP		(CEPESCA, FACOPE) Excluyendo a la flota <12m. Totalmente en contra de los actos delegados. (EMPA) A excepción del apartado b). (FBCP) Es positivo que la Comisión adopte actos delegados para eximir a determinadas categorías de buques pesqueros de la obligación de la notificación previa. No se considera correcto que adopte actos delegados para ampliar esta obligación de notificación previa a buques de menos de 12 metros para pesquerías específicas; sería preferible que cualquiere ampliacion se sometiera al procedimiento de examen. También sería preferible el procedimiento de examen para el desarrollo de las disposiciones aplicables en caso de fallo técnico, fallo de comunicación o ausencia de funcionamiento de los sistemas electrónicos de registro y notificación de la notificación previa; de las medidas que deben adoptarse en caso de ausencia de recepción de las notificaciones previas; del acceso a los datos de la notificación previa y de las medidas que deben adoptarse en caso de imposibilidad de acceder a los datos.(FNCP) Si teme che la Commissione possa ulteriormente complicare e d appesantire il quadro degli adempimenti già gravosi. (Federpesca)	4 against

~~in accordance with Article 119a concerning :~~ (a) ~~the exemption of certain categories of fishing vessels from the obligation set out in paragraph 1, taking into account the quantities and type of fisheries products to be landed;~~ (b) ~~the extension of the prior notification obligation set out in paragraph 1 to fishing vessels of less than 12 metres' length overall for specific~~				

~~fisheries;~~ (c) ~~the provisions applicable in the event of technical or communication failure or non-functioning of electronic recording and reporting systems for prior notification;~~ (d) ~~measures to be taken in case of non-receipt of prior notifications data;~~ (e) ~~the access to prior notification data and measures to be taken in case of data access failure.”~~				

Article 23 Completion of the landing declaration

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. The master of a Union fishing vessel, or its representative, shall complete an electronic landing declaration.	NGOs, FBCP PEPMA FNCP	CEPESCA, CNPMEM, EMPA, FACOPE FNCCP	This declaration of unloading could be replaced by the first sale note at the fish market (CEPESCA, FACOPE) There is problem with vessel that land in a port different from the port where the fish is sold (système des bases avancées, in French) (CNPMEM) Para los buques que descargan o transportan directamente a lonja, primera nota de venta. (EMPA) A excepción de la flota de menos de 15 metros que lo podrá realizar en papel.(FBCP) Hasta ahora la declaración de desembarque se exige a los barcos de 10 m. o más de eslora, y la electrónica a los de 12 ó más metros de eslora, eximiendo a los de menos de 15 metros que faenan exclusivamente en las aguas territoriales del Estado miembro del pabellón, o nunca pasan más de 24 horas en el mar, desde la hora de salida del puerto hasta la de regreso a él. (FNCP) Only electronic, and the real small vessels? (FNCCP)	8 in favour 5 against
2. The landing declaration referred to in	NGOs, CEPESCA	EMPA	Nota de Venta (CEPESCA) Idem anterior (EMPA)	8 in favour 1 against

paragraph 1 shall contain at least the following information: (a) the unique fishing trip identification number; (b) the vessel identification numbers and the name of the fishing vessel; (c) the FAO alpha-3 code of each species landed and the relevant geographical area in which the catches were taken; (d) the quantities of each species landed in kilograms of product weighed in accordance with Article 60 and in live	FBCP FNCP		A excepción del apartado (g), que establece una figura distinta al propio pescador.(FBCP) La propuesta obligará a todos los barcos y es nuevo que se obligue a notificar el número de identificación único de la marea-R. 404/2011 art. 146 quater-*;* la fecha y la hora del desembarque; el número de registro del pesador; los factores de conversión utilizados. (FNCP)	

weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below the applicable minimum conservation reference size; (e) the port of landing; (f) date and time of landing; (g) the registration number of the weigher; (h) the conversion factors used.				
3. The accuracy of the data recorded in the landing declaration shall be the responsibility	NGOs FBCP FNCP	CEPESCA, EMPA	Hay que ser flexible ante la posibilidad de errores humano, teclado, etc. (CEPESCA) De quién la realize. (EMPA) Es lógico (FNCP)	7 in favour 2 against

of the master.				
5. To convert stored or processed fish weight into live fish weight for the purposes of the landing declaration, masters of fishing vessels shall apply a conversion factor established pursuant to Article 14(9).	NGOs, CEPESCA, EMPA FBCP FNCP		Questo dovrebbe essere il paragrafo 4 e non 5 (COLDIRETTI) Otra exigencia que obligará también los barcos más pequeños (FNCP)	9 in favour

Article 24Electronic transmission of landing declaration data

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. The master of a Union fishing vessel or their representative shall submit by electronic	NGOs FBCP PEPMA FNCP	CEPESCA, EMPA ACI CNPMEM Federpesca	NO al Diario Electronico para la flota de bajura que cada dia vuelve a puerto. (CEPESCA) Which technical devices will be used? (CNPMEM) Se debe excluir de esta obligación “electrónica” a la	8 in favour 7against:Fulfillmenttooheavydepending on the characteristics of the company, the type of vessel and the smallquantitiesfisheddaily. Better also to

means the information referred to in Article 23 to the competent authority of their flag Member State within 24 hours after completion of the landing.			flota artesanal (<15m.) con salida y entrada diaria a puerto.(EMPA) Si ritiene l'adempimento troppo gravoso in funzione delle caratteristiche dell'impresa, della tipologia di imbarcazione e degli esigui quantitativi pescati giornalmente.(FEDERPESCA, ACI) Meglio inoltre indicare genericamente un rappresentante del comandante (ACI) Otra obligación a añadir a los barcos, que es más gravoso para los barcos más pequeños (FNCP)	indicate generically a representative of the master
2. By way of derogation for fisheries products for human consumption landed unsorted which are weighed in accordance with Article 60(5)(c), the master shall submit the information referred to in Article 23 as updated immediately after the second weighing, to	NGOs, CEPESCA EMPA FBCP FNCP		Se prevé que este segundo pesaje se efectúe después del transporte, "en una lonja, en las instalaciones" de una organización registrada de compradores o productores, y que el resultado de ese segundo pesaje se transmita al capitán. Podría redactarse más claro el artículo 60.5.c: "en una lonja o en las instalaciones ..." (FNCP)	9 in favour

include the result of the second weighing.				
3. When a Union fishing vessel lands its catches in a Member State other than its flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State where the catch was landed.	NGOs, CEPESCA,EMPA FBCP FNCP		Hoy art. 24.4 R. 1224/2009 (FNCP)	9 in favour
4. The competent authorities of a coastal	NGOs, CEPESCA EMPA		Hoy art. 24.7 R. 1224/2009 (FNCP)	9 in favour

Member State shall accept electronic reports received from the flag Member State containing the data from fishing vessels referred to in paragraphs 1 and 2.	FBCP FNCP			
5. ~~The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:~~ (a) ~~derogations concerning the submission of the landing declaration;~~ (b) ~~the provisions applicable in the event of technical or communication failure or non-~~	NGOs FBCP FNCP	CEPESCA, EMPA ACIFederpesca	NO a los Actos Delegados (CEPESCA, EMPA) Si ritiene tale previsione eccessiva rispetto alle prerogative del Parlamento. (ACI) Es positivo que la Comisión por acto delegado pueda excepcionar de la presentación de la declaración de desembarque, y mejor hubiera sido que mantuviera ya en esta propuesta las excepciones para los barcos pequeños.Para el resto dematerias(apartados b a d) sería preferible el art. 119 -procedimiento consultivo o de examen-.(FNCP) I poteri conferiti ai servizi della Commissione ai paragrafi 5 e 6 potrebbero rappresentare ulteriore aggravamento delle operazioni e rendere più complessi gli adempimenti. Potrebbero essere riservati allo Stato Membro le determinazioni sui tempi e modalità di trasmissione nonché alle misure da adottare in ordine ad avarie e mancate ricezioni.	7 in favour 6against: excessive prediction of Parliament'sprerogatives

~~functioning of electronic recording and reporting systems for landing declaration data;~~ (c) ~~measures to be taken in case of non-receipt of landing declaration data;~~ (d) ~~the access to landing declaration data and measures to be taken in case of data access failure~~. (ACI)			(Federpesca)	
6. The Commission may, by means of implementing acts, lay down detailed rules on: (a) the format and content of the	NGOs FBCP FNCP	CEPESCA, EMPA	Consultar al Sector Pesquero (CEPESCA, EMPA) Prevé que se utilice este procedimiento de examen para desarrollar las materias de este apartado. Se consideraadecuado. (FNCP)	7 in favour 2 against

landing declaration; (b) the completion and digital recording of landing declaration data; (c) the functioning of the electronic recording and reporting system for landing declaration data; (d) the requirements for the transmission of landing declaration data from a Union fishing vessel to the competent authorities of its flag State and return messages from the authorities; (e) the				

requirements and format for exchange of landing declaration data between Member States; (f) the tasks of the single authority referred to in Article 5(5), as regards landing declarations; (g) the frequency of transmissions of landing declaration data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."				

~~Article 25aControl of the landing obligation~~ (NEW)(ACI)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. ~~Member States shall ensure effective control of the landing obligation. For this purpose a minimum percentage of fishing vessels fishing for species subject to the landing obligation and flying their flag established in accordance with paragraph 2, shall be equipped with continuously recording Closed Circuit~~	NGOs but strengthen	CEPESCA, CNPMEM, EAA, EMPA, FACOPE FBCP ACI PEPMA FNCP FNCCP ETF	Around 1.7 million tonnes of fish and marine life were discarded in EU fisheries each year before 2011. The reformed CFP introduced the landing obligation (LO) to eliminate this wasteful practice of returning unwanted catches to the sea, and to fully document all catches. Despite the serious environmental need and very broad public support for this policy, a paucity of effective monitoring and control at-sea is leading to broad scale non-compliance including substandard catch reporting.We therefore support the Commission's proposal to introduce, applying a risk-based approach, Remote Electronic Monitoring (REM), especially to monitor and control the implementation of the landing obligation, and call for it to be strengthened to: - Have a 'significant' percentage instead of a 'minimum' percentage. - Clarify that the compulsory requirement to use REM systems (CCTV recording systems and net sensors) will apply to EU fleet segments identified by EFCA as being of medium, high and very high risk of non-compliance with the landing obligation. - Increase monitoring capacity and powers of inspectors at-sea to quantify the	5 in favour 13 against: The installation on board of CCTV is complex and, in most cases, not practicable. This is due to the typicality of the Mediterranean fishing activity and the characteristics of the fishing vessels. Furthermore, serious doubts remain regarding the protection of privacyand constitutional compliance.

~~Television (CCTV) systems incorporating data storage.~~(ACI)			number of discards and gather clear evidence on compliance, or the lack thereof, with the landing obligation. (NGOs) Totalmente en contra de esta propuesta, concretamente NO para la flota de bajura que vuelve a tierra cada dia. Esto vulnera el derecho individual de los trabajadores, la privacidad…Los pescadores hacen un trabajo digno y esto infringe derechos. (CEPESCA) CCTV shouldn't be the only control measure for LO. The 3rd paragraph should be the first, taking into account the risk-based approach. (CNPMEM) A "proper percentage" (EAA) Como venimos reiterando desde el primer momento , el sector pesquero rechaza esta medida de forma categórica ya que, en nuestra opinión, vulnera derechos individuales fundamentales de los trabajadores que en ningún caso se da en ningún otro sector profesional. Además, es totalmente inadecuada e innecesaria en la flota Mediterránea que realiza salida y entrada diaria a puerto.(EMPA) Consideramos un control excesivo, de aspectos estrictamente profesionales, siempre relacionados con buenas prácticas. Pueden incurrirse en contra del derecho de imagen.(FBCP)	

			Seppure su un numero limitato di pescherecci ed a seguito di un'analisi del rischio, l'istallazione a bordo di CCTV risulta complessa e, nella maggioranza dei casi, impraticabile. Ciò a causa delle tipicità dell'attività di pesca mediterranea e delle caratterisiche delle imbarcazioni che la praticano. Inoltre rimangono seri dubbi sulla tutela della privacy, sugli accordi pattizi, nonché sulla conformità costituzionale. (ACI) UNACCEPTABLE for the following reasons : A. The cost of placing, maintaining and operating on a 24 hours basis of cameras on board;B. The differentiation of the system according to the type of fishing device etc. Mainly because:The crew of our vessels stays permanently on board. As a result, our vessels are not only an area of work but also an area of leisure or pray for the Egyptian fishermen. In other words, it is their home. So any effort of monitoring violates their private and family ASYLUM. Enormous problems will be created without any reason. The only ones that will get a financial benefit will be the companies asked to install these devices. (PEPMA) Incorpora el circuito cerrado de televisión. Se centrará en los artes de pesca y en las partes del barco en que se embarquen, manipulen y	

			almacenen los productos de la pesca. (FNCP) Where are the fishermen rights? It seems a “big brother show” (FNCCP) Contrari, all’installazioneobbligatoria, genererebbeulterioricosticheverrebberopercepiti come oneriaggiuntivi ai controllligiàprevisti (ETF)	
2. ~~The percentage of fishing vessels referred to in paragraph 1 shall be established for different risk categories in specific control and inspection programmes adopted pursuant to Article 95. Those programmes shall also determine the risk categories and the types of fishing vessels included in~~	NGOs	CEPESCA, EMPA FBCP FNCP FNCCP ACI ETF	As above (NGOs) Totalmente en Contra, ídem pregunta anterior.(CEPESCA, EMPA) Idem anterior (FBCP) Será para un porcentaje mínimo de barcos en los segmentos de flota que se decidan a escala regional (FNCP)	5 in favour 9 against:seecommentsabove

~~such categories.~~(ACI)				
3. ~~In addition to the CCTV systems referred to in paragraph 1, Member States may require the use of other electronic monitoring systems for the purpose of controlling the landing obligation.~~(ACI)	NGOs	CEPESCA, EAA, EMPA FBCP ACI FNCP FNCCP ETF	As above (NGOs) "Shall require" (EAA) Idem anterior.(EMPA, FBCP) Parece positivo que el que decida si se deben exigir otros sistemas para controlar la obligación de desembarque, sea el Estado (FNCP)	5 in favour 10 against: see comments above
4. ~~The Commission may, by means of implementing acts, lay down detailed rules on the requirements, technical specifications, installation and~~	NGOs	CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP ACI ETF	As above (NGOs) Totalmente en contra de esta medida. El sector pesquero lleva tiempo mostrando su rechazo. (CEPESCA) Idem anterior.(EMPA, FBCP) The Commission considers that the landing obligation is mandatory without taking into account our arguments. The measure is inadequate since the reason behind it is	5 in favour 10against:seecommentsbelow

~~functioning of the electronic monitoring systems for the control of the landing obligation, including continuously recording CCTV systems.~~ ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”~~(ACI)			erroneous. We reserve ourselves to submit detailed documentation at the MEDAC meeting. (PEPMA) El procedimiento de examen parece correcto para desarrollar las previsiones de este artículo. (FNCP) Come da posizione condivisa nel documento MEDAC di giugno, qualsiasi eventuale introduzione di CCTV a bordo delle navi da pesca dovrebbe essere basata su uno studio precedente che dovrebbe prendere in considerazione alcuni criteri. I criteri utilizzati dovrebbero tenere conto delle caratteristiche dimensionali e costruttive delle imbarcazioni: pertanto una differenziazione dovrebbe essere effettuata con attrezzi da pesca; zona di pesca; pesca più di 24 ore; LOA e specie bersaglio. In ogni caso, l'installazione di telecamere a circuito chiuso non dovrebbe avvenire automaticamente, ma solo a seguito di comportamenti illeciti ripetuti (infrazioni gravi) all'interno della IUU e dei regolamenti di controllo, come ulteriore misura deterrente. Inoltre, si pone un problema di privacy e dei Regolamenti di ciascuno Stato membro a riguardo. (ETF)	

~~Article 39aContinuous monitoring of engine power~~(ACI)

Proposal as regards	OK	NO	NOTES	COMPROMISE TEXT

fisheries control				
1. ~~Member States shall ensure that vessels using the following active fishing gears: trawls, seines and surrounding nets, are equipped with permanently installed devices that measure and record engine power in cases where:~~ (a) ~~the vessels are equipped with propulsive engines with certified engine power exceeding 221 kilowatts; or~~ (b) ~~the vessels are equipped with propulsive~~	NGOs	CEPESCA, CNPMEM, EMPA, FACOPE FBCP PEPMA FNCP FNCCP ACI Federpesca Coldiretti	Monitoring and control of fleet capacity is essential to ensure that national capacity ceilings set in Annex II of the CFP are respected.[1] The ceilings found in Annex II are expressed in both gross tonnage (GT) and kilowatts (kW). The current Control Regulation puts an obligation on Member States to control their fishing capacity, but the system now in place is quite ineffective. In its 2017 report, the European Court of Auditors itself noted that *"the Member States we visited did not sufficiently verify the accuracy of their fleets' capacity and of the information on the vessels in the fleet register".*[2] As a result, the Commission is now proposing to improve the control of fishing capacity, notably by mandating the continuous monitoring of engine power on board vessels which use trawls, seines and surrounding nets. **We recommend that decision-makers support provisions that improve control on fishing capacity. (NGOs)** In the first place, having more engine power does not necessarily mean greater fishing capacity. Secondly, if a ship has a certain power, it cannot develop further. Therefore, the verification must be done only once to	5 in favour 13 against: the rule exceeds the need for control, complicating the procedures. The engine power is tested at the test bench or with a docked vessel and is declared under license. Such tests can be requested and carried out at any time during the life of the vessel. Because of those who operate illegally, using a power engine higher than the one declared, the whole fleet cannot be penalized.

[1] Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
[2] European Court of Auditors, Special Report No 08/2017 : EU fisheries controls : more efforts needed, p. 7.

~~engines with certified engine power between 120 and 221 kilowatts and operate in areas subject to effort regimes or restrictions on engine power.~~(ACI)			certify the motor and not continuously. (CEPESCA, FACOPE) Why proposes changes now, when there is an evaluation of the in/out kW regime. (CNPMEM) La potencia de motor ya esta CERTIFICADA por las Administraciones públicas. Esta propuesta descalifica estas CERTIFICACIONES y a todo funcionario y Administración pública que ha expedido dicha certificación. La potencia figura certificada en la documentación del barco que se encuentra a bordo. (EMPA, FBCP) Paragrafo 1 punto (a) non si comprende se la caratteristica di 221 kw sia riferita al singolo motore oppure al cumulo dei più motori. (COLDIRETTI) Si ritiene che la norma ecceda le necessità di controllo, complicando di fatto le procedure. Nella realtà la potenza del motore si testa al banco di prova o con imbarcazione attraccata ed è dichiarata in licenza. Talim prove si possono richiedere ed effettuare in ogni momento della vita dell'imbarcazione. A causa di coloro che operano illegalemnte, utilizzando un motore di	

			potenza superiore a quella dichiarata, non si può penalizzare l'intera flotta. (ACI) One of the most important errors of the Commission is to consider the engine power as THE MOST IMPORTANT INDEX FOR THE FISHING CAPACITY. The necessary engine power for fishing both for the bottom trawl and the purse seine is specific , relative low and identical for all the vessels. Installing on a vessel an engine with this specific power or a similar one, would mean that the engine will work at its limits and this will result in wear and tear or failure. This will jeopardize the vessel and the people on board but will also entail a financial burden for the owner. On the contrary, by installing an engine of higher power will result in a better operation since during the fishing activities it will operate at a lower power , with less fuels this being safer for the vessel and those on board. In the case of the purse seine, it is usual for a vessel of lower power engine to fish higher quantities compared to another vessel of higher engine power where the fishing capacity is independent from the engine power. (PEPMA) Los barcos de arrastre, jábega y cerco con los	

			motores que señala deben llevar este dispositivo que mide y registra la potencia motriz permanentemente (FNCP) We don't understand this proposal; Isn't *true* that the fish *administrationsauthorized* our engines before we put it into our ship? Perhaps the EU administration doesn'tbelieve in hisownacts. (FNCCP) Si ritiene che la norma ecceda le necessità di controllo complicando, di fatto, le procedure. Nella realtà la Potenza del motore si testa al banco di prova o con imbarcazione ormeggiata e dichiarata in licenza. Tali prove si possono richiedere ed eseguire in ogni momento della vita dell'imbarcazione. A causa di coloro che operano illegalmente utilizzando motori di potenza superiore a quella dichiarata non si può penalizzare l'intera flotta. Non si vede la necessità di penalizzare l'intero sistema per colpa di chi opera e continua ad operare nell'illegalità. (Federpesca)	
2. ~~The devices referred to in paragraph 1, in particular permanently affixed shaft strain gauges and revolution~~	NGOs	CEPESCA, EMPA, FACOPE FBCP FNCP	As above (NGOs) La potencia figura certificada en la documentación del barco que se encuentra a bordo. (CEPESCA) Idem anterior.(EMPA, FBCP)	5 in favour 9 against: The engine power iscertified in the documentation of the vesselthatis on board

~~counters, shall ensure the continuous measurement of propulsive engine power in kilowatts.~~(ACI)		FNCCP ACI	Se quiere la medición continua de la potencia motriz. (FNCP)	
3. ~~Masters shall ensure that the devices referred to in paragraph 1 function at all times and that the information from the continuous measurement of propulsive engine power is recorded and stored on board and is accessible to officials at all times.~~(ACI)	NGOs	CEPESCA, EMPA, FACOPE FBCP PEPMA FNCP FNCCP ACI	As above (NGOs) Idem anterior. Además, propone un nuevo sistema de control que acarrea nuevos costes, y atención por parte del Patrón añadida a las obligaciones por parte de éste ya solicitadas en art. Anteriores y posteriores que le restan tiempo para sus verdaderas y principales obligaciones: ejercer como Patrón de Pesca, no como oficinista.(EMPA) Idem anterior (FBCP) Enormous problems will be created without any reason. The only ones that will get a financial benefit will be the companies asked to install these devices. (PEPMA) Los capitanes asegurarán la medición continua, su registro y almacenamiento a bordo y su accesibilidad a los funcionarios.	5 in favour 10 against: see comments below. Moreover, the only ones that will get a financial benefit will be the companies asked to install these devices.

			(FNCP)	
4. ~~The Commission may, by means of implementing acts, lay down detailed rules concerning the technical requirements and characteristics of the devices referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).~~"(ACI)	NGOs	CEPESCA, EMPA FBCP FNCP FNCCP ACI	As above (NGOs) Idem anteriores. (EMPA, FBCP) Es positivo que el desarrollo se realice por el procedimiento de examen (FNCP)	5 in favour 8 against: as above

Article 41Verification of engine power and tonnage (Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
In cases where there are indications from data collected such as vessel position data, fishing logbook data, ~~or continuous measurement of propulsive engine power,~~(ACI)that the engine power of a fishing vessel is greater than the power stated established in the fishing licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the engine	NGOs	CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP ACI Coldiretti	Idem a todo lo dicho en Art. 39ª (EMPA) Las autoridades pesqueras ya han certificado potencias y tonelajes.(FBCP) Nel secondo capoverso non si comprende il rapporto tra giornale di pesca e sbarchi con le informazioni relative alla stazza. (COLDIRETTI) Per coordinamento con l'emendamento relativo all'art. 39bis (ACI) Según los datos de la medición continua de la potencia, de la posición del buque o del cuaderno diario de pesca el Estado hará una comprobación física de la potencia motriz. Actualmente el Estado establece un plan de muestreo en base a criterios de análisis de riesgo para preparar una muestra aleatoria de buques sujetos a verificación documental, y si hay indicios de que la potencia motriz es superior a la indicada en su licencia, efectúa una comprobación física in situ de la potencia motriz. Según la propuesta, dependiendo de la información del cuadernos diarios de pesca, las declaraciones de desembarque u otra, el	5 in favour 10 against:seecomments in art. 39 a

power. In cases where there are indications from data collected such as fishing logbooks, landing declarations or other relevant information, that the tonnage of fishing vessel is greater than that stated in the licence, or in the Union or national fleet register, Member States shall proceed to a physical verification of the tonnage."			Estado hará una comprobación física del arqueo. Hoy el R. 1224/2009 manda al Estado realizar comprobaciones para que la capacidad total de las licencias de pesca no supere la capacidad máxima, y el art. 7.1.e del R. 404/2011, manda al Capitán de un barco de eslora igual o superior a 10 m. a llevar un documento en el que conste la potencia motriz y el arqueo, entre otra información. El Plan de muestreo actual también comprueba el arqueo. El plan de muestreo se regula en el artículo 62.1 R. 404/2011 (FNCP)	

Article 55 Recreational fisheries(Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Member States~~shall~~	NGOs, CEPESCA,	IFSUA	**The Commission'sproposal to introduce a registration or licencing system for recreationalfishers and collect data on their catches is**	15 in favour: adding the two modifications

~~ensure~~are recommended to(IFSUA)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 this purpose Member States shall:	EMPA, FACOPE FBCP FNCP FNCCP ACI Federpesca	EAA	**an important steptowards the sustainable management of fisheries, especially for thosespecies and stocks subject to a recovery plan.** Very few assessments have been undertaken on recreationalfishingactivities in terms of theirsocio-economic importance and environmental impacts. Recentscientificstudies have estimatedthat marine recreationalfishingrepresents 2 to 72% of total catches, depending on the stock and the region.[3]Recreationalfishing can bring conservation and socioeconomicbenefits if properlyregulated. It can represent an important force for the conservation of aquaticbiodiversitythroughincreasingawareness, as well as provideresources for the development of coastal areas. The licencing process shouldtherefore not only monitor the number of personsinvolved in recreationalfishingactivities, but alsoensurethatrecreationalfishers are wellaware of the legislation in place, the speciessubject to a recovery plan and the scientificrationalebehindit. **Moreover, the obligation to report**	in letter a) 2 against: About (a) EAA proposes that: • The registration or licencing of recreational fisheries is free of charge to those participating and done in combination with the proposed improvements

1. [3] Hyder, K., Radford, Z., Prellezo, R., Weltersbach, MS., Lewin, WC., Zarauz, L., Ferter, K., Ruiz, J., Twonhill, B., Mugerza, E., and Strehlow, HV., 2017, Research for PECH Committee, *Marine recreational and semi-subsistence fishing – Its value and its impact on fish stocks*, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels. **EAA and IFSUA comments**: The study is not the more recent - The percentage 2 to 72% are about individual stocks of European Sea bass, Atlantic cod, Atlantic mackerel, pollack, Atlantic salmon, sea trout, European eels (all from northern waters), Atlantic bluefin tuna. Percentage 13 to 72% is referred to European eel; - In the study it is written: "Reconstructions were not possible for the Mediterranean or Black Sea and many stocks in other regions as insufficient data were available"; - There are 2 more recent studies on MRF in which the percentage of of eels have been take out as the data were not sufficient robust. As the study clearly states that data for Mediterranean are not available, we think that it is not appropriate to make reference to those percentages in the MEDAC opinion (which is about Mediterranean waters) because the use of them in the Mediterranean contest is tendentious. Moreover, a range between 2 and 72% is too wide. Indeed, a recently published paper (2018) assessing recreational fisheries in Spain gives, for the first time, an estimation of RF catches (for all modalities and species), with results that are around 4% of commercial catches. Nevertheless, the authors suggest not to use this data as it is **positively biased** (overestimation of RF catches). Thus, RF catches would probably be even lower.

(a) put in place a registration ~~or~~and (EMPA) a licensing system monitoring the number of natural and legal persons involved in recreational fisheriesthe system shall include a suitable system of penalties for non compliance(ACI); and (b) collect data on catches from such fisheries through catch reporting or other data collection mechanisms based on a methodology which shall be notified to the Commission.			**catches when stocks are subject to conservation measuresis an essential element to obtaingreateraccuracy on the status of fish stocks and a clearassessment of the share of catches fromrecreationalfisheries in relation to commercial fishing and shouldthereforebesupported by decision-makers**. Reporting of catches couldbedone in severaldifferentways, but preferenceshouldbegiven to electronicmethods, whichisparticularly relevant for thoserecreationalvesselsfishingspeciessubject to a recovery plan. The fishingmortality data reported by recreationalactivitiesshouldthenbetakenintoaccountwhenestimating the quota allocation to the commercial sector. **In addition, werecommendthatdecision-makersensurethat the Control Regulationclearlyunderlinesthatrecreational catches need to becoherentwith the multi annual and recovery plans.** For this to be effective, somemeasures are required to control recreationalmortality (e.g. minimum landing sizes, gears and catch limitations, or restricted areas and times). This shouldtake place in parallelwith effective monitoring, control and surveillance schemes, whichensurethatMember States are regularly monitoring the catch effort of recreationalfisheries and incorporatethis information in theirfisheriesresources management schemes. (NGOs) **(EAA) Introduction**: Recreational fisheries have been consistently excluded from being considered a legitimate part of the catching sector through the CFP. As a result, no consideration has been given to specific management objectives or recreational fisheries development goals which consider A) Public access to publicly-owned fishery resources B) The economic contribution recreational fisheries make C) The social and cultural importance of recreational fisheries to millions of EU citizens	to small scale fisheries. • The Commission considers introducing specific fishery development goals through the CFP for recreational fisheries which recognise; Public access to publicly-owned fishery resources; the economic contribution of recreational fisheries; the social and cultural importance of recreational fisheries to coastal communities. • Registration or licencing for those participating in

			and to coastal communities throughout the EU. However, despite this, the CFP has seen fit to control recreational fisheries when it is suspected that they might be having a significant impact on particular commercially important and at-risk stocks and on the overarching objectives of the CFP. This incremental inclusion of recreational fisheries into the CFP solely for the purposes of control and monitoring has resulted in the public fishing for recreational or their own consumption inside their territorial waters – something that the EU considered to be the competence of Member States – to one increasingly managed centrally from Brussels. This is at odds with the CFP's objective of regionalisation. Recreational fisheries must either cease to continue to be incrementally managed through the CFP, and be the sole responsibility of Member States, or be fully recognised as an equal stakeholder in the CFP. The current situation of 'half in, half out' is unacceptable. **(EAA) Notes:** The Commission should make distinction between recreational angling and other forms of recreational fishing such as the use of longlines, pots or traps. Recreational fisheries be looked at separately with recreational angling being clearly separated from other forms of recreational fishing. About (a) EAA believes that: • Registration of those individuals participating in recreational fishing should be free of charge • Enforcement of any registration or licencing system will be virtually impossible without extremely significant increases in the control and enforcement	recreational fishing must only be considered in partnership with the proposals to improve control of small-scale commercial fisheries. IFSUA considers that the management of RF is a MS competence, so suggests to modify the wording of the first paragraph "…Member States *are recommended to*:"

			capabilities of Member States. • The Commission has wildly underestimated the resistance of the public to engage in the registration or licencing of recreational fishing with no discernible benefit to them or their fishing. About (a) EAA proposes that: • The registration or licencing of recreational fisheries is free of charge to those participating and done in combination with the proposed improvements to small scale fisheries. • The Commission considers introducing specific fishery development goals through the CFP for recreational fisheries which recognise; Public access to publicly-owned fishery resources; the economic contribution of recreational fisheries; the social and cultural importance of recreational fisheries to coastal communities. • Registration or licencing for those participating in recreational fishing must only be considered in partnership with the proposals to improve control of small-scale commercial fisheries. (a) Registro Y licencia. (EMPA) Entendemos que el apartado b) no resuelve de forma clara el establecimiento de registres de captura por buque o licencia. (FBCP) The aim of this proposal is to revise the Union Fisheries Control System (FCS), which is designed for ensuring compliance with the rules of the CFP. We consider that, in the current CFP, the EU doesn't have the needed powers to	

			manage RF. It's a MS competency. Thus, we suggest changing to rewrite in this manner:"For this purpose Member States *are recommended to*:"(IFSUA) Per rendere efficace la norma è necessario introdurre contestualemnte un apposito regime sanzionatorio in caso di inottemperanza (ACI, Federpesca) Es positivo que fije reglas de marcado y control de artes de pesca recreativa, y que establezca un sistema de registro o de licencias de pescadores y que se recopilen datos de todas las capturas, no solo de las sujetas a plan de recuperación, a través de mecanismos de notificación de capturas u otros mecanismos de recogida de datos (FNCP)	
2. As regards stocks, groups of stocks and species that are subject to Union conservation measures applicable to recreational fisheries, Member States shall (a) ensure that natural and legal persons involved in recreational	NGOs, but strengthen, CEPESCA, EMPA, FACOPE EMPA FNCP FNCCP ACI	IFSUA EAA	**Moreover, the obligation to report catches when stocks are subject to conservation measures is an essential element to obtain greater accuracy on the status of fish stocks and a clear assessment of the share of catches from recreational fisheries in relation to commercial fishing and should therefore be supported by decision-makers**. Reporting of catches could be done in several different ways, but preference should be given to electronic methods, which is particularly relevant for those recreational vessels fishing species subject to a recovery plan. The fishing mortality data reported by recreational activities should then be taken into account when estimating the quota allocation to the commercial sector. **In addition, we recommend that decision-makers ensure that the Control Regulation clearly underlines that recreational catches need to be coherent with the multi annual and recovery plans.** For this to be effective, some measures are required to control recreational mortality (e.g. minimum landing	14 in favour 2 against: About (a) EAA proposes: The Commission should focus on working out a successful system for a number of key species first. The logbook scheme for northern sea bass will be carried out in 2019 after which the Commission

fisheries for such stocks or species record and send catch declarations electronically to the competent authorities on a daily basis or after each fishing trip; and (b) put in place a registration or licensing system for vessels used in such recreational fisheries, in addition to the registration or licencing system for natural and legal persons referred to in paragraph 1.			sizes, gears and catch limitations, or restricted areas and times). This should take place in parallel with effective monitoring, control and surveillance schemes, which ensure that Member States are regularly monitoring the catch effort of recreational fisheries and incorporate this information in their fisheries resources management schemes. (NGOs) Vedas, Topes de Capturas, No Comercializacion, (CEPESCA) About (a) EAA believes that: • the Commission has misjudged both the ability of Member States to enforce and manage recreational catch declarations being sent electronically to the competent authorities on a daily basis or after each fishing trip and the willingness of individuals to comply with no discernible benefit to them or their fishing About (a) EAA proposes: The Commission should focus on working out a successful system for a number of key species first. The logbook scheme for northern sea bass will be carried out in 2019 after which the Commission will have more evidence on which to make an informed decision. No asegurarse, obligación para todas las especies sujetas a Tallas Minimas de Referencia. (EMPA) As stated in previous point, this paragraph should be a recommendation. (IFSUA)	will have more evidence on which to make an informed decision. IFSUA see comment below

			Per rendere efficace la norma è necessario introdurre contestualemnte un apposito regime sanzionatorio in caso di inottemperanza (ACI) Es positivo que para las especies sujetas a medidas de conservación se obligua al registro y envío de declaraciones de capturas por medios electrónicos a diario o después de cada marea; y que haya un sistema de registro o concesión de licencias para estos buques aparte del registro o licencia general.	
3. The sale of catches from recreational fisheries shall be prohibited.	NGOs, CEPESCA, EAA, EMPA, FACOPE FBCP ACI FNCP FNCCP EAA	IFSUA	FUNDAMENTAL (CEPESCA, EMPA) OK with no exceptions (EAA) Recommendation (IFSUA) Per rendere efficace la norma è necessario introdurre contestualemnte un apposito regime sanzionatorio in caso di inottemperanza (ACI) Art. 55.2 R. 1224/2009 (FNCP)	16 in favour 1 against: IFSUA see comment below
5. The Commission may, by way of implementing acts, adopt detailed rules concerning: (a) the registration or licensing systems for	NGOs, CEPESCA, EAA, EMPA FBCP FNCP	IFSUA ACI Coldiretti	About (c) in the Mediterranean EAA believes that: • The Commission might overlook the cost to individuals of introducing vessel monitoring systems for recreational fisheries and the proportionality of introducing such a measure that, anyway, should be evaluated on case by case basis. To be added: (e) the format, content and submission of the catch data;	10 in favour: EAA proposes to add: (e) the format, content and submission of the catch data; (f) the requirements for the transmission of RF catch data to

recreational fisheries for specific species or stocks, (b) the collection of data and the recording and submission of the catch data, (c) the tracking of vessels used for recreational fisheries, and (d) the control and marking of gears used for recreational fisheries. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).			(f) the requirements for the transmission of RF catch data to the competent authorities of its flag State and return messages from the authorities; (g) the requirements and format for exchange of RF catch data information between Member States. Consultar con el sector ANTES de decidir su ejecución. Debido a que no hay antecedentes en la UE sobre estas medidas, se deben tratar y consensuar con los sectores implicados, principalmente a través de los Consejos Consultivos. En Baleares ya hay normativa al respecto. (EMPA) The EU doesn't have powers to do this. It's a MS competency. (IFSUA) Dall'articolato non emerge quali siano gli attrezzi utilizzabili da parte della pesca ricreativa, questo al fine di evitare l'uso di attrezzi tipicamente professionali atti ad elevate catture, che spesso sottintendono ad attività occulte di pesca professionale.(COLDIRETTI) Per rendere efficace la norma è necessario introdurre contestualemnte un apposito regime sanzionatorio in caso di inottemperanza (ACI, Federpesca) Llama la atención que no se reserve el desarrollo de ninguna de estas cuestiones por Acto delegado (FNCP)	the competent authorities of its flag State and return messages from the authorities; (g) the requirements and format for exc hange of RF catch data information between Member States. Consult with the sector before deciding its execution. Due to the fact that there are no precedents in the EU regarding these measures, they should be treated and agreed with the sectors involved, mainly through the Advisory Councils. 5 against: EU competence. Introduce a specific sanctioning regime in the event of non-compliance.Which fishing gears can be

				used by recreational fishing?
6. ~~This Article shall apply to any recreational fishing activities, including fishing activities organised by commercial entities in the tourism sector and in the sector of sport competition.~~"(IFSUA)	NGOs, CEPESCA, EMPA FBCP FNCP	IFSUA	La talla de comercializacion debe coincidir con la biologica de la reproduccion de la especie. (CEPESCA) Para todas las especies sujetas a Tallas Minimas de Referencia. (EMPA) Delete (IFSUA) Se consideracorrecto (FNCP)	9 in favour: For all speciessubject to Minimum Conservation Reference Sizes 1 against

Article 56Principles for the control of marketing(Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Each Member State shall be responsible for controlling on its territory the application of the rules of the common fisheries policy at all stages of marketing of fishery and	NGOs, CEPESCA, EMPA,FACOPE FBCP FNCP FNCCP		Making fisheries products traceable from point-of-catch to final point-of-sale is a necessary precondition to combating illegal, unreported and unregulated (IUU) fishing, achieving sustainable fisheries and healthy fish stocks, and safeguarding the livelihoods of fisheries-dependent communities worldwide. This is particularly	11 in favour

aquaculture products, from their placing on the market to the retail sale, including transport. Member States shall in particular take measures to ensure that the use of fishery products below the applicable minimum conservation reference size that are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 is restricted to purposes other than direct human consumption.			pivotal in key markets such as the EU, which is the leading seafood market in the world and imports over 60% of its seafood, mostly from developing countries. While EU food safety regulations and best practices obligate a degree of traceability for health, safety and consumer purposes, they do not provide an adequate framework for ascertaining that products were caught legally. The Control Regulation has, up until now, also fallen short in adequately providing this framework. **The European Commission has taken important steps toward rectifying some of the traceability loopholes in their proposal, including:** • **Mandating the electronic exchange of seafood traceability information along the supply chain via electronic traceability systems;** • **Mandating the tracking of lots of seafood along the supply chain through product transformation, merging and transport;** • **Ensuring that adequate information is passed along the supply chain to ascertain the legality of EU-caught products.** **Some key loopholes, however, remain**	

			and we recommend that the following are addressed: • **Providing a clear definition of traceability in the Regulation so that traceability requirements for control purposes can be distinguished from labelling requirements for transparency to the consumer;** • **Ensuring that sufficient information is also passed along the supply chain to ascertain the legality of imported seafood products. This requires mandating the inclusion of key data elements for traceability purposes in the catch certificate that is required to be provided under the EU IUU Regulation, including the unique vessel identifier (IMO number), the catching method, and a clear link between catch area and catch dates. (NGOs)** Está vigente. Es el artículo 56.1 R. 1224/2009, en la redacción dada por el R. 2015/812 (FNCP)	
2. Where a minimum size has been fixed for a given species in Union legislation,	NGOs, CEPESCA, FACOPE EMPA, FBCP		Está vigente. Es el artículo 56.2 R. 1224/2009 (FNCP)	11 in favour

operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.	FNCP FNCCP			

Article 56aLots (NEW)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Fishery and aquaculture products from catching or harvesting shall be put into lots prior to placing on the market.	NGOs, CEPESCA, EMPA FBCP FNCP		Non-applicable in the Greek fisheries (PEPMA) Art. 56.3 actual R. 1224/2009 (FNCP)	9 in favour
2. A lot shall only contain fishery or aquaculture products of a single species, of the same presentation and coming from the same relevant geographical area and from the same fishing vessel, or	NGOs FBCP FNCP	CEPESCA, EMPA PEPMA	As notes in Article 56 above (NGOs) Excepcion para las especies de poco valor commercial, que puedan estar en lotes mixtos porque si no es dificil su venta por separado (morralla) (CEPESCA, EMPA) How will traceability be possible by mentioning the lot to all the invoices	7 in favour 3 against

	group of fishing vessels, or coming from the same aquaculture production unit.			of purchase-sale from the auction , while afterwards enormous quantities of catches from third countries or catches for which there is no obligation of trading through ERS, will circulate in the market? (PEPMA) Es el vigente artículo 4.20 R. 1224/2009 (FNCP)	
3.	By way of derogation from paragraph 2, quantities of fishery products totalling less than ~~30~~50(ACI) kg of fishery products of several species and coming from the same relevant geographical area and of the same presentation, per vessel and per day, may be put into the same lot by the operator of the fishing vessel, the producer organisation of which the operator of the fishing vessel	NGOs, CEPESCA, EMPA FBCP FNCP ACI Federpesca		Per favorire l'attività di vendita diretta e mantenere vive tradizioni culinarie tipiche delle zone costiere mediterranee (ACI, Federpesca)) Redacción similar al artículo 56.4 R. 1224/2009 (FNCP)	13 in favour: proposal of 50 kg instead of 30 to promote direct sales and maintain culinary traditions typical of Mediterranean coastal areas

	is a member or by a registered buyer, prior to the placing on the market.				
4.	By way of derogation from paragraph 2, quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, may be put into lots prior to the placing on the market for purposes other than direct human consumption. 4 bis By way of derogation from art. 15, paragraph 11 of Regulation (EU) 1380/2013, for the purposes of social	NGOs, CEPESCA, EMPA FBCP FNCP ACI Federpesca		Manca qualcosa per la chiarezza del paragrafo. (COLDIRETTI) Per una maggiore coerenza tra le politiche europee, in particolare quelle volte a favorire comportamenti virtuosi in materia di economia circolare e spreco alimentare, si ritiene corretto uniformare a tali orientamenti il dettato del regolamento PCP, prevedendo la possibilità di destinare ad uso caritatevole i prodotti alieutici pescati sotto la taglia minima di riferimento per la conservazione per i quali è vigente il divieto di rigetto a mare (ACI, Federpesca). In ogni caso è opportuno aggiungere la previsione che sia possibile identificare l'ente beneficiario in modo da garantire la tracciabilità del prodotto.(Federpesca) Es redacción parecida a la del artículo 56.5 R. 1224/2009, en la redacción dada por el R. 2015/812, aclarando que la comercialización debe ser con fines distintos del consume humano	13 in favour: ACI and Federpescapropose to add a paragraph to provide for the possibility of allocating for charitable use the fishery products caught under the minimum conservation reference size for which the discard ban is in force

	solidarity and to limit waste of fisheries products, distributing specimens below the relevant minimum conservation reference sizes to charitable and/or social causes shall be allowed.			directo. (FNCP)	
5.	After the placing on the market, a lot of fishery or aquaculture products may only be merged with another lot or split, if the lot created by merging or the lots created by splitting meet the following conditions:	NGOs Agree with point b) and c) NGOs See notes for comments on point a) FBCP FNCP	CEPESCA, EMPA Coldiretti	Agree with MAC advice here: "The MAC does not understand the reason behind the restriction on mixing species in the same lot after placing on the market (i.e. Article 56a, point 5a): this should be permitted as long as the products are traceable. Any limitations on mixing will create new challenges and difficulties through the whole value chain, in particular for products such as those in CN 16.04/16.05, (prepared/preserved fish, crustaceans/molluscs) which are "processed fishery products" according to point 7.4 pf Annex 1 of Reg. EC n. 853/2004, composed of several ingredients (not only fish). The restrictive definition is not practicable in the context of these products. The MAC nevertheless supports the need for improving traceability, which	7 in favour: NGOs propose to remove the reference to CN codes 16.04 and 16.05 from Article 56a, while amending Article 58 to ensure that they are covered by the more general requirements relating to traceability. 3 against Coldiretti: The letter (a) should be extended with the inclusion of the dictation of the points (b) and (c). This is to avoid that along the supply chain, with the sole presence of the conditions of point (a), products of the same species can be mixed without evidence of different origins (eg Italian and Turkish sea bream).
(a)	they contain fishery or aquaculture products of a single species and of the same presentation;				
(b)	the traceability information listed in Article 58 paragraphs 5 and 6				

	is provided for the newly created lot(s); (c) the operator responsible for placing the newly created lot on the market is able to provide the information concerning the composition of the newly created lot, in particular the information relating to each of the lots of fishery or aquaculture products which it contains and the quantities of fishery or aquaculture products coming from each of the lots forming the new lot.			must apply to all fishing products along the chain, including highly processed products. But it does not believe the proposal for article 56.a.5 and 6 as presently formulated will achieve this and notes that it would substantially change existing practice across the industry, create severe burdens and adding cost. The MAC would like to therefore remove the reference to CN codes 16.04 and 16.05 from Article 56a, while amending Article 58 to ensure that they are covered by the more general requirements relating to traceability. (NGOs) EXCESIVA BUROCRACIA (CEPESCA) Sumamente complejo y complicado para su aplicación. (EMPA) La indicazione “segnatamente” (*splitting meet*) non riesce a dare il senso della volontà del legislatore. Andrebbe estesa la lettera (a) con l’inclusione del dettato dei punti (b) e (c). Questo per evitare che lungo la filiera, con la sola presenza delle condizioni del punto (a) si possano mescolare senza evidenza prodotti della stessa specie ma di diversa	

			origine (es. orate italiane e turche). (COLDIRETTI) CHAOS will result (PEPMA) Mejora la regulación del art. 58.3 del R. 1224/2009 y 67.2 y 3 R. 404/2011 para la trazabilidad y el control de la composición de los lotes. (FNCP)	
6. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.	NGOs, CEPESCA, EMPA FBCP FNCP		As above (NGOs) Como art. 66 R. 404/2011, pero a diferencia , no incluye la subpartida 1212 21 00 del capítulo 12 –algas aptas para la alimentación humana-. R.EJEC. 2017/1925 lo modifica. (FNCP)	9 in favour

Article 58Traceability(Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Without prejudice to traceability requirements set	NGOs, CEPESCA, EMPA,		Making fisheries products traceable from point-of-catch to final point-of-sale is a necessary precondition to combating	11 in favour: Digitization of the system will have to provide for an appropriate process.

	out in Regulation (EC) No 178/2002, lots of fishery or aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage, including fisheries and aquaculture products which are destined for export.	FACOPE FBCP FNCP FNCCP		illegal, unreported and unregulated (IUU) fishing, achieving sustainable fisheries and healthy fish stocks, and safeguarding the livelihoods of fisheries-dependent communities worldwide. This is particularly pivotal in key markets such as the EU, which is the leading seafood market in the world and imports over 60% of its seafood, mostly from developing countries. While EU food safety regulations and best practices obligate a degree of traceability for health, safety and consumer purposes, they do not provide an adequate framework for ascertaining that products were caught legally. The Control Regulation has, up until now, also fallen short in adequately providing this framework. **The European Commission has taken important steps toward rectifying some of the traceability loopholes in their proposal, including:** • **Mandating the electronic exchange of seafood traceability information along the supply chain via electronic traceability systems;** • **Mandating the tracking of lots of seafood along the supply chain through product transformation, merging and transport;**	Providing a clear definition of traceability in the Regulation. Ensuring that enough information is also passed along the supply chain to ascertain the legality of imported seafood products.
2.	Operators at all stages of production, processing and distribution, from catching or harvesting to retail stage, shall ensure that for each lot of fishery or aquaculture products, the information listed in paragraphs 5				

and 6: (a) is kept on record in a digitalised way; (b) is made available upon request to competent authorities; (c) is transmitted or made available, electronically, to the business operator to whom the fishery product or aquaculture product is supplied.			• **Ensuring that adequate information is passed along the supply chain to ascertain the legality of EU-caught products.** **Some key loopholes, however, remain and we recommend that the following are addressed:** • **Providing a clear definition of traceability in the Regulation so that traceability requirements for control purposes can be distinguished from labelling requirements for transparency to the consumer;** • **Ensuring that sufficient information is also passed along the supply chain to ascertain the legality of imported seafood products. This requires mandating the inclusion of key data elements for traceability purposes in the catch certificate that is required to be provided under the EU IUU Regulation, including the unique vessel identifier (IMO number), the catching method, and a clear link between catch area and catch dates. (NGOs)** Digitalizzazione del sistema dovrà prevedere un processo adeguato.	

			(COLDIRETTI) **Traceability does not mean enabling the identification of catches in the case of control. In the best cases scenario this will reach only the retailer, through the long and detailed text of the draft regulation. Traceability means that the consumer is informed on the vessel, the period and the area the fish that he wants to buy has been caught!** The following data should be mentioned on the purchase invoice right from the first purchase from the intermediary (retailer or trader) who will sell it to a retailer or second trader etc A. The date of production B. The area of fishing and not the code FAO and in any case, the country of origin (GR, IT, FR etc) C. As an option, the name of the vessel. **<u>One more import note!!!</u> All the above data should be mentioned analytically and not as a barcode, on the receipt the consumer is given after his purchase. (PEPMA)**	

			El Reglamento 178/2002 establece los principios de la legislación alimentaria. El R. 404/2011 ya requiere trazabilidad desde la captura hasta la venta al por menor. Ahora se exigirá que desde la captura o recolección se digitalice la información del lote, se facilite a la Administración y se transmita o ponga a disposición del operador al que se le suministre. Se ajusta a los artículos 67.5. 404/2011 y 15.3 R. 2017/625 de controles para garantizar la aplicación de la legislación sobre alimentos (FNCP) Prevedere altri sistemi della conservazione dei dati e non solo su supporto digitale. (Federpesca)	
3. Lots of fishery and aquaculture products placed on the market or likely to be placed on the market in the Union, or exported or likely to be exported, shall be adequately marked or	NGOs, CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP		As above (NGOs) Se ajusta al art. 67.5 R. 404/2011, art. 18 R. 178/2002 de seguridad alimentaria (FNCP)	11 in favour

	labelled to ensure the traceability of each lot.				
4.	Member States shall check that operators have in place digitalised systems and procedures to identify any operator from whom they have been supplied with lots of fishery and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.	NGOs, CEPESCA, EMPA FACOPE FBCP FNCP FNCCP		As above (NGOs) El que obtiene un lote debe identificar electrónicamente al que se lo suministra, para poner la información a disposición de las autoridades. Hoy el art. 67 apartados 3 y 4 R. 404/2011 manda al operador identificar el origen del lote, haciendo posible determinar su procedencia hasta la captura o cría, y al que lo compra, salvo al consumidor final, y prevé la utilizacion de medios electrónicos. Ahora se obliga a la digitalización. (FNCP) Prevedere altri sistemi della conservazione dei dati e non solo su supporto digitale. (Federpesca)	11 in favour
5.	Information on lots of fishery and aquaculture products, except products imported into the Union, the information	NGOs CEPESCA, EMPA FBCP FNCP		As above (NGOs) 5f) should be the same than now and with the element of the implementing regulation. (CNPMEM)	9 in favour

referred to in paragraph 2 shall include: (a) the identification number of the lot; (b) the unique fishing trip identification number(s) referred to in Article 14(2)(a) of all fishery products included in the lot, or the name and registration number of the aquaculture production unit; (c) the FAO alpha-3 code of the species and the scientific name; (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products			Se deberá identificar en el lote, entre otras, la marea, y la fecha de captura (ésta hoy de información voluntaria adicional –art. 39.1.a R. 1379/2013-). Puede beneficiar al producto de la pesca fresca al día.(FNCP)	

	caught in freshwater and aquaculture products;				
(e)	for fishery products, the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013;				
(f)	the date of catches for fishery products or date of harvest for aquaculture products, and the date of production where applicable;				
(g)	the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;				
(h)	if fishery products below the minimum conservation reference size are				

	present in the quantities referred to in point (g), separate information on the quantities in kilograms expressed in net weight, or the number of individuals below the minimum conservation reference size; (i) for lots of products subject to common marketing standards, the individual size or weight, size category, presentation and freshness.				
6.	Information on lots of fishery and aquaculture products imported into the Union, the information referred to in paragraph 2 shall include:	NGOs and strengthen, CEPESCA, EMPA FBCP FNCP		We recommend that the following are addressed: • Ensuring that sufficient information is also passed along the supply chain to ascertain the legality of imported seafood products. This requires mandating the inclusion of key data elements	9 in favour

(a) the identification number of the lot; (b) the reference of the catch certificate(s) submitted in accordance with Regulation (EC) No 1005/2008 for all fishery products included in the lot, where applicable, or the name and registration number of the aquaculture production unit; (c) the FAO alpha-3 code of the species and the scientific name; (d) the relevant geographical area(s) for fishery products caught at sea, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products			for traceability purposes in the catch certificate that is required to be provided under the EU IUU Regulation, including the unique vessel identifier (IMO number), the catching method, and a clear link between catch area and catch dates. (NGOs) Obliga al producto importado a cumplir los requisitos, y entre ellos los de lucha contra la pesca IUU. (FNCP)	

	caught in freshwater and aquaculture products;				
(e)	the category of fishing gear as laid down in the first column of Annex III to Regulation (EU) No 1379/2013 for fishery products;				
(f)	the date of catches for fishery products or date of harvest for aquaculture products, and the date of production where applicable;				
(g)	the quantities in kilograms expressed in net weight or, where appropriate, the number of individuals;				
(h)	for lots of products subject to common marketing standards, as appropriate, the				

	individual size or weight, size category, presentation and freshness;.				
7.	Member States may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed 5kg of fishery product per consumer per day.	NGOs, CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP	EAA Coldiretti	Noexemptions (EAA) Deve essere ribadito che il pescato potrà essere solo quello del produttore (peschereccio o struttura di allevamento) che vende direttamente solo il proprio pescato-allevato da bordo o dall'impianto. (COLDIRETTI) Sustituirá al art. 58.8 del R. 1224/2009 que exime cuando el valor no excede de 50€ día.(FNCP)	11 in favour 2against: no exemptions
~~8. The Commission is empowered to adopt delegated acts in accordance with the Article 119a concerning:~~ (a) ~~digitalisation of the traceability information and its electronic transmission;~~		NGOs FBCP FNCP	CEPESCA, EMPA ACIFederpesca	Consultar con el Sector Pesquero (CEPESCA) Totalmente en contra de los actos delegados. (EMPA) Si ritiene tale previsione eccessiva rispetto alle prerogative del Parlamento (ACI) Las normas de desarrollo de las letras a y b) - digitalización de la información	7 in favour 6against: excessive prediction of Parliament'sprerogatives

(b) ~~the physical affixing of traceability information on lots of fishery and aquaculture products;~~ (c) ~~the cooperation between Member States on the access to information accompanying a lot and the methods of marking or labelling lots;~~ (d) ~~the traceability requirements for lots resulting from the merging or splitting of different lots referred to in Article 56(5) and lots containing several species referred to in Article 56(3);~~ (e) ~~the information on the relevant geographical area.~~(ACI)			sobre trazabilidad y su transmisión electrónica y fijación física de información de trazabilidad de los productos de la pesca y la acuicultura-, deberían aprobarse por el procedimiento de examen –art. 119.2-. (FNCP) Al riguardo non si comprendono le ragioni delle riserve in ordine al conferimento alla Commissione di poteri per adottare atti delegati contenenti ulteriori norme di dettaglio che certamente renderebbero più complessi gli adempimenti, estendendo la responsabilità del comandante. (Federpesca)	

9. This Article shall only apply to fishery and aquaculture products falling under Chapter 3 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87*.	NGOs, CEPESCA, EMPA FBCP FNCP		Como el actual 67.12 del R. 404/2011 (FNCP)	9 in favour
10. This article shall not apply to ornamental fish, crustaceans and molluscs."	NGOs, CEPESCA, EMPA FBCP FNCP		Como el actual 67.11.c del R. 404/2011	9 in favour

Article 59First sale of fisheries products (Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
Paragraph 3 is replaced by the following: "3. Consumers	NGOs, CEPESCA, EMPA FBCP	EAA FNCCP	*(CNPMEM will have comment on this article)* No exemptions (EAA)	9 in favour 2 against

acquiring up to an amount of 5kg of fishery product per day which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article."	FNCP		Hoy son 30 kgs.(FNCP)	

Article 59aWeighing systems (NEW)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Member States shall ensure that procedures are in place to enable that all fishery products are weighed upon landing on systems approved	NGOs, CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP	Federpesca	NGOs support the removal of current derogations in the Control Regulation. Recent scandals in Ireland, for example, show that weighing needs to happen at landing, on certified scales, and under the supervision of certified operators. For example:https://www.irishtimes.com/news/environment/eu-critical-of-severe-weaknesses-in-ireland-s-fisheries-controls-1.3686231; http://www.sfpa.ie/News/ArtMID/538/ArticleID/41/Donegal-Fish-Processor-gets-six-month-suspended-prison-sentence-Fined-%E2%82%AC45000-for-tampering-with-weighing-scales; https://www.independent.co.uk/news/uk/crime/caught-	11 in favour 1 against

by the competent authorities and that weighing is carried out by operators registered for the weighing of fisheries products.			scottish-skippers-fined-720000-over-fishing-fraud-7440674.html (NGOs) El Estado Miembro DEBE poner los medios necesarios, no se tiene que pasar la obligación al operador de lonja.(CEPESCA) What are the consequences for the masters? (CNPMEM) Los Estados Miembros, además de velar, deben suministrar los medios oportunos y necesarios. (EMPA) Siempre que se traslade la competencia como agente autorizado a los propios patrones de las embarcaciones.(FBCP) Se exigirá sistema homologado de pesaje y que el pesaje lo realicen agentes autorizados para el pesaje.(FNCP) Riteniamo le disposizioni difficilmente attuabili in considerazione delle eccessive frammentazioni dei punti di sbarco. (Federpesca)	
2. Before registration of an operator to perform the weighing of fishery products, Member States shall ensure that the operator	NGOs, CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP		As above (NGOs) En la figura de los propios patrones (y los armadores en su caso) de las embarcaciones que se entienden competentes para realizar el pesaje.(CEPESCA, EMPA, FBCP) Es positivo que sea el Estado el que tenga estas competencias (FNCP)	11 in favour

is competent and adequately equipped to carry out weighing activities. Member States shall also have a system in place by which operators that no longer comply with the conditions for carrying out weighing activities, are no longer registered.				
3. Member States may require the submission of the weighing	NGOs FBCP FNCP	CEPESCA, EMPA	As above (NGOs) Excesiva Burocracia que no aporta nada dada la cantidad de control existente (CEPESCA, EMPA) Cuando se vaya a aprobar la norma interna de transposición,	7 in favour:When the internal transposition standard is to beapproved, the sector must beconsulted.

records at regular intervals.			el sector debe ser consultado. (FNCP)	2 against
4. ~~The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the criteria for the registration of operators entitled to perform the weighing of fisheries products, and the content of the weighing records."~~(ACI)	NGOs FBCP FNCP	CEPESCA, EMPA ACIFederpesca	As above (NGOs) No a los Actos Delegados. (CEPESCA, EMPA) Si ritiene tale previsione eccessiva rispetto alle prerogative del Parlamento (ACI) Los criterios sobre el registro de los agentes facultados para el pesaje deberían aprobarse por el procedimiento de examen (FNCP) Al riguardo non si comprendono le ragioni delle riserve in ordine al conferimento alla Commissione di poteri per adottare atti delegati contenenti ulteriori norme di dettaglio che certamente renderebbero più complessi gli adempimenti, estendendo la responsabilità del comandante.(Federpesca)	7 in favour 6against: excessive prediction of Parliament'sprerogatives

Article 60Weighing of fishery product (Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Masters shall ensure that all quantities of fishery products are weighed per species on weighing systems and by operators registered pursuant to Article 59a immediately after landing, prior to the fishery products being held in storage, transported or placed	NGOs, CEPESCA, EMPA FBCP FNCP		NGOs support the removal of current derogations in the Control Regulation. Recent scandals in Ireland, for example, show that weighing needs to happenat landing, on certified scales, and under the supervision of certified operators. For example: https://www.irishtimes.com/news/environment/eu-critical-of-severe-weaknesses-in-ireland-s-fisheries-controls-1.3686231;http://www.sfpa.ie/News/ArtMID/538/ArticleID/41/Donegal-Fish-Processor-gets-six-month-suspended-prison-sentence-Fined-%E2%82%AC45000-for-tampering-with-weighing-scales;https://www.independent.co.uk/news/uk/crime/caught-scottish-skippers-fined-720000-over-fishing-fraud-7440674.html(NGOs) Con las salvedades expuestas en el art. 56a. (EMPA) Tutte le disposizioni in relazione alla pesatura dovrebbero essere rimodulate ovvero si potrebbe riconfermare le disposizioni esistenti previste dal regolamento 1226/09. (Federpesca)	9 in favour

on the market.				
2. Operators registered to perform the weighing of fishery products shall complete a weighing record for each landing and shall be responsible for the accuracy of the weighing. The registered weigher shall keep weighing records for a period of three years.	NGOs FBCP FNCP	CEPESCA, EMPA	3 años es un period excesivamente largo. Los datos se transmiten y la Administración debe guardarla. (CEPESCA) Nueva exigencia burocrática que no aporta nada dada la cantidad de control existente. Los Estados deben guardar dicha información que ya estaría en su poder. (EMPA) El Artículo 72 R. 404/2011 manda actualmente que todos los sistemas de pesaje se calibren y precinten con arreglo a los sistemas nacionales a cargo de las autoridades competentes de los Estados miembros, que se lleve un registro de calibración y que si el pesaje se lleve a cabo en un sistema de banda transportadora, se instale un contador visible que registre el peso total acumulado, registrándose la lectura del contador al inicio de la operación de pesaje y el total acumulado. (FNCP)	7 in favour 2 against
3. The figure from the weighing	NGOs, CEPESCA,		Confirma la respuesta anterior. (EMPA) Los arts. 60.5 R. 1224/2009 y 71.1 R. 404/2011 exigen que se incorpore	9 in favour

	record shall be transmitted to the master and shall be used for the completion of the landing declaration and the transport document.	EMPA FBCP FNCP		también a la nota de venta y a la declaración de recogida. (FNCP)	
4.	The competent authorities of a Member State may require that any quantity of fishery products first landed in that Member State is weighed by, or weighed in	NGOs, CEPESCA, EMPA FBCP FNCP		Art. 60.6 R. 1224/2009 (FNCP)	9 in favour

the presence of officials before being transported elsewhere from the place of landing.				
5. By way of derogation from paragraph 1, Member States may permit fishery products to be weighed unsorted on landing if the following conditions are met: (a) The weighing of the unsorted fishery product is performed	CEPESCA, EMPA FNCP	NGOs	NGOs would not recommend having any derogation from the weighing rules given recent infringements. (NGOs) Parece que el pesaje por plan de muestreo se reserva sólo para los desembarques sin clasificar no destinados al consumo humano, y se prevé que el resultado de un posible segundo pesaje se transmita al capitán. Debería contemplar garantías para que el capitán pueda asistir al segundo pesaje que se realice en las instalaciones de una organización registrada de compradores o productores (FNCP)	3 in favour 5 against: would not recommend having any derogation from the weighing rules given recent infringements

	upon landing on a system operated or controlled by the competent authorities before transport, storage or placing on the market; (b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan; (c) In the case				

of fishery products destined for human consumption: a second weighing per species of fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing				

shall be transmitted to the master.				
6. The Commission may, by way of implementing acts, determine a risk-based methodology for the establishment of the sampling plans referred to in paragraph 5(b) and approve those plans. Those implementing acts shall be adopted in accordance with the	NGOs, CEPESCA FBCP FNCP	EMPA	Consultar con el sector ANTES de decidir su ejecución. (EMPA) Art. 60.7 R. 1224/2009. Se considera correcto que se utilice el procedimiento de examen para adoptar normas de desarrollo para determinar la metodología basada en el riesgo para elaborar planes de muestreo (FNCP)	8 in favour 1 against

examination procedure referred to in Article 119(2)."				

~~*Article 60a*~~**~~Detailed rules on weighing (NEW)~~(ACI)**

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
~~1. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set general rules for the weighing. Those rules may concern:~~	NGOs FBCP FNCP	CEPESCA, EMPA ACIFederpesca	NO A LOS ACTOS DELEGADOS (CEPESCA, EMPA) Asabove (NGOs) Si ritiene tale previsione eccessiva rispetto alle prerogative del Parlamento (ACI) No obstante es preferible que el desarrollo de las normas de pesaje se sujeten al procedimiento de examen (FNCP) Al riguardo non si comprendono le ragioni delle riserve in ordine al conferimento alla Commissione di poteri per adottare atti delegati contenenti ulteriori norme di dettaglio che certamente renderebbero più complessi gli adempimenti, estendendo la responsabilità del comandante.	7 in favour 6against: excessive prediction of Parliament'sprerogatives

(a) ~~the determination of weighing procedures;~~ (b) ~~the weighing records;~~ (c) ~~the time of weighing;~~ (d) ~~the weighing systems;~~ (e) ~~the weighing of frozen fishery products;~~ (f) ~~the deduction of ice and water;~~ (g) ~~the access of competent authorities to the weighing systems, weighing records, written declarations and premises where the fisheries products are~~			(Federpesca)	

~~stored or processed;~~(ACI)				
~~2. The Commission is also empowered to adopt delegated acts in order to set special rules for the weighing of certain pelagic species. Those rules may concern:~~ (a) ~~the determination of weighing procedure for catches of herring, mackerel and horse mackerel;~~ (b) ~~the ports of weighing;~~ (c) ~~the~~	NGOs FBCP FNCP	CEPESCA, EMPA	As above (NGOs) NO A LOS ACTOS DELEGADOS (CEPESCA, EMPA) Es preferible que el desarrollo de las normas de pesaje y las normas especiales para el pesaje de determinadas especies pelágicas, se sujeten al procedimiento de examen. (FNCP)	7 in favour 2 against

~~information of competent authorities before entering into port;~~ (d) ~~discharge;~~ (e) ~~the fishing logbook;~~ (f) ~~publically-operated weighing facilities;~~ (g) ~~privately-operated weighing facilities;~~ (h) ~~weighing of frozen fish;~~ (i) ~~keeping of weighing records;~~ (j) ~~sales note and takeover declaration;~~ (k) ~~cross-checks;~~ (l) ~~monitoring of weighing."(~~				

ACI)				

Article 62Completion and submission of sales notes (totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Registered buyers, registered auctions or other bodies or persons authorised by Member States which are responsible for placing on the market of fishery products landed in a Member State, shall record by electronic means the information referred to in Article 64(1) and shall submit by	NGOs, CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP		Actualmente se permite la remisión de la nota de venta en el**plazo 48 horas**siguiente a la primera venta y se exigía a las lonjas autorizadas u otros organismos o personas autorizados por los Estados miembros **con una volumen de negocios anual en primeras ventas de productos de la pesca inferior a 200 000 EUR**, que sean responsables de la primera comercialización.(FNCP)	11 in favour

	electronic means, within 24 hours after the placing on the market, a sales note containing such information to the competent authorities of the Member State in whose territory the first sale takes place. The accuracy of the sales note shall be the responsibility of these buyers, auctions, bodies or persons.				
2.	If the Member State in whose territory the fishery	NGOs, CEPESCA, EMPA FACOP		Art. 62.4 R. 1224/2009 (FNCP)	11 in favour

product is placed on the market is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the sales note is submitted electronically, to the competent authorities of the flag Member State upon receipt of the relevant information.	E FBCP FNCP FNCCP			
3. Where the placing on the market of fisheries products does not take place in the Member State where the products have	NGOs, CEPESCA, EMPA FACOP EFBCP FNCP FNCCP		Art. 62.4 R. 1224/2009 (FNCP)	11 in favour

been landed, the Member State responsible for controlling the placing on the market shall ensure that a copy of the sales note is submitted electronically to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note.				
4. When the landing takes	NGOs, CEPESCA,		Art. 62.5 R. 1224/2009 (FNCP)	11 in favour

place outside the Union and the first sale takes place in a third country, the master of the fishing vessel or their representative shall forward electronically a copy of the sales note, or any equivalent document containing the same level of information, to the competent authority of the flag Member State within 48 hours after the first sale.	EMPA FACOP E FBCP FNCP FNCCP			
5. Where a sales note does not correspond to the invoice or	NGOs, CEPESCA, EMPA		Art. 62.6 R. 1224/2009 (FNCP)	9 in favour

	to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC(*), the Member State concerned shall adopt the necessary provisions to ensure that the information on the quantities and on the price, excluding tax for deliveries of goods to the purchaser, is identical to that indicated on the invoice.	FBCP FNCP			
6.	The Commission may, by means of implementing	NGOs, CEPESCA, EMPA	Federpesca	Consultar con el sector ANTES de decidir su ejecución.(EMPA) Se considera correcto que este desarrollo lo sea por el procedimiento de examen (FNCP)	9 in favour 1 against

acts, lay down detailed rules concerning the registration of buyers, the indication of the price in sales notes, the format of sales notes, the electronic recording and the electronic submission of sales notes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).	FBCP FNCP		Perché continuare a prevedere la possibilità di ulteriori norme di dettaglio che andrebbero ad appesantire adempimenti già complessi? (Federpesca)	

Article 64Content of the sales notes (Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
The sales notes referred to in Article 62 shall have a unique identification number and contain the following data: (a) the unique fishing trip identifier, as referred to in with Article 14(2)(a); (b) the name of the fishing vessel's operator or master and, if different, the name of the seller; (c) the name of the buyer and the buyer's VAT number, the buyer's tax identification number, or other unique identifier; (d) the FAO alpha-3 code of each species and	NGOs FBCP FNCP	CEPESCA, EMPA FACOPE FNCCP PEPMA	EXCESIVA CARGA BUROCRATICA. It would be necessary to analyze if all the data are necessary. (CEPESCA, EMPA, FACOPE) The overlaps only create problems, they do not solve. The only way to disobey a measure is to implement an additional measure for the same purpose. (PEPMA) b. Art. 64.1.c R. 1224/2009 c. Art. 64.1.d R. 1224/2009 d. Art. 64.1.e R. 1224/2009 e. Art. 64.1.f R. 1224/2009 se refiere ahora a las cantidades "**puestas en el mercado o registradas en una subasta**". f. Art. 64.1.g R. 1224/2009 g. Art. 64.1.h.bis R. 1224/2009 se refiere ahora a las cantidades "**comercializadas o registradas en una subasta**" i. Art. 64.1.i R. 1224/2009 j. Art. 64.1.j R. 1224/2009 k. Art. 64.1.k R. 1224/2009 l. Art. 64.1.l R. 1224/2009 aclara que el precio se incorpora sin impuestos y que se debe indicar la moneda. Es nuevo incorporar el identificador único de marea-R. 404/2011 art. 146 quater- y el número de registro del pesador. (FNCP)	7 in favour 5 against: excessive bureaucratic load

the relevant geographical area in which the catches were taken; (e) the quantities of each species placed on the market or registered at an auction in kilograms in product weight, broken down by type of product presentation and preservation or, where appropriate, the number of individuals; (f) for all products subject to marketing standards, as appropriate, the individual size or weight, size category, presentation and freshness; (g) where appropriate, the quantities placed on the market or registered at an				

auction in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size, and the destination thereof; (h) the registration number of the weigher; (i) the place and the date of the sale; (j) where possible, the reference number and date of invoice and, where appropriate, the sales contract; (k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;				

(l) the price excluding taxes and currency.				

Article 65Exemptions from sales notes requirements(Totally replaced)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
A consumer acquiring products not exceeding 5 kg of fishery product per consumer per day which is not thereafter placed on the market but used only for private consumption, shall be exempted from the provisions laid down in Articles 62 and 64.	NGOs, CEPESCA, FACOPE FBCP FNCP FNCCP		Actualmente el límite exento es de 30kg. para consumo propio –art. 59-.(FNCP)	10 in favour

Article 89a Sanctions (NEW)

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Member States shall ensure that a natural person having committed or a legal person held liable for infringements of rules of common fisheries policy is punishable by effective, proportionate and dissuasive administrative sanctions.	NGOs, CEPESCA, EMPA, FACOPEFBCP FNCP FNCCP	ETF Coldiretti	Even though the Control Regulation has been in place since 2010, there are very few Member States that have issued sanctions that are effective and dissuasive. The number of sanctions imposed for infringements is low, and the level of these sanctions does not meet the criteria set in the Control and IUU Regulations. In 2017, the Commission itself recognised that *"enforcement, especially concerning sanctions and point system, follow up of infringements [...] are the areas that show the biggest shortcomings"*.[4] The continuous lack of political will from Member States to implement the enforcement provisions of the Control and IUU Regulations, as well as the absence of strong action from the Commission to address this issue, are the roots of the problem. The Commission's proposal moves the enforcement provisions of the IUU Regulation into the new Control Regulation, opening up the current sanctioning system for revision. This has been done without a proper online public consultation or without making public an impact assessment or a study on the effectiveness of the current sanctioning	11 in favour 2 against

[4] Commission Staff Working Document SWD (2017) 134 Final, p.18.

			system. It is also unclear how the Commission and the Member States will address the gaps in implementation of these provisions, alongside the revision of the Control Regulation.**In order to create a culture of compliance, it is key that the current provisions on the penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions are strengthened, not weakened. We therefore recommend supporting the Commission's proposal on these aspects.(NGOs)** Es fundamental que sea PROPORCIONAL la falta con la sancion. (CEPESCA) Proporzionate e dissuasive! (COLDIRETTI) Art. 42.2 R. 1380/2013 PPC, art. 44.1 R. 1005/2008 (FNCP) Il quadro sanzionatorio vigente, almeno in Italia, è già fortemente penalizzante ed impattante; la funzione di deterrenza è assicurata non solo dalle sanzioni principali ed accessorie previste, quanto anche dalle previsioni dell'art 10 del Feamp in ordine alle ammissibilità dell'aiuto pubblico. (Federpesca) Per come è scritto l'articolo non si	

			capiscequalisiano le infrazioni gravi sanzionabili. Resta un forte margine di discrezionalitàedarbitrarietà su chi individua le sanzioni e come lo fa, il che mette a rischio le impreseed i lavoratori. (ETF)	
2. Member States shall ensure that the overall level of sanctions and accompanying sanctions set in accordance with this Regulation and the relevant provisions of national law is adequate in severity to discourage further infringements and effectively deprive those	NGOs, CEPESCA, EMPA, FACOPE FNCCP	FBCP FNCP	As above (NGOs) Se entiende que la realización de una infracción no implica la reiteración de infracciones.(FBCP) Art. 46 R. 1005/2008. No obstante no se entiende bien la relación de las dos frases de este artículo. La regulación del efecto disuasorio es indeterminada y puede endurecer la medida sancionadora innecesariamente si no se van a cometer más infracciones en el futuro. (FNCP)	9 in favour 2 against

	responsible of the economic benefit derived or expected from their infringement without prejudice to the legitimate right to exercise their profession. For this purpose, account shall be taken of immediate measures taken pursuant to Article 91.				
3.	When determining these sanctions the Member States shall take into account, in particular, the gravity of the infringement,	NGOs, CEPESCA, EMPA, FACOPE FBCP FNCP FNCCP		As above (NGOs) Art. 90.4 R. 1224/2009, 44.2 R. 1005/2008 (FNCP)	11 in favour

including the level of environmental damage done, the value of the prejudice to the fishing resources, the nature and extent of the infringement, its duration or repetition, or the accumulation of simultaneous infringements.				
4. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the economic benefit	NGOs FNCP	CEPESCA, EMPA, FACOPE FNCCP FBCP	As above (NGOs) The penalty should not take into account the business volume of the company, only the infringement itself and its impact (CEPESCA, EMPA, FACOPE) La aplicación de multas sólo se debe basar en el beneficio económico conseguido con la infracción pero nunca con el volumen de negocios de la persona jurídica.(FBCP)	6 in favour 5 against: the penalty should not consider the business volume of the company, only the infringement itself and its impact

achieved or envisaged by committing the infringement.			Art. 89.3 R. 1224/09 (FNCP)	

Article 90 Serious infringements

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. For the purpose of this Regulation 'serious infringement' means any serious infringement listed in paragraph 2 ~~or considered as serious pursuant to paragraph 3.~~(CEPESCA, EMPA, FBCP)	NGOs, CEPESCA, EMPA, FBCP FNCP		De acuerdo solo en lo referente a las tipificadas en el punto 2. (CEPESCA, EMPA, FBCP) El art. 90 R. 1224/2009, Anexo XXX del R. 404/2011 y el art. 3 R. 1005/2008 contemplan estas infracciones (FNCP)	9 in favour: 3 members propose one modification in the text of the paragraph
2. The following activities shall constitute	NGOs but strengthen,		We recommend changing the list of serious infringements as follows: • Add *"turning off Automatic*	8 in favour: NGOs propose: - to add in the list*"turning off Automatic*

serious infringements : (j) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or (k) falsifying or concealing markings of fishing vessel or fishing gear, identity or registration of a fishing vessel; or (l) concealing, tampering with or disposing of evidence relating to an investigation; or (m) obstructing the work of officials or	CEPESCA FBCP FNCP		*Identification System (AIS) transmitters"* to the list - if turned off for a legitimate reason such as piracy, the captain of a vessel should notify the flag State and/or the coastal state; • Amend the serious infringement "*supplying services to operators connected to a vessel engaged in IUU fishing"* to *"benefitting from, supporting or engaging in IUU fishing including as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service provider";* • Add a serious infringement for licence holders and masters of fishing vessels who are not fulfilling their obligations to mitigate against the accidental catches of sensitive species. • Add a serious infingement for licence holders and master who commit infringements of ILO rules concerning on board working conditiond and safety. (NGOs) Hay que tener en cuenta que siempre se da por VERDADERO la manifestacion del inspector, y esto no siempre es asi. (CEPESCA) The serious infringement y) could have	*Identification System (AIS) transmitters";* - Amend the serious infringement "*supplying services to operators connected to a vessel engaged in IUU fishing"* to *"benefitting from, supporting or engaging in IUU fishing including as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers;* - Add a serious infringement for licence holders and masters of fishing vessels who are not fulfilling their obligations to mitigate against the accidental catches of sensitive species; - Add a serious infringement for licence holders and master who commit infringements of ILO rules concerning on board working conditions and safety.

observers, in the exercise of their duties; or (n) transhipping without the required authorisation or where such transhipment is prohibited; or (o) conducting transfer operations in breach of the common fisheries policy rules or the applicable conservation and management measures adopted by regional fisheries management organisations; or (p) transhipping from or to, or conducting			heavy consequence. (CNPMEM) Debe habilitarse un sistema de defensa del posible infractor frente al denunciante en el mismo nivel. No siempre son correctas ni acertadas las denuncias y los acusados de infracciones se encuentran indefensos ante el posible error en el criterio o apreciación (o mala fe) del denunciante.(EMPA) NO for(z) As explained in the attached. Landing via tender boat in case of joint fishing operations, should not be considered transshipment (PEPMA) Son infracciones: a) actual art. 3.1.a R. 1005/2008 b) similar art. 3.1.f R. 1005/2008 c) similar art. 3.1.g R. 1005/2008 d) similar art. 3.1.h R. 1005/2008 e) en el sentido ar. 20 R. 1005/2008 f) en el sentido art. 35 R. 10095/2008 g) similar art. 3.1.j R. 1005/2008 h) en el sentido art. 40 R. 1005/2008 i) actual art. 3.1.c R. 1005/2008 j) similar art. 3.1.d R. 1005/2008 k) actual art. 3.1.l R. 1005/2008 l) actual art. 3.1.e R. 1005/2008 n) actual art. 90.1.a R. 1224/2009 o) similar art. 42.1.c R. 1005/2008 q) actual art. 90.1.b R. 1224/2009 El R. 1236/2010 de pesca en el Atlántico	

transfer operations with, participating in joint fishing operations with, supporting or supplying vessels, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008; or			Nororiental contiene varias de estas infracciones. (FNCP)	

(q)	being involved in the operation, management, ownership of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008 or supplying services to operators connected to a				

vessel engaged in IUU fishing; or (r) fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth; or (s) engaging in directed fishing, retaining on board, transhipping, transferring or landing species which are subject to a moratorium, a closed season or for which fishing is prohibited;				

or (t) being a vessel with no nationality and therefore a stateless vessel, in accordance with international law; or (u) using prohibited fishing gear; or (v) landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation or landing fisheries products stemming from IUU fishing activities; or (w) not transmitting a				

	landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transhipment declaration or a transfer declaration, when the operation has taken place outside the Union waters; or				
(x)	falsifying documents, data or information or using of falsified or invalid documents, data or information required under the				

	rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008; or				
(y)	conducting business directly connected to IUU fishing including the trade in, importation, exportation, processing, marketing, of fisheries products stemming from IUU fishing activities; or				
(z)	manipulating an engine or continuous				

engine power monitoring devices with the aim of increasing the power of the vessel beyond the maximum continuous engine power according to the engine certificate.				
3. The following activities shall constitute serious infringements depending on the gravity of the infringement in question which shall be determined by the competent authority of the Member State concerned taking into account one or more of the	NGOs, CEPESCA FBCP FNCP	EMPA IFSUA CNPMEM	El Diario Electronico no debe ser obligatorio para la flota de bajura que cada dia vuelve a puerto. (CEPESCA) The use of non-conforming gear falls into this category, but the difference between this point (c) and point (d) (missing the obligations related to the use of gear) should be explained. Similarly, point (e) is not clear (in relation to the landing obligation). On the other hand, when reading points f to i, any infringement can be classified as serious, which removes a interest in this paragraph. (CNPMEM) Con excepción del punto a) sobre precisión de registros, y el punto h), que debería incorporarse en el apartado 2. Del presenteArtículo. (FBCP, EMPA) Delete point h). For the reasons stated in	8 in favour 2 against: The use of non-conforming gear falls into this category, but the difference between this point (c) and point (d) (missing the obligations related to the use of gear) should be explained. Similarly, point (e) is not clear (in relation to the landing obligation). On the other hand, when reading points f to i, any infringement can be classified as serious, which removes a interest in this paragraph. Delete point h).

alternative criteria defined in accordance with Annex IV: (a) not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior notices, as required under the rules of the common fisheries policy; or (b) not making available a catch declaration or a landing declaration to			article 55 (IFSUA) Éstas serán infracciones graves dependiendo de la gravedad. a) Redacción similar a art. 3.1.b R. 1005/2008 b) Según art. 30.1 R. 2017/2403 c) Artes "no conformes", distintos de los "prohibidos" del apartado anterior. Serán los permitidos, con irregularidades. e) la redacción en español está mal "no desembarcar en el buque pesquero …". Es mejor la versión inglesa: "no subir y retener a bordo ..." . Pero en su conjunto el texto es qeuívoco. Debería aclararse su sentido. Hoy lo que dice el art. 90.1.c es que es infracción grave el incumplimiento del requisito de subir y mantener a bordo del buque pesquero y de desembarcar cualesquiera capturas de especies sujetas a la obligación de desembarque establecida en el artículo 15 del Reglamento 1380/2013, a menos que la subida y mantenimiento a bordo y el desembarque de tales capturas sea contrario a las obligaciones o estén sujetos a las excepciones, contempladas en las normas de la política pesquera común en las pesquerías o zonas de pesca en las que se apliquen esas normas. f) art. 3.1.k R. 1005/2008 h) las infracciones en la pesca recreativa serán graves en función de la infracción. i) lo contempla el R. 1236/10 para la pesca en el Atlántico Nororiental y R. 2016/1627 para el atún rojo. Anexo VIII.I.1.j. (FNCP)	

	the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403(*); or				
(c)	using non-compliant fishing gear; or				
(d)	not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy; or				
(e)	failing to bring and retain on				

board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for				

	regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply; or				
(f)	carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that				

	organisation in the case where these activities are not considered as serious infringement under paragraph 2 of this Article; or				
(g)	making available on the market fishery products in breach of the rules of the common fisheries policy in the case where this activity is not considered as serious infringement under paragraph 2 of this Article; or				
(h)	conducting				

recreational fishing activities in breach of rules of the common fisheries policy or selling of catches from recreational fisheries; or (i) committing multiple infringements which together constitute a serious disregard of the rules of the common fisheries policy.				

Article 91 Immediate enforcement measures for serious infringements

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Where a natural person	NGOs	CEPESCA, EMPA,	**NOTE:** These provisions are now new, as the	7 in favour:In order to create a culture of compliance, it is key that the current

is ~~suspected of having committed or is~~(ACI) caught in the act while committing a serious infringement or a legal person ~~is suspected of being~~(ACI) liable for such a serious infringement, Member States, in addition to the investigation of the infringement in accordance with the provisions of Article 85, shall immediately in conformity with their national law, take relevant and immediate	FBCP FNCP	FACOPE FNCCP ACIFederpesca	Commission has simply moved the enforcement provisions of the IUU Regulation into the new Control Regulation. Any changes serve to clarify provisions to allow for a smoother implementation by the Member States. **In order to create a culture of compliance, it is key that the current provisions on the penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions are strengthened, not weakened. We therefore recommend supporting the Commission's proposal on these aspects.** An effective enforcement system is one of the key factors in ensuring that fishing activities are sustainable and that the long-term future of the fishing sector is assured. Applying sanctions at effective, dissuasive and proportionate levels, and ensuring that these sanctions take into account the damage done to the marine environment are crucial steps to ensure that the objectives of the EU Common Fisheries Policy (CFP) are ultimately met. Fishers engaged in illegal, unreported and unregulated (IUU) activities will continue to do so as long as their revenue exceeds their costs, as these activities are often profitable. Because of their lower operating costs, IUU fishers gain an unfair economic advantage over legitimate fishers. It is therefore key that	provisions on the penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions are strengthened, not weakened. 8 against: The suspicion cannot be a reason to paralyze a vessel, take it to port and therefore paralyze a company, with all the socio-economic repercussions that it entails.Mere suspicion cannot be a condition for the implementation of implementing measures.

measures such as: (a) the immediate cessation of fishing activities; (b) the immediate rerouting to a port; (c) the rerouting of the transport vehicle to another location for inspection; (d) the ordering of a bond; (e) the seizure of fishing gear, catches or fisheries products or the profit earned from the sale of the catches or fisheries products; (f) restriction to or prohibition of the placing			sanctions for infringements of the rules of the CFP are really deterrent. Indeed, if only warnings or negligible fines are imposed, there is a risk that offenders regard such sanctions as a basic cost of doing business. This runs counter to the objectives of the CFP and undermines the establishment of both a culture of compliance and of a level playing field in the EU. **The harmonisation of sanctions at the EU level is needed to guarantee that there is an EU level-playing field when it comes to the treatment of fisheries infringements. (NGOs)** We believe that the suspicion cannot be a reason to paralyze a boat, take it to port and therefore paralyze a company, with all the socio-economic repercussions that it entails. Medidas de tal gravedad para la persona o la empresa SOLO deberían ser posibles ante hechos evidentes o probados. (CEPESCA, EMPA, FACOPE) The used of the term 'suspected' is very dangerous. (CNPMEM) Il semplice sospetto non può essere condizione per l'applicazione delle misure di esecuzione (ACI) Very tough and legally unfounded to take	

on the market of fisheries products; (g) the temporary immobilisation of the fishing vessel or transport vehicle concerned; (h) the suspension of the authorisation to fish; (i) the temporary cessation of business activities.			measures in case of suspect .A decision should be final (PEPMA) Art. 91 R. 1224/2009 para los sorprendidos cometiendo una infracción Art. 43.1 R. 1005/2008. El proyecto lo extiende al decomiso de los beneficios de la venta, la restricción o prohibición de comercializar y a la paralización temporal de las actividades empresariales. Art. 7.4 R. 2017/2403 de gestión sostenible de flotas pesqueras exteriores, privar de beneficios.Son medidasqueyavienenaplicandolosEstados. (FNCP) Non si ritiene ammissibile che il semplice sospetto della commissione di una infrazione grave possa giustificare l'adozione di norme così drastiche e fortemente penalizzanti. (Federpesca)	
2. The immediate enforcement measures referred to in paragraph 1 shall be of such nature as to prevent the continuation of the detected serious	NGOs, CEPESCA, EMPA FBCP FNCP		As above (NGOs) Solo si el delito esta contrastado.(CEPESCA) Teniendo en cuenta lo anotado en el punto 1, (EMPA) Art. 82.b R. 1224/09 y 43.2 R. 1005/2008 (FNCP)	9 in favour

	infringement concerned, to take all necessary action to ensure safekeeping of the evidence pertaining to such suspected serious infringement and to allow the competent authorities to complete their investigation.				
3.	The Member State shall immediately and, in compliance with its procedures under national law, notify the flag State concerned of the measures referred to in paragraph 1.	NGOs, CEPESCA, EMPA FBCP FNCP		As above (NGOs) Similar art. 89.4 R. 1224/2009 (FNCP)	9 in favour

Article 91a Sanctions for serious infringements

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Without prejudice to other sanctions applied in accordance with this Regulation and national law, in case of established serious infringement where the serious infringement has lead to obtaining fishery products, Member States shall impose fines for which: – the minimum shall be at least three times the value of the	NGOs	CEPESCA, EMPA FBCP FNCP PEPMA	**NOTE:** These provisions are now new, as the Commission has simply moved the enforcement provisions of the IUU Regulation into the new Control Regulation. Any changes serve to clarify provisions to allow for a smoother implementation by the Member States. **The harmonisation of sanctions at the EU level is needed to guarantee that there is an EU level-playing field when it comes to the treatment of fisheries infringements. In order to create a culture of compliance, it is key that the current provisions on the penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions are strengthened, not weakened. We therefore recommend supporting the Commission's proposal on these aspects.** An effective enforcement system is one of the key factors in ensuring that fishing activities are sustainable and that the long-term future of the fishing sector is assured. Applying sanctions at effective, dissuasive and proportionate levels, and ensuring that these sanctions take into account the damage done to the marine	5 in favour: The harmonisation of sanctions at the EU level is needed to guarantee that there is an EU level-playing field when it comes to the treatment of fisheries infringements. 5 against: The conditions of the coastal fleet fishing near the coast must be considered.

fishery products obtained by committing the serious infringement, and – the maximum shall be at least five times the value of the fishery products obtained by committing the serious infringement.			environment are crucial steps to ensure that the objectives of the EU Common Fisheries Policy (CFP) are ultimately met. Fishers engaged in illegal, unreported and unregulated (IUU) activities will continue to do so as long as their revenue exceeds their costs, as these activities are often profitable. Because of their lower operating costs, IUU fishers gain an unfair economic advantage over legitimate fishers. It is therefore key that sanctions for infringements of the rules of the CFP are really deterrent. Indeed, if only warnings or negligible fines are imposed, there is a risk that offenders regard such sanctions as a basic cost of doing business. This runs counter to the objectives of the CFP and undermines the establishment of both a culture of compliance and of a level playing field in the EU. (NGOs) Debe tenerse en cuenta los condicionantes de la flota de bajura que pesca cerca de costa.(CEPESCA) Debería establecerse un máximo de aplicación de 3 veces el valor de la pesca	

			obtenido. (EMPA, FBCP) Is proportionality guaranteed by imposing a fine which is not proportional to the damage? One sided, arrogant and arbitrary decision (PEPMA) Previsto en el art. 44.2 R. 1005/2008. La propuesta fija el mínimo (FNCP)	
2. In case of any repeated serious infringement where the serious infringement leads to obtaining fishery products within a three-year period, the Member States shall impose fines for which: – the minimum shall be at least five times the value of the	NGOs	CEPESCA, EMPA FBCP FNCPFederpesca	Responsabilidad del patrón. (CEPESCA) Tres años es un periodo exesivo. Lo lógico sería un año. Aplicar ocho veces el valor es totalmente absurdo, desproporcionado y confiscatorio. (EMPA) Por entender que en todo caso, debería referirse a infracciones reiteradas del mismo tipo de infracción y, en ningún caso, aplicar al valor de la infracción un múltiplo de 8. (FBCP) Previsto en el art. 44.2 R. 1005/2008. La propuesta fija el mínimo y un período de 5 años (actualmente el período es de 3 años). (FNCP) Il quadro sanzionatorio di tale entità, nel minimo e nel massimo della sanzione	5 in favour 5against:shouldrefer to repeatedinfringements of the same type of infringement and, in no case, apply to the value of the infringement a multiple of 8.

fishery products obtained by committing the serious infringement, and – the maximum shall be at least eight times the value of the fishery products obtained by committing the serious infringement.			prevista, è inconcepibile e inaccettabile. (Federpesca)	
3. ~~The amounts referred to in paragraphs 1 and 2 shall be calculated on the value of the fisheries products according to the prices of the European Market Observatory for Fisheries and~~	NGOs FBCP FNCP	CEPESCA, EMPA ACI Federpesca	En base al valor de los precios en el lugar habitual de venta en su momento. (EMPA) Non si ritiene corretto collegare l'importo pecuniario di una sanzione ai prezzi di mercato che per definizione sono variabili. Ciò inficia il principio della certezza del diritto e della pena (ACI, Federpesca) Una stessa infrazione commessa in diversi periodi stagionali potrebbe essere sanzionata con importi diversi. (Federpesca) Toma como referencia para determinar	7 in favour 6 against: It is not correct to link the pecuniary amount of a penalty to market prices which by definition are variable. This undermines the principle of legal certainty and punishment.

~~Aquaculture Products (EUMOFA) platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices in auction halls or prices identified on principal international markets relevant for the species and fishing area concerned shall be applicable and the higher price~~			la cuantía de las sanciones los precios de la plataforma EUMOFA. Si no se dispone o no son pertinentes, los precios nacionales de lonjas o de principales mercados internacionales pertinentes para la especie y la zona y primará el precio más alto. (FNCP)	

~~prevail.~~(ACI)				
4. Where the serious infringement did not lead to obtaining fishery products, the fines shall be determined by the Member States in accordance with Article 89a, at a level leading to a deterrent effect similar to the effect of the fines set in paragraphs 1 and 2.	NGOs, CEPESCA, EMPA FBCP FNCP		El efecto disuasorio es un principio del régimen sancionador. Es a considerar que sean los Estados los que fijen las sanciones. (FNCP)	9 in favour

Article 91b Accompanying sanctions

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
The sanctions provided for in Articles 89, 89a and	NGOs	CEPESCA, EMPA	**NOTE:** These provisions are now new, as the Commission has simply moved the enforcement provisions of the IUU	7 in favour 2 against

91a and measures provided for in Article 91 may be accompanied by other dissuasive sanctions or measures, in particular: (1) the sequestration of the fishing vessel(s) involved in the infringement; (2) the temporary immobilisation of the fishing vessel; (3) the confiscation of the vessel(s), prohibited fishing gear, catches or fishery products; (4) the suspension or withdrawal of the fishing license or fishing authorisation; (5) the reduction	FBCP FNCP		Regulation into the new Control Regulation. Any changes serve to clarify provisions to allow for a smoother implementation by the Member States. **The harmonisation of sanctions at the EU level is needed to guarantee that there is an EU level-playing field when it comes to the treatment of fisheries infringements. In order to create a culture of compliance, it is key that the current provisions on the penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions are strengthened, not weakened. We therefore recommend supporting the Commission's proposal on these aspects.** An effective enforcement system is one of the key factors in ensuring that fishing activities are sustainable and that the long-term future of the fishing sector is assured. Applying sanctions at effective, dissuasive and proportionate levels, and ensuring that these sanctions take into account the damage done to the marine environment are crucial steps to ensure that the objectives of the EU Common Fisheries Policy (CFP) are ultimately met. Fishers engaged in illegal, unreported and unregulated (IUU) activities will continue to do so as long as their revenue exceeds their costs, as these activities are often profitable. Because of their lower operating costs, IUU fishers gain an unfair	

or withdrawal of fishing rights; (6) the temporary or permanent exclusion from the right to obtain new fishing rights; (7) the temporary or permanent ban on access to public assistance or subsidies; (8) the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3)of Regulation (EC) No 1005/2008; (9) the withdrawal of the ship certificate of national registry;			economic advantage over legitimate fishers. It is therefore key that sanctions for infringements of the rules of the CFP are really deterrent. Indeed, if only warnings or negligible fines are imposed, there is a risk that offenders regard such sanctions as a basic cost of doing business. This runs counter to the objectives of the CFP and undermines the establishment of both a culture of compliance and of a level playing field in the EU. (NGOs) No a la inmovilización del buque en ningún caso. (CEPESCA) No conforme el proponente con las graves sanciones y medidas propuestas, este articulo, además, propone más posibles medidas. No tengo palabras para describir mi opinión sobre semejante ejemplo de pertinaz acoso y derribo a los pescadores. (EMPA) De acuerdo, excepto en el punto 7) en relación a la prohibición temporal de acceso a ayudas, que de vería ser por un periodo máximo de 12 meses.(FBCP) Art. 45 R. 1005/2008. Las de los 3 últimos números son nuevas. La suspensión o anulación de la licencia o autorización debe	

(10) the temporary suspension of the economic activity or its permanent cessation; (11) the temporary or permanent withdrawal of the authorisation to engage in fish trade activities.			realizarse con extrema cautela por su impacto socioeconómico, generando desigualdad entre los operadores. (FNCP) Manca solo la pena di morte per decapitazione! (Federpesca)	

*Article 92*Point system for serious infringements

Proposal as regards fisheries control	OK	NO	NOTES	COMPROMISE TEXT
1. Member States shall apply a point system for infringements referred to in Article 90, except for serious infringements referred to in paragraph 1	NGOs FBCP FNCP	CEPESCA, EMPA	As above (NGOs) En contra del Sistema de puntos.(CEPESCA, EMPA) Parece que las referencias deberían hacerse al apartado **1,** letras k) y p) y apartado **2**, letras g)y h) (FNCP)	7 in favour 2 against

	points (k) and (p) and in paragraph (2) points (g) and (h) of that Article.				
2.	When a natural person has committed or a legal person is held liable for a serious infringement, a number of points calculated in accordance with Annex III shall be assigned to the holder of the fishing licence for the fishing vessel concerned.	NGOs FBCP FNCP	CEPESCA, EMPA	Art. 92.2 R. 1224/2009 (FNCP)	7 in favour 2 against
3.	~~While remaining attached to the licence holder who sold the fishing vessel, points shall also be assigned to~~	NGOs	CEPESCA, CNPMEM, EMPA FBCP FNCP	Un Nuevo propietario no debe pagar los errores del anterior. Es totalmente injusto. (CEPESCA) I punti comminati in presenza di vendita di un peschereccio si sdoppiano, restando collegati al	5 in favour 10against: The responsibility of the points ispersonal as they are assigned to the owner and the master of the vessel. The ratio of thisrequirementthatintervenes on

~~any new holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement.~~(ACI)		ACI Coldiretti Federpesca	vecchio titolare (proprietario) ed anche seguendo la barca gestita da un nuovo proprietario? Se così fosse sarebbe eccessivo e si bloccherebbe anche il commercio di barche da Pesca. (COLDIRETTI) La responsabilità dei punti è personale in quanto gli stessi vengono assegnati all'armatore ed al comandante dell'imbarcazione. Non si comprende la ratio di tale prescrizione che interviene su meccanismi di mercato svalorizzando il valore dell'imbarcazione. L'effetto deterrente sui comprtamenti non deve in alcun caso tradursi in un minor valore economico del bene (ACI, Federpesca)<u>In ogni caso queste disposizioni non hanno attinenza con la realizzazione degli obiettivi della PCP.</u> (Federpesca) Art. 92.2 R. 1224/2009, cuando se venda el buque, o traspase o haya otro cambio de propiedad, sigue asignando los puntos al nuevo titular, aunque aclara que los puntos siguen vinculados al titular de la licencia (FNCP)	marketmechanismsis not understood, devaluing the value of the boat. The deterrenteffect on the deposits must not underanycircumstances translate into a lowereconomic value of the asset.
4. Member States	NGOs FBCP	CEPESCA,	Se così fosse sarebbe eccessivo e si	7 in favour

	shall also establish a point system under which the master of a vessel is assigned the same number of points as the holder of the fishing licence following a serious infringement committed aboard the vessel under his or her command.	FNCP	EMPA Coldiretti	bloccherebbe anche il commercio di barche da Pesca.(COLDIRETTI) El artículo 92.6 R. 1224/2009 también prevé que se asignen puntos al capitán, aunque sin ligarlo a los que se asignen al titular de la licencia (FNCP)	3 against
5.	When two or more serious infringements by the same natural or legal person holding the licence are detected in the course of one inspection, points in respect of each serious infringement	NGOs FBCP FNCP	CEPESCA, EMPA	Art. 126 R. 404/2011, redacción R.Ejec. 2015/1962 (FNCP)	7 in favour 2 against

	concerned shall be assigned in accordance with paragraph 2 up to a maximum of 12 points for all those infringements.				
6.	When the total number of points equals or exceeds 18 points, the fishing licence and/or the right to command a fishing vessel shall be automatically suspended for a period of at least two months. That period shall be four months if the suspension is occurring a second time and the points equals or exceeds 36 points, eight	NGOs FBCP FNCP	CEPESCA, CNPMEM EMPA,	Delete the end of the paragraph "and the fishing vessel shall not be used anymore for commercial exploitation of marine biological resources" (CNPMEM) Arts. 92.3 R. 1224/2009 y 129 R. 404/2011 control (FNCP)	7 in favour 3 against

months if the suspension is occurring a third time and the number of points equals or exceeds 54 points and one year if the suspension is occurring a fourth time and the number of points equals or exceeds 72 points. In case the suspension is occurring for a fifth time and the number of points equals or exceeds 90 points, the fishing licence shall be permanently withdrawn and the fishing vessel shall not be used anymore for commercial exploitation of marine				

	biological resources.				
7.	The accumulation of 90 points by the holder of a fishing license or a master shall trigger automatically the permanent withdrawal of the fishing licence or of the right to command a fishing vessel as a master. 7bis If the holder of a fishing licence has not committed a serious infringement for a period of not less than 5 consecutive calendar years, calculated	NGOsFBCP FNCP ACI Federpesca	CEPESCA, EMPA	Si ritiene doveroso un incentivo per gli operatori che abbiano comportamenti virtuosi e dimostrino responsabilità sociale dell'uso e sfruttamento di beni comuni. (ACI, Federpesca) Art. 129.2 R. 404/2011. Se incluye la retirada permanente del derecho de capitanear el buque (FNCP)	10 in favour: ACI propose to add a paragraph to provide an incentive for operators who implement virtuous behavior and demonstrate social responsibility in the use and exploitation of common goods. 2 against

	from 1st January of the year in which this regulation came into force, this same licence holder shall be assigned 2 priority points in the national rankings of the European Maritime and Fisheries Fund referred to in Regulation (EU) 508/2014 and subsequent amendments.				
8.	If the holder of a fishing licence or the master does not commit a serious infringement	NGOs FBCP FNCP	CEPESCA EMPA	Art. 92.4 R. 1224/2009. (FNCP)	7 in favour 2 against

	within three years from the date of the committing of the last serious confirmed infringement, all points shall be deleted.				
9.	The coastal State is competent to determine under its national laws whether a serious infringement has been committed in its waters and to decide about the number of points to be assigned in accordance with Annex III.	NGOs FBCP FNCP	CEPESCA EMPA	Es una competencia estatal (FNCP)	7 in favour 2 against
10.	Where the serious infringement is detected in a Member State other than the	NGOs FBCP FNCP	CEPESCA EMPA	Hoy art. 126.5 R. 404/2011. La redacción no es clara sobre qué autoridad es la encargada de asignar inicialmente los puntos.	7 in favour 2 against

flag State, the points assigned in accordance with this Article shall be recognized by the competent authorities of the flag Member State.				
11. Member States shall designate the competent national authorities which shall be responsible for setting up the system for the attribution of points for serious infringements, assigning the appropriate number of points to the holder of a fishing licence and master and transferring the points in accordance	NGOs FBCP FNCP	CEPESCA EMPA	Actual art. 125 R. 404/2011 (FNCP)	7 in favour 2 against

with paragraph 3.				
12. Member States shall ensure that the application of national proceedings does not render the point system ineffective.	NGOs FBCP FNCP	CEPESCA EMPA	Es lógico (FNCP)	7 in favour 2 against
~~13. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:~~ (j) ~~the amendment of the threshold of points triggering the suspension and permanent withdrawal of a fishing licence or of the right to command a fishing vessel~~	NGOs FBCP FNCP	CEPESCA EMPA ACI Federpesca	Absolutamente en contra del sistema de puntos. Totalmente en contra de los actos delegados. (EMPA) Si ritiene tale previsione eccessiva rispetto alle prerogative del Parlamento (ACI) Se considera que deberían pasar al punto siguiente (procedimiento de examen) las competencias de las letras a y c. (FNCP) Al riguardo non si comprendono le ragioni delle riserve in ordine al conferimento alla Commissione di poteri per adottare atti delegati contenenti ulteriori norme di dettaglio che certamente renderebbero più complessi gli adempimenti, estendendo la responsabilità del	7 in favour 6against: excessive prediction of Parliament'sprerogatives

~~as a master;~~ (k) ~~the follow up of suspension and permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;~~ (l) ~~measures to be taken in case of illegal fishing activities during the suspension period or after the permanent withdrawal of a fishing licence or of a right from exercising fishing activity as a master;~~ (m) ~~conditions justifying the deletion of points;~~ (n) ~~the registration of masters authorized to exercise fishing activity.~~(ACI)			comandante. (Federpesca)	

14. The Commission shall, by means of implementing acts, lay down detailed rules concerning: (a) the notifications of decisions on assignment of points; (b) the transfer of the points when ownership of vessels for which points where assigned, is transfered; (c) the deletion of fishing licences or of the right to command a fishing vessel as a master, for the person responsible for serious infringements from relevant lists;	NGOs FBCP FNCP	CEPESCA, EMA	Absolutamente en contra del sistema de puntos.(EMPA) Se considera correcto que se utilice el procedimiento de examen para el desarrollo de estas cuestiones (FNCP)	7 in favour 2 against

(d) the obligations of information on the point system for masters of fishing vessels established by the Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).				