

Bruxelles, 08 février 2022

WK 1699/2022 INIT

LIMITE

PECHE

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NOTE

De:	Secrétariat général du conseil
A:	Delegations
Sujet:	Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1224/2009 du Conseil et modifiant les règlements (CE) n° 768/2005, (CE) n° 1967/2006, (CE) n° 1005/2008 du Conseil et le règlement (UE) 2016/1139 du Parlement européen et du Conseil en ce qui concerne le contrôle des pêches
	- Tableau avec plusieurs lignes en vue du trilogue du 11 février 2022

Les délégations trouveront ci-joint un tableau avec plusieurs lignes du document « quatre colonnes » concernant la proposition de révision de divers règlements en matière de contrôle de la pêche, qui feront l'objet de discussion pendant le trilogue du 11 février 2022.

Le tableau présente l'état d'avancement des négociations. Veuillez noter que les négociations sont menées selon le principe que "rien n'est convenu tant que tout n'est pas convenu". Cela implique, en particulier, que les lignes qui sont colorées en vert ne doivent être considérées que comme des accords provisoires.

Dans la cinquième colonne, la Présidence présente des suggestions sur la marche à suivre concernant certaines lignes.

Les délégations sont invitées à fournir des orientations sur ces lignes en vue du trilogue du 11 février 2022.

Le document sera examiné par le groupe de travail du 10 février 2022.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending
Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No
1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the
Council as regards fisheries control
2018/0193(COD)
08-02-2022**

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
Article 1, first paragraph, point (43a), amending provision, fourth paragraph					
508f			<u><i>Fisheries without a fishing vessel¹</i></u> <u><i>1. A recital will explain the scope of the new Article on "fishing without a vessel", in particular, its geographical scope and that it only relates to commercial fisheries. It should be stressed that the Article only covers the exploitation of 'marine biological resources', a term defined under Article 4(1)(2) of Regulation (EU) No 1380/2013.</i></u>	EP (Rapporteur) proposal: Fishing without a fishing vessel Sequence 4	Accept EP proposal to change “fisheries” to “fishing” For PSY it has no implications on the scope of the provision.
Article 1, first paragraph, point (43a), amending provision(2)(a)					
508i			<u><i>(a) put in place a licensing or other alternative system for natural and legal persons conducting such activities; and</i></u>	COM compromise proposal: Put in place a licensing or other alternative registration system for natural and legal persons conducting such activities;	Accept COM compromise proposal. EP and COM insist on referring to “registration”.

Table on selected rows in view of trilogue on 11.2.2022

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
				and EP (Rapporteur) proposal: put in place a licensing or registration system for natural and legal persons conducting such activities; and Sequence 4	
Article 1, first paragraph, point (43a), amending provision(2)(b)					
508j			<u>(b) ensure that the quantities of species, stocks or group of stocks caught are recorded and submitted by electronic means to the competent authorities.</u>	EP (Rapporteur) proposal: (b) ensure that the quantities of species, stocks or group of stocks caught are recorded and that those records are submitted by electronic means to the competent authorities. Sequence 4	Flexibility to agree to a more precise reference. See changes in row 508k (FAO alpha-3 code of each species), which require more specific wording.
Article 1, first paragraph, point (43a), amending provision(3)					
508k			<u>3. This Article shall apply</u>	EP (Rapporteur) proposal:	On EP (Rapporteur) proposal:

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
			<u>from ... /24 months after the date of application of this Regulation/.</u>	<p>2 a. The records of catches referred to in paragraph 2 (b) shall contain in particular the following information:</p> <p>(a) a unique fishing day identification number;</p> <p>(b) the fisher's identification number of licence or register;</p> <p>(c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(d) the date of catches;</p> <p>(g) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;</p> <p>(h) estimated discards of live-weight equivalent in volume for any species not subject to the landing obligation;</p> <p>(i) estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15(4) and (5) of</p>	<p>Agree in principle to record of catches and to set out the exact content of the record of catches in the Control Regulation and to delegate to the technical level to discuss the exact content.</p> <p>As regards specific elements of the record of catches: Object to reference to a "unique fishing day identification number".</p> <p>Agree in principle that the data shall be sent once a day.</p> <p>The Presidency will inform Member States in due time of the outcome of these technical discussions.</p>

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
				<p>Regulation (EU) No 1380/2013;</p> <p>2 b. Article 14 (4) on the permitted margin of tolerance shall apply to estimates of the quantities in kilograms of fish captured recorded in the records referred to in paragraph 2(b) of this Article.</p> <p>2 c. The records referred to in paragraph 2(b) shall be submitted by electronic means at least once at the end of the fishing day.</p> <p>Sequence 4</p>	
Article 1, first paragraph, point (43a), amending provision(4)					
508l			<p><u>4. The Commission may, by means of implementing acts, lay down detailed rules on the format, content and submission of the record of the quantities caught as referred to in point (b) of paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure</u></p>	<p>EP (Rapporteur) proposal:</p> <p>The Commission may, by means of implementing acts, lay down detailed rules on the format, content and submission of the records referred to in point (b) of paragraph 2, taking into account regional particularities across the</p>	<p>Depending on what is agreed on row 508k, defend that the implementing act shall only concern the format and possibly the submission, as the content is set out in the Control Regulation itself (row 508k).</p>

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
			<u>referred to in Article 119(2).</u>	Union. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). Sequence 4	
Article 1, first paragraph, point (59)(bd)					
714d		<u>(bd) paragraph 8 is replaced by the following:</u> <u>"8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States."</u> EP AM 216, EX AM 813 (Greens/EFA)		EP compromise proposal: "8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States. Member States may charge those costs <u>in part</u> to the operators of the fishing vessels flying their flags involved in	Flexibility to accept compromise proposal in order to allow for agreement on another important row.
Article 1, first paragraph, point (60), amending provision(3)(f)					
736	(f) the use of CCTVs and other electronic monitoring devices;	(f) the use of CCTVs, <u>where applicable</u> , and other electronic monitoring devices <u>such as Full Documentation of Fisheries when it is admitted</u> ; CCTV -EMS	(f) <u>if applicable</u> , the use of CCTVs and other electronic monitoring devices <u>and functioning of REM systems</u> ;	Presidency proposal: "(f) the use and functioning of REM systems and other electronic devices, if applicable;"	MS are asked to support Presidency compromise proposal.

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
		EP AM 222, EX AM 825 (EPP)			
Article 1, first paragraph, point (60), amending provision, numbered paragraph (5c)					
739c			<u>5c. Member States shall adopt a risk-based approach for the selection of targets for inspection, using all available information.</u>	Sequence 6	MS are asked to support Presidency proposal (see below) to facilitate agreement with EP, in exchange for EP to drop its proposal in row 742. The following proposal has not been discussed with EP&COM yet. “Member States shall adopt a risk-based approach for the selection of targets for inspection. This approach shall be set in accordance with the harmonised methodology established by the Member States in cooperation with the European Fisheries Control Agency (EFCA) for fisheries subject to specific control and inspection programmes referred to in Article 95 ”
Article 1, first paragraph, point (60), amending provision(6)(b)					
Y 742					Y

Table on selected rows in view of trilogue on 11.2.2022

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
	(b) the adoption by Member States of a risk-based approach for the selection of inspection targets;	(b) the adoption by Member States of a risk-based approach for the selection of inspection targets <u>and minimum frequency of inspections</u> ; EP AM 227, EX ENVI 82	(b) the adoption by Member States of a risk-based approach for the selection of inspection targets;	Sequence 6 EP drafting proposal b) the risk based approach for the selection of inspection targets referred to in paragraph 5c and inspection benchmarks.	Defend GA, but propose the text set out above, in row 742.
Article 1, first paragraph, point (60), amending provision(2)					
770	2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation on the territory of Member States and in Union waters, and on Union fishing vessels outside Union waters.		2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation on the territory of Member States and in Union waters, and on Union fishing vessels outside Union waters.	Presidency proposal: 2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation on the territory of Member States and in Union waters, and on Union fishing vessels outside Union waters. <u>In case of an inspection on the territory of a Member State, Union inspectors not appointed by that Member State may only carry out such inspections in the presence of an official of that Member State or with the agreement of the Member</u>	MS are asked for support for Presidency compromise in order to agree with the EP. Addition of “on the territory of Member States” is highly important for EP and COM.

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
				State. <i>The term of official is defined at Article 4(6)</i> Sequence 6	
Article 1, first paragraph, point (60), amending provision(4), first subparagraph(b)					
776	(b) all information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data, landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents;	(b) all information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data <u>data from electronic monitoring devices</u> , landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents; CCTV -EMS EP AM 237, EX AM 863 (S&D)	(b) all <u>relevant</u> information and documents which are needed to fulfil their tasks; in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data, landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents;	Presidency proposal: (b) <u>(b) all relevant</u> all information and documents which are needed to fulfil their tasks, in particular fishing logbooks, fishing licence, certification of engine power, CCTVs data <u>data from remote electronic monitoring system (REM)</u> , landing declarations, catch certificates, transshipment declarations, sales notes, and other relevant information and documents; Sequence 6	MS are asked to support Presidency proposal, which is acceptable to EP and COM.
Article 1, first paragraph, point (70), amending provision, first paragraph					
951	" Article 93a		" Article 93a	Sequence 6	

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
	Article 1, first paragraph, point (70), amending provision, second paragraph				
G	952	National control programmes and annual reports	National control programmes and annual reports	" National control programmes and annual reports Sequence 6 COM drafting proposal on 28/1/2022 National control programmes	Note on this and following rows: To ensure a clearer structure of the provision, the Commission has proposed the separate the issue of “national control programmes” and “annual reports” and to address both in separate Articles.
	Article 1, first paragraph, point (70), amending provision(1), first subparagraph				
G	953	1. Member States shall establish annual or multiannual national control programmes for the inspections and the control of the rules of the common fisheries policy.	" 1. Member States shall establish annual or multiannual national control programmes for the inspections and the inspections, surveillance <u>and</u> control of the rules of the common fisheries policy. EP AM 271, EX CA 22	1. Member States shall establish annual or multiannual national control programmes for the inspections and the control of the rules of the common fisheries policy. Sequence 6 Agreed at ITM on 20-21/1/22	GA accepted.
	Article 1, first paragraph, point (70), amending provision(1), second subparagraph				
Y	954	National control	National control	National control	Object yearly updates of

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
	programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures.	programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures <u>and the conclusions of the annual evaluation report referred to in paragraph 2b.</u> EP AM 272, EX CA 22	programmes shall be risk-based and shall be updated at least once a year <u>when necessary</u> , in particular taking into account newly adopted conservation and control measures <u>and any additional data.</u>	Sequence 6 COM drafting proposal on 28/1/2022 2. National control programmes shall be risk-based and shall be updated at least once a year in particular taking into account newly adopted conservation and control measures and any additional data.	national control programmes. Flexibility to agree to updating multiannual programmes at different intervals, for example, every second year. Strong position from EP & COM on this issue, who prefer annual updates.
Article 1, first paragraph, point (70), amending provision(1), third subparagraph					
955	National control programmes shall be notified to the Commission before the 31 December of each year and shall cover at least the following calendar year.		National control programmes shall be notified to the Commission before the 31 December of each year <u>period</u> and shall cover at least the following calendar year <u>or years</u> .	National control programmes shall be notified to the Commission before the 31 December of each year and shall cover at least the following calendar year <u>Member States shall notify their national control programmes to the Commission no later than three months from their establishment or update.</u> Sequence 6 COM drafting proposal on 28/1/2022 Member States shall notify their national	Agree to COM proposal.

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
				control programmes to the Commission no later than three months from their establishment or update.	
Article 1, first paragraph, point (70), amending provision(1), third subparagraph a					
y	955a			<p>Sequence 6</p> <p>COM drafting proposal on 28/1/2022</p> <p>New row 955a linked to 957</p> <p>3. The Commission is empowered to adopt delegated acts in accordance with Article 119a to set minimum requirements for national control programmes and benchmarks for controls and inspections taking into account the objectives of the common fisheries policy and technical progress and scientific developments.</p>	<p>Note: this is the text from row 957, which is moved here due the restructuring of the provision.</p> <p>The Presidency asks for flexibility to address this row as part of the overall package on delegated and implementing acts.</p>
Article 1, first paragraph, point (70), amending provision(1), third subparagraph b					
g	955b			<p><u>Article 93b</u> <u>Member States annual</u></p>	Accept COM proposal, which is acceptable to EP.

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
				<u>report on controls and inspections</u> Sequence 6 COM drafting proposal on 28/1/2022 Article 93b Member States annual report on controls and inspections	
Article 1, first paragraph, point (70), amending provision(2)					
956	<p>2. By 30 June every year, Member States shall submit to the Commission a report on inspections and controls performed in the previous year, in accordance with the national control programmes and in compliance with the present Regulation.</p>	<p>2. By 30 June<u>31 March</u> every year, Member States shall submit to the Commission a report on inspections, <u>surveillance</u> and controls performed in the previous year, in accordance with the national control programmes and in compliance with <u>this Regulation. Those reports shall be made public on the official website of the Member States by 31 March every year</u>the present Regulation.</p> <p>EP AM 273, EX CA 22</p>	<p>2. By 30 June every year <u>Within 6 months after the end of the respective period referred in paragraph 1,</u> Member States shall submit to the Commission a report on inspections and controls performed in the previous year, in accordance with the national control programmes and in compliance with the present Regulation. <u>For the purpose of reporting, Member States may refer to information provided under the implementing act referred to in Article 95.</u></p>	<p>Sequence 6</p> <p>COM drafting proposal on 28/1/2022</p> <p>1. By 31 March every year, Member States shall submit to the Commission and publish on their website an annual report on controls and inspections performed in the previous year. For this purpose, Member States may refer to information provided under the implementing act referred to in Article 95.</p>	<p>Flexibility to accept COM proposal in view of compromise with the EP. The exact content of the reports to be published is set out in subsequent rows: 956b, c and d. Strong position from the EP on the issue of transparency and publicity.</p>
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a), introductory					

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
part					
956a		<u>2a. The report on inspections, surveillance and controls referred to in paragraph 2 shall contain, at least, the following information:</u> EP AM 274, EX CA 22		Sequence 6 COM drafting proposal on 28/1/2022 2. The report referred to in paragraph 1 shall contain, at least, the following information:	Flexibility to accept COM proposal, but with an exhaustive list of information to be provided in the Control Regulation (rows 956b, 956c and 956c).
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(a)					
956b		<u>(a) the total budget allocated to fisheries control;</u> EP AM 274, EX CA 22		Presidency drafting proposal: <u>(a) Existing resources available for control including the number of control vessels, aircrafts and official remotely piloted aircraft systems (RPAS) available; the number of full-time equivalent employed (FTE) ; the budgetary allocation.</u> Sequence 6	MS are asked for support for Presidency proposal, which is acceptable to EP and COM.
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(b)					
956c		<u>(b) the number and type of inspections, surveillance</u>		Sequence 6	Flexibility to accept EP proposal, but delete “surveillance”, as it is part of

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
		<u>and controls performed;</u> EP AM 274, EX CA 22		COM drafting proposal on 28/1/2022 (b) the number and type and the results of controls and inspections performed;	control under Article 4(3).
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(c)					
Y	956d	<u>(c) the number and type of suspected and confirmed infringements, including serious infringements;</u> EP AM 274, EX CA 22		Sequence 6 COM drafting proposal on 28/1/2022 (c) the number and type of infringements detected and separately, serious infringements detected;	Flexibility to accept EP proposal.
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(d)					
Y	956e	<u>(d) the type of follow-up actions to confirmed infringements (such as simple warning, administrative sanction, criminal sanction, immediate enforcement measure or number of penalty points administered).</u>		Sequence 6	Reject EP proposal.

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
		EP AM 274, EX CA 22			
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2b)					
y	956f	<p><u>2b. By 1 September every year, the Commission shall publish a report with an evaluation of the implementation of the national control programmes. That report shall include the main findings of the reports referred to in paragraph 2, and shall also analyse the application of this Regulation by fishing vessels registered in third countries fishing in Union waters, particularly fishing vessels registered in neighbouring countries of the Union. That report shall be made public on the website of the Commission.</u></p> <p>EP AM 275, EX CA 22</p>		<p>Sequence 6</p> <p>COM drafting proposal on 28/1/2022</p> <p>To be placed after 957</p> <p>4. The Commission shall make publicly available on its website a compilation of information from reports referred to in paragraph 1 by 31 December every year and covering the previous year.</p> <p>The Commission may request EFCA to assist in the compilation of the information.</p>	Accept COM proposal.
Article 1, first paragraph, point (70), amending provision(3)					
y	957	3. The Commission is empowered to adopt	3. The Commission is empowered to adopt	Sequence 6	Accept COM proposal, but delete reference to

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	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Proposals made by institutions, in particular, during ITMs	Comments/suggested way forward by Presidency
	delegated acts in accordance with Article 119a to adopt minimum requirements for national control programmes and annual reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments.	"	delegated acts in accordance with Article 119a to adopt <u>may, by means of implementing acts, lay down</u> minimum requirements for national control programmes and annual reports and to set the benchmarks for controls taking into account the objectives of the common fisheries policy and technical progress and scientific developments. <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u>	COM drafting proposal on 28/1/2022 To be placed before 956 f 3. The Commission may, by means of implementing act, lay down detailed rules on the format and minimum content of reports referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).	"minimum content", as the content is set out in the Control Regulation itself (see rows 956b, c and d), as follows: 3. The Commission may, by means of implementing act, lay down detailed rules on the format and minimum content of reports referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).