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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
	- Séquence 6 (Programme national de contrôle, surveillance et inspections)

Les délégations trouveront ci-joint un tableau avec des lignes relatives à la séquence 6 (Programme national de contrôle, surveillance et inspections) du document « quatre colonnes » concernant la proposition de révision de divers règlements en matière de contrôle de la pêche.

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. Afin de faciliter l'analyse par les délégations, les principales lignes pour lesquelles une orientation est demandée sont surlignées en turquoise.

Le document sera examiné par le groupe de travail du 27 janvier 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)**

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (1)(b), amending provision(2)					
136	" 2. 'rules of the common fisheries policy' means legally binding Union acts, including international agreements concluded by the Union, on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products; "		" 2. 'rules of the common fisheries policy' means legally binding Union acts; including international agreements concluded by the Union, on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products; "	Sequence 6	Agree to the following formulation, developed with the help of the Council Legal Service. COM willing to accept PSY proposal. EP still analysing. " 'rules of the common fisheries policy' means legally binding Union acts and <u>applicable international obligations of the Union</u> on the conservation, management and exploitation of marine biological resources, on aquaculture and on processing, transport and

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
					<i>marketing of fisheries and aquaculture products; "</i>
Article 1, first paragraph, point (1)(ba), introductory part					
G	136a	<u>(ba) point 3 is replaced by the following:</u> EP AM 35, EX CA 1A		deleted deleted Sequence 6 Agreed at ITM 12.11.21 Agreed Trilogue 18/11/21	G
Article 1, first paragraph, point (1)(ba), amending provision, numbered paragraph					
G	136b	" <u>'control' means monitoring and surveillance of all activities covered by this Regulation, including distribution and marketing activities throughout the market chain;</u> " EP AM 35, EX CA 1A		deleted Sequence 6 Agreed at ITM 12.11.21 Agreed Trilogue 18/11/21	G
Article 1, first paragraph, point (1)(bb), introductory part					
G	136c	<u>(bb) point 4 is replaced by the following:</u>		deleted	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		EP AM 36, EX AM 188 (S&D)		Sequence 6 Agreed at ITM 12.11.21 Agreed Trilogue 18/11/21	
Article 1, first paragraph, point (1)(bb), amending provision, numbered paragraph					
G	136d	" <u>'inspection' means any on site check which is carried out by officials regarding compliance with the rules of the common fisheries policy and which is noted in an inspection report;</u> " EP AM 36, EX AM 188 (S&D)		deleted Sequence 6 Agreed at ITM 12.11.21 Agreed Trilogue 18/11/21	G
Article 1, first paragraph, point (1)(bc), introductory part					
G	136e	<u>(bc) point 5 is replaced by the following:</u> EP AM 37, EX AM 189 (S&D)	<u>(ba) point 5 is replaced by the following:</u> corresponds to (b1) in the GA	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (1)(bc), amending provision, numbered paragraph					
G	136f	" <u>'surveillance' means the observation by officials of</u>	" <u>'surveillance' means the observation of fishing</u>	" <u>'surveillance' means the observation of fishing</u>	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u><i>fishing activities on the basis of sightings by inspection vessels, official aircrafts and vehicles or other means, including technical detection and identification methods;</i></u> EP AM 37, EX AM 189 (S&D)	<u><i>activities on the basis of sightings by inspection vessels, official aircrafts or official remotely piloted aircraft systems (RPAS) and technical detection and identification methods;</i></u> "	<u><i>activities on the basis of sightings by inspection vessels, official aircraft, official remotely piloted aircraft systems (RPAS), vehicles or other means, including technical detection and identification methods;</i></u> " See Council 136b Sequence 6 Agreed at ITM 29/10/21 Agreed Trilogue 18/11/21	
Article 1, first paragraph, point (1)(bd), introductory part					
136g		<u><i>(bd) point 6 is replaced by the following:</i></u> EP AM 38, EX AM 190 (S&D)		Sequence 6	
Article 1, first paragraph, point (1)(bd), amending provision, numbered paragraph					
136h		" <u><i>'official' means a person authorised by a national fisheries control authority, the Commission or the European Fisheries Control</i></u>		" <u><i>'official' means any person authorised by a competent authority of a Member State, the Commission or the European Fisheries</i></u>	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u>Agency to carry out an inspection;</u> EFCA EP AM 38, EX AM 190 (S&D)		<u>Control Agency to carry out control or inspections;</u> Sequence 1 Sequence 6 Agreed at ITM 29/10/21 Agreed Trilogue 18/11/21	
Article 1, first paragraph, point (1)(be), introductory part					
136i		<u>(be) point 7 is replaced by the following:</u> EP AM 39, EX AM 191 (S&D) and ENVI 23		Sequence 6	
Article 1, first paragraph, point (1)(be), amending provision, numbered paragraph					
136j		<u>'Union inspectors' means officials of a Member State, of the Commission or of the European Fisheries Control Agency, whose names are contained in the list established in accordance with Article 79;</u> EP AM 39, EX AM 191 (S&D) and ENVI 23		<u>'Union inspectors' means officials of a Member State, of the Commission or of the European Fisheries Control Agency, whose names are contained in the list established in accordance with Article 79;</u> Sequence 6 Agreed at ITM 29/10/21 Agreed Trilogue 18/11/21	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				Text Origin: EP Mandate	
Article 1, first paragraph, point (1)(ec)					
G	142c			<p><u>(ec) 'landing site' means a location other than a maritime port as defined in point (16) of Article 2 of Regulation (EU) 2017/352 of the European Parliament and of the Council*, which is officially recognised by a Member State for landing of fishery products;</u></p> <p>Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21</p>	G
Article 1, first paragraph, point (39), introductory part					
G	489	(39) Article 43 is amended as follows:	(39) Article 43 is amended as follows:	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (39)(a), introductory part					
G	490	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 <u>is paragraphs 1 and 2 are</u> replaced by the following:	Sequence 6	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	Article 1, first paragraph, point (39)(a), amending provision(1)				
491	" 1. A multiannual plan may set a threshold applicable to the live weight of species subject to that plan, above which a fishing vessel shall be required to land its catches in a designated port or place close to the shore." "		" 1. <u>In</u> a multiannual plan may set a threshold <u>may be set</u> applicable to the live weight of species subject to that plan, above which a <u>Union</u> fishing vessel shall be required to land its catches in a designated port or place close to the shore.	" 1. <u>In</u> a multiannual plan <u>a threshold may be set</u> may set a threshold applicable to the live weight of species subject to that plan, above which a <u>Union</u> fishing vessel shall be required to land its catches in a designated port or place close to the shore <u>landing site</u> . See new definition for "landing site" at 142 c Sequence 6 Multiannual Plan Agreed at ITM on 26/11/21 Agreed Trilogue 7/12/21	
	Article 1, first paragraph, point (39)(a), amending provision(2)				
491a			<u>2. Where quantities exceeding the threshold referred to in paragraph 1 are retained on board, the master of a Union fishing vessel shall ensure that the landing of catches is carried</u>	<u>2. Where quantities exceeding the threshold referred to in paragraph 1 are retained on board, the master of a Union fishing vessel shall ensure that the landing of catches is carried</u>	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
			<u>out in a designated port or place close to the shore in the Union.</u>	<u>out in a designated port or landing site in the Union.</u> " Sequence 6 Agreed at ITM on 26/11/21 Agreed Trilogue 7/12/21 Text Origin: Council Mandate	
Article 1, first paragraph, point (39)(b)					
492	(b) paragraph 7 is deleted.		(b) paragraph 7 is deleted.	(b) paragraph 7 is deleted. Sequence 6 Agreed at ITM on 26/11/21 Agreed Trilogue 7/12/21 Text Origin: Commission Proposal	
Article 1, first paragraph, point (39a), introductory part					
492a		<u>(39a) Article 44 is replaced by the following:</u> EP AM 142, EX CA 13	<u>(39a) Article 44 is replaced as follows:</u>	<u>(39a) Article 44 is replaced by the following:</u> Multiannual Plan Sequence 6 Agreed Trilogue 6/9/21 Text Origin: EP Mandate	
Article 1, first paragraph, point (39a), amending provision, first paragraph					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward	
G	492b	" Article 44 EP AM 142, EX CA 13	" Article 44	" Article 44 Sequence 6 Agreed Trilogue 6/9/21 Text Origin: EP Mandate		G
Article 1, first paragraph, point (39a), amending provision, second paragraph						
G	492c	Separate stowage of demersal catches subject to multiannual plans EP AM 142, EX CA 13	Separate stowage of demersal catches subject to multiannual plans	Separate stowage of demersal catches subject to multiannual plans " Multiannual Plan Sequence 6 Agreed Trilogue 6/9/21 Text Origin: EP Mandate		G
Article 1, first paragraph, point (39a), amending provision(1)						
Y	492d	1. All catches of target demersal stocks subject to a recovery plan, specific control and inspection programs adopted pursuant to Article 95 including provisions on separate stowage, or specific control measures as defined in multiannual plans, retained	1. Catches of demersal stocks subject to a multiannual plan which are retained on board a Union catching vessel of 12 metres' length overall or more and which are not below the minimum conservation reference size shall be placed in boxes.	<ul style="list-style-type: none"> Linked to definition of fishing and catching vessels Catching (CEU) vs Fishing (EP) Multiannual Plan Sequence 6	Defend GA, but refer to "fishing vessel" and not "catching vessel", as follows: 1. Catches of demersal stocks subject to a multiannual plan which are retained on board a Union fishing vessel of 12 metres'	Y

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u>on board a Union fishing vessel of 12 metres' length overall or more shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.</u> EP AM 142, EX CA 13	<u>compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.</u>		length overall or more and which are not below the minimum conservation reference size shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.
Article 1, first paragraph, point (39a), amending provision(2)					
492e		<u>2. Masters of Union fishing vessels shall keep the catches of demersal stocks referred to in paragraph 1 according to a stowage plan describing the location of the different species in the holds.</u> EP AM 142, EX CA 13	<u>2. Masters of Union catching vessels shall keep the catches referred to in paragraph 1 according to a stowage plan that describes the location of the different species in the holds.</u>	Catching (CEU) vs Fishing (EP) Multiannual Plan Sequence 6	Defend GA, but refer to “fishing vessel” and not “catching vessel”, as follows: 2. Masters of Union fishing vessels shall keep the catches referred to in paragraph 1 according to a stowage plan that describes the location of the different species in the holds.
Article 1, first paragraph, point (39a), amending provision(3)					
492f		<u>3. It shall be prohibited to retain on board a Union fishing vessel in any box, compartment or container</u>	<u>3. It shall be prohibited to retain on board a Union catching vessel in any box, compartment or container</u>	• Linked to definition of fishing and catching vessels Catching (CEU) vs Fishing (EP)	Defend GA. Linguistic only.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u>any quantity of catches of demersal stocks referred to in paragraph 1 mixed with any other fisheries product.</u> "EP AM 142, EX CA 13	<u>any quantity of catches referred to in paragraph 1 mixed with any other fishery products.</u>	Multiannual Plan Sequence 6	
Article 1, first paragraph, point (39a), amending provision(4)					
492g			<u>4. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning the exemption of certain demersal stocks from the obligation set out in this Article.</u> "	Multiannual Plan Delegated Acts Sequence 6	Defend GA.
Article 1, first paragraph, point (42a)					
499a			<u>(42a) In Article 49, paragraph 1, 'fishing vessel' is replaced by 'catching vessel'.</u>	<u>(42a) In Article 49, paragraph 1, 'fishing vessel' is replaced by 'catching vessel'.</u> • Linked to definition of fishing and catching vessels. Sequence 6 Agreed at ITM on 26/11/21 Agreed Trilogue	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				7/12/21 Text Origin: Council Mandate	
	Article 1, first paragraph, point (42)(bb)				
G	499b			<p><u>(42aa) To replace Article 49 paragraph 2 as follows:</u></p> <p><u>"2. Without prejudice to Article 44, the Commission may, by means of implementing acts, lay down detailed rules on the keeping on board of a stowage plan, by species, of processed products, indicating where they are located in the hold. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."</u></p> <p>Sequence 6 Agreed at ITM on 26/11/21 Agreed Trilogue 7/12/21</p>	
	Article 1, first paragraph, point (42b)				
Y	499c				Revert to "fishing vessel"

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
			<u>(42b) In Article 49a, paragraphs 1 and 2(b), 'fishing vessel' is replaced by 'catching vessel'.</u>	<ul style="list-style-type: none"> Linked to definition of fishing and catching vessels. Sequence 6	in line with the solutions for rows 492d and f.
Article 1, first paragraph, point (57a)					
701a		<u>(57a) in Article 71(1), point (a) is replaced by the following:</u> <u>"(a) sightings of fishing vessels by inspection vessels, surveillance aircrafts or other surveillance means;"</u> EP AM 208, EX AM 804		<u>(57a) in Article 71(1), point (a) is replaced by the following:</u> <u>"(a) sightings of fishing vessels by inspection vessels, surveillance aircrafts or other surveillance means;"</u> Sequence 6 light green Agreed at ITM on 14/1/2022 Text Origin: EP Mandate	Agree to EP's amendment.
Article 1, first paragraph, point (57b)					
701b		<u>(57b) in Article 71, paragraph 3 is replaced by the following:</u> <u>"3. If the sighting or detection refers to a fishing vessel of another Member State or a third country and the information does not correspond to any other</u>		<u>(57b) EP drafting proposal in Article 71, paragraph 3 is replaced by the following:</u> <u>"3. If the sighting or detection refers to a fishing vessel of another Member State or a third country and the information does not</u>	Agree to text set out in 4 th column. Only change compared to current version of Article 71(3): "body designated by it" is replaced by "EFCA" at the end of the paragraph. EP agreed to withdraw other

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u>information that is available to the coastal Member State and if that coastal Member State is not in a position to undertake further action, it shall record its findings in a surveillance report, the format of which shall be uniform throughout the Union, and shall transmit that report without delay, by electronic means, to the flag Member State or to the third country concerned. In case of a third country vessel, the surveillance report shall also be sent to the Commission or the body designated by it.</u> EP AM 209, EX AM 805 (Greens/EFA)		<u>correspond to any other information that is available to the coastal Member State and if that coastal Member State is not in a position to undertake further action, it shall record its findings in a surveillance report, the format of which shall be uniform throughout the Union, and shall transmit that report without delay, if possible by electronic means, to the flag Member State or to the third country concerned. In case of a third country vessel, the surveillance report shall also be sent to the Commission and EFCA.</u> Sequence 6 Agreed at ITM on 20-21/1/22	proposed changes ("the format of which shall be uniform throughout the Union").
Article 1, first paragraph, point (58), introductory part					
702	(58) in Article 71, paragraph 5 is replaced by the following:		(58) in Article 71, paragraph 5 is replaced by the following:	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (58), amending provision(5)					
703					Agree to the new proposal

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward	
	" 5. The Commission may, by means of implementing acts, lay down rules on the format of the surveillance report. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). "		" 5. The Commission may, by means of implementing acts, lay down rules on the format of the surveillance report. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). "	" 5. The Commission may, by means of implementing acts, lay down rules on the format <u>and content</u> of the surveillance report. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). " Sequence 6 Agreed at ITM on 14/1/2022 Text Origin: Commission Proposal	(see 4 th column). COM explained that it was by mistake not included in its proposal. See current Art. 71(5)CR.	
	Article 1, first paragraph, point (59), introductory part					
G	704 (59) Article 73 is amended as follows:		(59) Article 73 is amended as follows:	Sequence 6 Green, as no modifications proposed		G
	Article 1, first paragraph, point (59)(a), introductory part					
G	705 (a) paragraph 1 and 2 are replaced by the following:		(a) paragraph 1 and 2 are replaced by the following:	Sequence 6 Green, as no modifications proposed		G
	Article 1, first paragraph, point (59)(a), amending provision(1)					
Y	706					Y

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	" 1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor the fishing vessel's compliance with the rules of the common fisheries policy. They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.	" 1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor the fishing vessel's compliance with the rules of the common fisheries policy, <u>with the rules applicable in the waters of the third country or in the high seas where the vessel is operating, including obligations related to technical measures and the protection of the marine environment</u> . They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents. EP AM 210, EX AMs 807 (S&D) and 808 (The Left)	" 1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall monitor the fishing vessel's compliance with the rules of the common fisheries policy <u>relating to the fishing vessel</u> . They shall fulfill all the tasks of the observer scheme and in particular record the vessel's fishing activities and examine relevant documents.	Sequence 6	Withdraw Council's proposal. It only aimed to improve text, but did not imply substantive changes. Opposition to the EP amendment. Suggested way forward: both institutions drop their respective proposed modifications and agree to COM proposal.
Article 1, first paragraph, point (59)(a), amending provision(2), introductory part					
6	707	2. Control observers shall	2. Control observers shall	Sequence 6 Green, as no	6

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				modifications proposed	
Article 1, first paragraph, point (59)(a), amending provision(2)(a)					
708	(a) be certified and trained for their tasks by Member State;	(a) be certified and trained, <u>in compliance with the rules of the common fisheries policy and the technical measures for the conservation of fishery resources and the protection of marine ecosystems, to carry out</u> for their tasks by <u>the</u> Member State <u>States</u> ; EP AM 211, EX AM 809 (Renew)	(a) be certified <u>qualified</u> and trained for their tasks by Member State <u>States</u> ;	" (a) be certified and trained <u>qualified</u> for their tasks <u>and receive regular training</u> by Member State <u>States or, as appropriate, by the European Fisheries Control Agency</u> ; " Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21	Agree to the compromise new text (see 4 th column).
Article 1, first paragraph, point (59)(a), amending provision(2)(aa)					
708a		<u>(aa) receive regular training which enables them to adapt to changes in Union rules;</u> " EP AM 212, EX AM 810 (The Left)		<i>deleted</i> Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21	EP withdrew its amendment.
Article 1, first paragraph, point (59)(a), amending provision(2)(b)					
709					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward	
	(b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member;		(b) be independent of the owner, licence holder, the master of the fishing vessel and any crew member;	Sequence 6 Green, as no modifications proposed		
Article 1, first paragraph, point (59)(a), amending provision(2)(c)						
G	710	(c) have no economic link with the operator;	(c) have no economic link with the operator;	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (59)(a), amending provision(2)(d)						
G	711	(d) accomplish their tasks in a non-discriminatory manner;	(d) accomplish their tasks in a non-discriminatory manner;	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (59)(a), amending provision(2)(e)						
G	712	(e) be equipped with a two way communication device independent from the vessel at sea. "	(e) be equipped with a two way communication device independent from the vessel at sea. "	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (59)(b), introductory part						
G	713	(b) paragraph 4 is replaced by the following:	(b) paragraph 4 is replaced by the following:	Sequence 6 Green, as no modifications proposed		G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (59)(b), amending provision(4)					
714	" 4. In the event control observers notice a serious infringement, including the act of obstructing or otherwise preventing the performance by control observers of their their duties, they shall inform without delay the competent authorities of the flag Member State." "	Infringements	" 4. In the event control observers notice a serious infringement, including the act of obstructing or otherwise preventing the performance by control observers of their their duties, they shall inform without delay the competent authorities of the flag Member State." "	" 4. In the event control observers notice a serious infringement, including the act of obstructing or otherwise preventing the performance by control observers of their their duties, they shall inform without delay the competent authorities of the flag Member State." " Sequence 6 Agreed at ITM on 20-21/1/22 Text Origin: Commission Proposal	Withdraw Council proposal and accept COM proposal, under the condition that the text is later adjusted to reflect correctly the wording of Article 90 on the relevant serious infringements. Suggested way forward: withdraw this modification in exchange for the EP's withdrawal of its amendment in 714d.
Article 1, first paragraph, point (59)(ba)					
714a		<u>(ba) paragraph 5 is replaced by the following:</u> <u>"5. Control observers shall draw up an observer report electronically and forward it without delay, using if deemed necessary electronic means of transmission on board the fishing vessel, to their competent authorities</u>		Deleted Sequence 6 Agreed at ITM on 14/1/2022	EP withdrew its amendment.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<p><u>and to the competent authorities of the flag Member State. Member States shall insert the report in the database referred to in Article 78."</u></p> <p>EP AM 213, EX AM 811 (Greens/EFA)</p>			
Article 1, first paragraph, point (59)(bb)					
714b		<p><u>(bb) paragraph 6 is replaced by the following: "6. In the event that the observer report indicates that the vessel observed has engaged in fishing activities contrary to the rules of the common fisheries policy, the rules applicable in the waters of the third country or in the high seas where the vessel is operating, the competent authorities referred to in paragraph 4 shall take all appropriate action to investigate the matter. "</u></p> <p>EP AM 214, EX AM 812 (S&D)</p>		Sequence 6	Opposition to the EP's amendment.
Article 1, first paragraph, point (59)(bc)					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
G	714c	<p><u>(bc) paragraph 7 is replaced by the following: "7. Masters of Union fishing vessels shall provide adequate accommodation for assigned control observers, facilitate their work and avoid interference with the discharge of their duties. Masters of Union fishing vessels shall also provide control observers with access to relevant parts of the vessel, including the catch, and to the vessel's documents including electronic files.";</u></p> <p>EP AM 215, EX ENVI 75</p>		<p>Deleted</p> <p>Sequence 6 Agreed at ITM on 14/1/2022</p>	EP withdrew its amendment.
Article 1, first paragraph, point (59)(bd)					
G	714d	<p><u>(bd) paragraph 8 is replaced by the following: "8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States."</u></p> <p>EP AM 216, EX AM 813 (Greens/EFA)</p>		<p>Deleted</p> <p>Sequence 6 Agreed at ITM on 20-21/1/22</p>	EP withdrew its amendment under the condition that Council renounces its modification in 714.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (59)(c), introductory part					
G	715	(c) paragraph 9 is replaced by the following:	(c) paragraph 9 is replaced by the following:	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (59)(c), amending provision(9), introductory part					
	716	" 9. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning:	" 9. The Commission is empowered to adopt delegated acts in accordance with Article 119a concerning <u>may, by means of implementing acts, lay down detailed rules on:</u>	Sequence 6	Flexibility to explore and agree on a package deal on all provisions in which the institutions disagree on setting out implementing or delegated acts with the aim to find a balanced solution acceptable to all institutions and, in particular, addressing their key concerns on key issues. Before final agreement, PSY will present the proposed package deal to delegations.
Article 1, first paragraph, point (59)(c), amending provision(9)(a)					
G	717	(a) the identification of vessels for the application of a control observer scheme;	(a) the identification of vessels for the application of a control observer scheme;	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (59)(c), amending provision(9)(b)					
G	718				G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	(b) format and content of observers reports;	" (b) format <u>– which shall be the same throughout the Union –</u> and content of observers reports; EP AM 217, EX AM 816 (Greens/EFA)	(b) format and content of <u>control</u> observers reports;	" (b) format and content of observers reports; Sequence 6 Agreed at ITM on 20-21/1/22 light green Text Origin: Commission Proposal	Suggested way forward: Withdraw the modification. The EP is willing to renounce its amendment if Council withdraws its change.
Article 1, first paragraph, point (59)(c), amending provision(9)(c)					
G 719	(c) the communication system for control observers;		(c) the communication system for control observers;	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (59)(c), amending provision(9)(d)					
G 720	(d) rules pertaining to the security of control observers on vessels;		(d) rules pertaining to the security of control observers on vessels;	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (59)(c), amending provision(9)(e)					
G 721	(e) measures to ensure independence of control observers including modalities of their remuneration;		(e) measures to ensure independence of control observers including modalities of – their remuneration;	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (59)(c), amending provision(9)(f)					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward	
G	722 (f) the duties of control observers including in the event of a suspicion of serious infringement. "		(f) the duties of control observers including in the event of a suspicion of serious infringement.	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (59)(c), amending provision(9)(g)						
G	722a		<u>(g) minimum standards relating to the qualification and training of control observers.</u>	" <u>(fa) minimum requirements relating to the qualification and training of control observers.</u> " Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21	Agree to compromise text (see also 722b)	G
Article 1, first paragraph, point (59)(c), amending provision(9)(fa)						
G	722b	<u>(fa) minimum Union training requirements for Union control observers.</u> " EP AM 218, EX ENVI 76		deleted Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21 To merge with 722a		G
Article 1, first paragraph, point (59)(c), amending provision, second paragraph						

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
722c			<u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u> "	Sequence 6	See comment in row 716 on package deal.
Article 1, first paragraph, point (60), amending provision, third paragraph					
G 726	Article 74		Article 74	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision, fourth paragraph					
G 727	Conduct of inspections		Conduct of inspections	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision(1)					
G 728	1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.		1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision(2)					
G 729	2. Officials shall carry out their duties in accordance	" 2. Officials shall carry out	2. Officials shall carry out their duties in accordance	" 2. Officials shall carry out	Agree to proposed text (see 4 th column).

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.	their duties in accordance with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, <u>along the shoreline</u> , in ports, during transport, on processing premises and along the supply chain of the fisheries products. EP AM 219, EX AM 817 (S&D)	with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and along the supply chain of the fisheries products.	their duties in accordance with Union law. They shall prepare and conduct inspections in a non-discriminatory manner at sea, <u>along the shoreline</u> , in ports <u>and landing sites</u> , during transport, on processing premises and along the supply chain of the fisheries products. Sequence 6 Agreed at ITM on 20-21/1/22 Text Origin: EP Mandate	
Article 1, first paragraph, point (60), amending provision(3), introductory part					
G 730	3. Officials shall verify compliance of the activities carried out by the operators and the masters with the rules of the common fisheries policy, and in particular:		3. Officials shall verify compliance of the activities carried out by the operators and the masters with the rules of the common fisheries policy, and in particular:	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision(3)(a)					
G 731	(a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred,		(a) the legality of the fisheries products kept on board, stored, transported, transhipped, transferred,	Sequence 6 Green, as no modifications proposed	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them;		landed, processed or marketed and the accuracy of the documentation or electronic transmissions relating to them;		
Article 1, first paragraph, point (60), amending provision(3)(b)					
732	(b) the legality of fishing gears used for the targeted species and for the catches kept on board and the equipment used for the retrieval of the fishing gears as referred to in Article 48;	(b) the legality of fishing gears used for the targeted <u>and by-catch</u> species and , for the catches kept on board and the equipment used for the retrieval of the fishing gears as referred to in Article 48; EP AM 220, EX AMs 820 (Greens/EFA) and ENVI 79	(b) the legality of fishing gears <u>gear</u> used for the targeted species and for the catches kept on board, and the equipment used <u>compliance with other technical measures</u> for the retrieval of the fishing gears as referred to in Article 48 <u>conservation of fishery resources and the protection of marine ecosystems</u> ;	" (b) the legality of fishing gears <u>gear</u> used for the targeted <u>and by-catch</u> species and , for the catches kept on board, and the equipment used <u>compliance with other applicable technical measures</u> for the retrieval of the fishing gears as referred to in Article 48 <u>conservation of fishery resources and the protection of marine ecosystems</u> ; Sequence 6 light green Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	Agree to the compromise text (see 4 th column), merging: - the EP's and the Council's modifications inside this row (732); and - row 732 and 737 so that the EP's amendment on the word "applicable" is maintained and the Council's deletion of 737 is accepted.
Article 1, first paragraph, point (60), amending provision(3)(b1)					
732a			<u>(b1) the presence on board of equipment for the</u>	<u>(b1) the presence on board of equipment for the</u>	EP accepted GA.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
			<u>retrieval of the fishing gear as referred to in Article 48;</u>	<u>retrieval of the fishing gear as referred to in Article 48;</u> Sequence 6 light green Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	
Article 1, first paragraph, point (60), amending provision(3)(c)					
733	(c) if appropriate, the stowage plan and the separate stowage of species;		(c) if appropriate <u>applicable</u> , the stowage plan and the separate stowage of species;	(c) if appropriate <u>applicable</u> , the stowage plan and the separate stowage of species; Sequence 6 Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	EP accepted GA.
Article 1, first paragraph, point (60), amending provision(3)(d)					
734	(d) the markings of the vessels and gears;	(d) the markings <u>and identification</u> of the vessels and gears; EP AM 221, EX AM 821 (S&D)	(d) the markings of the vessels and gears <u>gear</u> ;	(d) the markings <u>and identification</u> of the vessels and gears <u>gear</u> ; Drafting Discussions Sequence 6 Agreed at ITM on 20-21/1/22 Text Origin: EP Mandate	Agree to EP's amendment and merge with GA (see Article 8 on marking and identification)
Article 1, first paragraph, point (60), amending provision(3)(e)					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
6	735	(e) the information on the engine referred to in Article 40;	(e) the information on the engine referred to in Article 40;	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(3)(f)					
	736	(f) the use of CCTVs and other electronic monitoring devices; CCTV -EMS EP AM 222, EX AM 825 (EPP)	(f) <u>if applicable</u> , the use of CCTVs and other electronic monitoring devices <u>and functioning of REM systems</u> ;	Sequence 6 Sequence 15	Flexibility to agree to modified drafting, following discussions on remote electronic monitoring, along the following lines: “(f) the use and functioning of REM systems and other electronic devices [such as the system of full documentation of catches and discards], if applicable;”
Article 1, first paragraph, point (60), amending provision(3)(g)					
6	737	(g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems. EP AM 223, EX AMs 831 (EPP) and 832 (Renew)	(g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems.	(g) compliance with technical measures for the conservation of fishery resources and the protection of marine ecosystems. EP amendment integrated in text of row 732	See comment in row 732.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				Sequence 6 light green Agreed at ITM on 14/1/2022 Text Origin: Commission Proposal	
Article 1, first paragraph, point (60), amending provision(3)(h)					
737a			<u>(h) if applicable, the obligation to have on board control observers.</u>	Sequence 6	Flexibility to alternative proposals, including COM's proposal: “(h) compliance with the rules concerning control observers, if applicable.”
Article 1, first paragraph, point (60), amending provision(4)					
738	4. Officials shall be able to examine all relevant areas, decks and rooms. They shall also be able to examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to question persons deemed to have	4. Officials shall be able to examine all relevant areas, decks and rooms. They shall also be able to examine catches, processed or not, nets or other gear <u>fishing gear used and on board</u> , equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to question	4. Officials shall be able to <u>may</u> examine all relevant areas, decks and rooms. They shall also be able to <u>may also</u> examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to <u>may</u> question persons	4. Officials shall be able to <u>may</u> examine all relevant areas, decks and rooms. They shall also be able to <u>may also</u> examine catches, processed or not, nets or other gear <u>fishing gear</u> , equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They shall also be able to <u>may</u> question	Agree to text set out in 4 th column.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	information on the matter that is the subject of the inspection.	persons deemed to have information on the matter that is the subject of the inspection. EP AM 224, EX AM 833 (S&D)	deemed to have information on the matter that is the subject of the inspection.	persons deemed to have information on the matter that is the subject of the inspection. Sequence 6 Agreed at ITM on 20-21/1/22 light green Text Origin: EP Mandate	
Article 1, first paragraph, point (60), amending provision, numbered paragraph (4a)					
738a		<u>4a. Inspectors shall receive the training necessary to perform the tasks assigned to them and shall be equipped with the tools necessary to conduct the inspections.</u> EP AM 225, EX AM 835 (S&D)		<u>4a. Officials shall receive the training necessary to perform their tasks.</u> Sequence 6 Agreed at ITM on 20-21/1/22 light green Text Origin: EP Mandate	Agree to the text set out in the 4 th column.
Article 1, first paragraph, point (60), amending provision(5)					
739	5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of	5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of	5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of	5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch.	EP withdrew its amendment.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.	the catch. They shall, as far as possible, <u>in order to</u> prevent any degradation of the catch during the inspection. EP AM 226, EX AM 836 (S&D)	the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.	They shall, as far as possible, prevent any degradation of the catch during the inspection. Sequence 6 Agreed at ITM on 20-21/1/22 Text Origin: Commission Proposal	
Article 1, first paragraph, point (60), amending provision, numbered paragraph (5a)					
739a			<u>5a. Member States shall have procedures in place to ensure that any complaint regarding the conduct of inspections is properly investigated.</u>	<u>5a. The competent authorities of the Member States shall have procedures in place to ensure that any complaint regarding the conduct of inspections is properly investigated.</u> Sequence 6 Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	EP accepted GA.
Article 1, first paragraph, point (60), amending provision, numbered paragraph (5b)					
739b			<u>5b. Coastal Member States may, subject to appropriate arrangements with the flag Member State of a fishing vessel, invite officials of the</u>	<u>5b. Coastal Member States may, subject to appropriate arrangements with the flag Member State of a fishing vessel, invite officials of the</u>	Agree to the addition of "landing sites" in the end of the provision.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
			<u>competent authorities of that Member State to participate in inspections of fishing vessels of that Member State, whilst those vessels are operating in waters of the coastal Member State or landing in its ports.</u>	<u>competent authorities of that Member State to participate in inspections of fishing vessels of that Member State, whilst those vessels are operating in waters of the coastal Member State or landing in its ports or landing sites.</u> Sequence 6 Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	
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	Defend GA.
Article 1, first paragraph, point (60), amending provision(6), introductory part					
740	6. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set specific rules on the conduct of the inspections. Those rules may concern:		6. The Commission is empowered to adopt delegated acts in accordance with Article 119a in order to set <u>may, by means of implementing acts, lay down</u> specific rules on the	Sequence 6	See comment in row 716 on package deal.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
			conduct of the inspections. Those rules may concern:		
Article 1, first paragraph, point (60), amending provision(6)(a)					
741	(a) the authorisation and qualification of the officials responsible to conduct inspection at sea or on land;		(a) the authorisation and <u>minimum standards for the</u> qualification of the officials responsible to conduct inspection <u>inspections</u> at sea or on land;	(a) the authorisation and <u>minimum standards for the</u> qualification of the officials responsible to conduct inspection <u>inspections</u> at sea or on land; Sequence 6 Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	EP accepted GA.
Article 1, first paragraph, point (60), amending provision(6)(b)					
742	(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</u> <u>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	Defend GA. The EP could accept GA in 739c, if this provision is modified as follows: “(b) a risk-based approach for the selection of inspection targets and benchmarks.”
Article 1, first paragraph, point (60), amending provision(6)(c)					
743					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	(c) the coordination of control inspection and enforcement activities among Member States;		(c) the coordination of control, inspection and enforcement activities among Member States;	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(6)(d)					
G 744	(d) duties of officials during the preparation of the inspection;		(d) the duties of officials during the preparation of the inspection <u>inspections</u> ;	(d) duties of officials during the preparation of the inspection; agreement that the content is covered by 745. Sequence 6 Agreed at ITM on 26/11/21 Agreed Trilogue 7/12/21 Agreed at ITM on 14/1/2022 Text Origin: Council Mandate	Agree to delete 744. Its content would be covered by proposed text in row 745.
Article 1, first paragraph, point (60), amending provision(6)(e)					
G 745	(e) the duties of officials authorised to conduct inspections;		(e) the duties of officials authorised to conduct <u>conducting</u> inspections;	(e) the duties of officials authorised to conduct inspections; Sequence 6 Agreed at ITM on 14/1/2022 Text Origin: Commission Proposal	Agree to original COM proposal (see 1 st and 4 th column) which is broad enough to cover activities envisaged in proposal for 744 and 745.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (60), amending provision(6)(f)					
746	(f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections;		(f) the obligations of Member States, Commission and European Fisheries Control Agency on relation to the conduct of inspections;	Sequence 6	Defend GA.
Article 1, first paragraph, point (60), amending provision(6)(g)					
747	(g) inspections at sea and in ports, transport inspections, and market inspection.	(g) inspections at sea, <u>along the shoreline</u> and in ports, transport inspections, and market inspection. EP AM 228, EX AM 840 (S&D)	(g) <u>the conduct of</u> inspections at sea and in ports, transport inspections, and market inspection <u>inspections</u> .	(g) <u>the conduct of</u> inspections at sea <u>and on land</u> . Proposal by the COM at ITM on 3 December 2021. Sequence 6	Flexibility to accept the COM proposal of 3 December 2021 (in 4 th column).
Article 1, first paragraph, point (60), amending provision, fifth paragraph					
747a			<u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).</u>	Sequence 6	See comment in row 716 on package deal.
Article 1, first paragraph, point (60), amending provision, eleventh paragraph					
748	Article 75		Article 75		

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				Sequence 6 Green, as no modifications proposed	
	Article 1, first paragraph, point (60), amending provision, twelfth paragraph				
G	749	Duties of the operator and the master	Duties of the operator and the master	Sequence 6 Green, as no modifications proposed	G
	Article 1, first paragraph, point (60), amending provision(1)				
Y	750	<p>1. The operator and the master shall cooperate with officials in the performance of their duties. They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.</p> <p>EP AM 229, EX AM 841 (S&D)</p>	<p>1. The operator and the master shall cooperate with officials in the performance of their duties. They shall facilitate the safe access to the vessel, <u>vessel holds, transport vehicle, containers or storage rooms</u> or room where the fisheries products are stored, processed or marketed, <u>or facilities where fishing gears are stored or repaired</u>. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.</p>	<p>1. The operator and the master shall cooperate with officials in the performance of their duties <u>and follow instructions of relating to inspections</u>. They shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.</p>	<p>1. The operator and the master shall <u>assist and</u> cooperate with officials in the performance of their duties <u>relating to inspections</u>. They shall facilitate the safe access to the vessel, <u>including its holds, transport</u> vehicle or room <u>vehicles, containers or storage rooms</u> where the fisheries products are stored, processed or marketed, <u>or facilities where fishing gears are stored or repaired</u>. They shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.</p> <p>Agree to COM's proposal of 3 December 2021 (see 4th column).</p>

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				Suggestion by the COM at ITM on 3 December 2021. Sequence 6	
Article 1, first paragraph, point (60), amending provision(2)					
G 751	2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties operators and masters during inspections.		2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties <u>of</u> operators and masters during <u>relating to</u> inspections.	2. The Commission is empowered to adopt delegated acts in accordance with Article 119a on the duties <u>of</u> operators and masters during <u>relating to</u> inspections. Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21 Text Origin: Council Mandate	G
Article 1, first paragraph, point (60), amending provision, fifteenth paragraph					
G 752	Article 76		Article 76	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision, sixteenth paragraph					
G 753	Inspection report		Inspection report		G

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(1), first subparagraph					
754	<p>1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p>	<p>1. Officials shall draw up an inspection report after each inspection, <u>based on an electronic form which contains the same information for all Member States</u>, and shall forward it to their competent authorities, <u>the European Fisheries Control Agency, and the operator or the master. Member States may include information additional to that contained in the common electronic form</u>. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p> <p>EFCA</p>	<p>1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p>	<p>1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Data contained in this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent by electronic means and without delay to the flag Member State.</p> <p>Sequence 6 light green Agreed at ITM on 20-21/1/22</p> <p>Text Origin: Commission Proposal</p>	<p>EP withdrew its proposed amendments.</p>

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		EP AM 230, EX AM 74 (Rapporteur)			
Article 1, first paragraph, point (60), amending provision(1), second subparagraph					
755	In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected serious infringements.	In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned, <u>to the European Fisheries Control Agency, the operator and to the master</u> and to the Commission in the case of detected serious infringements. Infringements EFCA EP AM 231, EX AM 848 (Renew)	In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected ¹ serious infringements. <u>1. A recital will explain that the term 'detected' was introduced in various Articles of the regulation to ensure the uniform use of one term for the same activity or situation. It will clarify that a detected infringement is different from a confirmed infringement, as the latter requires a decision by a competent authority.</u>	In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent by electronic means and without delay to the competent authorities of the third country concerned and to the Commission in the case of detected ¹ serious infringements. <u>1. A recital will explain that the term 'detected' was introduced in various Articles of the regulation to ensure the uniform use of one term for the same activity or situation. It will clarify that a detected infringement is different from a confirmed infringement, as the latter requires a decision by a competent authority.</u> Sequence 6 Agreed at ITM on 20-21/1/22 light green To be checked again later Text Origin: Council Mandate	EP withdrew its proposed amendment. Recital will be discussed with sequence on sanctions.
Article 1, first paragraph, point (60), amending provision(1), third subparagraph					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
756	In case of an inspection carried out in the waters or ports under the jurisdiction of another Member State than the inspecting Member State or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country.	In case of an inspection carried out in the waters or ports under the jurisdiction of another Member State than the inspecting Member State or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country <u>and to the European Fisheries Control Agency, the operator and to the master</u> . EFCA EP AM 232, EX AM 850 (Renew)	In case of an inspection carried out in the waters or ports under the jurisdiction of another <u>the</u> Member State <u>other</u> than the inspecting Member State, <u>in accordance with this Regulation, or in the waters or ports</u> or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country.	In case of an inspection carried out in the waters or ports under the jurisdiction of another <u>the</u> Member State <u>other</u> than the inspecting Member State, <u>in accordance with this Regulation, or in the waters or ports</u> or of a third country in accordance with international agreements, a copy of the inspection report shall be sent by electronic means and without delay to that Member State or that third country. Sequence 6 Agreed at ITM on 20-21/1/22 light green Text Origin: Council Mandate	GA accepted.
Article 1, first paragraph, point (60), amending provision(2)					
757	2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. The operator's or		2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. The operator's or	2. Officials shall communicate their findings from the inspection to the operator or to the master, who shall have the possibility to comment on the inspection and its findings. The operator's or	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	master's comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.		master's <u>Those</u> comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.	master's <u>Those</u> comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made. Sequence 6 Agreed at ITM 3.12.21 Agreed Trilogue 7/12/21 Text Origin: Council Mandate	
Article 1, first paragraph, point (60), amending provision(3)					
758	3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection.	3. A copy of the inspection report shall be sent, <u>preferably by electronic means</u> , as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection. EP AM 233, EX AM 852 (S&D)	3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection.	3. A copy of the inspection report shall be sent as soon as possible to the operator or to the master, and in any case no later than 15 working days after the completion of the inspection. Sequence 6 Agreed at ITM on 20-21/1/22 light green Text Origin: Commission Proposal	EP withdrew its amendment.
Article 1, first paragraph, point (60), amending provision(4)					
759	4. The Commission may, by		4. The Commission may, by		

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward	
	means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).		means of implementing acts, lay down common rules on the minimum format and content of inspection reports, on the completion of inspection reports and on the transmission of inspection reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).	Sequence 6 Green, as no modifications proposed		
Article 1, first paragraph, point (60), amending provision, twenty-first paragraph						
G	760	Article 77	Article 77	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (60), amending provision, twenty-second paragraph						
G	761	Admissibility of inspection and surveillance reports	Admissibility of inspection and surveillance reports	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (60), amending provision, twenty-third paragraph						
G	762	Inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or	Inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or	Inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or	GA accepted.	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	Commission officials or competent authorities from a third country shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts, they shall be treated as equivalent to inspection and surveillance reports of the Member States.		Commission officials or competent authorities from a third country shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts, they <u>inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials</u> shall be treated as equivalent to inspection and surveillance reports of the Member States.	Commission officials or competent authorities from a third country shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts, they <u>inspection and surveillance reports drawn up by Union inspectors or officials of another Member State or Commission officials</u> shall be treated as equivalent to inspection and surveillance reports of the Member States. Sequence 6 Agreed at ITM on 20-21/1/22 light green Text Origin: Council Mandate	
Article 1, first paragraph, point (60), amending provision, twenty-fourth paragraph					
G 763	Article 78		Article 78	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision, twenty-fifth paragraph					
G 764	Electronic database		Electronic database	Sequence 6 Green, as no	G

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				modifications proposed	
Article 1, first paragraph, point (60), amending provision(1)					
765	<p>1. Member States shall set up and keep up to date an electronic database where they upload all inspection reports and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials or third country officials, as well as other inspections reports and surveillance report drawn up by their officials.</p>	<p>1. Member States shall set up and keep up to date an electronic database <u>which shall be publicly accessible with respect to non-confidential and non-sensitive information</u> where they upload all inspection reports and surveillance reports concerning the fishing vessels flying their flag drawn up by their officials or other Member States officials or third country officials, as well as other inspections reports and surveillance report drawn up by their officials. <u>The European Fisheries Control Agency shall centralise the Member States' databases.</u></p> <p>EFCA</p> <p>EP AM 234, EX AMs 77 (Rapporteur) and ENVI 83</p>	<p>1. <u>Each</u> Member States<u>State</u> shall set up and keep up-to-date<u>up-to-date</u> an electronic database where they upload<u>it uploads</u> all inspection reports and surveillance reports concerning the operators<u>established in its territory</u> and fishing vessels flying their<u>its</u> flag drawn up by their officials or other Member States officials or third country<u>its</u> officials, as well as other inspections reports and surveillance report<u>reports</u> drawn up by their<u>its</u> officials.</p>	Sequence 6	Defend GA. EP stressed importance of its proposed amendments.
Article 1, first paragraph, point (60), amending provision(2)					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward	
G	766	2. The Commission may, by means of implementing acts, lay down detailed rules concerning the operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).	2. The Commission may, by means of implementing acts, lay down detailed rules concerning the operation of the electronic database. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (60), amending provision, twenty-eighth paragraph						
G	767	Article 79	Article 79	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (60), amending provision, twenty-ninth paragraph						
G	768	Union inspectors	Union inspectors	Sequence 6 Green, as no modifications proposed		G
Article 1, first paragraph, point (60), amending provision(1)						
G	769	1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called	1. Member States and Commission shall notify a list of officials to the European Fisheries Control Agency (here after called	Sequence 6 Green, as no modifications proposed		G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States.		'the Agency') to be included in the list of Union inspectors. The Agency shall keep and update the list of Union inspectors including Member States, Commission and officials of the Agency. The Agency shall make such list available to the Commission and Member States.		
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.	Sequence 6	Flexibility to explore alternatives to allow Union inspectors, under certain conditions (presence of Member States officials), to carry out inspections on the territory of Member States. Important for EP and COM.
Article 1, first paragraph, point (60), amending provision, numbered paragraph (2a)					
770a		<u>2a. Union inspectors shall report to the authorities of the Member State or to the Commission any non-</u>		Sequence 6	Defend GA. Oppose EP amendment.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u>compliant fishing activity by fishing vessels flying the flag of a third country in international waters subject to requirements and/or recommendations issued by a regional international body.</u> EP AM 235, EX AM 859 (S&D)			
Article 1, first paragraph, point (60), amending provision(3), introductory part					
771	3. Union inspectors may be assigned in particular for:		3. Union inspectors may be assigned in particular for:	3. Union inspectors may be assigned in particular for: " Sequence 6 Agreed at ITM on 20-21/1/22 Text Origin: Council Mandate	GA accepted.
Article 1, first paragraph, point (60), amending provision(3)(a)					
772	(a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;		(a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(3)(b)					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
773	(b) international fisheries control programmes, where the Union is under an obligation to provide for controls.		(b) international fisheries control programmes, where the Union is under an obligation to provide for controls.	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(3)(ba)					
773a		<u>(ba) the training of third country fisheries inspectors who provide support in the monitoring of Union vessels operating outside the Union.</u> EP AM 236, EX AM 861 (S&D)		Sequence 6	Flexibility to agree to a provisions that sets out that Union inspectors may participate in training activities, including the training of third country fisheries inspectors, amongst others, along the following line (proposed by EP): <i>New paragraph 3a:</i> <i>“Union inspectors may assist in training activities related to control and inspection, including training activities involving third country officials.”</i> A recital would mention that trainings may also relate to the training of third country inspectors.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (60), amending provision(4), first subparagraph, introductory part					
774	4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to:		4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to:	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(4), first subparagraph(a)					
775	(a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and		(a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and	Sequence 6 Green, as no modifications proposed	
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;	(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;	Sequence 6	Agree to revert to COM proposal as regards mentioning, in a non-exhaustive way, examples. Language on electronic monitoring devices will be adjusted later.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		CCTV -EMS EP AM 237, EX AM 863 (S&D)			
Article 1, first paragraph, point (60), amending provision(4), second subparagraph					
G	777	to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.	to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision(5)					
G	778	5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.	5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (60), amending provision(6)					
G	779	6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have	6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have	Sequence 6 Green, as no modifications proposed	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	no police and enforcement powers.		no police and enforcement powers.		
Article 1, first paragraph, point (60), amending provision, numbered paragraph (6a)					
779a		<p><u><i>6a. The Commission is empowered to adopt delegated acts in accordance with Article 119a supplementing this Regulation by setting out the powers and duties of Union inspectors.</i></u></p> <p>Delegated Acts</p> <p>EP AM 238, EX AM 868 (Greens/EFA)</p>		Sequence 6	See comment in row 716 on package deal.
Article 1, first paragraph, point (60), amending provision(7), first subparagraph, introductory part					
780	7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:		7. The Commission shall, by means of implementing acts, lay down detailed rules concerning:	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(7), first subparagraph(a)					
781	(a) the notification of Union inspectors to the Agency;		(a) the notification of Union inspectors to the Agency;	Sequence 6 Green, as no modifications proposed	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (60), amending provision(7), first subparagraph(b)					
G	782	(b) the adoption and maintenance of the list of Union inspectors;		(b) the adoption and maintenance of the list of Union inspectors; Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(7), first subparagraph(c)					
G	783	(c) the notification of Union inspectors to Regional Fisheries Management Organisations;		(c) the notification of Union inspectors to Regional Fisheries Management Organisations; Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(7), first subparagraph(d)					
	784	(d) the powers and duties of Union inspectors;		(d) the powers and duties of Union inspectors; See row 779a. Sequence 6	EP clarified that it intended to delete this row. See also row 779a.
Article 1, first paragraph, point (60), amending provision(7), first subparagraph(e)					
G	785	(e) the reports of Union inspectors;		(e) the reports of Union inspectors; Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (60), amending provision(7), first subparagraph(f)					
G	786	(f) the follow-up of reports of Union inspectors.		(f) the follow-up of reports of Union inspectors. Sequence 6 Green, as no modifications proposed	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	Article 1, first paragraph, point (60), amending provision(7), first subparagraph(fa)				
786a		<u>(fa) minimum training requirements for Union inspectors, covering in-depth knowledge of the common fisheries policy as well as relevant Union environmental law.</u> "EP AM 239, EX ENVI 85"		Sequence 6	Defend GA. EP willing to delete as of “, covering in-depth knowledge ... environmental law”.
	Article 1, first paragraph, point (60), amending provision(7), second subparagraph				
787	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). "		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). "	Sequence 6 Green, as no modifications proposed	
	Article 1, first paragraph, point (61), introductory part				
788	(61) in Article 80 paragraph 4 is replaced as follows:		(61) in Article 80 paragraph 4 is replaced as follows:	Sequence 6 Green, as no modifications proposed	
	Article 1, first paragraph, point (61), amending provision(4)				
789					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
	" 4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member State in waters or ports of third countries in accordance with international agreements. "		" 4. A Member State may inspect Union fishing vessels flying its own flag or the flag of another Member State in waters or ports of third countries in accordance with international agreements. "	Sequence 6 Green, as no modifications proposed	
Article 1, first paragraph, point (70), introductory part					
G	950 (70) in Title IX, the following Article 93a is inserted:		(70) in Title IX, the following Article 93a is inserted:	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (70), amending provision, first paragraph					
G	951 " Article 93a		" Article 93a	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (70), amending provision, second paragraph					
G	952 National control programmes and annual reports		National control programmes and annual reports	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (70), amending provision(1), first subparagraph					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
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 <u>the inspections, surveillance 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.	" 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 Text Origin: Commission Proposal	EP withdrew its proposed amendment.
Article 1, first paragraph, point (70), amending provision(1), second subparagraph					
954	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.	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 <u>and the conclusions of the annual evaluation report referred to in paragraph 2b.</u> EP AM 272, EX CA 22	National control 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	Flexibility to explore alternative solution setting out a minimum frequency for updates of multiannual control programmes to address a key concern of EP and COM.
Article 1, first paragraph, point (70), amending provision(1), third subparagraph					

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
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> .	Sequence 6	Flexibility to adjust in line with solution for row 954.
Article 1, first paragraph, point (70), amending provision(2)					
956	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.	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. <small>EP AM 273, EX CA 22</small>	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>	Sequence 6	Defend Council proposals set out in GA.
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a), introductory part					
956a					For rows 956a to 956e:

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<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	Flexibility to agree to mention some key elements of the reports in the Control Regulation.
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		Sequence 6	See row 956a
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(b)					
956c		<u>(b) the number and type of inspections, surveillance and controls performed;</u> EP AM 274, EX CA 22		Sequence 6	See row 956a
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(c)					
956d		<u>(c) the number and type of suspected and confirmed infringements, including serious infringements;</u> EP AM 274, EX CA 22		Sequence 6	See row 956a

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2a)(d)					
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> EP AM 274, EX CA 22		Sequence 6	See row 956a
Article 1, first paragraph, point (70), amending provision, numbered paragraph (2b)					
956f		<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</u>		Sequence 6	Flexibility to agree in principle to the development and publication of a report concerning the national control programmes and to develop an alternative proposal with COM and EP on the exact content and timeframe, also taking into account concerns on the administrative burden linked to the production of such report. The report would only contain some elements from rows 956a

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<u>waters, particularly fishing vessels registered in neighbouring countries of the Union. That report shall be made public on the website of the Commission.</u> "			to 956e.
Article 1, first paragraph, point (70), amending provision(3)					
957	3. The Commission is empowered to adopt 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. "		3. The Commission is empowered to adopt 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> "	Sequence 6	See comment in row 716 on package deal.

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph, point (71), introductory part					
G	958	(71) in Article 95, paragraph 1 is replaced by the following:	(71) in Article 95, paragraph 1 is replaced by the following:	Sequence 6 Green, as no modifications proposed	G
Article 1, first paragraph, point (71), amending provision(1)					
G	959	" 1. Certain fisheries may be subject to specific control and inspection programmes. The Commission may, by means of implementing acts and in concert with the Member States concerned, determine which fisheries shall be subject to the specific control and inspection programmes on the basis of the need for specific and coordinated control of the fisheries in question. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). "	" 1. Certain fisheries may be subject to specific control and inspection programmes. The Commission may, by means of implementing acts and in concert with the Member States concerned, determine which fisheries shall be subject to the specific control and inspection programmes on the basis of the need for specific and coordinated control of the fisheries in question. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). "	Sequence 6 Green, as no modifications proposed	G
Article 2(1a)					
G	1151b				G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
		<p><u>1a. In Article 2(1), point (a) is replaced by the following:</u> <u>"(a) 'control and inspection' means any measures taken by Member States to control and inspect fishing activities within the scope of the common fisheries policy including surveillance and monitoring activities such as vessel monitoring systems and observer schemes; "</u></p> <p>Regulation (EC) No 768/2005 has been codified and repealed by Regulation (EU) 2019/473.</p> <p>VMS EFCA</p> <p>EP AM 285, EX AM 1074 (S&D)</p>		<p><i>deleted</i></p> <p>Discuss at Sequence 6 with other definitions</p> <p>Sequence 1 Sequence 6 Agreed at ITM 29/10/21 Agreed Trilogue 18/11/21</p>	
	Article 2(1b)				
G 1151c		<p><u>1b.</u></p>		<p><u>1b. In Article 2, point (a) is replaced by the following:</u> <u>"(a) 'control' means control as defined in Article 4 point 3 of Regulation (EC) No 1224/2009."</u></p> <p>Sequence 1 Sequence 6 Agreed at ITM 29/10/21 Agreed</p>	

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
				Trilogue 18/11/21	
Article 2(1c)					
G	1151d	<u>1c.</u>		<p><u>1c. In Article 2, the following point is inserted:</u> <u>"(aa) 'inspection' means inspection as defined in Article 4 point 4 of Regulation (EC) No 1224/2009."</u></p> <p>Discuss at Sequence 6 with other definitions</p> <p>Sequence 1 Sequence 6 Agreed at ITM 29/10/21</p>	G
Article 4, first paragraph, point (4), introductory part					
G	1221	(4) Article 10 is replaced by the following:	(4) Article 10 is replaced by the following:	Sequence 6 Green, as no modifications proposed	G
Article 4, first paragraph, point (4), amending provision, first paragraph					
G	1222	" Article 10	" Article 10	Sequence 6 Green, as no modifications proposed	G

Table Sequence 6

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Draft agreement	Comments by the Presidency/proposed way forward
Article 4, first paragraph, point (4), amending provision, second paragraph					
G	1223	Inspection procedure	Inspection procedure	Sequence 6 Green, as no modifications proposed	G
Article 4, first paragraph, point (4), amending provision, third paragraph					
G	1224	For the purpose of verifying compliance with applicable laws, regulations and relevant international conservation and management measures, Member States shall apply the provisions of Chapter I of Title VII of Regulation (EC) No 1224/2009. "	For the purpose of verifying compliance with applicable laws, regulations and relevant international conservation and management measures, Member States shall apply the provisions of Chapter I of Title VII of Regulation (EC) No 1224/2009. "	Sequence 6 Green, as no modifications proposed	G