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**WK 1379/2022 ADD 2**

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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
N° prev. doc.:	WK 841/22
Subject:	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 - Sequence 6 (National control programme, surveillance and inspections) - Comments by Sweden, Germany and Finland

Delegations will find attached written comments by the Swedish, German and Finnish delegations on the above-mentioned document.



Ministry of Enterprise and Innovation

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

During the Working Party on Fisheries Policy of the 27 January 2022, Member States were invited to submit written comments on document WK 841/2022 INIT.

Sweden would like to give the following comment regarding the proposed way forward concerning sequence 6.

*Amendment 701b*

Sweden supports the proposal by the presidency. Please note though that “the format of which shall be uniform throughout the Union” has not been deleted in column 4 (draft agreement) following the withdrawal of the phrase from the EP.

*Amendment 736*

Sweden does not support the proposal as full documentation of catches and discard is the aim of catch reporting and not an electronic device. If the bracket is deleted, Sweden can support the proposal:

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;

#### *Amendment 770*

Sweden notices that there is no proposal suggesting modifications to Article 79, specifically points 4, 5 and 6, that would change what powers Union inspectors should have. This should mean that even if Member State's inspectors may have police or enforcement powers (Article 79.4), an interpretation of Article 79.4 with points 5 and 6 means that Union inspectors shall nonetheless not have such powers.

Conducting controls or inspections on Member State land territory can include the exercise of public authority (in Swedish "myndighetsutövning").

The starting point is that foreign officials cooperating with national officials may not take measures involving the exercise of public authority. When it comes to policiary cooperation, special resolutions and agreements have been enacted that in certain instances allow exceptions (2008/615/RIF and 2008/617/RIF).

The question of Union inspectors exercising public authority in Member States must be thoroughly motivated and analysed before it can be accepted. There has not been enough justification presented for the need of this.

#### *Amendment 956 a-e*

Some flexibility can be shown depending on which elements that are proposed to be regulated in the Control Regulation. Sweden will provide a final opinion once the detailed proposal is presented.

*Amendment 965 f*

Sweden can support the proposal in principal. A final position will be provided once the detailed proposal is presented.

*Amendment 142 c*

In addition to the amendments marked in turquoise, Sweden has been made aware that amendment 142c has been marked as agreed at ITM 3.12.2021 and at trilogue 7.12.2021. To our understanding a mandate that covers this proposal has not been discussed at the Working Party.

Sweden has a long coastline and some small-scale landings are made throughout the coast. The definition as proposed by EP would limit landing sites to only those recognised by a Member State, which could have a large impact on small-scale fisheries. For these reasons 142c needs further clarifications.

## Comments of Germany on WK 841/2022 – Sequence 6 (national control programmes, monitoring, and inspections)

1 February 2022

Germany thanks the Presidency for the proposed ways forward regarding Sequence 6 of the EU control regulation in working paper WK 841/2022.

Apart from comments on line 770 and 955 below, Germany generally supports defending the Council's approach, where this is indicated as proposed way forward.

### Comments on specific lines

Line 722a/741: To maintain coherent wording, we suggest using the term “minimum standards” throughout and as in the text of the Council mandate and in line 741, instead of “minimum requirements”.

Line 770: Regarding inspections on the territory of Member States, Germany would support the flexibility suggested but emphasize that Union inspectors should accompany national inspectors rather than carry out inspections.

Line 955 in combination with line 954: As addressed in previous comments, Germany is not in support of the deadline fixed for notification of national control programmes (31 December) since available data on risk analysis and the legal basis for the following year are not completed by the end of December; end of March (31 March) is proposed as alternative date. If exploring alternative solutions with minimum frequencies for updates involves considering later dates, Germany can support the flexibility requested in the working paper.

## **Working party on Internal and External Fisheries Policy**

Written comments of FINLAND

on the proposal for a Regulation of the European Parliament and of the Council amending  
Regulations on fisheries control

**Presidency compromise for sequence 6 on National control programme, surveillance, and  
inspection (document WK 841/22)**

Finland thanks the Presidency for the distributed document and would like to present the following remarks on some of the lines.

142c: There is a new definition. “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.

We find the wording unclear – should Member States separately approve each coastal fisherman's own shore so that it can be used for landing catch or does the "which" refer only to maritime ports? The wording deserves clarification.

716: Finland strongly supports the approach proposed by the Presidency. The choice between delegated acts and implementing acts should be based on the clearly defined roles of each type of acts. Both are meant to be used as part of Union legislation and there is no ground to categorically promote or object either of them, not by the Member States or by the Parliament.

956b: European Parliament would like Member States to report annually on the budget they spend on fisheries control. In many ways, this is absurd. What is all included in the control budget? What are the costs in same goods and services in different countries (salary levels and many others vary)? It is not essential how much money is spent on control, but what actual resources the Member States have at their disposal and how the resources are used to gain the objectives of CFP.