

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

2008/0216(CNS) - 22/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 564 votes to 42 with 49 abstentions, a legislative resolution amending, under the consultation procedure, the proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

The main amendments are as follows:

Definition: Parliament defined "recreational fisheries" as non-commercial fishing activities exploiting living aquatic resources for recreation or sport and including, inter alia, recreational angling, sports fishing, sports tournaments and other forms of recreational fishing.

Fishing activities with bottom gears: Members add that a list shall be drawn up of the gears referred to in this provision.

VMS: an appropriate device must be installed by 1 July 2013 rather than 1 July 2012 for vessels exceeding 10 meters length and up to 15 meters length overall. Financial assistance for the installation of Vessel Monitoring System devices shall be eligible for funding under Regulation (ES) No 861/2006. Co-financing from the Community budget shall be at the rate of 80%.

Logbook: the permitted margin of tolerance in estimates recorded in the logbook of the quantities in kilograms of fish retained on board shall be 10% (rather than 5%, as proposed by the Commission).

Financial assistance for the installation of electronic logbooks shall be eligible for funding under Regulation (ES) No 861/2006. Co-financing from the Community budget shall be at the rate of 80%.

Electronic recording and transmission of logbook data: this will apply to Community fishing vessels exceeding 10 meters length and up to 15 meters length overall as from 1 July 2013 (rather than 2012)

Prior notification: a new clause states that the competent authorities of the Member State whose port or landing facilities the master of a fishing vessel wishes to use, having made a request to do so at least 4 hours prior to the estimated time of arrival at the port shall, within 2 hours of receiving this request, give permission accordingly.

Transshipment declaration: Parliament deleted the Commission's discretion to may exempt certain categories of fishing vessels from the obligation laid down in the text. It also deleted the clause requiring the competent authorities shall assign a unique landing number (ULN) to the landing.

Landing declaration: this must be given 6 hours after landing (rather than 2 hours). Again, the date of application for certain vessels is extended to 2013.

Recording of catches and fishing effort: the data in electronic format shall be kept for a minimum of 10 years (rather than 3 years.)

Parliament states that catches and discards should be deducted from the national quota. **Transfer of unused quotas:** a new article is inserted providing that if all or part of the quotas for a Member State will not be used during the year in which they were granted, these quotas may be used, that same year, by other Member States.

Transhipments in port: this article is deleted.

Designated ports: a new clause states that Member States may designate a port not meeting the criteria in order to avoid vessels having to sail for a distance greater than 50 miles to port.

Registration of discards: the Commission shall consider a scheme to fit video-monitoring equipment for the purpose of ensuring compliance with this Regulation. Released fish in recreational fisheries shall not be considered to constitute discards or mortality for the purposes of the Regulation.

Real time closure of fisheries: the whole of this section is deleted.

Recreational fisheries: Recreational Fisheries conducted from a vessel in Community marine waters on a stock subject to a multiannual recovery plan may be evaluated by the Member State in whose waters they are conducted. Fishing with rod and reel from shore shall not be included. Within 2 years of the date of entry into force of the Regulation, Member States may estimate the impact of Recreational Fisheries conducted in their waters and submit the information to the Commission. The relevant Member State and the Commission, on the basis of the advice of the Scientific, Technical and Economic Committee for Fisheries, shall decide which Recreational Fisheries are having a significant impact on stocks. For those fisheries having a significant impact, the Member State concerned, in close cooperation with the Commission, shall develop a monitoring system that is able to accurately estimate the total recreational catches from each stock. Recreational Fisheries shall comply with the objectives of the Common Fisheries Policy.

Where a Recreational Fishery is found to have a significant impact, catches shall be counted against the relevant quota of the flag Member State. The Member State may establish a share from such quota to be used exclusively for the purpose of that Recreational Fishery.

Observers: the Commission should cover the cost of observation programmes, together with Member States.

Sanctions for serious infringements: Member States shall ensure that operators found liable for a serious infringement of the rules of the Common Fisheries Policy are precluded from benefiting from the European Fisheries Fund, Fisheries Partnership Agreements and other public aid. The sanctions provided for shall be accompanied by other sanctions or measures, in particular the repayment of public assistance or subsidies received by IUU vessels during the financing period concerned.

Penalty points system: as long as a holder of a fishing authorisation has been assigned penalty points, that holder shall be precluded from receiving Community subsidies and national public aid during that time.

National registers of infringements: information on infringements committed and for which a conviction has been obtained by the fishing vessels and individuals in question will be available to the public via the public part of the website.

Deduction of quotas: Members amended the multiplying factors applicable. They added that if the quota, allocation or share of a stock or a group of stocks allocated to a Member State does not exceed 100 tonnes, the reduction for exceeding the quota shall be applied in a linear manner and not by percentage, except for species covered by a multiannual plan.

Parliament **deleted the Commission's powers to deduct quotas and refuse quota exchanges.** It deleted the article on deduction of quotas for failure to comply with the objectives of the Common Fisheries Policy.

Secure part of the website: third countries shall be provided with certain information for Community vessels that apply for licences to fish in their waters. The information shall be provided on condition that the third country guarantees in writing the confidentiality of the information. The transfer of personal data under this provision shall be deemed to comply with Article 26(1)(d) of Directive 95/46/EC.