

# Scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries

2009/0051(COD) - 19/10/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 636 votes to 21, with 5 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down a Scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (NEAFC Convention).

The Parliament adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council. They amend the Commission's proposal as follows:

**Transshipment operation:** this definition has been clarified. The term means the unloading of all or any fishery products on board a fishing vessel onto another fishing vessel.

**Marking of gear:** Member States may remove and dispose of fixed gear that is not marked in accordance with Regulation (EC) No 356/2005 or that contravenes in any other way recommendations adopted by NEAFC, as well as fish that are found in the gear.

**Retrieval of lost gear:** the competent authority of the flag Member State shall send without delay the information provided to it pursuant to Article 48(3) of Regulation (EC) No 1224/2009 as well as the call sign of the vessel that has lost the gear to the NEAFC Secretariat.

**Recording of catches:** the amended text specifies that the masters of EU fishing vessels shall record either in a bound paginated fishing logbook or by electronic means the following: a) immediately after each communication pursuant to Article 9 (Reporting of catches of regulated resources), the date and time, according to Universal Coordinated Time ('UTC'), of transmission of a report and, in the case of radio transmission, the name of the radio station through which the report was transmitted; b) the fishing depth, where appropriate.

**Reporting of catches of regulated resources:** the masters of EU fishing vessels engaged in fishing activities conducted on regulated resources shall draw up a report on the quantities on-loaded and off-loaded for each transshipment of fish during the vessel's stay in the Regulatory Area, no later than 24 hours before the transshipment, and receiving vessels no later than one hour after the transshipment.

The report shall include the date, time and geographical position of the planned transshipment as well as the total round weight by species which are to be off-loaded or which have been on-loaded in kilograms and the call signs of the donor and receiving vessels. At least 24 hours before any landing, the receiving vessel shall report the total catch on board, the total weight to be landed, the name of the port and the date and time of landing.

The reports on catches referred to in this Article shall be expressed in kilograms (rounded to the nearest 100 kg). The total round weight shall be reported by species, using the FAO codes. The total quantity of

species for which the total round weight by species is less than one tonne may be reported under the 3-alpha code MZZ (marine fish not specified).

**Global reporting of catches and fishing effort:** without prejudice to Article 33(2) of Regulation (EC) No 1224/2009, Member States shall also inform the Commission, by computer transmission before the fifteenth day of each month, of the quantities of regulated resources taken in areas under the national fisheries jurisdiction of third countries and in EU waters of the Convention Area by vessels flying their flag, which have been landed or transhipped during the preceding month.

**Inspection and surveillance:** a joint deployment plan shall, inter alia, determine the number of inspections to be carried out. Member States shall ensure that inspections carried out by their inspectors shall be carried out in a non-discriminatory manner and in accordance with the Scheme. Inspectors shall avoid the use of force except in cases of legitimate self-defence.

As far as the surveillance procedure is concerned, NEAFC inspectors shall record their sightings in a surveillance report.

**Designated ports:** Member States shall designate and notify the Commission of ports where the landing or transhipment of fishery resources frozen after being caught in the Convention Area by fishing vessels flying the flag of another Contracting Party are permitted.

**Confidentiality:** Member States shall ensure confidential treatment of electronic reports and messages transmitted to and received from the NEAFC Secretariat.

**Delegation of powers:** the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union:

- in respect of detailed rules on lists of fishery resources to be notified, notification and cancellation procedures for prior notice of entry into port as well as authorisation to land or tranship;
- in order to transpose into EU law amendments to the existing provisions of the Scheme which become obligatory for the Union, the Commission may amend the provisions of this Regulation concerning: (i) the participation of Contracting parties in the fishery in the Regulatory area; (ii) the removal and disposal of fixed gear and the retrieval of lost gear; (iii) the use of VMS; (iv) cooperation and communication of information to the NEAFC Secretary; (v) the requirements for separate stowage and labelling of frozen fishery resources; (vi) the assignment of NEAFC inspectors; (vii) measures to promote compliance by non-Contracting Party fishing vessels set out in Chapter VI; (viii) the list of regulated resources.

The amended text contains provisions concerning the exercise of delegation, revocation of delegation and objections to delegated acts.

**Implementing measures:** the amended text highlights that the measures necessary for the implementation of this Regulation should be adopted by means of implementing acts in accordance with Article 291 of the Treaty. According to that Article, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. In the period prior to the adoption of this new Regulation, Council Decision 1999/468/EC (comitology) will continue to be applied (with the exception of the regulatory procedure with scrutiny, which is not applicable).