



Council of the
European Union

Brussels, 21 October 2022
(OR. en)

13881/22

**Interinstitutional File:
2018/0193(COD)**

LIMITE

**PECHE 407
CODEC 1576**

NOTE

From: General Secretariat of the Council
To: Delegations

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
- Letter from Commissioner V. Sinkevičius on key principles for the revision of the EU fisheries control system

Delegations will find attached a letter from Commissioner Virginijus Sinkevičius on key principles and proposed compromise solutions in view of an agreement on the abovementioned proposal.



VIRGINIJUS SINKEVIČIUS
Commissioner for Environment
Oceans and Fisheries

Brussels, 19/10/2022
Ref. Ares (2022)7930965

Mr Jaroslav Zajiček
Deputy Permanent Representative of the Czech Republic
to the European Union
15, Rue Caroly
1050 Brussels
BELGIUM

Dear Ambassador,

As we are approaching the end of the year, and as we are more than half way through the Czech Presidency of the Council, I want to share with you some reflections on what I have always referred to as the most important legislative priority for the mandate of this Commission in the field of fisheries – the revision of the fisheries control system. Its inclusion in the Joint Declaration on the EU's legislative priorities for 2022 (as already in previous years) is indicative of the importance all three institutions attach to this reform collectively and of the need to do our utmost to deliver on it timely and resolutely.

It has been more than four years since the Commission tabled its proposal in May 2018, and we have been discussing it in trilogues over more than one year already. We have made substantial progress, but many cornerstone elements of the fisheries control system - those that are complex and technical, but also of high political sensitivity, and with a tangible impact for the sector and for sustainable fishing more generally - are yet to be agreed.

I think that we have reached a moment when we need to have a shared strategic vision on all of these elements in their entirety, as a package, in order to project the outlines of the new fisheries control rules. This is why today, having listened over time closely to the positions taken by both co-legislators, I put forward, in line with the mandate I received from the College, a set of key principles and compromise solutions, which I hope can guide us towards an agreement. It was my true intention to reflect in this package of possible solutions the key priorities and cater for the key concerns of all three institutions.

In this context, I do want to underline both aspects – key priorities and key concerns of all three institutions. I am aware that the Commission's announcement in May this year that amendments on four key issues – CCTV, margin of tolerance, engine power, and traceability - risked amending the Commission proposal in a way that would deprive it of its *raison d'être*,

caused unease. While it was my duty to inform you of this risk, I also declared my unequivocal determination to explore all paths to a compromise and spare no effort to avoid that risk and conclude this reform successfully.

I invite you to examine these principles with an open mind and in the spirit of compromise. I trust this package of principles can lay the foundations for a modern, efficient and future proof EU fisheries control system that contributes to the sustainability objectives of the European Green Deal and ensures the full implementation of the Common Fisheries Policy. I hope that you can share these ideas within your respective institution and that we can have a genuine and comprehensive discussion on these overarching elements at the next political trilogue, so that they become the basis for moving towards political agreement before the end of this year.

I have addressed the same letter to the European Parliament Rapporteur, Ms Clara Aguilera and Mr Pierre Karleskind.

Yours sincerely,



Virginijus Sinkevičius

Annex: Guiding principles for the revision of the fisheries control system

 Electronically signed on 19/10/2022 12:02 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121

ANNEX

Revision of the EU Fisheries Control System: Key principles

Tracking of small fishing vessels (sequence 9)

1. Tracking of all fishing vessels independently of their size should be the rule. A **derogation until 2030 could be granted to vessels below 9m**, using passive gears, fishing very close to the shore for less than 24 hours, if they are not active in fishing restrictive areas, and if they use an alternative notification system. **Incentives** could apply for those vessels below 9m, which voluntarily accept tracking.

Control of the landing obligation (sequence 15)

Control of the landing obligation should be such as to allow enforcing the landing obligation and the derogations to it. This should be achieved via a compulsory installation of remote electronic monitoring (REM), including CCTVs based on the following principles:

2. REM should be applied fairly and equally to **all vessels licensed to operate in EU waters**, regardless of their flag.
3. REM should be used as a control tool and **not as a sanction**.
4. The deployment of REM should **follow a risk-based approach** based on a methodology developed by EFCA. There should be **no compulsory REM for vessels below 15 meters**. REM should comply with minimum technical requirements set at EU level including for CCTVs.
5. **For vessels not equipped with REM**, Member States should ensure compliance with the landing obligation by **other equivalent means**.
6. **Transition periods** should apply in correlation to the risk category, type of vessel or vessel length. **Incentives** could be provided [at national level] for those vessels voluntarily accepting REM.

Control of engine power (sequence 14)

7. There should be a prohibition to operate with an engine power exceeding the **power certified in the fishing licence**.
8. There should be **continuous monitoring for engines** for: a) vessels above 120KW and using towed gears in areas subject to restrictions on engine power with a **transition period of 5 years**, and for b) **all newly installed engines**.

Margin of tolerance (sequence 16)

The revision of the EU fisheries control system should improve the accuracy of the catch data on the ground and not worsen it. In particular, the rules on the margin of tolerance, should guarantee the accuracy of catch data, while also limiting the risk for misreporting. To that end:

9. **Margin of tolerance (MOT) should be set per species only. No derogation applicable to “mixed fisheries”.**
10. **Operators should apply the best available techniques, including sampling, REM with Artificial Intelligence, to accurately estimate catches on board.**
11. **For certain fisheries (e.g. Tropical tuna purse seiner fishing on FADs), the Commission could, in consultation with Member States, request EFCA to develop technical guidance to improve the accuracy of the estimation of catches.**
12. **In the case of unsorted landings in Union ports of small pelagic species and of industrial fisheries, an alternative margin of tolerance can be considered on the condition that an accredited independent third party guarantees the accuracy of the catch reporting at landing.**
13. **Small quantities of catches, such as those caught by small scale vessels, are more difficult to estimate. Therefore MOT could be higher: 20%.**
14. **MOT for transshipment declaration should be the same as MOT for the fishing logbook. No MOT for the transport document.**

Traceability of Fishery and Aquaculture products (FAPs) (sequence 13)

15. **Traceability of FAPs should be digitalised and available along the supply chain in principle for all fishery and aquaculture products. However, a transition period of 5 years could be provided.**
16. **Traceability should allow that the information needed for consumers (Article 35 of CMO regulation) is available, and should guarantee the accuracy of the information on the origin of the fisheries and aquaculture products.**

Transshipment (sequence 7)

17. **Transshipment at sea in EU waters should be prohibited.**

Safeguard clause IUU (sequence 18)

18. **There should be no safeguard measures for third countries notified with a IUU yellow card as this would threaten the cooperation mechanisms with third countries in the IUU regulation and be contrary to EU trade policy.**

Regionalisation (sequence 17)

19. **There should be no regionalisation of control in order to preserve level playing field.**

Recreational fisheries (sequence 11)

20. **Member States should have a system monitoring the number of natural and legal persons involved in recreational fisheries (a registration, licensing or alternative system) and collect data on catches from recreational fisheries through an electronic system. Stricter reporting rules should apply to stocks managed at EU level.**

 Electronically signed on 19/10/2022 12:02 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121