



**Draft Implementation Regulation  
for  
Regulation (EU) No 1224/2009**

## Drafting principles

- **Limitation to rules that need to be adopted for the application of Regulation (EC) No 1224/2009**
- **Consolidation of all rules in one single implementation regulation, i.e. incorporation of content of already existing regulations even if no change of substance**
- **Structure of implementation regulation follows the control regulation**
- **Avoidance of repetitions of text of Reg. (EU) No 1224/2009**

# Fishing licences and fishing authorisations

- **Format of fishing licences will not be changed**
- **Fishing authorisations will replace special fishing permits**
- **Fishing licences and fishing authorisations are to be placed on the secure part of Member States' websites**

## Marking and identification of fishing gear

- Text incorporates text of Regulation (EEC) 1381/87 on the marking and documentation of fishing vessels and Regulation (EC) No 356/2005 on marking and identification of passive fishing gear and beam trawlers
- A new rule on the marking of non passive gear excluding beam trawls (necessary for application of Article 48 of Regulation (EC) No 1224/2009)

# Vessel Monitoring System

- **Incorporation of Regulation (EC) No 2244/2003 on VMS**
- **Content of Regulation (EC) No 2244/2003 will be adapted to Regulation (EC) 1224/2009**

# Control of fisheries I

- Rules for logbook, transshipment/landing declaration in paper format
- Rules for logbook, transshipment/landing declaration in electronic format
- Common rules for logbook, transshipment/landing declaration in paper or electronic format (f. ex. conversion factors)

## Control of fisheries II

- **Methodology for sampling plans for fishing vessels below 10m based on the identification of non-compliance risk factors**
- **Corrective measures for closure of a fishery by the Commission**
- **Control of engine power :**
  - › **Certification of propulsion engine power for engines with more than 120 kW;**
  - › **Verification of propulsion engine power of all vessels on the basis of sampling plans based on high risk factors.**
- **Monitoring of recreational fisheries on stocks subject to recovery plans on the basis of sampling plans to be evaluated by STECF**

# Control of marketing I

- **Traceability system:**
  - › All fisheries products to be put in lots;
  - › Information on fisheries products affixed to lot;
  - › Accessibility of affixed information
- **Information to the consumer**

## Control of marketing II

- **General principle: Everything to be weighed on landing unless sampling plan, in particular for weighing after transport or on board**
- **Sampling plans for weighing based on risk based methodology. Criteria for risk assessment:**
  - › Species under recovery/management plan;
  - › Value of species;
  - › Monitoring equipment;
  - › Previous records of compliance;
  - › Quota availability.
- **Incorporation of Regulation (EC) No 1542/2007 on landing and weighing procedures for herring, mackerel and horse mackerel**

## Control of marketing III

- **Format of electronic sales notes**
- **List of operators with annual turnover of more than 200,000 EUR subject to electronic transmission of sales notes**
- **Basically maintenance of old rules**

# Surveillance and control observers

- **Surveillance:** The content of a surveillance report and its entry into a national database
- **Control observers:**
  - › General principles;
  - › Independence of control observers;
  - › Duties of control observers.

# Inspection

- **Conduct of inspections:**
  - > **General provisions;**
  - > **Inspections at sea;**
  - > **Inspections in port;**
  - > **Transport inspections;**
  - > **Market inspections.**
- **Duties of operators**
- **Inspection report**
- **Electronic database**
- **Union inspectors**

# Union inspectors

- **List of Union inspectors to be established by the Commission**
- **Union inspectors have to comply with EU law and national law**
- **Daily reports of their activities to coastal Member State**
- **Full inspection report to flag Member State and coastal Member State**
- **Member States are obliged to act on findings of Union inspectors**

# Point system for serious infringements

- List of points to be attributed for serious infringements
- Certain margin for points to be attributed
- First suspension after 12 points
- Prolongation of suspension for every point above 12
- Deletion of points for certain behaviours (carrot and stick approach)
- Administration of points by flag Member State
- Obligation for Member States to establish similar system for masters

# Measures to ensure compliance by Member States

- Implementation rules limited to procedural matters
- Interruption of payment deadlines already possible in case of evidence that suggests compliance failure or in need of additional verifications
- Suspension and cancellation on the basis of a rate to be determined taking into account the criteria in Article 103(5) of Regulation (EC) No 1224/2009
- Possibility of recovery of advanced funds

# Deduction of fishing opportunities

- **Procedural issues will be clarified:**
  - › Rate of utilisation of fishing opportunities is established on the basis of catches of 15 February following the quota year;
  - › Possibility for Member States to exchange quotas until 15 January following the quota year;
  - › Relevant national quotas those available at the end of the quota year.
- Rules on deduction of fishing opportunities for non-compliance limited to procedural matters

# Analysis and audit of data

- **System to be established by Member States by end 2013**
- **Definition of minimum elements to be stored and cross-checked**
- **Validation on the basis of automated computerised algorithms in a continuous and systematic way**
- **Immediate identification of inconsistencies**
- **Inclusion of the follow-up of inconsistencies in the system**

# Websites of Member States

- **Based on web services generating real time and dynamic content**
- **Possibility for the Commission to pull all data from official websites at any time**
- **Common model for official websites (overview page with hyperlinks to different subpages on items referred to in Articles 115 and 116 of Reg. (EU) No 1224/2009)**

# Mutual assistance

- **Objective is an enhanced level of cooperation between Member States, the Commission and the CFCA**
- **Text largely identical to Title IV of Reg. (EU) No 1010/2009**
- **All requests channeled through single authorities of Member States**
- **Covered are information, enforcement measures and administrative notifications**