



The Director-General

Brussels,
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Mr. Jesper Raakjær
Pelagic Advisory Council
Louis Braillelaan 80 2719 EK
Zoetermeer
The Netherlands

Subject: Recommendations on the Commission proposal on the revision of the Control Regulation

Your reference: 1819/PAC78

Dear Mr Raakjær,

Thank you for your letter of 18 July 2019 and the Pelagic Advisory Council's recommendations on the Commission proposal on the revision of the Control Regulation¹.

I would like to thank the Pelagic Advisory Council for the detailed advice delivered on the Commission's proposal concerning the revision of the EU fisheries control system.

A number of comments concern the empowerments to adopt **implementing and delegated acts** and the content of such acts. The empowerments have been introduced in order for the Commission to adopt technical prescriptions or detailed rules, as this is the case now with Commission Implementing Regulation (EU) No 404/2011. The content of such implementing and delegated acts will be determined after appropriate consultations and in accordance with the relevant procedures.

We have noted your concerns concerning the **definition of catching vessels**, capacity limits and transport vessels and reefers.

On **fishing licences**, the proposal is not intending to change the existing framework for fishing licences. Concerning **tracking systems**, we noted your concerns relating to third country vessels.

On the rules on the **logbook and margin of tolerance**, we wish to confirm that the proposal of the Commission does not change the basic obligation for masters to record catches in the logbook with a 10 % margin of tolerance. This rule applies today to all

¹ COM(2018)368

fisheries, including pelagic fisheries, which land their catch unsorted. The proposal is only adding the requirement that the estimate should be included for each haul.

We noted your concerns regarding the application by masters of vessels operating in third country waters, of the CFP rules and of **Third Country rules**. You raise the case where CFP rules would clash with Third Country rules. It would have been useful to have examples of such cases.

Concerning the use of **CCTVs** for the control of the landing obligation, the proposal foresees that a risk assessment will be performed in the framework of the specific control and inspection programmes, to be coordinated by EFCA. We cannot prejudge the results of these risk assessments

We note your comments on Articles 33 and 55. We wish to confirm that the Commission has not amended the substance of Articles 35 and 36 on closures and has not proposed amendments to Articles 49 to Article 49c.

We take note of the reservations concerning the **continuous monitoring of engine power**. First, we wish to recall that the policy concerning the limitation of fishing capacity as well as the definition of fishing capacity are set in the Common Fisheries Policy Regulation. The Control Regulation is only dealing with the control of the implementation of this policy. The reason why the Commission proposed a change in the rules applicable to the control and monitoring of engine power is that the existing rules are not considered as fit for purpose. As the physical engine power testing is expensive and cumbersome both for authorities and for operators, and is often ineffective as the engine output may be discreetly altered during testing, we consider that, for certain fleet segments, continuous engine monitoring is an appropriate solution.

The rules today for the **weighing of fishery products** are very complex for the industry and Member States. They are often not complied with and are poorly enforced. At the same time these rules are fundamental for an accurate recording of catches. The weighing system proposed by the Commission is less complex and more flexible than the existing rules as it allows different operators (the master, the registered buyer, the transporter or an independent weigher, etc.) to be a registered weigher. Weighing at landing is feasible as fishery products can be weighed in any harbour on portable, weighing systems approved by MS authorities.

For fishery products that are already boxed and iced, weighing upon landing should not be an issue as it will be possible to weigh bins or stacks of boxes of fisheries products as they are offloaded from the vessel and a tare weight deduction can be made to account for the average box and ice weight (determined through weighing of a sample of empty boxes and de-iced product). It should be borne in mind that the existing two methodologies for sampling plans (Art 60(1) and Art 60(3) of Regulation (EC) No 1224/2009), which both require sample weighing at landing, necessitate accounting for tare weight. Concerning the comment in relation to the ports where pelagic fisheries products are landed, we wish to recall that the existing rules require that pelagic landings above 10 t be carried out in approved ports.

We have taken good note of your comments on the amendments to Articles 68, 76 and 79.

We have also noted your comments on the provisions on **enforcement, sanctions for serious infringements and on the point system**. Most of the serious infringements

listed in Article 90 are coming from Articles 3 and 42 of the IUU Regulation and Article 90 of the Control Regulation. Additional infringements are coming from provisions applicable in the Regional Fisheries Management Organisations. Serious infringements listed in Article 91a concern infringements committed with any type of fishing vessel and no fleet or sector is excluded. We would like to underline that under the Control Regulation, when a physical person is the licence holder and master at the same time, he or she may be attributed points both as the holder of the licence and as the master.

We take note of your request to have the rules regarding the transfer of points harmonised.

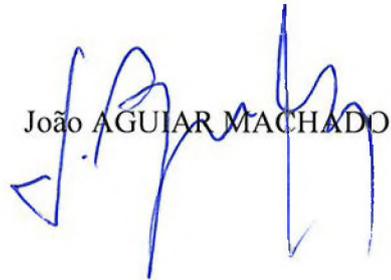
We confirm that the rules on the **national registry of infringements** does not require that personal information is made public. We note your comments concerning the transparency and the disclosure of aggregated data on infringements.

Concerning Articles 105 and 106 on **deductions of quotas and fishing efforts**, the proposed amendments will not change the existing provisions in substance.

I am convinced that the recommendations of the Pelagic Advisory Council will contribute in a positive way to the discussions on this proposal in the Council and in the European Parliament.

I am looking forward to our continued cooperation and invite you to contact Ms Pascale Colson, coordinator of the ACs (pascale.colson@ec.europa.eu; + 32 2 29 56273), should you have any question regarding this letter.

Yours sincerely,


João AGUIAR MACHADO