

Revising the fisheries control system

OVERVIEW

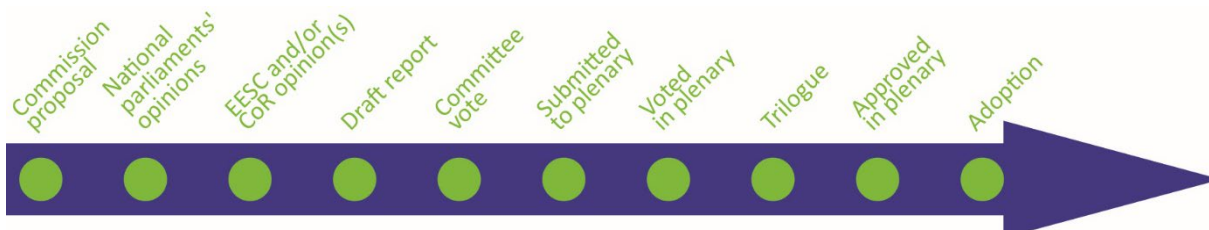
The EU has adopted a regulation introducing new rules on fisheries control. The act amends five regulations, of which Council Regulation (EC) 1224/2009 (the Control Regulation) forms the core of the EU fisheries control system. The revision is the result of a long process. In May 2018, the European Commission tabled the proposal as the last major component of the 2013 revision of the common fisheries policy. The European Parliament and the Council adopted their positions in March and June 2021 respectively, opening the way to interinstitutional negotiations. An agreement was reached at the 12th political trilogue held on 30 May 2023.

Some of the main changes introduced by the proposal and supported in the agreement include tracking of all fishing vessels, electronic reporting of all catches, monitoring of recreational fisheries, improving (digital) traceability along the supply chain and harmonising sanctions across the EU. On control of the landing obligation via on-board closed-circuit television cameras for vessels at high risk of non-compliance, the co-legislators agreed that this provision would only apply to vessels of 18 metres length or more. Parliament and Council also agreed on more flexible tolerance margins as regards catch weight estimates on-board, in particular for small pelagic and tuna species.

The agreement was approved by the European Parliament on 17 October 2023. After adoption by the Council, the act was signed by the co-legislators and published in the Official Journal of the EU on 20 December 2023. It entered into force 20 days later, on 9 January 2024. Most provisions apply after two or four years, to allow time for implementation.

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

<i>Committee responsible:</i>	Fisheries (PECH)	COM(2018) 368
<i>Rapporteur:</i>	Clara Aguilera (S&D, Spain)	30.5.2018
<i>Shadow rapporteurs:</i>	Francisco José Millán Mon (EPP, Spain); Izaskun Bilbao Barandica (Renew, Spain); Grace O'Sullivan (Greens/EFA, Ireland); Rosanna Conte (ID, Italy); Bert-Jan Ruissen (ECR, the Netherlands); João Pimenta Lopes (The Left, Portugal)	2018/0193(COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Procedure completed.</i>	Regulation (EU) 2023/2842 OJ L, 2023/2842, 20.12.2023	



Introduction

The EU [fisheries control](#) system is a key part of the common fisheries policy (CFP), aimed at ensuring compliance with CFP rules. The efficiency of the control system is widely recognised as a necessary condition for a successful fisheries policy. Designed to support the CFP, whose core business is one of the few EU exclusive competences, the control system was nevertheless conceived as a national competence: Member States are responsible for controlling their fishing and related activities, whereas the European Commission verifies how they fulfil their responsibilities.

EU fisheries control was initiated as part of the process of setting up the CFP, with a first [regulation](#), adopted in 1982, establishing basic obligations to ensure compliance with the conservation measures of the new policy. In particular, the 1982 regulation introduced requirements for Member States to record and declare their catches, so as to adequately enforce the national 'quotas' allocated among Member States under the fishing opportunities system of the CFP. The second [regulation](#), adopted in 1987 after the accession of Spain and Portugal, strengthened the monitoring of the catches and empowered the Commission to close fisheries once the quotas have been exhausted. The control framework was revised again in the light of the 1992 CFP reform. While the [regulation](#) adopted the following year was still very much focused on controlling the use of quotas, it extended the scope of the control system to include new elements in areas such as the marketing of fisheries products, fishing fleet capacity, aquaculture and technical measures. It also required Member States to introduce a system of sanctions for cases of non-compliance with fisheries rules. However, frequent amendments to the 1993 regulation and the lack of the implementing provisions needed to support it led to an incoherent and incomplete control framework.¹ Moreover, a [special report](#) of the Court of Auditors in 2007 showed that the mechanisms in place for control, inspection and sanction were not capable of ensuring that the rules on managing the fisheries resources were effectively applied. This prompted a major overhaul of the control regime leading to the adoption of the **Control Regulation** ([1224/2009](#)), which became the core of the EU fisheries control system.

In addition to the Control Regulation, this system includes a framework for authorising EU vessels that fish in waters beyond the national jurisdiction of the Member States, as well as third-country vessels operating in EU waters. This framework, previously covered by the Fishing Authorisation Regulation [1006/2008](#), was repealed and replaced by Regulation [2017/2403](#) on the **sustainable management of external fishing fleets**, which has applied since 2018.² EU fisheries control also includes an instrument for action against global illegal, unreported and unregulated fishing: the **IUU Regulation** [1005/2008](#), aiming to prevent, deter, and eliminate the trade of IUU caught products into the EU.³ The IUU Regulation and the Regulation on the external fleets complement the Control Regulation, to form a comprehensive control package covering Member States' responsibilities in each of their roles as flag, coastal, port and market states. Finally, in 2005, the EU [established](#) the **European Fisheries Control Agency (EFCA)**, based in Vigo (Spain) and active since 2007, to improve coordination of Member States' control activities.

The implementation of the EU fisheries control system is supported by the European Maritime, Fisheries and Aquaculture Fund ([EMFAF](#)). About 87 % of this fund is allocated to the Member States and at least **15 %** of those allocations should be spent on control and data collection. Funding that is directly spent by the Commission is also available for regional cooperation in fisheries control.

The Control Regulation was adopted in November 2009, at a time when the EU was launching a thorough reform of the CFP. The reform, finalised in 2013, introduced new priorities and requirements, such as a landing obligation for all catches, designed to end the wasteful practice of discarding undesired catch back into the sea. Several evaluations of the control system addressed its efficiency and its coherence with the reformed CFP, as well as with other strategies and new technologies developed over the past 10 years, and identified a series of shortcomings. On 30 May 2018, the Commission launched a proposal for the [revision](#) of the fisheries control system, aimed at increasing its efficiency and ensuring its compliance with the reformed CFP.

Existing situation

The Control Regulation (1224/2009), in force since January 2010, was a milestone in the development of the EU fisheries control system. It brought the scattered control provisions together into one legal instrument, providing a unique legal basis for fisheries control. It extended the scope of control activities to areas such as transport and marketing of fisheries products, and traceability of the catches throughout the supply chain, 'from net to plate'. It made progress towards more uniform control rules, mainly by establishing harmonised inspection procedures. It introduced obligations for the use of new control technologies, such as an electronic logbook and a satellite-based vessel monitoring system (VMS). The basic rules of the Control Regulation were complemented, two years later, by their corresponding rules of application through Implementing Regulation [404/2011](#).

The Control Regulation applies to all CFP-related activities carried out in EU waters or on the territory of Member States, or by EU fishing vessels and EU nationals wherever they operate. It establishes the conditions for access to waters and resources, and the control rules for all fisheries management measures, including the use of fishing opportunities, the capacity of the fishing fleet and the marketing of fisheries products. It also covers surveillance of fishing activities and inspection, and in the event of infringements, the sanctions to be applied.

Conditions for access to waters and resources

All EU fishing vessels must hold a valid **fishing licence** certifying that the vessel can be used for commercial exploitation of fisheries resources and containing information on identification and technical characteristics. In addition, for activities subject to specific conditions (e.g. activities taking place under a fishing effort regime that limits the number of fishing days, activities taking place in a fisheries restricted area, or activities involving fishing for scientific purposes), vessels must also hold a specific **fishing authorisation**.

All fishing vessels over 12 metres (m) in length (i.e. EU vessels as well as non-EU vessels fishing in EU waters) must be equipped with a device allowing them to be located and identified automatically through a satellite-based **vessel monitoring system (VMS)** that transmits position data at regular intervals. However, Member States exempt fishing vessels between 12 m and 15 m in length from using the VMS, if they operate exclusively within their territorial waters or never spend more than 24 hours at sea. Each Member State collects the resulting data via a fisheries monitoring centre that monitors the fishing vessels flying its flag, wherever they fish, and all the other EU and non-EU vessels operating in its waters. The centres in different Member States may exchange VMS data; such an exchange can take place, for example, between the Member State that is the flag state of a fishing vessel and the Member States in whose waters it operates.

EU fishing vessels over 15 m in length must also use an **automatic identification system (AIS)**, a tool that is developed in accordance with the standards of the International Maritime Organisation (IMO) and is used mainly for maritime safety and by all types of vessels. Member States may use the data collected through the AIS for cross-checking. To complement VMS or AIS monitoring data, Member States may use a vessel detection system indicating the position of the vessels based on satellites images.

Control of the compliance with CFP management measures

Use of fishing opportunities

The use of fishing opportunities is controlled by means of a series of requirements for registering and declaring activities and catches. Masters of all fishing vessels over 10 m in length must keep a **fishing logbook**, recording among other information the catches of each species exceeding 50 kilograms (kg). On landing they must complete a **landing declaration**, indicating all quantities of each species. In addition, in cases of transshipping (i.e. moving the catches from one vessel to

another), a **transshipment declaration** is required, mentioning the transhipped quantities of each species above 50 kg. For vessels between 10 m and 12 m in length, the fishing logbook and the landing and transshipment declarations may be recorded and submitted on paper, within 48 hours of the landing. In contrast, for vessels over 12 m in length, the logbook and the declarations must be recorded in an electronic registration system (ERS), and sent electronically to the competent authority of the flag Member States at least once a day. However, as for the VMS, vessels between 12 m and 15 m in length may be exempted if they either operate only in the territorial waters of their flag Member State or never spend more than 24 hours at sea. As regards vessels under 10 m in length, which are not subject to any of these requirements, Member States must monitor them by sampling, based on a sampling plan communicated annually to the Commission. As an additional measure, fishing vessels over 12 m in length that are involved in fisheries under a multiannual plan must provide **prior notification** to their Member State authorities before arrival at port.

The data recorded by Member States on catches and fishing effort are transmitted each month to the Commission. Member States must also inform the Commission when they reach 80 % of their allocated fishing opportunities (quota or maximum allowable fishing effort). If the fishing opportunities are exhausted, Member States must prohibit fishing for the species concerned. If the Commission finds, on the basis of information from Member States or on its own initiative, that fishing opportunities are exhausted, it has the power to close the fisheries.

Fishing fleet capacity

Member States must control the capacity of their fishing fleets to ensure that they do not exceed the maximum level established for each Member State. In this regard, they are responsible for monitoring the engine power of their fishing vessels, for certifying that engines correspond to the officially stated power, and for verifying engine power consistency with other available data concerning the technical characteristics of the vessel (e.g. VMS, fishing logbook).

Marketing

Member States are responsible for controlling the marketing of fisheries and aquaculture products on their territories at all stages, from the first sales to transport and retail. They must ensure traceability of these products based on adequate labelling over the whole production chain, during catching or harvesting, processing and distribution. On first sale, the registered buyer or auction must submit, within 48 hours, a **sales note** to the competent authorities of the Member State where the first sale takes place. Buyers with an annual financial turnover in first sales of fisheries products of more than €200 000 are required to record and send the sales note by electronic means within 24 hours. The first-sale Member State must ensure that copies of the sales note are submitted to the flag state of the vessel that landed the products and to the state where the products were landed (if different). When fisheries products are intended for sale at a later stage, a similar procedure applies, based on a **take-over declaration**. For fisheries products landed in the EU and transported to a different place, a **transport document** must be submitted to the authorities of the Member State where the landing took place.

Surveillance

Member States must ensure surveillance of fishing activities in their waters, by means of direct sightings by inspection vessels or aircraft and remote detection based on analysis of VMS data, for instance. They must have inspectors to carry out inspections at sea, in ports, during transport, on processing premises and during the marketing of fisheries products. The inspectors must check in particular the legality of the catches, the fishing gear and vessels' engines, and the accuracy of all required documents and declarations. They draw up an **inspection report** for their competent authorities, and if they come across infringements during inspection of a vessel from another Member State or a non-EU country, the report is also sent to the authorities of the country concerned.

Sanctions

Following identification of infringements, Member States must ensure that appropriate sanctions are applied, in conformity with their national laws. The sanctions must be effective, proportionate and dissuasive, and consist of administrative action and/or criminal proceedings. Certain breaches of the CFP rules, such as undeclared landings or manipulation of an engine to increase its power, are considered 'serious infringements'. The gravity of the infringements is determined by the national authorities in each Member State, based on criteria such as the nature of the damage, its value, the economic situation of the offender, the extent of the infringement or its repetition. Member States apply a **point system** whereby the holder of a fishing licence who has committed a serious infringement is assigned a certain number of points. Accumulation of points and recurrent infringements may lead to suspension of the fishing licence and ultimately to withdrawal. Member States must maintain a national register of infringements committed by vessels flying their flag or by their nationals, including the sanctions and the number of points assigned.

European Commission supervision

Overall, the Commission's role is to monitor and evaluate how Member States apply the control rules. If the Commission finds that irregularities have occurred and the issues cannot be resolved by consultation, it may establish an action plan with the Member State or take other measures to ensure compliance. It can interrupt or suspend financial assistance under the EMFF, or close the fishery concerned until the issue is resolved. If a Member State exceeds its quota or allowed fishing effort, the Commission operates a deduction from future fishing opportunities, corresponding to the amount overfished and multiplied by a factor proportional with the level of overfishing. Ultimately, if a Member State does not take adequate action, the Commission may take the case to the Court of Justice of the EU.

European Court of Auditors' special report

In May 2017, the European Court of Auditors (ECA) examined the effectiveness of the Control Regulation and published its findings in a [special report](#), tellingly entitled 'EU fisheries controls: More efforts needed'. The ECA found that Member States do not fully implement the required controls and that the Control Regulation needs to be updated to enable Member States to control fisheries activities effectively. It identified a series of weaknesses, relating mainly to the following areas.

- Verification of the accuracy of fleet capacity. The report showed that some Member States did not perform the required verification of the engine power of their vessels, and found that the details for some vessels held in the national fleet registers differed from the vessels' supporting documents. It noted that the Control Regulation does not require verification of fishing capacity in terms of gross tonnage. The report recommended that the amendment of the Control Regulation include detailed rules for documentary and on-the-spot verification of both gross tonnage and engine power indicators.
- Control of small vessels. The report noted that, under current Control Regulation requirements, 89 % of the EU fishing fleet is not monitored by VMS. In addition to vessels under 12 m in length, which are not required to use the VMS, the Member States audited also exempt 79 % of the 12- to 15-metre-long vessels from the VMS obligation. The ECA report considered that, while small vessels do not have big catches individually, their total catches and their impact on some species can be significant, as is the case in the Mediterranean, where most vessels are under 15 m in length and most stocks are in a serious condition. The report recommended that the Control Regulation revision remove the VMS exemptions for vessels between 12 m and 15 m in length, and require the installation of smaller and cheaper localisation systems on vessels under 12 m long.
- Reliability of reported catch data. The report found that catch data for vessels making paper declarations, a significant part of the EU fleet, are incomplete and often incorrectly recorded in national databases. It furthermore found discrepancies between declared landings and

subsequent records of sales, and differences in overall catch data between Member States and the Commission. It showed that some Member States exempt most of their fishing vessels between 12 m and 15 m in length from the electronic catch declaration. Among other suggestions, the report recommended that the revision remove the exemptions from electronic catch declarations for vessels between 12 m and 15 m in length or consider alternatives, and review Member States' obligations to report catch data, to include details such as fishing area, size of vessels and fishing gear.

- Equal treatment of fishing operators in the application of sanctions. The report considered that the sanctions are not always dissuasive. The point system is applied to very different extents across Member States and even within the same Member State. There is currently no EU-level register of infringements and sanctions (but only national registers). The report recommended introducing into the Control Regulation the requirement for Member States to use the electronic inspection system developed by the EFCA as their national database for inspection reports. It also recommended introducing a provision on a system tasked with exchanging data on infringements and sanctions in cooperation with the EFCA and the Member States.

Parliament's starting position

In October 2016, the European Parliament adopted a [resolution](#) on 'How to make fisheries controls in Europe' uniform. Parliament stated that it wished to see a simplification of the control rules and a reduction of administrative burden, in particular through a limited and targeted revision of the Control Regulation. Parliament further remarked that the revision should maintain the existing strong control framework, but also focus on improving the implementation of its rules and on achieving greater harmonisation. Apart from making other proposals for improvement, Parliament stressed that it was necessary to strengthen the role of the EFCA, but also its budget, competences and human resources, and proposed creating an EFCA electronic registry to provide electronic models for inspections and centralise inspection reports. It called for creating a uniform EU training curriculum for fisheries inspectors, which the EFCA and the Member States would put together based on standardised rules. It recommended assigning responsibility for control at sea to a single administrative body in each Member State. It proposed that national inspections cover fisheries within 12 nautical miles of the national coastline (i.e. the territorial waters), and EU inspections cover all other waters beyond. Moreover, Parliament called for standardisation of sanctions, which should be rather economic than penal, and voiced support for the development of a harmonised minimum penalty for serious infringements. It considered that new technologies, such as electronic reporting and monitoring, represent a cost-effective means of control, but opposed mandatory onboard video surveillance. Parliament voiced support for including control of recreational fisheries in the revised Control Regulation. It also demanded that an EU monitoring, information transfer and data analysis system be developed.

In a May 2018 [resolution](#) on 'Conformity of fisheries products with access criteria to the EU market', Parliament looked again at fisheries control and defined basic principles for its revision, such as:

- complete data on catches by all operators, including vessels under 10 m and recreational fisheries;
- full traceability of fishery products along the supply chain;
- common EU-wide inspection standards;
- common levels of sanctions in all Member States;
- a common definition of what constitutes an infraction;
- a point system applied by all Member States in an equivalent manner;
- sanctions that are sufficiently dissuasive, effective and proportionate;
- a system for information exchange on infractions observed and legal and judicial follow-up, accessible to the Commission and all Member States;
- full adoption of improvements in available technologies;
- no regionalisation of the Control Regulation.

Parliament insisted that the provisions and principles of the successful IUU Regulation must not be altered or weakened, given its impact on fisheries around the world. It considered that the role of the EFCA should be reinforced so as to increase its involvement in the application of the Control and IUU Regulations, including the verification and cross-checking of data along the supply chain, the planning and coordination of inspections and the verification of catch certificates.

Preparation of the proposal

The European Commission has a legal obligation to report on the implementation of the Control Regulation every five years, and to evaluate its impact on the CFP five years after its entry into force. In addition, the Commission performed an evaluation of the Control Regulation as part of its Regulatory Fitness and Performance programme ([REFIT](#)), aimed at making EU law simpler and at reducing regulatory costs. The REFIT evaluation covered the period 2010-2016, and the results were published in April 2017 in a [report](#) accompanied by a [staff working document](#). The report showed that the Control Regulation proved to be a valid instrument that provides a consistent framework for ensuring compliance with the CFP, but it also highlighted several implementation shortcomings and deficiencies. Some of these included the uneven application of the point system for serious infringements across the EU, with the gravity of infringements being determined by the competent authority of each Member State. Others included traceability problems, in particular at first sale and during transport. The report noted that there are no adequate provisions for controlling compliance with the landing obligation. Yet others had to do with the monitoring and catch reporting for vessels below 12 m in length, and the fact that control of the activities of vessels under 10 m in length, which are exempt from keeping a logbook, is not properly implemented by the Member States. It concluded that, while the Control Regulation had improved the fisheries control system and had stepped up compliance with the CFP, the current legislative framework is not entirely fit for purpose.

To support its evaluation of the Control Regulation, the Commission also conducted a public consultation between 18 December 2015 and 13 March 2016. This was complemented by additional targeted stakeholder consultations involving, in particular, national, regional and local competent authorities, advisory councils, the fishing sector, non-governmental organisations, the EFCA and the two other EU agencies concerned: the European Maritime Safety Agency (EMSA) and the European Border and Coast Guard Agency (Frontex). The consultations, based on the results of the REFIT evaluation, helped to define the policy options available and the stakeholders' opinions on the key issues to be revised.

In preparing the revision, the Commission produced an [impact assessment](#), with a view to choosing the best options to address the problems identified. An external [study](#), conducted between October 2017 and February 2018, provided supporting information and technical analyses for this assessment. The impact assessment analysed three policy options:

- the baseline option, i.e. maintaining the current rules, but fully enforcing them as regards the shortcomings identified by the REFIT evaluation;
- option 1, consisting of a targeted amendment of the Control Regulation, focused on: data availability, quality and sharing, especially on reporting and tracking for vessels below 12 m, recreational fisheries, and weighing and monitoring of the fishing capacity; enforcement, including sanctions, the point system and follow-up of infringements; control of the landing obligation; and synergies with other policy areas, in particular environment, market, food safety and the fight against IUU fishing;
- option 2, building on option 1, but expanding its scope to amend other regulations: the IUU Regulation as regards the move from the paper-based catch certificates to an electronic scheme; the EFCA-founding regulation for updating its tasks, procedures and working practices; and several specific control-related provisions of the Mediterranean Regulation [1967/2006](#) and of the Baltic Multiannual Plan Regulation [2016/1139](#).

The impact assessment indicated that option 2 was the most appropriate to address the current shortcomings (for an initial appraisal of this impact assessment, see the relevant EPRS [briefing](#)).

The changes the proposal would bring

On 30 May 2018, the European Commission put forward a [proposal](#) for revising the EU fisheries control system, to modernise and simplify the rules for monitoring fisheries activities, and to improve the enforcement of the CFP. The proposal also aims to align the control system with the latest CFP reform. The revision of the control system centres on the amendment of the Control Regulation, which covers a wide range of topics, most notably those presented below.

As regards the conditions for **access to waters**, the proposal amends the VMS rules. In particular, it requires that all fishing vessels be outfitted with a tracking system, including those under 12 m in length, to which this requirement does not currently apply, and with no exemption for vessels between 12 m and 15 m in length. The tracking system can use either a satellite connection, as is now the case, or a land-based mobile network.

Control provisions on the **use of fishing opportunities** are significantly amended. For all fishing vessels, an electronic logbook would be required. The logbook must contain information on all catches (the current exemption for catches below 50 kg is therefore removed). All fishing vessels should complete a landing declaration (however, the transshipment declaration is still required only for vessels over 10 m in length). All landing and transshipment declarations should be recorded and submitted electronically. The logbook and the landing and transshipment declarations should contain a unique fishing trip identification number, intended to improve traceability after landing. The proposal extends the requirement of prior notification to all fishing vessels above 12 m in length (currently this requirement only covers those fishing under multiannual plans). Fishing vessels landing their catches in ports of non-EU countries must also provide prior notification.

Following on from the introduction of the **landing obligation** by the 2013 CFP reform, the proposal defines measures for controlling its implementation. The main tool proposed concerns closed-circuit television (CCTV) systems incorporating data storage. Continuously recording CCTV systems should be installed on a minimum percentage of vessels fishing for species subject to the landing obligation. Specific control and inspection programmes should establish this percentage for different risk categories, and the types of vessels included in such categories. The Commission requests the power to lay down, by implementing acts, detailed rules on the requirements, technical specifications, installation and functioning of the CCTV systems, or other additional electronic monitoring systems used by Member States for controlling compliance with the landing obligation.

Control of the **fleet capacity** is amended to simplify the verification of the engine power and to include verification of the tonnage of fishing vessels. The proposal introduces a new clause for continuous monitoring of the engine power of certain vessels using trawls, seines and surrounding nets, via a permanently installed device.

The proposal introduces new requirements for **recreational fisheries**. Member States should set up a system to monitor recreational fishermen through registration or licensing, and should collect data on their catches. Where EU conservation measures are applicable to recreational fisheries, Member States should ensure that electronic catch declarations are sent electronically to the competent authorities, and should set up a registration or licensing system for the fishing vessels involved. The proposal maintains the prohibition on selling catches and removes the current derogations to this rule in the Mediterranean.

The proposal amends the **marketing** control rules to improve traceability information, in particular by linking a specific lot of fishery products to a particular landing by a fishing vessel (identified by the unique fishing trip number). Operators at all stages of production, processing and distribution should ensure that information on each lot of fishery products is recorded and transmitted electronically along the supply chain, and Member States should check that operators use

digitalised systems of identification. The proposal introduces a new requirement for operators: to provide information on fishery products imported into the EU, similar to information on fishery products from EU catches, and including the reference of the catch certificate in accordance with the IUU Regulation. The proposal establishes a new system for weighing fish at landing by a registered operator. The sales notes, the take-over declarations and the transport documents should be recorded and submitted electronically.

The proposal amends the **surveillance** provisions with a view to clarifying various aspects of the inspection process, and requires digitisation of the inspection reports.

The **sanctions** system is thoroughly revised. The accent is on administrative measures. The proposal introduces a wide-ranging common list of activities defined as serious infringements by default. An additional list contains activities that could constitute serious infringements depending on their gravity, which is to be determined by national authorities. The proposal also identifies a series of immediate enforcement measures to be taken in case of serious infringement, mainly concerning cessation of fishing and seizure of catches. It introduces mandatory administrative sanctions for serious infringements and determines the level of the fines to be imposed. The proposal maintains the point system, but clarifies that points should be assigned to both the fishing licence-holder and the master of the vessel (if different). It also clarifies that the coastal Member State is competent to determine whether a serious infringement was committed in its waters and to decide about the number of points to be assigned, which must be recognised by the flag Member State.

In line with EU policies for reducing marine litter and the impact of plastic products on the marine environment, the proposal reinforces the rules for dealing with **lost fishing gear**. All fishing vessels should report lost gear through the electronic logbooks, and carry equipment for retrieval on board.

Besides the Control Regulation, the proposal amends two other key pieces of the control system:

- EFCA Founding Regulation [768/2005](#). This regulation was codified as Regulation [2019/473](#) (incorporating the initial regulation and subsequent amendments, and preserving their content), in force since 14 April 2019. The proposal revises the EFCA's mandate to align its objective and missions with the reformed CFP. It also upgrades the inspection powers of the agency, enlarging its geographical scope (no longer limited to international waters);
- IUU Regulation [1005/2008](#). To ensure that fisheries products imported into the EU come from legal sources, fishery consignments must be accompanied by a catch certificate validated by the flag state of the catching vessel. The proposal replaces the current paper-based catch certification scheme with a digital information management system named CATCH, which would reduce opportunities for fraudulent imports, allow for risk-based controls and decrease the administrative burden. The CATCH system was launched in May 2019 and is already in use on a voluntary basis.

In addition, the proposal amends the Mediterranean Regulation (1967/2006) and the Baltic Multiannual Plan Regulation (2016/1139), to make them compatible with the Control Regulation.

Advisory committees

On 1 October 2018, the European Committee of the Regions [decided](#) not to give an opinion.

The European Economic and Social Committee (EESC) adopted an [opinion](#) on 12 December 2018 (rapporteur: Emilio Fatovic, Workers – Group II, Italy). The EESC broadly endorsed the proposal but considers that some issues had not been adequately addressed. The opinion supported a more uniform system of sanctions and proportionate penalties that act as an effective deterrent. It also supported the use of digital tools for more efficient controls, but argued that the obligations of fishers have not been reduced, in particular for small-scale fishing. The EESC opposed a blanket obligation to install CCTV and proposed a more nuanced approach based on risk assessments.

National parliaments

The proposal was submitted for [scrutiny](#) by the national parliaments. As the legal basis provides for exclusive EU competence, parliaments could not make objections on grounds of subsidiarity.

Legislative process

The Commission [presented](#) the proposal to the **Council** on 18 June 2018. The Working Party on Fisheries Policy carried out the first examination under the Austrian, Romanian and Finnish Presidencies. Work continued under the Croatian and German Presidencies, but despite the [progress](#) made, no common position was achieved. Work under the [Portuguese Presidency](#) finally led to the adoption of the [Council's general approach](#) on 28 June 2021.

The Council introduced a large number of modifications that rendered the proposed rules less strict. As regards the compulsory use of VMS and electronic reporting tools, the Council proposed a number of simplifications (for vessels under 12 m in length) and exemptions (for vessels under 9 m in length). Regarding the mandatory monitoring of the landing obligation for a minimum percentage of vessels, the Council proposed other forms of remote electronic monitoring (REM) systems (such as sensors), instead of CCTV systems only, and to apply the obligation only for vessels longer than 24 m. Among other changes, the Council introduced greater flexibility for the catch weight estimates in the fisheries logbook for certain fisheries (including small pelagic species and species for industrial purposes) and an exemption for small catches.

In **Parliament**, the Commission presented the proposal to the Committee on Fisheries (PECH) on 20 June 2018. The committee considered the proposal on the basis of the [draft report](#) put forward by rapporteur Isabelle Thomas (S&D, France) on 18 December 2018. However, in March 2019, the committee decided that it needed more time to come to a satisfactory and balanced conclusion, and that it was not possible to adopt its report before the end of the legislature.

In the 9th parliamentary term, the PECH committee appointed Clara Aguilera (S&D, Spain) as rapporteur. In the process of preparing a new draft report, PECH organised a [public hearing](#) on 12 November 2019. Following her [draft report](#), published on 19 February 2020, PECH examined the proposal thoroughly, submitting 1 129 amendments. PECH adopted the final version of its [report](#) on 5 February 2021. After a [debate](#) in plenary on 9 March 2021, Parliament adopted its first-reading [position](#) on 11 March 2021 (with 401 votes in favour, 247 votes against, and 47 abstentions). As part of its position, Parliament voiced support for the main aspects of the proposal. It also made some 300 amendments in plenary, which introduced a mix of new elements and changes. Below is a brief description of Parliament's first-reading position, highlighting the aspects it supported or modified, and the new ones it introduced.

- Parliament supported the **tracking** of all fishing vessels, improving the **traceability of fishery products** along the supply chain and the **electronic reporting** of all catches (but with a simplified logbook for vessels under 12 m in length). However, Parliament increased the **margin of tolerance** in weight estimates recorded in the fishing logbook from 10 % to 20 % for species from small pelagic and mixed fisheries, and to 25 % for tuna species.
- On the use of CCTV to control the **landing obligation**, Parliament departed from the position of the PECH committee (which only allowed it on a voluntary basis), by making it mandatory for a minimum percentage of fishing vessels considered to be at high risk of non-compliance (i.e. in line with the Commission proposal), but only for those over 12 m long.
- On the control of **fishing capacity**, Parliament reinstated the existing obligation for Member States to verify the accuracy and consistency of the data on engine power. It added a further obligation: Member States should verify vessels' tonnage, as recommended by the ECA.
- Parliament agreed with the proposed system for monitoring **recreational fisheries** and coupled it with a system of sanctions. It added that Member States should collect catch data through a simple, harmonised electronic form or application.

- Parliament strongly backed the proposed measures for harmonising **sanctions** across the EU. In addition, it proposed a 'Union register' of infringements.

Interinstitutional negotiations started under the Slovenian Presidency of the Council, with four political trilogue meetings (6 September, 14 October, 18 November and 7 December 2021). To render the complex negotiations simpler, the proposal was divided into [19 thematic sequences](#). The negotiations continued in 2022 under the French and Czech Presidencies (with political trilogue meetings on 11 February, 25 March, 31 May, 14 July, 13 October and 22 November 2022).

On [24 January 2023](#), the rapporteur reported to the PECH committee on the state of play in the negotiations, highlighting areas of agreement while also pointing to outstanding points of discussion. At the same meeting, the Commission vehemently opposed increasing the **margins of tolerance** as proposed by the co-legislators. New political trilogue meetings under the Swedish Presidency took place on 8 March and 30 May 2023. An agreement was reached at that last meeting.

The agreement was approved by PECH on 27 June and by the plenary on [17 October 2023](#) (with 438 votes in favour, 146 votes against, and 40 abstentions). The Council adopted the agreement on [13 November 2023](#). The agreed text includes the following major points.

- The co-legislators support the full **digital traceability** of fishery products along the supply chain. However, for processed products, the text stipulates that digital traceability would cover such products as well, but only after five years, once the Commission has concluded a study on the available solutions to enable effective traceability for such products.
- On the **tracking of all fishing vessels**, as proposed by the Commission and supported by Parliament, the Council had proposed an exemption for certain small-scale coastal fishing vessels under 9 m in length (using only passive gears, operating within the first six nautical miles from the coast and never spending more than 24 hours at sea). The agreement now includes such an exemption, but only a temporary one, until 31 December 2029.
- On the use of CCTV systems to monitor the **landing obligation**, the co-legislators agreed to meet halfway by making it compulsory only for vessels **over 18 m long** posing a high risk of non-compliance. As for the use of CCTV and/or other remote electronic monitoring (REM) systems, the agreed text provides that the REM system 'shall include CCTV and may include other instruments and/or equipment'. In line with Parliament's position, the agreement also provides that Member States may provide incentives to operators who voluntarily equip their vessels with REM systems in order to enable control over their landing obligation.
- On the issue of the **margin of tolerance**, the negotiators agreed to keep it, as a general rule, at 10 % per species (as under current rules). However, some exceptions to this rule apply. A margin of tolerance of 20 % would apply for any other species on board that does not exceed 100 kg (up from 50 kg in the Commission's proposal). Another derogation applies for unsorted landings (from small pelagic fisheries, fisheries for industrial purposes and tropical tuna purse sein fisheries), where the margin of tolerance will be 10 %, but calculated on the total quantity recorded (and not by species) and under strict conditions (in certified ports).
- On **sanctions** (where Parliament strongly advocated harmonisation), the co-legislators have agreed to reduce the large existing differences between Member States. The 'average value of fishery products obtained as a result of committing a serious infringement' would define the minimum level of a fine applied to it. If there is repeated infringement (i.e. 'within a three-year period'), the penalty will be at least twice that value. The text does not provide for setting up a 'Union register' of infringements (as in the Parliament's mandate).
- For the provisions on **recreational fishing** (regarded by the Council as a national competence, while Parliament focused on its impact on the common fishery resources, which fall under EU competence), negotiators agreed on certain rules. In order to monitor compliance with the CFP, coastal Member States must effectively control recreational catches. This includes the requirement to have an electronic system in place for recording and reporting catches. Monitoring is linked to a list of sanctions (e.g. the sale of catches over 10 kg or for a value of more than €50 is considered a serious infringement).

- On the control of **fishing capacity**, the agreement includes specific provisions to equip certain large vessels (following a risk assessment, from a certain level of certified engine power and depending on the type of gear and in some cases the fishing area) with permanently installed devices that monitor the engine power continuously. Also when there is indication that the tonnage of a vessel differs from what is indicated on the licence, the Member State must verify. To that end, Member States shall consider, in particular, changes in the enclosed volume or dimensions of the vessel.

Bar a few exceptions, the new rules do not apply immediately, but allow time for implementation. Most provisions apply after two years (from 10 January 2026), while others apply after four years (10 January 2028), such as those on REM. A few provisions will only apply after five years (10 January 2029), such as the provision on traceability for processed products mentioned above. The Commission is empowered to adopt delegated acts and implementing acts in relation to some provisions in order to lay down the detailed rules for implementation.

The co-legislators signed the final act on 22 November. It was published in the Official Journal of the EU on 20 December 2023 as Regulation [2023/2842](#), and entered into force 20 days later, on [9 January 2024](#).

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Dalli H., [Revision of the fisheries control system](#), EPRS, European Parliament, 2018.

Sanz M., Stobberup K. and Blomeyer R., [Research for PECH Committee – Implementation of the current EU fisheries control system by Member States \(2014-19\)](#), Policy Department for Structural and Cohesion Policies, European Parliament, 2020.

Weissenberger J., [Le contrôle de la pêche européenne – une vue d'ensemble](#), EPRS, European Parliament, 2015.

OTHER SOURCES

European Parliament, [Fisheries control](#), Legislative Observatory (OEIL).

ENDNOTES

¹ E. Penas Lado, *The Common Fisheries Policy: The quest for sustainability*, 2016, pp. 189-190.

² I. Popescu, [New rules for managing the EU external fishing fleet](#), EPRS, European Parliament, 2018.

³ I. Popescu, [Illegal, unreported and unregulated \(IUU\) fishing](#), EPRS, European Parliament, 2022.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2024

epers@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)

Fifth edition of a briefing originally drafted by Irina Popescu. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.