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THE EUROPEAN UNION**

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**PROPOSAL**

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from:	European Commission
dated:	18 January 2013
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Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

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Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2013) 9 final



EUROPEAN  
COMMISSION

Brussels, 18.1.2013  
COM(2013) 9 final

2013/0007 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

The Treaty on the Functioning of the European Union (TFEU) makes a distinction between the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act as laid down in Article 290(1) of the TFEU (delegated acts), and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article 291(2) of the TFEU (implementing acts).

In the context of the alignment of Regulation (EC) No 1224/2009 on the new decision-making rules of the TFEU, powers currently conferred upon the Commission under that Regulation have been re-classified into delegated and implementing powers.

Following this exercise, a draft proposal for an amendment of Regulation (EC) No 1224/2009 has been prepared.

Pursuant to Article 290 of the Treaty, the Legislator may confer upon the Commission powers to supplement or amend certain non-essential elements of that Regulation.

The Commission should be empowered to adopt delegated acts to grant exemptions from the obligation of prior notification and the obligation to complete and submit a transshipment declaration, to decide a different way and frequency for data transmission, to adopt rules on the keeping on board of stowage plans for certain processed fisheries products, to define the trigger catch levels for real-time closures of a fishery, to modify the distances by which a vessel has to change position under certain circumstances, to amend threshold below which fish products are exempted from traceability, first sale and sale notes rules, to determine fisheries subject to specific control and inspection programmes.

### **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

There was no need for consultation of interested parties or for impact assessment.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **• Summary of the proposed action**

Identify the powers conferred upon the Commission in Council Regulation (EC) No 1224/2009 and classify these as delegated or implementing powers

Adapt certain provisions to the decision-making procedures of the TFEU.

#### **• Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

#### **• Subsidiarity principle**

The proposal falls under exclusive competence of the European Union.

- **Proportionality principle**

The proposal is amending measures which already exist in Council Regulation (EC) No 1224/2009, therefore no concern on the principle of proportionality arises.

- **Choice of instrument**

Proposed instrument: Regulation of the European Parliament and of the Council.

Other means would not be adequate for the following reason: a Regulation must be amended by a Regulation.

#### **4. BUDGETARY IMPLICATION**

This measure does not involve any additional Union expenditure.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fishery policy<sup>1</sup> confers powers upon the Commission in order to implement some of the provisions of that Regulation.
- (2) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1224/2009 need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union.
- (3) In order to develop some of the provisions of Regulation (EC) No 1224/2009, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following:
  - the exemption of certain categories of fishing vessels from the obligation of a prior notification;
  - the exemption of certain categories of fishing vessels from the obligation to complete and submit a transshipment declaration;
  - the adoption of a different way and frequency for data transmission by Member States to the Commission for the recording of catches and fishing effort;

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<sup>1</sup> OJ L 343, 22.12.2009, p.1

- the adoption of rules on the keeping on board of stowage plans for certain processed fisheries products;
  - the definition of trigger catch levels for the real-time closures;
  - the modification of distances by which a fishing vessel has to change position when exceeding a trigger catch level;
  - the amendment of the threshold below which fish products are exempted from traceability rules;
  - the amendment of the threshold below which fish products are exempted from first sale rules;
  - the exemption from the obligation to submit sales notes for fisheries products landed by certain categories of fishing vessels;
  - the amendment of the threshold below which fish products are exempted from the completion of a sales note;
  - the determination of fisheries subject to specific control and inspection programmes;
  - the adoption of a different way and frequency for data transmission by Member States to the Commission following pilot projects.
- (4) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (5) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1224/2009, implementing powers should be conferred upon the Commission in accordance with Article 291 of Treaty on the Functioning of the European Union in respect of the following:
- fishing licences;
  - fishing authorisations;
  - the vessel monitoring system;
  - conversion factors to convert stored or processed fish weight into live fish weight;
  - the completion and submission of logbooks insofar as they are not delegated acts;
  - the methodology for sampling plans for fishing vessels not subject to fishing logbook requirements;
  - the completion and submission of transshipment declarations as far as they are not delegated acts ;

- the completion and submission of landing declarations;
- the methodology for sampling plans for fishing vessels not subject to landing declaration requirements;
- the formats for transmission of catch and effort data to the Commission;
- the closure of a fishery by the Commission;
- corrective measures in cases of closure of a fishery by the Commission;
- checks of fishing capacity of Member States;
- the certification of propulsion engine power and the physical verification of propulsion engine power;
- the methodology for sampling plans for the verification of engine power;
- the approval by the Commission of plans on controls in designated ports;
- the calculation of trigger catch levels for real-time closures;
- real-time closures;
- the establishment, notification and evaluation of sampling plans for recreational fisheries;
- the information on fisheries and aquaculture products to consumers;
- the approval by the Commission of sampling plans, control plans and common control programmes for weighing;
- the methodology for sampling plans, control plans and common control programmes for weighing;
- the content and format of sales notes;
- the format of surveillance reports;
- inspection reports;
- the electronic database for uploading inspection and surveillance reports;
- the establishment of a list of Union inspectors;
- the fixation of quantities as a corrective measure in the absence of proceedings by the Member State of landing or transshipment;
- point system for serious infringements insofar as they are not delegated acts;
- fisheries subject to specific control and inspection programmes;
- extension of a period for forwarding to the Commission the results of an administrative inquiry;

- the establishment of an action plan in case of irregularities or shortcomings in the control system of a Member State;
- the suspension and cancellation of Union financial assistance;
- the closure of fisheries for failure to comply with the common fisheries policy objectives;
- the deduction of quotas;
- the deduction of effort;
- the deduction of quotas for failure to comply with the rules of the common fisheries policy;
- temporary measures;
- the approval by the Commission of national plans for the implementation of the data validation system;
- the analysis and audit of data;
- the development of common standards and procedures to ensure transparent communication;
- the operation of websites and web services;
- the content and format of reports by Member States on the application of this Regulation.

Where the control of Member States is required those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup>.

- (6) As a consequence of the entry into force of the Lisbon Treaty, the provision on emergency measures which foresees a referral of certain Commission measures to the Council under certain conditions needs to be adapted.
- (7) As a consequence of the entry into force of the Lisbon Treaty, some provisions conferring decision-making powers upon Council alone need to be adapted to bring them into line with the new procedures applicable to the common fisheries policy. The following provisions of Regulation (EC) No 1224/2009 should therefore be redrafted:
  - the definition of fishing restricted areas;
  - the introduction of new technologies;
  - the submission of certain fishing vessels to fishing effort reports;

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<sup>2</sup> OJ L 55, 28.2.2011, p.13



- the adoption in each multiannual plan of a threshold of catches above which a designated port or a place close to the shore has to be used and the frequency of communication of data;
- the establishment of fishing restricted areas and of the date when certain control obligations related to these areas become mandatory;
- the submission of recreational fisheries to specific management measures;
- the establishment of a control observer scheme.

(8) Regulation (EC) No 1224/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

### *Article 1*

Regulation (EC) No 1224/2009 is amended as follows:

(1) Article 4 is amended as follows:

(a) point 7 is replaced by the following:

"7. 'Union inspectors' means officials of a Member State or of the Commission or the body designated by it, whose names are contained in the list established in accordance with Article 79;"

(b) point 14 is replaced by the following:

"14. 'fishing restricted area' means any marine area under the jurisdiction of a Member State which has been defined by a legally binding Union act and where fishing activities are either limited or banned;"

(2) in Article 6, paragraph 5 is replaced by the following:

"5. The flag Member State shall issue, manage and withdraw the fishing licence in accordance with the detailed rules on their validity and the minimum information contained therein, laid down by means of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

(3) in Article 7, paragraph 5 is replaced by the following:

"5. Detailed rules on the validity of fishing authorisations and the minimum information contained therein shall be laid down by means of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning rules on the applicability of the fishing authorisation to small vessels."

(4) in Article 8, paragraph 2 is replaced by the following

"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning marking and identification of fishing vessels, gear and crafts, as regards:

- (a) documents to be carried on board;
- (b) rules for the marking of crafts;
- (c) rules for passive gear and beamtrawls;
- (d) labels;
- (e) buoys;
- (f) cords."

(5) Article 9 is amended as follows:

(a) paragraph 10 is replaced by the following:

"10. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the requirements of satellite-tracking devices on fishing vessels;
- (b) the characteristics of satellite-tracking devices;
- (c) the responsibilities of the masters concerning the satellite-tracking devices;
- (d) the control measures to be adopted by flag Member State;
- (e) the frequency of data transmission;
- (f) the monitoring of entry into and exit from specific area;
- (g) the transmission of data to the coastal Member State;
- (h) the measures to be taken in case of a technical failure or non-functioning of the satellite-tracking device;
- (i) the non-receipt of data;
- (j) the monitoring and recording of the fishing activities;
- (k) the access to data by the Commission.

(b) Paragraph 11 is added:

"11. Rules concerning the format of the electronic transmission of the vessel monitoring system data from the flag Member State to the coastal Member State shall be laid down by the Commission by means of implementing acts.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (6) Article 13 is replaced by the following:

*"Article 13*

**New technologies**

1. Measures imposing the obligation to use electronic monitoring devices and traceability tools such as genetic analysis may be adopted in accordance with the Treaty. In order to assess the technology to be used, Member States, on their initiative or in cooperation with the Commission or the body designated by it, shall carry out pilot projects on traceability tools such as genetic analysis before 1 June 2013.

2. The introduction of other new fisheries control techniques may be decided in accordance with the Treaty when these technologies lead to improved compliance with the rules of the common fisheries policy in a cost effective way."

- (7) Article 14 is amended as following:

- (a) paragraph 7 is replaced by the following:

"7. To convert stored or processed fish weight into live fish weight, masters of Union fishing vessels shall apply a conversion factor. The Commission shall establish that conversion factor by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (b) paragraph 10 is replaced by the following:

"10. The Commission shall lay down detailed rules on

- (a) the completion and submission of fishing logbooks in paper format;
- (b) models for fishing logbooks in paper format to be used;
- (c) instructions for the completion and submission of fishing logbooks in paper format;
- (d) deadlines for the submission of fishing logbooks;
- (e) the calculation of a margin of tolerance as defined in paragraph 3

by means of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (c) paragraph 11 is added:

"11. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the requirements to complete and submit the fishing logbook data in paper format by fishing vessels referred to in Articles 16(3) and 25(3)."

(8) Article 15 is amended as following:

(a) paragraph 1a is added:

"1a. Masters of Union fishing vessels used exclusively for the exploitation of aquaculture shall be exempted from paragraph 1."

(b) paragraph 9 is replaced by the following:

"9. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the provisions applicable in the event of technical failure or non-functioning of electronic recording and reporting systems;
- (b) measures to be taken in case of non-receipt of data;
- (c) the access to data and measures to be taken in case of data access failure.

10. The Commission shall lay down detailed rules on

- (a) the requirement of electronic recording and reporting systems on Union fishing vessels;
- (b) the format for transmission of data from a Union fishing vessel to the competent authorities of its flag State;
- (c) return messages from the authorities;
- (d) data on the functioning of the electronic recording and reporting system;
- (e) the format for exchange of information between Member States;
- (f) the exchange of data between Member States;
- (g) the tasks of the single authority;
- (h) the frequency of transmission

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(9) in Article 16, paragraph 2 is replaced by the following:

"2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 119(2) for the definition of

vessels groups, risk levels and the estimation of the catch, and transmit it every year by 31 January to the Commission indicating the methods used for the establishment of this plan. The sampling plans shall be, as far as possible, stable over time and standardised within relevant geographical areas."

(10) in Article 17, paragraph 6 is replaced by the following:

"6. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a, to exempt certain categories of fishing vessels from the obligation set out in paragraph 1 for a limited period, which may be renewed, or make provision for another notification period taking into account, the type of fisheries products and the distance between the fishing grounds, landing places and ports where the vessels in question are registered."

(11) Article 21 is amended as follows:

(a) paragraph 6 is replaced by the following:

"6. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a, to exempt certain categories of fishing vessels from the obligation laid down in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account the type of fisheries products and the distance between the fishing grounds, transhipping places and ports where the vessels in question are registered."

(b) paragraph 7 is replaced by the following:

"7 Detailed rules on

- (a) the completion and submission of transhipment declaration in paper format;
- (b) models for transhipment declarations in paper format to be used;
- (c) instructions for the completion and submission of transhipment declarations in paper format;
- (d) deadlines for the submission of transhipment declarations in paper format;
- (e) handing over of a transhipment declaration in paper format;
- (f) the calculation of a margin of tolerance defined in paragraph 3

shall be adopted by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(12) Article 22 is amended as follows:

(a) paragraph 1a is added:

"1a. Masters of Union fishing vessels used exclusively for the exploitation of aquaculture shall be exempted from paragraph 1."

"(b) paragraph 7 is replaced by the following:

"7. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the provisions in the event of technical failure or non-function of electronic recording and reporting systems;
- (b) measures to be taken in case of non-receipt of data;
- (c) the access to data and measures to be taken in case of data access failure."

(b) Paragraph 8 is added:

"8. The Commission shall lay down rules on

- (a) the requirement of electronic recording and reporting systems on Union fishing vessels;
- (b) the format for transmission of data from a Union fishing vessel to the competent authorities of its flag State;
- (c) return messages;
- (d) data on the functioning of the electronic recording and reporting system;
- (e) the format for exchange of information between Member States;
- (f) the exchange of data between Member States;
- (g) the tasks of the single authority

by means of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(13) in Article 23, paragraph 5 is replaced by the following:

"5. The Commission shall lay down detailed rules on

- (a) the completion of landing declarations in paper format;
- (b) models of landing declarations in paper format to be used;
- (c) instructions for the completion and submission of landing declarations in paper format;
- (d) deadlines for the submission of landing declarations;
- (e) fishing operations involving two or more Union fishing vessels

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(14) Article 24 is amended as follows:

(a) paragraph 1a is added:

"1a. Masters of Union fishing vessels used exclusively for the exploitation of aquaculture shall be exempted from paragraph 1."

(b) in paragraph 8 is replaced by the following:

"8. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the provisions applicable in the event of technical failure or non-functioning of electronic recording and reporting systems;
- (b) measures to be taken in case of non-receipt of data;
- (c) the access of data and measures to be taken in case of data access failure."

(c) paragraph 9 is added:

9. The Commission shall lay down rules on

- (a) the requirement of electronic recording and reporting systems on Union fishing vessels;
- (b) the format for transmission of data from a Union fishing vessel to the competent authorities of its flag State;
- (c) return messages;
- (d) data on the functioning of the electronic recording and reporting system;
- (e) the format for exchange of information between Member States;
- (f) the exchange of data between Member States;
- (g) the tasks of the single authority

by means of implementing acts. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(15) in Article 25, paragraph 2 is replaced by the following:

"2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 119(2) for the definition of vessels groups, risk levels and the estimation of the catch, and transmit it every

year by 31 January to the Commission indicating the methods used for the establishment of this plan. The sampling plans shall be, as far as possible, stable over time and standardised within relevant geographical areas."

(16) Article 28 is amended as follows:

(a) the introductory phrase of paragraph 1 is replaced by the following:

"1. When it is so decided in accordance with the Treaty, masters of Union fishing vessels which are not equipped with a functioning vessel monitoring system as referred to in Article 9 or which do not transmit fishing logbook data electronically as referred to in Article 15 and which are subject to a fishing effort regime shall communicate by telex, fax, telephone message or e-mail duly recorded by the recipient or by radio via a radio station approved under Union rules the following information in the form of a fishing effort report to the competent authorities of his flag Member State and, where appropriate, to the coastal Member State immediately before each intro and exit from a geographical area subject to that fishing effort regime."

(b) the following paragraph 3 is added:

"3. "The Commission may lay down detailed rules concerning the transmission of the fishing effort reports by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(17) Article 32 is deleted.

(18) Article 33 is amended as follows:

(a) paragraph 7 is replaced by the following:

"7. Without prejudice to Title XII, Member States may until 30 June 2011 carry out pilot projects with the Commission and the body designated by it on the real-time remote access to Member States data recorded and validated according to this Regulation. The data access format and procedures shall be considered and tested. Member States shall inform the Commission before 1 January 2011 if they plan to carry out pilot projects. As from 1 January 2012 it may be decided in accordance with the Treaty on a different way and frequency of data transmission to the Commission."

(b) paragraph 10 is replaced by the following:

"10. The Commission may lay down the formats for the transmission of the data referred to in this Article, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(19) in Article 36, paragraph 2 is replaced by the following:

"2. On the basis of the information under Article 35 or on its own initiative, where the Commission finds that fishing opportunities available to the Union, a



Member State or group of Member States are deemed to have been exhausted, the Commission shall inform the Member States concerned thereof and shall, by means of implementing acts, prohibit fishing activities for the respective area, gear, stock, group of stocks or fleet involved in those specific fishing activities."

(20) Article 37 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. If the prejudice suffered by the Member State for which fishing has been prohibited before its fishing opportunities were exhausted has not been removed, the Commission shall adopt measures with the aim of remedying in an appropriate manner the prejudice caused, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2). Those measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted appropriately to the Member States whose fishing activities were prohibited before their fishing opportunities were exhausted."

(b) paragraph 4 is replaced by the following:

"4. "The Commission shall lay down detailed rules concerning the notification of a prejudice suffered, the identification of Member States which suffered prejudice and the amount of the prejudice, the identification of the Member States which have overfished and the quantities of fish caught in excess, the deductions to be made from the fishing opportunities of Member States which have overfished in proportion to the exceeded fishing opportunities, the additions to be made to the fishing opportunities of the prejudiced Member States in proportion to the prejudice suffered, the dates on which the additions and deductions shall take effect and, where appropriate, any other necessary measure on how to remedy the prejudice suffered, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(21) in Article 38, paragraph 2 is replaced by the following:

"2. The Commission may adopt, by means of implementing acts, detailed rules for the application of this article regarding:

- (a) the registration of fishing vessels;
- (b) the verification of the engine power of fishing vessels;
- (c) the verification of the tonnage of fishing vessels;
- (d) the verification of the type, number and characteristics of the fishing gear.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (22) in Article 40, paragraph 6 is replaced by the following:
- "6. The Commission shall lay down detailed rules concerning the certification of propulsion engine power and the physical verification of propulsion engine power by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."
- (23) in Article 41, the introductory phrase of paragraph 1 is replaced by the following:
- "1. Member States shall undertake, following a risk analysis, data verification of the consistency of engine power using all the information available to the administration concerning the technical characteristics of the vessel concerned. That data verification shall be established on the basis of a sampling plan based on the methodology adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 119(2) on high risk criteria, the size of random samples and the technical documents to be verified. Member States shall verify in particular the information contained in:"
- (24) Article 43 is amended as follows:
- (a) paragraph 1 is replaced by the following:
- "1. When a multiannual plan is adopted in accordance with the Treaty, it may be decided to include a threshold applicable to the live weight of species subject to that plan, above which a fishing vessel shall be required to land its catches in a designated port or a place close to the shore."
- (b) paragraph 7 is replaced by the following:
- "7. Member States shall be exempted from paragraph 5(c) if the national control action programme adopted in accordance with Article 46 contains a plan on how to perform control in designated ports, ensuring the same level of control by competent authorities. The plan shall be deemed satisfactory if agreed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 119(2)."
- (25) in Article 45, paragraph 2 is replaced by the following:
- "2. The relevant threshold and the frequency of the communication of the data referred to in paragraph 1 shall be established in each multiannual plan in accordance with the Treaty."
- (26) in Article 49, paragraph 2 is replaced by the following:
- "2. Without prejudice to Article 44, the Commission shall be empowered to adopt delegated acts in accordance with Article 119a, to adopt rules concerning the keeping on board of a stowage plan of processed products, indicating by species, where they are located in the hold."
- (27) in Article 50, paragraphs 1 and 2 are replaced by the following:

"1. Fishing activities of Union fishing vessels and third country fishing vessels in fishing zones where a fishing restricted area has been established in accordance with the Treaty, shall be controlled by the fisheries monitoring centre of the coastal Member State, which shall have a system to detect and record the vessels' entry into, transit through and exit from the fishing restricted area.

2. In addition to paragraph 1, a date from which the fishing vessels shall have an operational system on board which shall alert the master of the entry and exit into a fishing restricted area shall be established in accordance with the Treaty."

(28) Article 51 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. When a trigger catch level of a particular species or group of species has been reached, the area concerned shall be temporarily closed to the relevant fisheries in accordance with this Section. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a to establish the particular species or group of species to which the trigger catch level applies, taking into account the catch composition by species and/or by lengths in particular areas and/or fisheries. ."

(b) paragraph 2 is replaced by the following:

2. The trigger catch level shall be calculated on the basis of a sampling methodology established by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 119(2) for the definition of areas with a risk of reaching a trigger level and verification of the reaching of a trigger level, as the percentage or weight of a particular species or group of species compared to the total catch in a haul of the fish concerned."

(c) paragraph 3 is deleted.

(29) the following new Article 51a is inserted after Article 51:

*"Article 51a*

#### **Detailed rules for implementation**

The Commission may lay down detailed rules concerning the areas of real-time closures, the closure of fisheries and the information on real-time closures by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)"

(30) Article 52 is replaced by the following:

"1. Where the quantity of catches exceed a trigger catch level in two consecutive hauls, the fishing vessel shall change the fishing area by a certain distance, from any position of the previous haul before continuing fishing and

shall inform without delay the competent authorities of the coastal Member State.

2. The distance referred to in paragraph 1 shall initially be at least five nautical miles, and two nautical miles for fishing vessels of less than 12 metres overall.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the modification of the distances referred to in paragraphs 1 and 2, taking into account the following elements:

- available scientific advice
- and the conclusions of inspection reports in the area for which trigger catch levels have been defined."

(31) in Article 54, paragraph 1 is replaced by the following:

"1. On the basis of the information demonstrating that a trigger catch level has been reached, the Commission may determine, by means of implementing acts, an area to be temporarily closed if the coastal Member State has not itself established such a closure."

(32) in Article 55, paragraph 4 and 5 are replaced by the following:

"4. On the basis of a scientific evaluation of the biological impact of recreational fisheries as referred to in paragraph 3, where a recreational fishery is found to have a significant impact, management measures such as fishing authorisations and catch declarations may be adopted in accordance with the Treaty.

5. The Commission shall lay down detailed rules concerning the establishment of sampling plans as referred to in paragraph 3 and the notification and evaluation of sampling plans by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)"

(33) Article 58 is amended as follows:

(a) paragraphs 7a and 7b are added:

"7a. The information listed in points (a) to (f) of paragraph 5 shall not apply to:

- (a) imported fisheries and aquaculture products which are excluded from the scope of implementation of the catch certificate in accordance with Article 12(5) of Regulation (EC) No 1005/2008;
- (b) fisheries and aquaculture products caught or farmed in freshwater;
- (c) ornamental fish, crustaceans and molluscs.

7b. The information listed in points (a) to (h) of paragraph 5 shall not apply to fisheries and aquaculture products falling under Tariff headings 1604 and 1605 of the Combined Nomenclature."

(b) paragraphs 8 and 9 are replaced by the following:

"8. Member States may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed a small value.

9. The value referred to in paragraph 8 shall initially not exceed EUR 50 per day.

10. The Commission shall be empowered to adopt delegated acts in accordance with the Article 119a concerning:

- (a) the determination of fisheries and aquaculture products to which this Article applies;
- (b) the physical affixing of information on fisheries and aquaculture products;
- (c) the cooperation between Member States on the access to information affixed to a lot or physically accompanying a lot;
- (d) the determination of fisheries and aquaculture products to which certain provisions of this Article do not apply;
- (e) the information on the relevant geographical area;
- (f) the modification of the value provided for in paragraph 9;
- (g) the information on fisheries and aquaculture products available to the consumer."

(34) in Article 59, paragraph 3 is replaced by the following:

"3. A buyer acquiring fisheries products up to a certain weight threshold which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article.

4. The weight threshold referred to in paragraph 3 shall initially not exceed 30kg per day.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the modification of the weight threshold provided for in paragraph 4 taking into account the status of the stock concerned."

(35) Article 60 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. A Member State shall ensure that all fishery products are weighed on systems approved by the competent authorities unless it has adopted a sampling plan approved by the Commission and based on the risk-based methodology established by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 119(2) for the determination of the size of the samples, levels of risk, risk criteria and the information to be taken account of."

(b) paragraph 7 is replaced by the following:

"7. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning

- (a) the determination of weighing procedures for landings from Union fishing vessels and transshipments involving Union fishing vessels as well as for the weighing of fisheries products on board Union fishing vessels in EU waters;
- (b) the weighing records;
- (c) the time of weighing;
- (d) the weighing systems;
- (e) the weighing of frozen of fisheries products;
- (f) the deduction of ice and water;
- (g) the access of competent authorities to the weighing systems, weighing records, written declarations and premises where the fisheries products are stored or processed;
- (h) the special rules for the weighing of certain pelagic species on:
  - (i) the determination of weighing procedure for catches of herring, mackerel and horse mackerel;
  - (ii) the ports of weighing;
  - (iii) informing competent authorities before entering into port;
  - (iv) discharge;
  - (v) fishing logbook;
  - (vi) publically operated weighing facilities;
  - (vii) privately operated weighing facilities;
  - (viii) weighing of frozen fish;
  - (ix) keeping of weighing records;

- (x) sales note and takeover declaration;
- (xi) cross-checks;
- (xii) monitoring of weighing;

(36) Article 61 is replaced by the following:

"Article 61

**Weighing of fisheries products after transport from the place of landing**

1. By way of derogation from Article 60(2), Member States may permit fisheries products to be weighed after transport from the place of landing provided that they are transported to a destination on the territory of the Member State concerned and that that Member State has adopted a control plan approved by the Commission by means of an implementing act. That control plan shall be based on a risk-based methodology for the determination of the size of the samples, levels of risk, risk criteria and the content of control plans. The Commission shall adopt this sampling methodology by means of implementing acts in accordance with the examination procedure referred to in Article 119(2).

2. By way of derogation from paragraph 1, the competent authorities of the Member State in which the fisheries products are landed may permit the transport before weighing of these products to registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in another Member State. That permission shall be subject to a common control programme between the Member States concerned as referred to in Article 94, which has been approved by the Commission by means of an implementing act. That common control programme shall be based on a risk-based methodology for the determination of the size of the samples, levels of risk, risk criteria and the content of control plans. The Commission shall adopt this sampling methodology by means of implementing acts in accordance with the examination procedure referred to in Article 119(2)."

(37) in Article 64, paragraph 2 is replaced by the following:

"2. "The Commission shall lay down detailed rules concerning the indication of individuals, the type of presentation and the indication of the price in sales notes, and the formats of sales notes by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)"

(38) Article 65 is replaced by the following:

"Article 65

**Exemptions from sales notes requirements**

1. An exemption from the obligation to submit the sales note to the competent authorities or other authorised bodies of the Member State for

fisheries products landed from certain categories of Union fishing vessels referred to in Articles 16 and 25 or for small quantities landed of fisheries products may be granted. That small quantity shall initially not exceed 50 kg of live weight equivalent by species. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a to grant such exemptions and adapt the small quantities taking into account the status of the stock concerned.

2. A buyer acquiring products up to a certain weight threshold which is not thereafter placed on the market but used only for private consumption shall be exempted from the provisions laid down in Articles 62, 63 and 64. That weight threshold shall initially not exceed 30 kg. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the modification of that weight threshold taking into account the status of the stock concerned."

(39) in Article 71, paragraph 5 is replaced by the following:

"5. The Commission shall determine the format of the surveillance report by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(40) Article 73 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Where a Union control observer scheme has been established in accordance with the Treaty, control observers on board fishing vessels designated by Member States shall verify the fishing vessel's compliance with the rules of the common fisheries policy. They shall implement all the tasks of the observer scheme and in particular verify and record the vessel's fishing activities and relevant documents."

(b) paragraph 9 is replaced by the following:

"9. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the following matters in relation to control observers:

- (a) the identification of vessels for the application of a control observer scheme
- (b) the communication system;
- (c) rules of security of the vessel;
- (d) measures to ensure independence of control observers;
- (e) the duties of control observers;
- (f) the financing of pilot projects."



(41) in Article 74, paragraph 6 is replaced by the following:

"6. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the methodology and the conduct of an inspection including:

- (a) rules on the authorisation of the officials responsible to conduct inspection at sea or on land;
- (b) the adoption by Member States of a risk-based approach for the selection of inspection targets;
- (c) the coordination of control inspection and enforcement activities among Member States;
- (d) the duties of officials during the pre-inspection phase;
- (e) the duties of officials authorised to conduct inspections;
- (f) the obligations of Member States, Commission and European Fisheries Control Agency;
- (g) the specific provisions applicable to inspections at sea and in port, transport inspections, market inspection."

(42) in Article 75, paragraph 2 is replaced by the following:

"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the obligations of the operator and of the master during inspections."

(43) in Article 76, paragraph 4 is replaced by the following:

"4. "The Commission shall lay down detailed rules concerning common rules on content of inspection reports, the completion of inspection reports and on the transmission of a copy of the inspection report to the operator by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)"

(44) in Article 78, paragraph 2 is replaced by the following:

"2. "The Commission shall lay down detailed rules concerning the operation of the electronic database and the access of the Commission to it by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)"

(45) Article 79 is replaced by the following:

*"Article 79*

#### **Union inspectors**

1. The Commission shall establish a list of Union inspectors by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).
2. Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in accordance with this Regulation in Union waters, and on Union fishing vessels outside Union waters.
3. Union inspectors may be assigned for:
  - (a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;
  - (b) international fisheries control programmes, where the Union is under an obligation to provide for controls.
4. For the accomplishment of their tasks and subject to paragraph 5, Union inspectors shall have access without delay to:
  - (a) all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and
  - (b) all information and documents which are needed to fulfil their tasks, in particular the fishing logbook, landing declarations, catch certificates, the transhipment declaration, sales notes and other relevant documents;to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.
5. Union inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin.
6. When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.
7. The Commission shall lay down detailed rules concerning:
  - (a) the notification of Union inspectors to the Commission;
  - (b) the adoption and maintenance of the list of Union inspectors;
  - (c) the notification of Union inspectors to Regional Fisheries Management Organisations
  - (d) the powers and duties of Union inspectors
  - (e) the reports of Union inspectors;
  - (f) the follow-up of reports of Union inspectors

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(46) in Article 88, paragraph 2 is replaced by the following:

"2. After consulting the two Member States concerned, the Commission shall, by means of implementing acts, fix the quantities of fish to be set against the quota of the Member State of landing or transshipment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(47) in Article 92, paragraph 5 is replaced by the following:

"5. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning:

- (a) the points to be assigned for serious infringements;
- (b) the threshold of points triggering the suspension and permanent withdrawal of a fishing licence;
- (c) the follow-up of suspension and permanent withdrawal of a fishing licence;
- (d) illegal fishing during the suspension period or after the permanent withdrawal of a fishing licence;
- (e) conditions justifying the deletion of points."

5a. "The Commission shall lay down detailed rules concerning

- (a) the setting up and operation of a point system for serious infringements;
- (b) the notifications of decisions;
- (c) the transfer of ownership of vessels being attributed points;
- (d) the deletion of fishing licences of the responsible for serious infringements from relevant lists;
- (e) the obligations of information on the point system for masters of fishing vessels established by the Member States

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(48) in Article 95, paragraph 1 is replaced by the following:

"1. Certain fisheries may be subject to specific control and inspection programmes. The Commission may, by means of implementing acts, and in concert with the Member States concerned, determine which fisheries shall be subject to the specific control and inspection programmes on the basis of the need for specific and coordinated control of the fisheries in question. Those

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(49) in Article 102, paragraphs 3 and 4 are replaced by the following:

"3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. This period may be extended by the Commission, by means of implementing acts, on a duly reasoned request from the Member State, for a reasonable delay.

4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall, by means of implementing acts, establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan."

(50) Article 103 is amended as follows:

(a) in paragraph 1, the introductory phrase is replaced by the following:

"1. The Commission may decide to suspend, by means of implementing acts, for a maximum period of 18 months all or part of the payments of the Union financial assistance under Regulation (EC) No 1198/2006 and Article 8(a) of Regulation (EC) No 861/2006 where there is evidence that:"

(b) paragraph 2 is replaced by the following:

"2. Where, during the period of suspension, the Member State concerned still fails to demonstrate that it has taken remedial action to ensure compliance with and the enforcement of applicable rules in the future or that there is no serious risk that the future effective operation of the Union control and enforcement system will be impaired, the Commission may, by means of implementing acts, cancel all or part of the Union financial assistance the payment of which was suspended pursuant to paragraph 1. Such cancellation shall only be made after the corresponding payment has been suspended for 12 months."

(c) paragraph 8 is replaced by the following:

"8. The Commission shall lay down detailed rules concerning

- (a) the interruption of the payment deadline;
- (b) the suspension of payments;
- (c) the cancellation for financial assistance

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(51) Article 104 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Where a Member State does not respect its obligations for the implementation of a multiannual plan, and where the Commission has evidence that the failure to respect those obligations constitutes a serious threat to the conservation of the stock concerned, the Commission may, by means of implementing acts, provisionally close the fisheries affected by those shortcomings for the Member State concerned."

(b) paragraph 4 is replaced by the following:

"4. The Commission shall, by means of implementing acts, lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited."

(52) Article 105 is amended as follows:

(a) in paragraph 2, the introductory phrase of the first subparagraph is replaced by the following:

"2. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year the Commission shall, by means of implementing acts, operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished by applying a multiplying factor according to the following table:"

(b) paragraphs 4, 5 and 6 are replaced by the following:

"4. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission, after consultation of the Member State concerned, may, by means of implementing acts, deduct quotas from future quotas of that Member State to take account of the level of overfishing. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission, after consultation of the Member State concerned, may, by means of implementing acts, deduct in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area, or with the same commercial value in accordance with paragraph 1.

6. The Commission may lay down detailed rules concerning

- (a) the assessment of the adapted quota against which the excess of utilisation shall be calculated;
- (b) the procedure for the consultation of the Member State concerned on the deduction of quotas referred to in paragraphs 4 and 5

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(53) Article 106 is amended as follows:

- (a) Paragraph 1 is replaced by the following:

"1. When the Commission has established that a Member State has exceeded the fishing effort which has been allocated to it, the Commission shall, by means of implementing acts, operate deductions from future fishing effort of that Member State."

- (b) in paragraph 2, the introductory phrase is replaced by the following:

"2. If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall, by means of implementing acts, operate deductions in the following year or years from the fishing effort available to that Member State for the geographical area or the fishery concerned by applying a multiplying factor according to the following table:"

- (c) paragraphs 3 and 4 are replaced by the following:

"3. If a deduction according to paragraph 2 cannot be operated on the maximum allowable fishing effort for a stock that was exceeded as such because such maximum allowable fishing effort for that stock is not or not sufficiently available to the Member State concerned, the Commission, by means of implementing acts, may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2.

4. The Commission may lay down detailed rules concerning

- (a) the assessment of the maximum available effort against which the excess of utilisation shall be calculated;
- (b) the procedure for the consultation of the Member State concerned on the deduction of fishing effort referred to in paragraph 3

by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

(54) Article 107 is amended as follows:

- (a) paragraph 1 is replaced by the following:

"1. Where there is evidence that rules on stocks subject to multiannual plans are not being complied with by a Member State and that this may lead to

a serious threat to the conservation of these stocks, the Commission may, by means of implementing acts, operate deductions in the following year or years from the annual quotas, allocations or shares of a stock or group of stocks available to that Member State, applying the proportionality principle by taking into account the damage caused to the stocks."

(b) paragraph 4 is replaced by the following:

"4. The Commission shall be empowered to adopt delegated acts in accordance with Article 119a concerning the deadline for Member States to demonstrate that the fisheries can be safely exploited, the material to be included by Member States in their reply and the determination of the quantities to be deducted by taking into account

- (a) the extent and nature of non-compliance,
- (b) the gravity of the threat to conservation,
- (c) the damage caused to the stock by non-compliance."

(55) in Title XI, Chapter IV is replaced by the following:

#### *"CHAPTER IV*

#### ***Temporary measures***

#### *Article 108*

#### **Temporary measures**

1. If there is evidence, including based on the results of the sampling carried out by the Commission, that fishing activities and/or measures adopted by a Member State or Member States undermine the conservation and management measures adopted in the framework of multiannual plans or threaten the marine eco-system and this requires immediate action, the Commission, upon a reasoned request of a Member State or on its own initiative, may decide, by means of implementing acts, on temporary measures which shall last not more than six months.

2. The temporary measures provided for in paragraph 1 shall be proportionate to the threat and may include, inter alia:

- (a) suspension of fishing activities of vessels flying the flag of the Member States concerned;
- (b) closure of fisheries;
- (c) prohibition against Union operators accepting landings, placing in cages for fattening or farming, or transshipments of fish and fisheries products caught by the vessels flying the flag of the Member States concerned;

- (d) prohibition against the placing on the market or use for other commercial purposes fish and fisheries products caught by the vessels flying the flag of the Member States concerned;
- (e) prohibition against the provision of live fish for fish farming in the waters under the jurisdiction of the Member States concerned;
- (f) prohibition against the accepting of live fish caught by vessels flying the flag of the Member State concerned for the purposes of fish farming in waters under the jurisdiction of the other Member States;
- (g) prohibition against fishing vessels flying the flag of the Member State concerned to fish in waters under the jurisdiction of other Member States;
- (h) modification of the fishing data submitted by Member States in an appropriate way.

3. The Member State shall communicate the reasoned request referred to in paragraph 1 simultaneously to the Commission, to the other Member States and to the Advisory Councils concerned."

(56) in Article 109, paragraph 8 is replaced by the following:

"8. Member States shall establish a national plan for the implementation of the validation system covering the data listed under points (a) and (b) of paragraph 2 and to ensure the follow-up of inconsistencies. The plan shall allow Member States to make priorities for the validation and cross-checks and subsequent follow-up on inconsistencies based on risk management. The plan shall be submitted to the Commission for approval by 31 December 2011. The Commission shall, by means of implementing acts, approve the plans before 1 July 2012 having allowed for the Member States to make corrections. Amendments to the plan shall be submitted to the Commission on an annual basis for approval. The Commission shall approve the amendments to the plan by means of implementing acts."

(57) in Article 110, paragraph 3 is replaced by the following:

"3. Without prejudice to paragraphs 1 and 2, Member States may until 30 June 2012 carry out pilot project(s) with the Commission or the body designated by it to provide real-time remote access to Member States data on fishing opportunities recorded and validated according to this Regulation. When both the Commission and the Member State concerned are satisfied with the outcome of the pilot project, and as long as the remote access is functioning as agreed, the Member State concerned shall no longer be obliged to report on fishing opportunities as described in Article 33(2) and (8). The data access format and procedures shall be considered and tested. Member States shall inform the Commission before 1 January 2012 if they plan to carry out pilot project(s). As from 1 January 2013, rules on a different way and frequency of data transmission by Member States to ensure real time access may be decided in accordance with the Treaty."

(58) in Article 111, paragraph 3 is deleted.



- (59) the following new Article 111a is inserted before the heading of Chapter II:

*"Article 111a*

**Detailed rules for the implementation of provisions on data**

The Commission shall, by means of implementing acts, lay down detailed rules on checking the quality, compliance with deadlines for submission of data, cross-checks, analysis, verification of the data and on establishing a standardised format for the download and exchange of data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (60) in Article 114, paragraph 1 is replaced by the following:

"1. For the purpose of this Regulation each Member State shall set up before 1 January 2012 at the latest an official website accessible via Internet and containing the information listed in Articles 115 and 116. Member States shall communicate the Internet address of their official website to the Commission. The Commission may decide to develop, by means of implementing acts, common standards and procedures to ensure transparent communication between the Member States themselves as well as between the Member States, the body designated by it and the Commission, including transmission of regular snapshots on records of fishing activities in relation to fishing possibilities."

- (61) in Article 116, paragraph 6 is deleted.

- (62) the following new Article 116a is inserted before Title XIII:

*"Article 116a*

**Detailed rules for implementation of provisions on websites and web services**

"The Commission shall lay down detailed rules concerning the operation of websites and web services by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)"

- (63) in Article 117, paragraph 4 is replaced by the following:

"4. The Commission shall be empowered to adopt, by means of implementing acts, rules on mutual assistance concerning:

- (a) administrative cooperation between Member States, third countries, the Commission and the body designated by it, including protection of personal data and use of information and protection of professional and commercial secrecy,
- (b) costs of executing a requests for assistance,

- (c) designation of Member States' single authority,
- (d) communication of follow-up measures taken by national authorities further to exchange of information,
- (e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies,
- (f) information without prior request,
- (g) Member States' relations with the Commission and with third countries.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).

- (64) in Article 118, paragraph 5 is replaced by the following:

"5. The Commission shall lay down detailed rules concerning the content and the format of the reports by Member States, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

- (65) Article 119 is replaced by the following:

*"Article 119*

**Committee procedure**

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply."

- (66) the following new Article 119a is inserted:

*"Article 119a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of powers referred to in Articles 7(6), 8(2), 9(10), 14(11), 15(9), 17(6), 21(6), 22(7), 49(2), 51(1), 52(3), 58(10), 58(11), 59(5), 60(7), 65(1), 65(2), 73(9), 74(6), 75(2), 92(5a), and 107(4) shall be conferred for an indeterminate period of time.

3. The delegation of powers referred to in Articles 7(6), 8(2), 9(10), 14(11), 15(9), 17(6), 21(6), 22(7), 49(2), 51(1), 52(3), 58(10), 58(11), 59(5),

60(7), 65(1), 65(2), 73(9), 74(6), 75(2), 92(5a), and 107(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 7(6), 8(2), 9(10), 14(11), 15(9), 17(6), 21(6), 22(7), 49(2), 51(1), 52(3), 58(10), 58(11), 59(5), 60(7), 65(1), 65(2), 73(9), 74(6), 75(2), 92(5a), and 107(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council."

## *Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*