

**EU COMMISSION PROPOSALS FOR A REVISED COMMUNITY CONTROL SYSTEM FOR ENSURING COMPLIANCE WITH THE RULES OF THE COMMON FISHERIES POLICY**

<b>Proposed new Regulation</b>	<b>Regulation (EEC) No. 2847/93 unless otherwise stated</b>	<b>Changes in present regulation</b>	<b>VIEW OF SCOTTISH INDUSTRY</b>
Articles 2 and 3	Article 1(1) and 1(3)	SCOPE Reference to structural measures removed and aquaculture added. Covers Community waters and waters subject to fisheries agreements.	
Art 4		DEFINITIONS New – Definitions previously scattered throughout Community legislation	
Art 5	Art 1(2), 2 and 4	Brings all the obligations on Member States to provide adequate resources for control and act on a non discriminatory basis together in the one Article	
Art 6 and 7	Art 22(1) of 2371/2001 and Reg 1627/94	Provides for a licensing scheme and fisheries authorisation regime where recovery plans, marine protected areas, reduction of discard plans and effort control schemes are in place	
Art 8	Art 5	Provides for detailed rules on the marking of gear to be agreed by management committee procedure	
Art 9	Art 3	VMS obligations	
Art 10		New – Requirement for fishing vessel over 15 metres to fit an Automatic Identification System	
Art 11, 12 and 13		New – Requires Member States to have a vessel detection system and carry out pilot projects on new technologies.	

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Art 14(1)	Art 6	LOGBOOK RULES Minimum quantity to be recorded in the logbook reduced from 50 kilograms to 15 kilograms  Discards shall be recorded	
Art 14(2)	Recovery plans and effort management	Requirement to record effort in the logbook	
Art 14(3)	Art 6 and recovery plans	Margin of tolerance in logbooks reduced from 20%, 10% and 8% reduced to 5%	
Art 14(4)		New- Requirement to use conversion factors established under management committee procedure	
Article 14(6)	Article 6(8)	Provides for detailed rules on logbooks to be agreed by management committee procedure	
Article 15	ERS Regulation		
Article 16		Sampling system of activity of vessels	
Article 17	Art 7 and recovery plans	Extends the requirement to give 4 hours prior notification of entry into port to all vessels not just OMS.	
Articles 18 19	Article 11	Prohibition on transshipment unless is new. Detailed rules on transshipment to be agreed under Art 111	
Art 20		New – Although authorisation to land applies in the	

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		pelagic regulation and port state control	
Art 21	Article 8 and ERS Reg	Detailed rules to be agreed under Art 111. Current rules provide for 48 hours for submission of LDs now reduced to 2 hours. Submission of paper copies reduced from 48 hours to 24 hours.	
Art 22	Art 8	Requirement to have a sampling plan for vessels exempt from keeping a logbook	
Art 23, 24 and 25	Art 15 and 16	Obligation on MSs to record, report and exchange landings, transshipment and sales data	
Art 26, 27 and 28	Art 21	Closing of fisheries after quota exhausted by MSs and Commission. Also rules on payback. For quota management colleagues to consider.	
Art 29	Various	Obligation on MSs to carry out checks on fishing capacity. Provision for detailed rules to be agreed under Art 111 to verify power, tonnage. Not sure what they mean by verification of fishing gear	
Art 30,31 and 32		New- Obligation on MSs to ensure engine power on certificate is correct. Also involves the monitoring, certification and cross-checking of engine power	
Art 33		New – Requirement to weigh all species prior to transshipment when engaged in fisheries subject to a multiannual plan.	
Art 34	Art 12 of 423/2004	Requirement to designate landing ports when adopting a multiannual plan. No derogation from the requirements of Art 17.	

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Art 35	Various Recovery Plans	Separate stowage of species subject to a multiannual plan. There are more explicit rules on stowage in the NEAFC and NAFO rules.	
Art 36	Art 14 of 423/2004	Obligation on MSs to define a national control action programme applicable to each multiannual plan and set specific inspection benchmarks. See Annex 1	
Art 37 and 38	Art 20	Stowage of gear provisions	
Art 39 and 40		New- VMS reports required every 15 minutes when transiting a MPA and a minimum speed of 6 knots. A minimum speed of 8 knots already in force in the Orange Roughly area under deep sea species recovery plan. Stowage of gear provisions also apply	
Art 41		New – Obligation to record and report discards of more than 15 kilograms. Not clear where this should be recorded. Currently optional under logbook rules.	
Art 42	Art 19(1)	Requirement to automatically cross check logbooks with VMS data. To be kept for 3 years	
Art 43 to 46	New Tech con proposal	New – provisions for real time closures.	
Art 47		New- Recreational fisheries to be authorised and subject to quotas. Prohibition on marketing of recreational fisheries except for charity.	
Art 48,49,50 and 51	Art 28	Seek lines from marketing and food policy colleagues.	
Art 52	Art 22(2) of	Buyers and sellers provisions. Requires all quota	

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	2371/2002	species and species subject to effort control to be sold to registered buyers, even at an auction centre. Detailed rules under Art 111 to be agreed. Currently in the UK anyone can buy from an auction centre. Also reference to VAT number	
Art 53	Recovery plans and pelagic reg	New in that it requires all buyers to weigh all products on approved scales. Derogation to weigh fresh fish before transport up to 20 kilometres. Derogation to transport fresh pelagic fish is 100 kilometres	
Art 54	Art 9	Salesnotes provisions. Time limit for submission reduced from 48 hours to 2 hours when submitted electronically. Does not seem to refer to a possibility of submitting paper salesnotes below the 400,000 Euros turnover.	
Art 55	Art 9	Details to be recorded on salesnotes. No VAT number required under ERS reg	
Art 56	Art 9	Exemptions from providing salesnotes	
Art 57	Art 9	Take over declaration provisions. Time for submission reduced to 2 hours	
Art 58	Art 13	Transport document provisions. Makes clear that a transport document must be submitted within 24 hours.	
Art 59		Monitoring Producer Organisations	
Art 60		Monitoring of price and intervention arrangements	
Art 61		New- Requirement to draw up and submit surveillance	

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		report. Also refers to sightings by VDS. Detailed rules under Art 111	
Art 62		New- Obligation for flag state to take action following receipt of surveillance report	
Art 63		New – Sets out the role of observers and provides for detailed rules under Art 111	
Art 64		New- Makes statement of admissibility of surveillance reports as evidence in any Member State. Member State competence and in Scotland need for corroboration.	
Art 65	Art 4 and 5	Requires officials to carry out their duties in a non discriminatory way in accordance with Community law and cause as little inconvenience as possible. It also sets out what officials should check and where to check it. Provides for detailed rules under Art 111	
Art 66	Art 22 of 2371/2002	Requires operators to co-operate with officials and ensure safe access	
Art 67		New- Requirement to draw up and submit an inspection report. Not explicit that is for vessel and/or sea inspections Copy to be given to Master (NEAFC)	
Art 68 and 69		New- Makes statement of admissibility of inspection reports as evidence in any Member State and obligation for Member States keep an up to date electronic database of such reports. Member State competence.	

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Art 70	Art 28 of 2371/2002	Community Inspectors. Provides for detailed rules under Art 111	
Art 71 to 73	Art 28 of 2371/2002 EC 1043/2006	Provisions on inspections outside the territory of the inspecting Member State	
Art 74 to 76		Procedures to be followed when an infringement is detected in the course of an inspection both inside and outside the waters of the inspecting Member State. The 10% tolerance conflicts with the 5% logbook tolerance.	
Art 77		New- Obligation on MSs to take enforcement(?) action when an infringement is detected	
Art 78	Art 31(4)	Transfer prosecution to flag state	
Art 79		New- Obligation on Flag State to prosecute any infringement discovered by Community Inspectors	
Art 80	Art 32	Obligation to count illegal landings against quota	
Art 81 and 82	Art 31	Obligation to have systems in place to deal with infringements and sets minimum level of 5,000 Euros for administrative sanctions against serious infringements. Member State competence.	
Art 83		New – Obligation to take immediate action to stop vessels re-offending when found committing a serious infringement. Need to clarify what this involves.	
Art 84 and 85		New- Obligation to put in place a penalty points	

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		system for licence holders committing infringements of EU rules. Licences should be suspended if a licence holder exceeds a specified number of penalty points. Obligation to create a national database for infringements and share data with OMSs on request.	
Art 86 and 87	Art 34c	Provides for Member States concerned with specific fisheries to agree Community control action programmes under management committee procedure Art 111	
Art 88 to 94	Art 27 of 2371/2002	Commission inspections of MSs, Audit and follow up action on reports	
Art 95		New? Financial measures which can be taken to ensure compliance by MSs of CFP objectives	
Art 96		New? Powers for the Commission to close fisheries when a MS fails to meet its obligations under a multiannual plan.	
Art 97 and 98	Art 23 of 2371/2002	Payback for over fishing. Need to consult quota management colleagues.	
Art 99 and 100		New? Commission may deny the transfer of quotas to following year if overfishing has occurred in the previous 2 years or for a recovery stock in the previous 5 years. Need to consult quota management colleagues.	
Art 101	Art 26 of 2371/2002	Powers for the Commission to impose emergency measures when the marine ecosystem is threatened.	

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Art 102		Review of access rules	
Art 103		Communication of data between Cion and MS	
Art 104		Protection of Personal data	
Art 105		Confidentiality and security issues	
Art 106		Officials Website for all information accessible to public	
Art 107		Public access of website	
Art 108		Security of website systems	
Art 109	28(1) CFP	Administrative co-operation of Member States and 3 <sup>rd</sup> Countries	
Art 110		Member States and Cion reporting obligations	
Art 111		Mann Committee procedure	
Art 112		Amendment to CFCA detailed rules	
Art 113		Amendment to CFP 2371/2002	
Art 114		Repeals	
Art 115		References	
Art 116		Entry into force 1 Jan 2010	