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EAPO Proposals for amendments to the Control Regulation No. 1224/2009

EAPO recommends to amend the following provisions in the Control Regulation No. 1224/2009.

Amendment 1.

Proposal for amendment
Article 8 ó point 3, 4, 5, 6 and 7 (all new)

Existing Provision

Amendment

3. Definition of fishing gear to be marked shall differentiate between:

(i) passive gear ó gillnets, entangling nets, trammel nets, drifting gillnets which may consist of one or more separate nets which are rigged with top, bottom and connecting ropes, and may be equipped with anchoring, floating and navigational gear

And

(ii) static gear ó pots and traps deployed on the seabed

4. Each static gear used for fishing shall permanently display the external registration letters and numbers displayed on the hull of the fishing vessel to which it belongs on a label attached to the ground rope.

5. For static gear, end marker buoys shall be deployed so that each end of the gear may be determined at any time and there shall not be a requirement for intermediary buoys

6. Deployment of gear marking buoys shall not constitute an additional hazard to fishermen or other maritime operators.

7. Deployment of gear marking buoys shall take cognisance of:

(i) size of vessel

(ii) local conditions

(iii) creating additional navigational hazard

Justification

There are considerable differences in the location, target fisheries and fishing practices of those fishing vessels employing passive gear and static gear. These differences need to be reflected in the gear marking requirements to ensure compliance does not compromise the safety of the fishing operators or other stakeholders.

Amendment 2.

Proposal for amendment

Article 14 6 paragraph 3 and (a) (new)

Existing Provision

The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be **10%** for all species.

Amendment

*The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be **20%** for all species.*

(a) by way of derogation from Article 14, point 3. this requirement shall not apply for 20% of the total catch weight in kilograms of fish where the catch contains more than 80% of one or more pelagic or industrial species;

Justification

A 20% margin of tolerance is required to make this Article workable under normal fishing conditions

Amendment 3.

Proposal for amendment
Article 17 - paragraph 1

Existing Provision

Masters of Community fishing vessels of 12 meters length overall or more engaged in fisheries on stocks subject to a multi-annual plan, which are under the obligation to record fishing log-book data electronically in accordance with Article 15, shall notify the competent authorities of their flag Member State at least **four** hours before the estimated time of arrival at port of the following information:

Amendment

Masters of Community fishing vessels of 12 meters length overall or more engaged in fisheries on stocks subject to a multi-annual plan **and carrying more than 1 tonne of such fish**, which are under the obligation to record fishing log-book data electronically in accordance with Article 15, shall notify the competent authorities of their flag Member State at least **two** hours before the estimated time of arrival at port of the following information:

Justification

The requirement for four hours notice of landing is unworkable and unnecessary for many locally based fishing operations working short distances from home ports.

Amendment 4.

Proposal for amendment
Article 23

Existing Provision

1. Without prejudice to specific provisions contained in multiannual plans, the master

Amendment

(Delete)

of a Community fishing vessel of 10 metres \varnothing length overall or more, or his representative, shall complete a landing declaration, indicating specifically all quantities of each species landed.

2. The landing declaration referred to in paragraph 1 shall contain at least the following information:

(a) the external identification number and the name of the fishing vessel;

(b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;

(c) the quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;

(d) the port of landing.

3. The master of a Community fishing vessel or his representative shall submit the landing declaration, as soon as possible and not later than 48 hours after the completion of the landing:

(a) to their flag Member State

(b) if the landing has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.

4. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

Justification

For most fishermen the landing declaration is unnecessary, burdensome and a duplication of work.

Amendment 5.

Proposal for amendment
Article 44 ó paragraph 4 (new)

Existing Provision

Amendment

4. By way of derogation from Article 44 point 1 this requirement shall not apply where the catch contains more than 80% of one or more pelagic or industrial species.

Justification

It is impracticable for vessels to keep by-catches of demersal species subject to a multiannual plan in separate compartments.

Amendment 6.

Proposal for amendment
Article 60 - paragraph 3, 4 and 5

Existing Provision

Amendment

3. By way of derogation from paragraph 2. Member States may permit fisheries products to be weighed on board the fishing vessel subject to a sampling plan as referred to in paragraph 1.

3. By way of derogation from paragraph 2. fisheries products ***which have been weighed aboard the fishing vessel on systems approved by the competent authorities of the Member State before being placed in storage shall not be*** subject to a sampling plan as referred to in paragraph 1.

4. Registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in a Member State shall be responsible for the accuracy of the weighing operation unless, in accordance with paragraph 3, the weighing takes place on board a fishing vessel, in which case it

4. Registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in a Member State shall be responsible for the accuracy of the weighing operation ***and this weight shall be used for the completion of landing declarations, transport document, sales notes, take-over declarations and official catch statistics,*** unless, in accordance with

shall be the master's responsibility.

5. The figure resulting from the weighing shall be used for the completion of landing declarations, transport document, sales notes **and** take-over declarations.

paragraph 3, the weighing takes place on board a fishing vessel, in which case it shall be the master's responsibility.

5. The figure resulting from the weighing shall be used for the completion of landing declarations, transport document, sales notes, take-over declarations **and official catch statistics**.

Justification

Provisions on weighing should be more flexible and applied in a practical fashion. Data collected from weighing activities should be used in the compilation of catch data to eliminate unnecessary duplication.

Amendment 7.

Proposal for amendment

Article 92 ó paragraph 1, 2, 4, 6 and 7 (new)

Existing Provision

1. Member States shall apply a point system for serious infringements as referred to in Article 42(1)(a) of Regulation (EC) No 1005/2008 on the basis of which the holder of a fishing licence is assigned the appropriate number of points as a result of an infringement of the rules of the common fisheries policy.

2. When a natural person has committed or a legal person is held liable for a serious infringement of the rules of the common fisheries policy, the appropriate number of points shall be assigned to the holder of the fishing licence as a result of the infringement. The points assigned shall be transferred to any future holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement. The holder of the fishing licence shall be entitled to review proceedings in accordance with

Amendment

1. Member States shall apply a point system **for a commonly agreed list of serious infringements following deliberate actions** as referred to in Article 42(1)(a) of Regulation (EC) No 1005/2008 on the basis of which the holder of a fishing licence is assigned the appropriate number of points as a result of an infringement of the rules of the common fisheries policy.

2. When a natural person has committed or a legal person is held liable for a serious infringement **following deliberate actions** of the rules of the common fisheries policy, the appropriate number of points shall be assigned to the holder of the fishing licence as a result of the infringement. The points assigned shall be transferred to any future holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the

national law.

4. If the holder of a fishing licence does not commit, within three years from the date of the last serious infringement, another serious infringement, all points on the fishing licence shall be deleted.

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6. Member States shall also establish a point system under which the master of a vessel is assigned the appropriate number of points as a result of a serious infringement of the rules of the common fisheries policy committed by him.

infringement. The holder of the fishing licence shall be entitled to review proceedings in accordance with national law.

4. Three years from the date of the serious infringement those points on the fishing licence shall be deleted.

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6. Member States shall also establish a point system under which the master of a vessel is assigned the appropriate number of points as a result of a serious infringement ***following deliberate actions***, of the rules of the common fisheries policy committed by him.

7. Member States shall ensure that no natural person or legal person is assigned points or other sanctions as a result of a serious infringement following unintentional actions both according to this Regulation and to separate and independent national legislation.

Justification

Clarification is required regarding definition and intent in the application of penalty points in cases of infringement of regulations.