

## INTER ADVISORY COUNCIL QUESTIONS

### Revision of the Control regulation

#### DISCLAIMER:

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#### NWWAC

##### Question:

Vessels can choose a net intending to catch a certain amount of fish in a certain area from their own experience and knowledge. However, it is possible that at a particular time the catch does not meet the corresponding catch composition required by the legislation. In that case, are vessels expected to change gears until they become within the legal limit? And if inspectors come on board and the catch at that time is not in line with the catch composition required, will that constitute an immediate offense? Or will the catch composition be examined when the catch is landed in relation to the nets used during the fishing trip?

##### Reply:

The Technical Measures Regulation 2019/1241 says that ‘vessels may use smaller mesh sizes as listed in the following table for the [...] Sea provided that:

(i) [...], and by-catches of [...] do not exceed [...] % of the total catch in live weight of all marine biological resources landed after each fishing trip.’

Additional conditions in terms of the catch composition may be set out in definition of the fisheries with derogating mesh sizes’.

Article 49 of Regulation 1224/2009 provides that species composition shall be calculated for each part of the catch which has been taken under different conditions. All changes from the mesh size previously used as well as the catch composition on board at the moment of any such change shall be recorded into the fishing logbook. Inspectors should look into that. The information recorded in the logbook shall be cross checked with the information at landing.

##### Question:

The text of the new control regulation as approved by the Council in December 2023 states that “In accordance with Article 6a of Directive 2002/59/EC, Union fishing vessels exceeding 15 metres in length overall shall be fitted with and maintain in continuous operation an automatic identification system (AIS) which meets the performance standards referred to in that Directive”. NWWAC members would like to express their concern since AIS is a radio signal and it might not be possible for vessels to be constantly within range, for example the signal might be disturbed by weather conditions, or the vessel might simply be too far from the coast and out of range. Could DG MARE clarify the definition of AIS and the way it is going to be used as a control measure?

**Reply:** Under the Control Regulation, fishing monitoring centres (FMC) must monitor vessels activities and notably using the position data from VMS and AIS systems. FMC must cross-check the data obtained from the different systems. A fishing vessel should therefore always endeavour to have an AIS signal operational and in reach of authorities. Absence of AIS signal may be considered by FMC as an infringement. Masters should always communicate with the FMC in the case they are aware of issues concerning the transmission of the AIS signal. In addition, please note that Article 10(2) provides that masters of fishing vessels may not switch off their systems except in exceptional circumstances and under certain conditions.

**Question:**

The AC would appreciate if DG MARE could clarify how the margin of tolerance on the catch declaration will be applied - on a species by species or on a catch basis - both in listed ports and in ports that are not designated.

**Reply:**

The main rule on the margin of tolerance in Article 14(3) has not been amended. The margin of tolerance is calculated on a species by species basis.

The calculation is also performed on a species by species basis in the case of small pelagic fisheries, industrial fisheries and purse seine tropical tuna fisheries which land unsorted catches in listed ports. But in accordance with Article 14(4)(a), for those landings in in listed ports, the MOT for the main species (representing 2% or more of the total catches) is 10% and the MOT for the by-catch (species representing less than 2% of the total) it is 200kg or 0.5%. In both cases, the MOT percentages are calculated on the basis of the total catch, but they are applied per species.

**Question:**

In relation to the use of REM, what criteria will be employed in risk assessment, especially those determining high risk? What are the changes in the current framework on the control of the landing obligation for vessels that are not in the scope of obligatory CCTV? REM will be implemented for vessel that are more than 18 meters long and that are categorised as high risk, but what would be considered for the other vessel categories? Finally, what would be the procedure for vessels to be removed from the high risk category?

**Reply:** Article 13 of the Control Regulation as amended by Regulation 2023/2842 provides that the Commission will adopt an implementing act listing the fleet segments which are considered of being at high risk of not complying with the Landing obligation.

It will be required for all vessels which are in the concerned fleet segments to be equipped with REM systems. Since the risk assessment is performed per fleet segments and not at vessel level, all vessels belonging to the fleet segments classified as high risk shall be equipped with REM systems, independent of the flag Member State. A change of category for the fleet segment would require that some parameters with an impact on the level of risk for the whole fleet would have changed and that a new assessment is performed.

For the assessment, the definition of risk as stated in Article 4(17) of the CR applies. 'Risk' means the likelihood of an event that may occur and would constitute a violation of the rules of the common fisheries policy.

The Commission, with EFCA support, is currently developing the criteria and parameters for the risk assessment. All the information available to date on likelihood of non compliance with the landing obligation will be taken into consideration. The methodology will be presented and discussed with Member States in due time.

The revised Control Regulation does not introduce any specific, new, obligation for the control of vessels not equipped with REM. Member States may opt to utilize REM for vessels under 18 meters as well. The Regulation specifies that Member States may provide incentives for vessels not required to be equipped with a REM system to use such system for control of the landing obligation on a voluntary basis.

**Question:**

Vessels below 18m: The landing obligation is set in the common fisheries policy (CFP) regulation (Article 15 of Regulation (EU) 2013/1380). This rule applies to all vessels independently from their size. Article 13 of the Control Regulation as amended by Regulation 2023/2842 is only introducing a tool for Member States fisheries control authorities for the monitoring the compliance with landing obligation for a part of the EU fleet. Regulation 2023/2842 has not amended the CFP regulation. We can confirm that the rest of the EU fleet continues to be subject to the landing obligation. Article 13(4) of the control regulation as amended by Regulation 2023/2842 is providing that Member State could require the installation of REM systems also in vessels which are not covered by para 2.

**Reply:** As correctly stated in the question, Article 13 of the Control Regulation as amended by Regulation 2023/2842 introduces a tool for Member States fisheries control authorities to monitor the compliance with the landing obligation for a part of the EU fleet.

The obligation to use such a tool is restricted to some fleet segments (the one at high risk of non compliance with the LO) and to some vessels (vessels belonging to the high risk fleet segment category and above 18m) although it is suggested to incentivise its use for other fleet segments.

The remaining part of the EU fleet is not subject to the obligation of using REM systems and but still has to comply with the LO. Member States can at their discretion incentivise the use of REM system to additional fleet segments at national level where considered appropriate.

**Question:**

Could DG MARE confirm whether workable exceptions to the weighing obligation on landing will still remain possible under the new control regulation

**Reply:** As in the current version of the Control Regulation, derogations to the principle of weighing all catches at landing are provided in the revised Control Regulation.

Article 60(3) of the Control Regulation as amended by Regulation 2023/2842 is providing for 4 types of derogations to weighing at landing:

- (a) Weighing on landing in accordance with a sampling plan;

- (b) Weighing on board, in the case of sorted fishery products, provided that those products are weighed on landing in accordance with a sampling plan;
- (c) Weighing after transport to a destination on the territory of the Member State where the landing took place, in accordance with a control plan;
- (d) Weighing after transport from the Member State where the fishery products were landed to a destination on the territory of another Member State, in accordance with a common control programme.

Please note that differently to the current provisions the revised Control Regulation has introduced Article 60(10) setting that the Commission may adopt harmonised sampling plans, control plans and common control programmes (as from 2026). In addition, the operator carrying the weighing must be authorised by the Competent authorities of Member States.

## AIPCE-CEP

**Question:** How will the Commission ensure that the implementation of new traceability rules for fisheries and aquaculture products, as specified by Articles 56a and 58, is in line with practical realities of the fish processing and trade industry?

**Reply:** Current traceability rules are only partially covering the fisheries and aquaculture products (FAPs) on the EU market as they cover principally fresh and frozen products. The Regulation 1224/2009 does not contain specific requirements for imported fisheries and aquaculture products. The revision of the control rules was needed to have robust and modern digitalised traceability rules and systems along the seafood supply chain for all FAPs, being fresh and frozen, prepared and processed, imported or not, to protect the interest of consumers and operators. However, the co-legislators took due account of the effort and time needed to extend the obligation to all operators. The revised traceability rules will take effect in January 2026 for fresh and frozen FAPs, while for prepared and preserved FAPs and algae, the new traceability rules will take effect in January 2029, following a feasibility study that the Commission will launch in 2024 or early 2025, and the ensuing adoption by the Commission of implementing rules.

The Commission is aware that cost-effective solutions are already available or being developed for digital traceability of fishery and aquaculture products. The Commission has started consulting with the industry and will work closely with Member States to ensure that information on the new rules is available before they will be mandatory, allowing time for smooth implementation and compliance.

## WWF

**Question:** In the context of the paragraph 9 of Article 58 on Traceability of the new Fisheries Control Regulation, where it is stated that the Commission shall conduct a study on feasible traceability systems and procedures, including minimum traceability information. When will this study be publicly available?

**Reply:** Article 58(9) requires the Commission to perform a study on the feasible traceability systems and procedures for prepared and preserved fishery and aquaculture products, including the minimum traceability information and available digital solutions. On the basis of this study, the Commission will adopt, by way of a delegated act, the minimum traceability information and

detailed rules on digital systems for such FAPs which will be applicable by January 2029. The Commission plans to launch such study towards the end of 2024 / beginning of 2025.

**Question:** Who will be commissioned to conduct the study?

**Reply:** The Commission is preparing the terms of reference for that study which will be handled under the a Commission Framework Contract for services.

**Question:** Will there be an opportunity to contribute to the study?

**Reply:** Yes, part of the tasks of the study will entail consulting with concerned stakeholders and civil society to provide input to the study.

**Question:** As the study will provide an analysis of available digital solutions and methods, what will be the eligibility criteria for choosing the digital traceability system?

**Reply:** Article 58(9) prescribes that the study will include an analysis of the digital solutions available which allow business operators to fulfil the requirements set out in Article 58 and in particular its paragraph 1. Operators will be able to decide which digital traceability system are best suited for their businesses in FAPs, as long as the system fulfils the requirements of Article 58 and of the delegated act to be adopted.

## IS & WFPO

**Question:** Considering the level-playing-field applicable of the new Fisheries Control Regulation by the different competent authorities and the different interpretation in its application, how is this to be addressed by the Commission?

**Reply:** We assume this question relates to the new rules on enforcement and sanctioning. The revised Control Regulation introduces indeed new harmonised rules on enforcement and sanctioning, that will have the effect of improving a level playing field across the EU.

In particular, the revised Control Regulation introduces a list of pre-defined serious infringements and a list of serious infringements which can be considered serious if they meet certain criteria. The criteria are set in Annex IV, and Member States will have to assess whether infringements are serious using those harmonised criteria (and no longer national criteria). On sanctions, the new rules introduce minimum level of sanctions or standard rates for serious infringements. This will also contribute to improve the level playing field between operators of different EU Member States. Finally, points will continue to be attributed for serious infringements. In case necessary to improve the harmonised implementation of the rules, the Commission could provide guidance.

**Question:** What will be the risk assessment criteria used to calculate risk for the different Member States' fishing fleet that determines what vessel is boarded and for what?

**Reply:** Each Member State has to ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management (Article 5(4) of the Control Regulation). The competent authorities of Member States have to adopt a risk-based approach for the selection of targets for inspection, using all available information (Article 98(1) of the Control Implementing Regulation), including but not limited to previous inspection and surveillance reports, vessel monitoring system data and catch registration documentation, licences and fishing authorisations and all relevant data on fishing opportunities (Article 99 of the Control Implementing Regulation).

Certain fisheries may be made subject to specific control and inspection programmes, on the basis of the need for specific and coordinated control of the fisheries in question. These fisheries are currently set out in Commission Decision 2018/1986, which also lays down the benchmarks for inspection activities to be achieved based on risk management. In the case of inspections at sea, each fishing vessel and/or fleet segment shall be subject to control and inspections according to the level of priority attributed pursuant to a harmonised methodology established by the Member States in cooperation with the European Fisheries Control Agency (EFCA), and based on possible threats of non-compliance with the rules of the common fishery policy, considering all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, its potential impact. Such methodology is used to establish the level of risk by stocks, gear, area covered (referred to as 'fleet segment') and time of the year, based on likelihood and potential impact. The estimated risk level is expressed as 'very high', 'high', 'medium', 'low'. The list of vessels shall be regularly updated taking into consideration the information collected during control and inspection activities. In general, for these fisheries, on a yearly basis, at least 60 % of total inspections at sea shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories.

On the basis of the results of the risk assessments each Member State has to establish at least once a year a national risk management strategy focused on ensuring compliance with the rules of the common fisheries policy.

The above does not prevent the right and obligation of Member State authorities to carry out an inspection at sea at any time based on all available information.

**Question: Is the mentioned assessment based on opportunities of the various Member States by the quota shares of stocks in the area of operation or is it based on quota share of the most endangered stocks in the area of operation?**

**Reply:** Please see the reply to the previous question.

In addition, pursuant to Article 98(1) of the Control Implementing Regulation, the selection of targets for inspection needs to be done using all available information. In the case of fishing opportunities, this may refer to national quotas, quota shares or individual quotas of a given vessel, depending on the relevant quota management regime in place.

**Question: When a vessel is boarded due to its past history and breaches to the Common Fisheries Policy, how and when will this classification of "high risk" be downgraded and eventually removed from the vessel?**

**Reply:** According to Regulation (EU) 2023/2842, it is up to Member States to update risk assessments on a regular basis, which as such might have an impact on the classification.

## IFPO

Information on the following topics:

**Question: Remote Electronic Monitoring for vessels above 18 meters (timescales for implementation, interoperability and standardisation of technologies, outline of risk criteria);**

**Reply:** Article 13 of the revised Control regulation sets the new rules for the compulsory installation of REM/CCTVs will apply to catching vessels of 18 metres or above posing a high risk of non-compliance with the landing obligation. In other words, where the risk is higher, fishery control should be stricter. This is a very basic principle to ensure a level-playing field and a culture of compliance within the EU.

Then, of course, Member States can even decide to be more ambitious and extend the scope of application of REM systems. Regulation (EU) 2023/2842 proposes to Member States to incentivise the use of REM systems for other fleet segments. EMFAF support may be used to provide for additional financial support in that respect.

All the technical requirements concerning REM/CCTVs, including rules on data storage, exchange and access, will be laid down in a Commission's implementing act. Considering that the new rules on REM/CCTVs will apply as from January 2028, the Commission plans to prepare these new implementing rules well in advance of that deadline to ensure sufficient time for Member States' authorities and operators to make adequate preparations for the implementation of such requirements.

Finally, in terms of external inter-operability, it is very important to coordinate with third countries, especially Scotland/UK who are already developing parallel rules. The Commission is working closely with interested third countries and has already engaged with them this coordination process.

**Question: Level-playing-field and objective implementation (harmonisation of infringements and minimum sanctions across all Member States)**

**Reply:** Currently, in Regulation (EC) 1224/2009 the qualification of infringements as "serious" is left to Member States' discretion on the basis of certain general criteria laid down by the Regulation and Regulation (EC) 1005/2008 (the IUU Regulation). As a result, the criteria used to qualify an infringement as serious vary widely across Member States. The revised Control Regulation (as per Regulation (EU) 2023/2845) has introduced the following:

- A category of infringements which are always objectively identified as serious, and
- Another category of offences which become "serious" only if certain conditions indicated in Annex IV of the amended Control Regulation are met.

The result is a more harmonised sanctioning system across the EU and equally across Member States, which will promote level playing field and a culture of compliance, as well as facilitate the work of the national control authorities and harmonise criteria.

The revision introduces the mandatory use of "financial administrative minimum sanctions". This is a very important addition to the EU sanctioning system addressing the concerns on the level playing field across fishers, sea basins and Member States.

These sanctions are calculated on the basis of the value of fishery products stemming from the infringement. So, if there are no fishery products involved, minimum sanctions do not apply. But if there are fishery products, then the minimum level shall be at least the value of those products, without taking into consideration, of course, also all the other additional penalties, such as the confiscation of those products, gear, vessel, etc. In case of recidivism, the minimum level shall be twice the value.

The new rules on serious infringements and minimum sanctions will apply from January 2026.

**Question: Geolocation and logbooks for small-scale fishing vessels (scope / vessel size, transition periods and timescales for latest roll out).**

**Reply:** Regarding geolocation and tracking, there are a couple of important changes brought by the revision of Regulation (EU) 1224/2009:

- First, In Article 10 (applying for vessels exceeding 15m length), the additional rules on the use of AIS, requiring the master of Union fishing vessels exceeding 15 metres length overall to report any exceptional circumstance for switching off the AIS system. This complements the requirements from the International Convention for the Safety of Life at Sea (SOLAS Convention) addressing the issue of vessels “going dark”, as sometimes is referred to. These new procedures are already in place, as the changes to Article 10 of the Control Regulation are applicable upon entry into force of the revised Control Regulation (in January 2024).
- Second, Article 9 on the new vessels tracking requirements (VMS or other tracking device), which will cover all fishing vessels. As from January 2026 there will no longer be exemption for vessels between 12-15 metres. For vessels below 12m the tracking will be mandatory as from January 2028, with only the possibility for Member State to grant derogations to some vessels below 9 metres, operating under very strict conditions, and until 2030.

Regarding the e-Logbook, the most important novelty is the extension of the fishing logbook obligation to all catching vessels, including its electronic transmission. So, from January 2028, the derogation for vessels below 10 metres included in the current Article 14(1) of Regulation (EC) 1224/2009 will not apply anymore.

Another very important step forward, control-wise, is the obligation to include in the fishing logbook the unique fishing trip identification number – which is a number assigned for each fishing trip to be included also in all the other catch-registration documents (like the landing declaration, sales notes, etc). This is important, as it allows to link the fishery products to a specific fishing trip and to trace them throughout the entire process and supply chain.

As important novelties, additional information is required from vessels of 12 metres or above. Notably catch reporting by haul and time. Moreover, the logbook must include additional information such as specific information on caught sensitive species and lost gear.

Regarding specifically sensitive species, the new rules require to record in the fishing logbook also information about catches of sensitive species injured, dead or released alive. This provision should be read in conjunction with the new definition of “sensitive species” introduced by the revision of Regulation (EC) 1224/2009, cross-referring to the broad definition included in Regulation (EU) 1241/2019 on the Technical Measures.



As for lost gear, the fishing logbook must contain information on gear that for certain reasons could not be retrieved. This is important in respect of the obligation under Article 48 of the revised Regulation (EC) 1224/2009 that the flag Member State shall inform the competent authority of the coastal Member State concerned and further reporting obligations related to lost gear.

### **Question: Engine power monitoring (overview and technologies)**

**Reply:** Recording and monitoring engine power is essential to ensure compliance with the capacity ceilings set under the Regulation (EC) 1380/2013 (“CFP” Regulation).

Therefore, the engine power of a fishing vessel must be certified and included in the fishing licence. In case of discrepancy between the actual and declared engine power, the fishing vessel shall be prohibited from fishing. Such rule is stated under Article 39(1) of Regulation (EC) 1224/2009.

To improve engine power monitoring, the revision of Regulation (EC) 1224/2009 has included new rules, applicable as from January 2028, on mandatory installation of continuous monitoring devices on board of:

- Vessels with an engine exceeding 221 Kilowatt (KW) or between 120 and 221 KW fishing in ICES sub-area IV (North Sea) using certain active gears; and
- Vessels posing a high risk of non-compliance with rules on engine power, as determined by a risk assessment, which will consider relevant serious infringements on engine power committed by the vessel in the past.

## VisNed

### *Article 60 on weighing of fishery products*

The new Article 60a on “detailed rules on weighing”, mentions that the Commission may, by means of implementation acts, adopt rules on “the deduction of ice and water”. In the implementing regulation No 404/2011, this was regulated in Article 74, sub1, which read “before weighing the registered buyer, registered auction or other bodies or persons responsible for the first marketing of fisheries products shall ensure that the fisheries products be cleaned of ice as is reasonable without causing spoilage and reducing quality”.

### **Question: Will Article 74, paragraph 1 of implementing regulation No 404/2011 expire with the introduction of rules for ice and water?**

**Reply:** Under Article 60a the Commission is empowered to adopt detailed rules (implementing act) on weighing, including the deduction of ice and water (Article 60a (1) (f)). This Implementing act would apply as from January 2026. Until then, the relevant provisions of Regulation 404/2011, including Article 74 on the “deduction of ice and water” remain applicable.

In the event of preparation of such implementing act, the Commission would assess if any modification is required regarding the requirements of Article 74 of Regulation (EC) 404/2011.

### **Question: How will you organise the knowledge and expertise in the fishing sector to realise such a standard?**

**Reply:** In 2022 the Commission asked EFCA to prepare a study on the ‘Analysis for the weighing process of fisheries products in the Member States and strategy’. The objective is to analyse current practices for weighing fisheries products, assessing them and propose recommendations on best practices. The results of this study will feed into the Commission revision of the rules on weighing procedures (notably on the implementation of Articles 60 and 60a of the revised Regulation (EU) 1224/2009)

**Question:** As a fishing sector, we would like to contribute to the creation of realistic values and feasible procedures in consultations with the committee. As a sector, we would like to see a simple and unambiguous correction for ice and water without de-icing the entire supply. In this respect, we would also like to point out that the amounts of ice and water experiences strongly depend on the time of the year (more in winter) and the different fish species.

Article 60 on weighing of fishery products – paragraph 1

In the new Fisheries Control Regulation, Article 60, paragraph 1, foresees that “Masters of third-country fishing vessels landing fishery products in the Union shall comply with rules governing weighing applicable to masters of Union fishing vessels”.

**Does this mean that the exceptions described in section 3 apply to ships from outside the EU that land in a Member State? If so, does that mean that, from the introduction of 2023/2843, an approved Sampling Plan of a Member State also applies to ships from outside the EU?**

**Reply:** The new rules on weighing, including Article 60, will only apply from January 2026 and the existing rules in Regulation 1224/2009 apply until that date.

The idea behind the revised Article 60(1), second subparagraph, is to ensure a level-playing field across the EU for activities conducted by Union and foreign vessels. For that reason, masters of third country vessels authorised to land in the EU shall comply with the same weighing rules and conditions in force for masters of Union vessels. In that respect, the methodology for applying the sampling plan does also cover the activities conducted by the relevant third country vessels, with the necessary conditions of the sampling plan adopted by the Commission, the same conditions and sampling plans would apply for all vessels landing in a Union port.

**Question:** Article 60 on weighing of fishery products – paragraph 10

The paragraph reads that “The Commission may, by means of implementing acts, adopt sampling plans, control plans and common control programmes referred to in paragraph 3, points (a), (b), (c) and (d), of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)”.

You express the intention to implement sampling plans “centrally”. As a sector, we think this is a good thing because it creates the possibility of a level-playing-field across the Member States.

**When do you expect to implement the sampling plans referred to in paragraph 3, points (a), (b), (c) and (d), of this article?**

**Reply:** The Commission is planning to adopt the new SP, CP and CCP by January 2026. However in accordance with the transition provisions Member States may continue to apply the current SP,

CP and CCP until January 2027, if those are still valid. After this date only the new SP, CP and CCP can be used.

**Question: If the completion is later than 2024, how can suppliers gain access to Article 119 approvals and the actual sampling and control plans in the different Member States? Is there a publicly accessible register?**

**Reply:** Existing sampling plans should be provided to operators by the flag Member States (for weighing on board) or the coastal Member States (for weighing at landing).

**Question:** We ask the attention of the Commission for the accessibility of decisions in accordance with Article 119. Especially in relation to the fact that the current Sample Plans and Control Plans can remain valid until 2027. Many fishing companies operate internationally and deal with multiple plans and countries. There is currently great uncertainty about the (approved) plans in force. The decisions of the Commission and the content of the approved plans are not accessible to the skippers/owners of fishing vessels.

**How to you intent to involve the fishing sector in the development of these plans?**

As a fishing sector, we would like to discuss the details with you. We can bring a wealth of practical expertise to the table. Matters seemingly of little importance can have major consequences in terms of implementation.

**Reply:** In 2022 the Commission asked EFCA to work on a study 'Analysis for the weighing process of fisheries products in the Member States and strategy'. The study analyses current practices for weighing fisheries products, assessing them and propose recommendations on best practices. The results of this study will feed into the Commission revision of the rules on weighing procedures and the draft of the implementing act that will apply in a 2-year time. Member States participate closely to the study, thus bringing in the knowledge and experience of the fishing sector. Moreover, the Commission strongly welcomes the constructive input from the fishing sector.

## FEDEPESCA

**Question: How will the Member States control what is foreseen under Article 58.8 on “traceability” for the capture vessels, operators of fishing without a vessel, freshwater fisheries operators, and aquaculture farmers, to ensure that direct sales exempt from traceability requirements are used only for private consumption and that such quantities do not exceed 10kg of fishery products per day, and, in the case of salmon captured in the Baltic Sea, only two units per consumer per day?**

The consumption of fresh fish per person per year is 8Kg per year, so it would be impossible that the 10Kgs would be for private consumption. Therefore, FEDEPESCA is concerned that the article opens the door to a lack of fisheries control.

**Reply:** The revised Regulation (EC) 1224/2009 includes a new Article 58(8) which allows (so, in any case, does not “oblige”) Member States to exempt from the requirements in Article 58, operators directly selling to the final consumer quantities up to 10kg per consumer per day or up to 2

specimens of salmon caught in the Baltic Sea, only if used for private consumption. The very same possible exemption is also provided in Article 65 as an exemption to the sale note requirements.

This is to cater for the existing exemption in Regulation (EC) 1224/2009 for direct sale from the vessel to the final consumer, which is in place since long, although differently expressed into a value of 50€ per day or 30Kg per day.

The revised Regulation (EC) 1224/2009, traceability information should include the unique fishing trip identification number(s) as this will allow linking a specific lot of fishery products to a particular landing by a Union fishing vessel or several Union fishing vessels in the same relevant geographical area. In the case of fishing without a vessel, the information should include the unique fishing day identification number(s) traceability information includes the reference to the fishing trip.

It remains the sole responsibility of Member States to control and enforce catch reporting obligations of masters and this derogation, including through appropriate sanctions in case of infringements.