Proposal for a

COUNCIL REGULATION

on electronic recording and reporting of fishing activities and on means of remote sensing

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Council Regulation (EC) N° 2371/2002\(^1\) establishes a framework designed to ensure the conservation and the sustainable exploitation of fisheries resources under the Common Fisheries Policy.

(2) Objectives of conservation and sustainable exploitation of the fisheries resources are achieved through conditions governing access to waters and resources, namely by limiting catches and fishing effort and by adopting technical measures related to fishing techniques and gears and sizes of catches.

(3) Therefore, in order to soundly manage fishing opportunities and in order to achieve these objectives, there is a need to monitor fisheries activities through the most appropriate means. Control on quantities caught is mainly carried out by collecting information on catches, landings, transhipments, transports and sales, while control on fishing effort is mainly carried out by collecting information on the characteristics of the vessel, time spent on fishing and gears used. Furthermore, remote control technologies enable fisheries control authorities to monitor the presence of vessels in a given area. The combination of all these means increases the accuracy of the information.

(4) Articles 22 (1) and 23 (3) of the Regulation No 2371/2002 respectively provide that the Council is to decide in 2004 on the obligation to electronically record and transmit relevant information relating to fishing activities, including landing or transhipments of catches and sales note, and on the obligation to set up a means of remote sensing.

(5) Pilot projects on electronic recording and reporting as well as on remote sensing have been carried out during recent years by Member States and other countries. They have proved to be valid and cost-effective.

(6) Conditions under which electronic recording and reporting as well means of remote sensing to be used for control purpose should therefore be established;

(6a) The formats which national competent authorities will use to exchange information for control and inspection purposes should be defined in detailed implementing rules.

(6b) A Member State should be free to decide on the formats for transmission of data used by vessels flying its flag.

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(6c) Article 6 of Council Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy foresees that the masters of Community fishing vessels shall keep a logbook of their operations;

(6d) Article 9 of Council Regulation (EEC) No 2847/93 foresees that auction centres or other bodies or persons authorised by Member States which are responsible for the first marketing of fishery products shall, upon first sale, submit a sales note to the competent authorities in whose territory the first marketing takes place;

(6e) Article 9 of Council Regulation (EEC) No 2847/93 also foresees that a take-over declaration which is the responsibility of the holder of this declaration shall be submitted to the competent authorities when the products are not offered for sale or are intended for sale at a later date;

(6f) Article 22 of Council Regulation (EC) No 2371/02 stipulates that fishery products shall only be sold from a fishing vessel to registered buyers or at registered auctions;

(6g) Article 19 of Council Regulation (EEC) No 2847/93 requires Member States to create computerized databases and to establish a validation system comprising in particular cross-checks and verification of data;

(6h) Remote sensing should only be used where there is clear evidence of a cost benefit in relation to the use only of traditional control means such as fishery patrol vessels and aircraft in the detection of fishing vessels operating illegally;

(6i) Investments related to implementation of control technologies are eligible under the framework of the Council Regulation No XXXX/2006/EC, establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea;
The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission²,

HAS ADOPTED THIS REGULATION:

**Article 1**

**Electronic recording and reporting**

1. The master of a Community fishing vessel shall record by electronic means information relating to fishing activities, which he is required to record in a logbook, a transhipment declaration and a landing declaration as defined in the relevant Community legislation, and shall send it by electronic means to the competent authority of the flag State.

2. The first sales note related to the declaration of catches pursuant to paragraph 1 landed by a Community fishing vessel as well as the first sales note related to these catches shall be electronically recorded and transmitted to the competent authorities in whose territory the first marketing takes place by a registered buyer, a registered auction or other entity or person authorised by Member States that are responsible for the first sale of fishery products.

3. Member States shall set up the necessary administrative and technical structures enabling them to receive, treat, cross-check and transmit, by electronic means, the information contained, at a minimum, in the logbook, transhipment declaration, landing declaration and sales note referred to in paragraphs 1 and 2 and where appropriate, in the take-over declaration.

4. Detailed rules for the implementation of paragraphs 1 and 2 may be adopted in accordance with the procedure referred to in Article 30 (2) of Regulation No 2371/2002. These rules may also provide exemptions from the obligations laid down in paragraphs 1 and 2 of this Article, where such exemptions may be justified by the disproportionate burden they would impose on the operator compared with the economic importance of his activity.

**Article 1b**

**Periodicity and authenticity of data**

1. The master of the vessel shall transmit relevant logbook data once a day at least or at the request of the competent authority and after the last fishing operation has been completed and before entering into port.

2. Logbook, transhipment declaration and landing declaration data recorded by the competent authority of the flag State shall be deemed authentic under conditions established under national law.

Article 1c

Phasing in

1. The obligation to electronically record and transmit the data mentioned in Article 1 paragraph 1 shall apply to masters of fishing vessels exceeding 24 metres length overall within [6 months] of the entry into force of the implementing rules referred to in Article 2b and for masters of fishing vessels exceeding 15 metres length overall within [two] years of entry into force of the implementing rules.

2. Notwithstanding the provisions of paragraph 1, a Member State may oblige or authorise masters of fishing vessels of 24m or less length overall flying its flag to electronically record and transmit the data mentioned in Article 1.

3. The competent authorities of a Coastal Member State shall accept electronic reports received from the Flag Member State containing the data from vessels referred to in paragraph 2.

4. The obligation to electronically record sales notes shall apply from 1 January [2007] to registered buyers, or registered auctions, or other entities or persons authorised by Member States that are responsible for the first sale of fishery products with an annual financial turnover in sales of fishery products in excess of 400,000 EUR.

Article 2

Remote sensing

1. As from 1 January [2007] and where there is clear evidence of a cost benefit in relation to the traditional control means in the detection of fishing vessels operating illegally, Member States shall ensure that their Fisheries Monitoring Centres possess the technical structure capacity allowing them to match, in real time, the positions derived by remotely sensed images sent to earth by satellites or other equivalent systems with the data received by the vessel monitoring system, in order to assess the presence of fishing vessels in a given area.
Article 2b

Detailed rules

2. Detailed rules for the implementation of this Regulation shall be paragraph 1 of this Article may be adopted in accordance with the procedure referred to Article 30 (2) of Regulation (EC) No 2371/2002. These rules shall lay down in particular:

1. The conditions under which national competent authorities will exchange information for control and inspection purposes while ensuring confidentiality.

2. 1. The content of the messages to be transmitted and the formats which national competent authorities will use to exchange information for control and inspection purposes while ensuring confidentiality.

23. The conditions for recording and submission of sales note data.

24. Provisions that allow a Member State to extend the electronic reporting obligation to vessels of less than 24 metres or less length overall during the [two year] period after the entry into force of the implementing rules. and to vessels of less than 15 metres length overall after that period.

45. The conditions and notification requirements to inform the Coastal State of vessels exempted for exemptions from the requirements to submit electronic landing declarations.

56. Exemptions, in order to reduce the administrative burden on operators, from certain control provisions in Community rules for vessels that electronically record and transmit the information referred to in Article 1 paragraph 1.

67. The implementing provisions of Article 2.

Article 3

Entry into force

This Regulation shall enter into force on the seventh 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 Council

The President