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MARE/D3-D4/PC-LC/mbe/Ares (2019)

Mr Aurelio Bilbao Barandica  
Président du CC SUD  
6, rue Alphonse Rio  
56100 Lorient  
France

**Subject: Your Advice 127 on the Renewal of the Control Regulation**

Dear Mr Bilbao,

Thank you for your advice concerning the review of the fisheries control system.

Regarding the provisions relating to the electronic logbook, we note your remarks on the difficulties involved in submitting this log before entry into the port for ships less than 12m in length and in entering the data after each fishing operation for the larger vessels. We also take note of your advice relating to the increase in the tolerance margin, but would like to point out that this tolerance margin has not been changed in the current proposal.

Regarding the provisions relating to prior notification, the Commission's proposal has in fact relaxed these provisions. In the current proposal, the Member States have discretion to waive this 4-hour period for some categories of ships but not on a case by case basis as was previously the case.

We also note your remarks concerning the question of automated checking between the sales notes and the landing declarations, and the fact that a different result may be obtained when the fish are weighed. However we think that in order for the automated checks to be an effective means of control, it is important for the information to be provided by independent sources.

We note with interest your remarks on the traceability information, and in particular the necessity to clarify the catch date.

Concerning the use of an electronic monitoring system including cameras, we would like to point out that the only means that currently exist to control the landing obligation are these electronic systems including cameras or observers. Recourse to observers is more expensive and sometimes difficult to implement onboard the ship. Regarding the rules relating to the

protection of personal data and private life, these elements are in fact provided for and included in the Commission's proposal. I would remind you that these rules already exist on a national level, and are applied in other sectors which use camera monitoring in the work place.

Regarding the control of engine power, the information that we have at our disposal shows that case by case checks of engine power are costly and difficult to implement both for the operators and for the Member States. The Commission has recently published a study on this subject.

We also note your suggestions concerning the offences relating to non-compliance with the obligation to reduce accidental catches of sensitive species.

Concerning the provisions relating to the implementing or delegated acts to be adopted, I would like to specify that these acts are designed to make the new regulation compatible with the treaty of Lisbon. These acts will relate to aspects already covered by commission implementing regulation (EU) No 404/2011.

Regarding offences, the aim of the proposal is to harmonise the criteria for the serious offences to ensure the same offences are punished with the same severity. I would also like to point out that the current FEAMP regulation renders operators ineligible for funding only when they have committed serious offences, and only when the conditions of the commission's delegated regulation (EU) No 2015/288 are satisfied. This ineligibility is laid down in the CFP regulation 1380/2013 and aims to protect the European Union Budget. It does not under any circumstances constitute a second penalty for operators.

I thank SWWAC for the work carried out and for the remarks of SWWAC's different members annexed to the advice. I am sure that this advice will make a positive contribution to the discussions concerning the Commission's proposal both in the Council and in the European Parliament.

Should you require any additional information relating to this reply, would ask you to contact Mrs Pascale Colson, Advisory council coordinator ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu), +32.2.295.62.73).

Yours sincerely,

Joao AGUIAR MACHADO

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