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NOTE

from: Greek delegation
to: General Secretariat of the Council

No. prev. docs.: 10152/09 PECHE 137
DS 329/1/09 REV 1

No. Cion prop.: 15694/08 PECHE 312 – COM(2008) 721 final

Subject: Proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

Delegations will find attached written comments from the Greek delegation regarding the revised working document DS 329/1/09 REV 1 on the above proposal that was discussed at the Working Party on 9, 15 and 22-23 July 2009.

SUBJECT: Proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy – Meeting document DS 329/1/09 REV 1

Ref.: Your document ND395/09/23-07-2009

We would make the following comments regarding the above subject:

1. In document 175863/25-06-2009, the Greek government proposed the deletion of certain footnotes to the "bible". In addition to these and on the basis of the second meeting document, it is proposed that footnotes 180,183,185, 265 and 319 be deleted.
2. On the amendments to the proposal for a Regulation, as reflected in the meeting document DS 329/1/09 REV 1 but also more generally, we would make the following comments:
 - In Article 4 the new definition in point 29 "Fishing vessel" includes all vessels engaged in fishing activities. Given that the term is used in many articles, such as Articles 6, 7, 8 and 9, which concern the fishing process, confusion is created as to whether the provisions of these articles refer to all vessels or only to those engaged in fishing. In our opinion the necessary adjustments should be made where required.
 - In Article 14(5) it is proposed that the terms active and passive be used with regard to gear. It would be useful to clarify which fishing gear is included in these categories, in conjunction with the provisions of Commission Regulation (EC) No 26/2004.
 - In Articles 9(2), 15(1), 17(1), 19a and 21a(1), the proposed amendments do not comply with the Greek positions already formulated to date.

– We do not agree with paragraphs 2, 3, 4 and 5 of Article 50, since they seem difficult to put into application, particularly when separate lots are handled, after the first sale, by many operators.

In paragraph 6 of the same article, we consider it difficult to refer to "the minimum information required for all lots of fisheries and aquaculture products" as a whole, especially in cases of multiple sales from producer to end consumer.

It is proposed that the provisions of Article 50 be applied as a whole in the case of lots of great quantities.

– We agree with paragraphs 1 and 2 of Article 52, on condition that they are valid for vessels of an overall length exceeding 10 metres, which are required to submit a logbook and a landing declaration, in accordance with Articles 14 and 21. As regards paragraph 3, it should be valid for amounts of 50 kg per species.

– We do not agree with the new paragraph 2 of Article 53a since it seems difficult to apply with regard to the common control programmes between the Member States.

– We do not agree with the proposed annual turnover mentioned in Article 54(1) and in the new Article 54a(1), and we propose in both cases that the annual turnover in first sales of fisheries products should be EUR 400 000, as provided for in the regulation on the electronic logbook. We propose that the declarations should be submitted within 48 hours and 24 hours respectively. In each case the sales notes should refer to fishing vessels which are required to submit a logbook and a landing declaration.

- We agree with the provisions proposed for Article 57(1) and the new Article 57a(1), on condition that in both cases the annual turnover in first sales of fisheries products is EUR 400 000, and the declarations must be submitted within 48 hours and 24 hours respectively.
- We have serious reservations regarding the increased powers of the Community inspectors (Article 70), the performance of verifications (Article 90) and audits of the control systems of the Member States (Article 92).

The scope of the new powers granted to the European Commission should be clarified. The increase in the Commission's powers should be based on redefining its cooperation with the Member States and cooperation between its departments. In addition, it seems appropriate to retain the second paragraph of Article 90.

A similar observation applies to Articles 98 (deduction of quotas) and 99 (refusal of quota transfers), according to which the European Commission unilaterally decides on any changes to the Member States' quotas. It is clear that refusal to transfer or exchange quotas is a measure which at the same time affects the fleets of other Member States that are not responsible for the infringement.

- The recasting of Article 82 is positive with regard to the levels of fines, but there should be improvements in the phrasing in order to clarify the way in which it applies to all cases of serious infringements from which no fish catches have resulted.
- The time for responding (2 working days) to a Member State's request for information under Article 109 is very short, and it is proposed to increase it to at least 7 working days and, at the same time, to limit the information requested.

As regards the other articles of the Regulation, the observations and advice set out by Greece in document 170065/12-03-2009 apply.

**HEAD OF THE
DIRECTORATE-GENERAL
A. PALAIOKOSTAS**

Copies to:

Sea Fisheries Directorate – Sections 2, 3, 4

Directorate for Fisheries Applications and National Fisheries Policy
