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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1966/2006**of 21 December 2006****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) Regulation (EC) No 2371/2002¹ 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, transshipments, 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 Regulation (EC) 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 transshipments of catches and sales note, and on the obligation to set up a means of remote sensing.

¹ OJ L 358, 31.12.2002, p. 59.

- (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) Article 6 of Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy¹ foresees that the masters of Community fishing vessels shall keep a logbook of their operations.
- (7) Article 22 of Regulation (EC) No 2371/2002 stipulates that fisheries products shall only be sold from a fishing vessel to registered buyers or at registered auctions.
- (8) Article 9 of 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.
- (9) Article 8 of Regulation (EEC) No 2847/93 foresees that the master of each Community fishing vessel having an overall length equal to, or more than, 10 m, or his representative, shall after each trip and within 48 hours of landing submit a declaration to the competent authorities of the Member State where the landing takes place.

¹ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

- (10) Article 9 of Regulation (EEC) No 2847/93 also foresees that where the first marketing of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for monitoring the first marketing shall ensure that a copy of the sales note is submitted to the authorities responsible for monitoring the landing of the products concerned as soon as possible.
- (11) Article 19 of Regulation (EEC) No 2847/93 requires Member States to create computerised databases and to establish a validation system comprising in particular cross-checks and verification of data.
- (12) 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.
- (13) 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.
- (14) Conditions under which electronic recording and reporting, as well as means of remote sensing, are to be used for control purpose should therefore be established.
- (15) The formats which national competent authorities will use to exchange information for control and inspection purposes should be defined in detailed implementing rules.

- (16) A Member State should be free to decide on the formats for transmission of data used by vessels flying its flag.
- (17) Investments related to implementation of control technologies are eligible under the framework of the Council Regulation (EC) No 861/2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea¹.
- (18) 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:

¹ OJ L 160, 14.6.2006, p. 1.

² OJ L 184, 17.7.1999, p. 23. Decision as last amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

*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 and a transshipment 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 master of a Community fishing vessel or his representative shall record by electronic means information relating to fishing activities, which is required to be recorded in 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.
3. The first sales note and, where appropriate, take-over declaration 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.
4. Member States shall have 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, transshipment declaration, landing declaration, sales note and take-over declaration referred to in paragraphs 1, 2 and 3.

*Article 2**Periodicity and authenticity of data*

1. The master of the fishing vessel shall transmit relevant logbook data at least once a day. He shall also send such data at the request of the competent authority of the Flag State. He shall in any event transmit the relevant logbook data after the last fishing operation has been completed and before entering into port.
2. Logbook, transshipment declaration and landing declaration data recorded by the competent authority of the Flag State shall be deemed authentic under conditions established under national law.
3. First sales note and take-over declaration information and data recorded by the competent authority of a Member State shall be deemed authentic under conditions established under national law.

*Article 3**Phasing in*

1. The obligation to electronically record and transmit the data mentioned in Article 1 paragraphs 1 and 2 shall apply to masters of fishing vessels exceeding 24 m length overall within 24 months of the entry into force of the implementing rules referred to in Article 5 and to masters of fishing vessels exceeding 15 m length overall within 42 months of entry into force of the implementing rules.

2. Notwithstanding the provisions of paragraph 1, a Member State may oblige or authorise, as of the date falling 12 months after the entry into force of the implementing rules referred to in Article 5, masters of fishing vessels referred to in paragraph 1 and of 15 m or less length overall flying its flag to electronically record and transmit the data mentioned in Article 1 paragraphs 1 and 2.
3. The competent authorities of a Coastal Member State shall accept electronic reports received from the Flag Member State containing the data from fishing vessels referred to in paragraph 2.
4. The obligation to electronically record and transmit sales notes and, where appropriate, take-over declarations shall apply from 1 January 2009 to registered buyers, 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 first sales of fishery products in excess of 400 000 EUR.

Article 4

Remote sensing

As from 1 January 2009 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 capacity allowing them to match 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 5**Detailed rules*

Detailed rules for the implementation of this Regulation shall 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 and ensuring that coastal Member States can access this information.
- 2) The content of the messages to be transmitted.
- 3) The formats which national competent authorities will use to exchange information for control and inspection purposes.
- 4) The conditions for the recording and submission of sales note and takeover declaration data.
- 5) Provisions that allow a Member State to extend the electronic reporting obligation to fishing vessels as foreseen in Article 3 paragraph 2.
- 6) Exemptions from the requirements to submit electronic landing declarations and conditions and notification requirements to inform the Coastal state of such exemptions.
- 7) Exemptions, in order to reduce the administrative burden on operators, from certain control provisions in Community rules for fishing vessels that electronically record and transmit the information referred to in Article 1 paragraphs 1 and 2.

- 8) Provisions for recording and transmitting data mentioned in Article 1 in the case of technical failure.

Article 6

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, 21 December 2006.

For the Council

The President

J. KORKEAOJA
