



Brussels, **XXX**  
[...] (2014) **XXX** draft

ANNEX 1

**ANNEX**

**to the**

**COMMISSION DELEGATED REGULATION (EU) No .../..  
of **XXX****

**on defining cases of non-compliance with the rules of the Common Fisheries Policy that  
may lead to an interruption of a payment deadline or suspension of payments under the  
European Maritime and Fisheries Fund**

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**COMMISSION DELEGATED REGULATION (EU) No .../..**  
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**on defining cases of non-compliance with the rules of the Common Fisheries Policy that may lead to an interruption of a payment deadline or suspension of payments under the European Maritime and Fisheries Fund**

**Category 1: Failure to contribute to the objectives of the Common Fisheries Policy as set out in Article 2(2) of the Regulation 1380/2013 that are essential to the conservation of marine biological resources**

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- 1.1 Failure to ensure that fishing opportunities allocated to the Member State are respected;
- 1.2 Failure to meet requirements set out in different types of conservation measures as listed in Article 7 of the Regulation 1380/2013.

**Category 2: Failure to meet international obligations on conservations**

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- 2.1 Failure to meet obligations deriving from Article 28 of the Regulation (EU) No 1380/2013.

**Category 3: Failure to ensure that the fleet is in balance with the natural resources**

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- 3.1 Failure to submit the report on the balance between the fishing capacity of the fleet and the fishing opportunities that complies with all the requirements of Art. 22(2) of Regulation 1380/2013;
- 3.2 Failure to implement the action plan, if such a plan is included into the report submitted annually;
- 3.3 Failure to ensure that in case of fishing capacity withdrawn by public finances, respective fishing licences and authorisations are withdrawn in advance and the capacity is not replaced;
- 3.4 Failure to ensure that the fishing capacity does not exceed at any time the ceilings set out in Article 22(7) and Annex II of Regulation (EU) No 1380/2013;
- 3.5 Failure to implement the entry/exit scheme pursuant to the requirements of Article 23 of Regulation (EU) No 1380/2013;
- 3.6 Failure to keep the register up-to-date.

**Category 4: Failure to implement the Community framework for the collection, management and use of data that result in a lack of information on natural resources**

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- 4.1 Failure to collect and manage biological, environmental, technical and socio-economic data necessary for fisheries management;

- 4.2 Failure to ensure that the collected data are accurate and reliable, and collected in a timely manner;
- 4.3 Failure to submit annually a report on execution of national data collection programmes and to make this report publicly available;
- 4.4 Failure to ensure a national coordination of the collection and management of scientific data for fisheries management;
- 4.5 Failure to coordinate data collection activities with other Member States in the same region;
- 4.6 Failure to collect or provide data in a timely manner to end-users.

#### **Category 5: Failure to operate an effective control and enforcement system**

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- 5.1 Failure to respect the general principles of control and enforcement in accordance with Title II of Council Regulation (EC) No 1224/2009;
- 5.2 Failure to ensure that the general conditions for access to waters and resources; in accordance with Title III of Council Regulation (EC) No 1224/2009 are respected;
- 5.3 Failure to control the marketing in order to ensure effective traceability of fisheries and aquaculture products, in accordance with Title V of Council Regulation (EC) No 1224/2009;
- 5.4 Failure to carry-out effective surveillance and inspections, and to ensure systematic and adequate enforcement action in respect of any breaches of the rules of the CFP, in accordance with Titles VI, VII and VIII of Council Regulation (EC) No 1224/2009;
- 5.5 Failure to establish and implement National Control Action Programmes according to Article 46 of Council Regulation (EC) No 1224/2009 and, when relevant, to carry out specific control and inspection programmes established by the Commission in accordance with Title IX of Council Regulation (EC) No 1224/2009;
- 5.6 Failure to cooperate with the Commission in order to facilitate the accomplishment of the Commission officials tasks during their missions of verification autonomous inspections and audits in accordance with Title X of Council Regulation (EC) No 1224/2009;
- 5.7 Failure to implement the measures decided by the Commission to ensure compliance by Member States with CFP objectives, such as Action plans and any other measures in accordance with Title XI of Council Regulation (EC) No 1224/2009;
- 5.8 Failure to meet the requirements as regards analysis, validation, access and exchange of data and information, in accordance with Title XII of Council Regulation (EC) No 1224/2009;
- 5.9 Failure to control the implementation of an effective catch certificate scheme also provided for in Chapter III of Council Regulation (EC) No 1005/2008;
- 5.10 Failure to act on reported IUU activities pursuant to Articles 26(3), 39 and 40 of Council Regulation (EC) No 1005/2008.

#### **Category 6: Failure to establish and operate a functioning system of effective, proportionate and dissuasive penalties**

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- 6.1 In the event of an infringement, failure to notify the flag Member State, the Member State of which the offender holds the citizenship and any other Member State interested in the follow-up of the measures taken to ensure compliance in accordance with Article 89(4) of Council Regulation (EC) No 1224/2009;

- 6.2 Failure to take immediate measures in accordance with Article 91 of Council Regulation (EC) No 1224/2009 to prevent masters of fishing vessels or other legal or natural persons who had been caught in committing serious infringement, from continuing to do so;
- 6.3 Failure to establish the criteria to determine the serious character of the infringement of the CFP rules under Article 42 of Council Regulation (EC) No 1005/2008;
- 6.4. Failure to ensure that effective sanctions are applied systematically for breaches of CFP rules and that the level of those sanctions is of adequate in severity and proportionate to the seriousness of such infringements, so as to ensure deterrence and, as a minimum, effectively deprive perpetrators of the economic benefit derived from their infringement in accordance with Title VIII of Regulation (EC) No 1224/2009;
- 6.5 Failure to apply the point system for serious infringements for holders of fishing licences as well as for masters in accordance with Article 92 of Council Regulation (EC) No 1224/2009;
- 6.6 Failure to establish and adequately manage the national register of infringements in accordance with Article 93 of Council Regulation (EC) No 1224/2009.