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►**B** ►**M1** **COMMISSION IMPLEMENTING DECISION**

of 19 March 2014

establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, and for certain demersal and pelagic fisheries in the Mediterranean Sea

(notified under document C(2014) 1717)

(2014/156/EU) ◄

(OJ L 85, 21.3.2014, p. 15)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Implementing Decision (EU) 2018/17 of 5 January 2018	L 4	20	9.1.2018

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CHAPTER I

GENERAL PROVISIONS

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Article 1

Subject matter and definitions

1. This Decision establishes a specific control and inspection programme applicable to fisheries exploiting stocks of:

(a) bluefin tuna in the Eastern Atlantic and the Mediterranean;

(b) swordfish in the Mediterranean;

(c) albacore in the Mediterranean;

(d) sardine and anchovy in the Northern and Southern Adriatic Sea; and

(e) European hake and deep-water rose shrimp in the Strait of Sicily.

2. The Eastern Atlantic, the Mediterranean, the Northern and Southern Adriatic Sea and the Strait of Sicily are referred to hereinafter as ‘the areas concerned’.

3. For the purpose of this Decision, the following definitions shall apply:

(a) ‘Northern Adriatic’ and ‘Southern Adriatic’ means the geographical subareas (GSAs) 17 and 18 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ([1]);

(b) ‘Strait of Sicily’ means the GSAs 12, 13, 14, 15, and 16, as defined in Annex I to Regulation (EU) No 1343/2011;

(c) ‘Mediterranean’ means Food and Agriculture Organisation (FAO) subareas 37.1, 37.2 and 37.3;

([1]) Regulation (EU) No 1343/2011 of the European Parliament and the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. (OJ L 347, 30.12.2011, p. 44).

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(d) ‘Eastern Atlantic’ means International Council for the Exploration of the Seas (ICES) subareas VII, VIII, IX, X as defined in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council ([1]) and FAO division 34.1.2.

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Article 2

Scope

1. The specific control and inspection programme shall in particular cover the following activities:

(a) fishing activities within the meaning of Article 4(1) of Regulation (EC) No 1224/2009 in the areas concerned;

(b) fishing related activities, including the farming, weighing, processing, marketing, transport and storage of fisheries products.

(c) sport and recreational fisheries;

(d) importation as defined in Article 2(11) of Council Regulation (EC) No 1005/2008 ([2]);

(e) exportation as defined in Article 2(13) of Regulation (EC) No 1005/2008.

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3. The specific control and inspection programme shall be implemented by Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia and Spain (‘the Member States concerned’).

CHAPTER II

OBJECTIVES, PRIORITIES, PROCEDURES AND BENCHMARKS

Article 3

Objectives

1. The specific control and inspection programme shall ensure the uniform and effective implementation of conservation and control measures applicable to stocks referred to in Article 1.

2. Control and inspection activities carried out under the specific control and inspection programme shall in particular aim at ensuring compliance with the following provisions:

([1]) Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70)

([2]) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

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(a) fishing opportunities management and any specific conditions associated therewith, including the monitoring of quota uptake, effort regime and technical measures applied in the areas concerned;

(b) reporting obligations applicable to fishing activities, in particular as regards the reliability of the information recorded and reported;

(c) the obligation to land all catches for the stocks and the areas concerned by this Decision which are subject to a landing obligation in accordance with Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([1]);

(d) specific provisions approved by Regional Fisheries Management Organizations regarding the stocks and the areas concerned by this Decision.

Article 4

Priorities

1. Member States concerned shall carry out control and inspection activities with respect to fishing activities by fishing vessels and fishing related activities by other operators on the basis of a risk management strategy, in conformity with Article 4(18) of Regulation (EC) No 1224/2009 and Article 98 of Implementing Regulation (EU) No 404/2011.

2. Each fishing vessel, group of fishing vessels, fishing gear category, operator or fishing related activity, for each stock referred to in Article 1 shall be subject to control and inspections according to the level of priority attributed pursuant to paragraph 3.

3. Each Member State concerned shall attribute the level of priority on the basis of the results of the risk assessment carried out in accordance with the procedures laid down in Article 5.

Article 5

Procedures for risk assessment

1. Member States concerned shall assess risks with regard to the stocks and the area(s) concerned, on the basis of the table set out in Annex I.

2. The risk assessment by each Member State concerned shall consider, on the basis of past experience and using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence(s). By combining these elements, each Member State concerned shall estimate a level of risk *('very low', 'low', 'medium', 'high' or 'very high')* for each category for inspection referred to in Article 4(2).

([1]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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3. In case where a fishing vessel flying the flag of a Member State which is not a Member State concerned, or a third country fishing vessel, operates in the area(s) referred to in Article 1, it shall be attributed a level of risk in accordance with paragraph 2 of this Article. In the absence of information and unless its flag authorities provide, in the framework of Article 9, the results of their own risk assessment performed according to Article 4(2) and to paragraph 2 of this Article leading to a different risk level, it shall be considered as a 'very high' risk level fishing vessel.

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Article 6

Risk management strategy

1. On the basis of its risk assessment, each Member State concerned shall define a risk management strategy focused on ensuring compliance. Such strategy shall encompass the identification, description and allocation of appropriate cost-effective control instruments and inspection means, in relation to the nature and the estimated level of each risk, and the achievement of target benchmarks.

2. The risk management strategy referred to in paragraph 1 shall be coordinated at regional level through a joint deployment plan as defined in Article 2(c) of Regulation (EC) No 768/2005.

Article 7

Relation with joint deployment plans procedures

1. In the framework of a joint deployment plan, where applicable, each Member State concerned shall communicate to the EFCA the results of its risk assessment carried out in accordance with Article 5(3) and, in particular, a list of estimated levels of risk with corresponding targets for inspection.

2. Where appropriate, the risk levels and targets lists referred to in paragraph 1 shall be updated by using information collected during joint inspection and surveillance activities. The EFCA shall be informed immediately following completion of each update.

3. The EFCA shall use information received from Member States concerned to coordinate the risk management strategy at regional level, in accordance with Article 6(2).

Article 8

Target benchmarks

1. Without prejudice to target benchmarks defined in Annex I of Regulation (EC) No 1224/2009 and in Article 9(1) of Regulation (EC) No 1005/2008, the target benchmarks concerning the 'high' and 'very high' risk level for fishing vessels, traps or other operators are set out in Annex II.

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2. For some species concerned by this decision, control objectives for all risk levels are set out in Annex II.

3. The target benchmarks for ‘very low’, ‘low’, and ‘medium’ risk level fishing vessels traps or other operators shall be determined by the Member States concerned through the national control action programmes referred to in Article 46 of Regulation (EC) No 1224/2009 and the national measures referred to in Article 95(4) of that Regulation.

4. By way of derogation from paragraphs 1 and 2, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels, provided that:

(a) a detailed analysis of the fishing activities or fishing related activities and enforcement related issues justifies the need for setting target benchmarks in the form of improved compliance levels,

(b) the benchmarks expressed in terms of improved compliance levels are notified to the Commission, and this latter does not object to them within 90 days, are not discriminatory, and do not affect objectives, priorities and risk-based procedures defined by the specific control and inspection programme.

5. All target benchmarks and objectives shall be assessed annually on the basis of the evaluation reports referred to in Article 13(1) and, where appropriate, be revised accordingly in the framework of the evaluation referred to in Article 13(4).

6. Where applicable, a joint deployment plan shall give effect to the target benchmarks referred to in this Article.

CHAPTER III

IMPLEMENTATION

Article 9

Cooperation between Member States and with third countries

1. Member States concerned shall cooperate with each other in the implementation of the specific control and inspection programme.

2. Where appropriate, all other Member States shall cooperate with the Member States concerned.

3. Member States may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programme.

Article 10

Joint inspection and surveillance activities

1. For the purpose of increasing the efficiency and effectiveness of their national fisheries control systems, Member States concerned shall undertake joint inspection and surveillance activities in waters under

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their jurisdiction and, where appropriate, on their territory. Where applicable, such activities shall be carried out in the framework of joint deployment plans referred to in Article 9(1) of Regulation (EC) No 768/2005.

2. For the purpose of joint inspection and surveillance activities, each Member State concerned shall:

(a) ensure that officials from other Member States concerned are invited to participate in joint inspection and surveillance activities;

(b) establish joint operational procedures applicable to their surveillance crafts;

(c) designate contact points referred to in Article 80(5) of Regulation (EC) No 1224/2009, where appropriate.

3. Officials and Union inspectors may participate in joint inspection and surveillance activities.

Article 11

Exchange of data

1. For the purpose of implementing the specific control and inspection programme, each Member State concerned shall ensure the direct electronic exchange of data referred to in Article 111 of Regulation (EC) No 1224/2009 and Annex XII of Implementing Regulation (EU) No 404/2011 with other concerned Member States and the EFCA.

2. Data referred to in paragraph 1 shall be related to fishing activities and fishing related activities carried out in the area(s) covered by the specific control and inspection programme.

Article 12

Information

1. Pending the full implementation of Title XII, Chapter III of Regulation (EC) No 1224/2009, and in accordance with the format set out in Annex III of this Decision, each Member State concerned shall communicate by electronic means to the Commission and to the EFCA, the following information:

(a) the identification, date, and type of each control or inspection operation carried out;

(b) the identification of each fishing vessel (Union fleet register number), trap, vehicle or operator (company name) subject to a control or inspection;

(c) where appropriate, the type of fishing gear inspected, and;

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(d) in case where one or several infringements were detected:

(i) the type(s) of infringement(s);

(ii) the state of play concerning the follow-up of infringement(s) (in particular whether the case is under investigation, pending or under appeal), and

(iii) the sanction(s) imposed as follow-up of infringement(s): level of fines, value of forfeited fish or gear, points assigned in accordance with Article 126(1) of Implementing Regulation (EU) No 404/2011, or other type of sanctions.

2. Information referred to in paragraph 1 shall be communicated for each control or inspection and shall continue to be listed and updated in each report until the action is concluded under the laws of the Member State concerned. Where no action is taken following the detection of a serious infringement, an explanation shall be included.

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3. The information referred to in paragraphs 1 and 2 shall be transmitted by electronic means to the Commission and to the EFCA on 15 September and shall be updated on 31 January of the following year.

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Article 13

Evaluation

1. Each Member State concerned shall, by 31 March of the year following the relevant calendar year, send to the Commission and the EFCA an evaluation report concerning the effectiveness of the control and inspection activities carried out under this specific control and inspection programme.

2. The evaluation report referred to in paragraph 1 shall at least include the information listed in Annex IV. Member States concerned may also include in their evaluation report other actions such as training or information sessions designed to have an impact on compliance by fishing vessels, traps and other operators.

3. The EFCA, for its annual assessment of the effectiveness of joint deployment plans referred to in Article 14 of Regulation (EC) No 768/2005, shall take into consideration evaluation reports referred to in paragraph 1.

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4. The Commission shall convene once a year a meeting of the Committee for fisheries and aquaculture to evaluate the suitability, adequacy and effectiveness of the specific control and inspection programme and its overall impact on compliance by fishing vessels, traps and other operators, on the basis of evaluation reports referred to in paragraph 1. Target benchmarks and objectives set out in Annex II may be reviewed accordingly.

Article 14

Addressees

This Decision is addressed to the Member States.

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ANNEX I

PROCEDURES FOR RISK ASSESSMENT

Each fishing vessel, group of fishing vessels, fishing gear category, operator, and/or fishing related activity, for the stocks and area(s) referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed. The level of priority shall be attributed depending on the results of the risk assessment carried out by each Member State concerned, or by any other Member State for the sole purposes of application of Article 5(3), on the basis of the following procedure:

Risk description [*depending on the risk/ fishery/area and data available*]	Indicator [*depending on the risk/ fishery/area and data available*]	Step in the fishery/ marketing chain (When and where does the risk appear)	Points to be considered [*depending on the risk/fishery/area and data available*]	Occurrence in the fishery (*)	Potential conse-quence(s) (*)	Level of risk (*)
[*Note: risks identified by Member States should be in line with objectives defined in Article 3*]			Levels of catches/landings distributed by fishing vessels, stocks, and gears, Availability of quota to fishing vessels, distributed by fishing vessels, stocks and gears, Use of standardized boxes, Level and fluctuation of market price for the landed fisheries products (first sale), Number of inspections previously carried out and number of detected infringements for the fishing vessel and/or other operator concerned, Obligation to land as from 1 January 2015 in accordance with Regulation (EU) of the European Parliament and of the Council No 1380/2013 of 11 December 2013, Background, and/or potential danger, of fraud linked to port/location/area, and metier, including Sport and Recreational vessels Fishing or fishing related activities during spatio-temporal closures, Any other relevant information or intel-ligence.	*Frequent/* *Medium/* *Seldom cases/or* *Not signifi-cant*	*Serious/* *Significant/* *Acceptable/ or Marginal*	*very low/ low/ medium/ high/or very high*

(*) *Note:* To be assessed by Member States. The risk assessment shall consider, on the basis of past experience and using all available information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence.

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ANNEX II

TARGET BENCHMARKS

1. **Level of inspections at sea (including aerial surveillance, where applicable)**

On a yearly basis, the following target benchmarks and objectives shall be reached for the inspections at sea of fishing vessels engaged in the fisheries exploiting stocks referred to in Article 1:

Benchmarks per year (*)		
Fishery	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Fishery No 1 bluefin tuna	Inspection at sea of at least 2,5 % of fishing trips by 'high risk' level fishing vessels targeting the stock in question	Inspection at sea of at least 5 % of fishing trips by 'very high risk' level fishing vessels targeting the stock in question
Fishery No 2 swordfish	Inspection at sea of at least 2,5 % of fishing trips by 'high risk' level fishing vessels targeting the stock in question	Inspection at sea of at least 5 % of fishing trips by 'very high risk' level fishing vessels targeting the stock in question
	Any risk level	
Fishery No 4 sardine and anchovy	Inspection at sea of at least 20 % of fishing vessels targeting the stocks in question during the respective fishing season	
Fishery No 5 European hake and deep-water rose shrimp	Inspection at sea of at least 30 % of fishing vessels targeting the stocks in question during the respective fishing season	

Objectives	
Fishery	Any risk level
Fishery No 1 bluefin tuna	Without prejudice to the benchmarks set above, for transfers operations the objective shall be to inspect a maximum
Fishery No 3 albacore	For inspections at sea, priority shall be given to compliance with technical measures and closure periods
Fishery No 1 bluefin tuna Fishery No 2 swordfish Fishery No 5 European hake and deep-water rose shrimp	Without prejudice to the benchmarks set above, for inspections at sea, priority shall be given to compliance with technical measures and spatio-closure periods, including fisheries restricted areas

(*) expressed in a % of fishing trips in the area by high/very high risk fishing vessels/per year

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2. **Level of inspections ashore (including document based controls and inspections in ports or at first sale)**

On a yearly basis, the following target benchmarks and objectives shall be reached for the inspections ashore (including document based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fisheries exploiting stocks referred to in Article 1:

Benchmarks per year (*)		
Fishery	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery No 1 bluefin tuna	Inspection in port of at least 10 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 15 % of overall landed quantities by 'very high risk' level fishing vessels
Fishery No 2 swordfish	Inspection in port of at least 10 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 15 % of overall landed quantities by 'very high risk' level fishing vessels
Fishery No 4 sardine and anchovy	Inspection in port of at least 10 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 15 % overall landed quantities by 'very high risk' level fishing vessels
	Any risk level	
Fishery No 5 European hake and deep-water rose shrimp	Inspection in port of at least 20 % of overall landed quantities by fishing vessels targeting the stocks in question	

Objectives	
Fishery	Any risk level
Fishery No 3 albacore	For inspections ashore, priority shall be given to compliance with technical measures and closure periods
Fishery No 1 bluefin tuna Fishery No 2 swordfish Fishery No 4 sardine and anchovy	Without prejudice to the benchmark set above, priority shall be given to compliance with technical measures and closure periods

(*) expressed in a % of quantities landed by high/very high risk fishing vessels/per year

Inspections made after landing or transhipment shall in particular be used as a complementary cross-checking mechanism to verify the reliability of the information recorded and reported on catches and landings.

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3. **Level of inspections in traps and farm installations**

On a yearly basis, the following target benchmarks shall be reached for the inspections on traps and farming installations related to bluefin tuna in the areas referred to in Article 1.

Benchmarks per year (*)	Level of risk for traps and/or other operators (farm operator or first buyer)
	Any risk level
Fishery No 1 bluefin tuna	Inspection of 100 % of caging and transfer operations at traps and farm installations, including release of fish.

(*) expressed in a % of quantities involved in caging operations high/very high risk traps and farming installations/per year

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ANNEX III

PERIODICAL INFORMATION ON THE IMPLEMENTATION OF THE SPECIFIC CONTROL AND INSPECTION PROGRAMME

Format for the communication of the information to be provided according to Article 12 for each inspection to be included in the report:

Element name	Code	Description and content
Identification of inspection	II	ISO alpha2 country code + 9 digits, e.g. DK201200000
Date of inspection	DA	YYYY-MM-DD
Type of inspection or control	IT	Sea, ashore, transport, transfer, control transfer, caging, storage, transhipment, release, document (to be indicated)
Identification of each fishing vessel, vehicle or operator	ID	Union fleet register number and ICCAT registration No (if applicable), and name of the fishing vessel, traps, vehicle identification, and/or company name of the operator, including farm installations.
Fishing gear type	GE	Gear code based on FAO's International Standard Statistical Classification of the Fishing Gear
Infringement	SI	Y = yes, N = no
Type of Infringement detected	TS	Description of infringement with indication of provision concerned. If applicable, indicate type of serious infringement detected, in reference to the number (left column) in the Annex XXX of Implementing Regulation (EU) No 404/2011. In addition, the serious infringements referred to in Article 90(1)(a), (b) and (c) of the Control Regulation shall be respectively identified by the numbers '13', '14' and '15'. Furthermore (if applicable), the serious infringements referred to in Annex VI of Regulation (EC) No 302/2009 shall be respectively identified by the letters 'a', 'b',…'p'.
Amount of fish concerned, by species	AF	Indicate the quantities concerned of each one of the species on board or (for live BFT) in the cage (for BFT: weight and numbers).
State of play follow up	FU	Indicate state of play: PENDING, APPEAL or CLOSED
Fine	SF	Fine in EUR, e.g. 500
Confiscation	SC	CATCH/GEAR/OTHER for physical confiscation. Amount confiscated in case of value of catch/gear in EUR, e.g. 10 000
Other	SO	In case of withdrawal of license/authorisation, indicate LI or AU + number of days, eg. AU30
Points	SP	Number of points assigned, e.g. 12
Remarks	RM	In case of no action taken following detection of an infringement, explanation why in free text.

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ANNEX IV

CONTENT OF EVALUATION REPORTS

Evaluation reports shall at least contain the following information:

I. **General analysis of control, inspection and enforcement activities carried out (for each Member State concerned)**

— Description of risks identified by the concerned Member State and detailed content of its risk management strategy, including a description of the review and revision process.

— Comparison of type of control and inspection tools used and number of inspection means committed/number of means provided in the execution of the specific control and inspection programme, including duration and areas of deployment;

— Comparison of type of control and inspection tools used and number of control activities and inspections carried out (complete on the basis of information sent in accordance with Annex III)/number of infringements detected and, where possible, analysis on the motives for committing such infringements,

— Sanctions imposed for infringements (complete on the basis on information sent in accordance with Annex III).

— Analysis of other actions (distinct from control, inspection and enforcement activities e.g. training or information sessions) designed to have an impact on compliance by fishing vessels and/or other operators [EXAMPLE: number of selective gear improvements deployed, numbers of cod/juvenile samples, etc.]

II. **Detailed analysis of control, inspection and enforcement activities carried out (for each Member State concerned)**

Analysis of inspection activities at sea (including aerial surveillance, where appropriate), in particular:

— comparison of patrol vessels provided/committed,

— infringements rate at sea,

— proportion of inspections at sea on fishing vessels with a ‘very low’, ‘low’, or ‘medium’ level of risk resulting in one or more infringement;

— proportion of inspections at sea on fishing vessels with a ‘high’ or ‘very high’ level of risk resulting in one or more infringement;

— type and level of sanctions/evaluation of the deterrent effect.

Analysis of ashore inspection activities (including document based controls and inspections in ports or at first sale, or transhipments), in particular:

— comparison of ashore-based inspection units provided/committed,

— ashore infringements rate,

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— proportion of inspections ashore on fishing vessels and/or operators with a ‘very low’, ‘low’, or ‘medium’ level of risk resulting in one or more infringement;

— proportion of inspections ashore on fishing vessels and/or operators with a ‘high’ or ‘very high’ level of risk resulting in one or more infringement;

— type and level of sanctions/evaluation of the deterrent effect.

Analysis of inspection activities (including document based controls and inspections) carried out in trap installations and fattening and farming installations, in particular:

— For caging operations

  — comparison of inspections provided/committed,

  — infringements rate regarding transfer, caging and release operations,

  — type and level of sanctions/evaluation of the deterrent effect.

— For trap installations

  — comparison of inspections provided, considering that 100 % harvesting and transfer operations shall be inspected in traps installations, including transfers to farms and to transport cages.

  — infringements rate in trap installations,

  — type and level of sanctions/evaluation of the deterrent effect.

Analysis of target benchmarks expressed in terms of compliance levels (where applicable), in particular:

— comparison of inspection means provided/committed;

— infringement rate and trend (by comparison with 2 previous years);

— proportion of inspections on fishing vessels/operators resulting in one or more infringements;

— type and level of sanctions/evaluation of the deterrent effect.

Analysis of other inspection and control activities: transhipment, aerial surveillance, importation/exportation, etc., as well as other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators

III. **Proposal(s) for improving effectiveness of control, inspection and enforcement activities carried out (for each Member State concerned)**