

Implementation of Article 119(1)(d) of the EMFF Regulation

A	Summary of measures designed to ensure compliance with the CFP rules
1	The Implementation of Control and Enforcement under Article 76 of the EMFF Regulation in accordance with Section 12.1 of the MT EMFF Operational Programme which implementing and responsible body is the Department of Fisheries and Aquaculture within the Ministry for the Environment, Sustainable Development and Climate Change.
2	Link to information on Control & Enforcement in Malta https://agriculturecms.gov.mt/en/fisheries/Pages/controlunit.aspx
3	Malta's FISHERIES CONSERVATION AND MANAGEMENT ACT: ACT II of 2001, as amended by Legal Notice 426 of 2007; and Acts XV of 2009, IV of 2013 and XXXIV of 2014 deals with all fishing and aquaculture, including enforcement, prohibitions and offences.
4	Administrative Law Enforcement Section, better known as A.L.E., was set-up in the early 1990s to support the operations of district police officers in their fight against environmental crime. The A.L.E is involved in cases from the Fisheries Department.
5	A Fishing Fleet Register is maintained in line with Article 24 of Council Regulation 1380/2013 and fishing licences and authorisations are issued in line with Council Regulation 1224/2009. Licensing of fishing vessels is regulated by the Fishing Vessels Regulations (SL 425.07). Fishing vessels may only be used for the purposes indicated in the licence. Fishing activity is licenced in accordance to Article 12 of the Fisheries Conservation and Management Act.
6	Data collection processes aimed at ensuring compliance with the rules of the Common Fisheries Policy and to monitor fishing activity, are in place in accordance with Regulation (EC) 1224/2009 and subsequent amendments. These processes include: a) the record of catches through the Catch Logbook for vessels 10 metres length overall or more. Malta has extended this requirement to all vessels in fisheries covered by management plans to better monitor the catches and landings. b) Vessel Monitoring Systems for vessels 12 metres' length overall or more to better monitor fishing activities. Malta has introduced the requirement of a GPRS to all vessels with an overall length less than 12m in fisheries covered by management plans to better monitor the catches and landings.
7	EU catch limits or quotas are only applicable for the bluefin tuna (<i>Thunnus thynnus</i>) and swordfish (<i>Xiphias gladius</i>), which limits have been introduced in response to recommendations by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Malta has established the number of fishing vessels allowed to target Bluefin Tuna using purse seine nets and long lines operating in the ICCAT Convention area. Such management is in line with ICCAT recommendations and Council Regulations 2016/1627. Restrictions on by-catch and minimum landing sizes are also imposed by virtue of ICCAT Recommendation 2014-0420. In the case of swordfish this is regulated through COMMISSION DELEGATED REGULATION (EU) 2018/191. The applicable quota for BFT is allocated exclusively to the authorized fishing fleet, and a minor percentage is allocated to incidental catches. These quotas are managed during the open fishing season by real time monitoring at landing in designated ports. Further crosschecks are carried out at later stages with the examination of sales notes and landing declarations and bluefin tuna catch documents (BCDs). In respect to farmed tuna, further controls are carried out by means of underwater cameras to accurately monitor the amount of fish being caged in fattening farms, and any identified excess fish is subjected to a release order.

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7	<p>In 2001, Malta adopted the Fisheries Conservation and Management Act[40]. Under the Act, breaches are of a criminal nature however the Director responsible for fisheries and aquaculture has the power to impose a monetary penalty on the condition that an offence has been committed “in respect of a fishing vessel”. The offence should be of a minor nature and the previous conduct of the vessel and the alleged offender concerned must be taken into account. The penalty may be imposed by way of a written notice. Within 30 days, the alleged offender can choose to admit the offence, after which he must pay the penalty (amounting to one third of the maximum penalty). This penalty is due as a civil debt enforceable by the competent court of civil jurisdiction. No charge may be laid in respect of the same offence against any person by whom it has been admitted. However, court proceedings will be initiated if the alleged offender does not admit the offence within 30 days.</p> <p>In case of a second or subsequent conviction under the Act, the person convicted is required, in addition to any other penalties, to forfeit any licence or permit, and any entry in the record of fishing vessels kept under the Act must be cancelled. Furthermore, the person convicted is incapable of holding any fishing licence or permit for a period of three years from the day of the second or subsequent conviction.</p>

B	Cases of non- compliance by Member States or beneficiaries
1	Not applicable as at time of reporting. All awarded EMFF beneficiaries are checked prior to award in view of Article 10 of the Regulation (EU) No. 508/2014.
2	The admissibility check in view of the above mentioned Article is undertaken two ways. Firstly, as part of the application form under these calls, two sections are developed to address this requirement. Section 1 of the application forms requires applicants to provide a copy of all notification letters issued by the relevant competent authority-ies (e.g. in case of fishers whereby penalty points were assigned to the fishing license). In Section 10 of the application form, applicants are requested to declare to the best of their knowledge and belief, conformity with the criteria listed under Article 10.1(a-c) of Regulation (EU) 508/2014 and also declare that no fraud was committed. By way of MA follow-up of the declared non-infringement, the relevant competent authority is formally contacted and requested to provide information on whether infringements were recorded for these operators since 2013.

C	Remedy actions taken (such as financial corrections)
-	Not applicable as at time of reporting