

**Template for the Annual Report  
to the Compliance Committee and the Extended Commission**

*(Agreed at the 7<sup>th</sup> meeting of the Compliance Committee, adopted at CCSBT 19 and revised following CCSBT 20)*

*If there are multiple SBT fisheries, with different rules and procedures applying to the different fisheries, it may be easier to complete this template separately for each fishery. Alternatively, please ensure that the information for each fishery is clearly differentiated within the single template.*

*This template seeks information on a quota year basis. Those Members/CNMs that have not specified a quota year to the CCSBT (i.e. Indonesia, EU, South Africa and the Philippines), should provide the information on a calendar year basis. Within this template, the quota year (or calendar year for those without a quota year) is referred to as the “fishing season”. Unless otherwise specified, information should be provided for the most recently completed fishing season. Members and CNMs are encouraged to also provide preliminary information for the current fishing season where the fishing for that season is complete or close to complete.*

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## I. Summary of MCS Improvements

### (1) Improvements achieved in the current fishing season

The European Union (EU) Regulation (EC) 1224/2009 entered into force on 1 January 2010<sup>1</sup> [\(attached\)](#). Commonly known as the Control Regulation, it thoroughly modernised the EU's approach to fisheries control. The Commission implementing Regulation (EU) No 404/2011 of 8 April 2011 lays down detailed rules for the implementation of Council Regulation n°1224/2009 [\(attached\)](#).

As established in the Control Regulation, all EU fishing vessels over 15 meters are required to carry a Vessel Monitoring System (VMS) on-board. As from 1 January 2012, the VMS was also compulsory for vessels above 12 meters.

In addition to the VMS, EU fishing vessels have been gradually equipped with Automatic Identification System (AIS) transmitters: as from 31 May 2012: all vessels above 24 m; as from 31 May 2013: all vessels above 18; and from 31 May 2014: all vessels above 15 m.

The AIS is an autonomous and continuous vessel identification and monitoring system used for maritime safety and security which allows vessels to electronically exchange with other nearby ships and authorities ashore the vessel identification data, position, course and speed.

The Control Regulation similarly foresees the electronic transmission of fishing activities data, in particular the electronic logbook, has been developed allowing near real time transmission of catch data. The Control Regulation also allows the possibility to impose a closure of some fisheries when there is a danger to the situation of the stocks.

The Control Regulation has brought the EU vessels control system in line with the strong measures adopted by the EU under Regulation (EC) No 1005/2008 to combat illegal fishing in the high seas<sup>2</sup>, generally known as the IUU Regulation, which also entered into force on 1 January 2010, [and its implementing Regulation \(attached\)](#).

The IUU Regulation introduced stricter provisions in terms of Port State Measures, of data transmission, the control and management of fleet capacity and the control of fishing gears.

Additionally, market measures were put in place under Regulation (EU) No 1379/2013, such as traceability to track the fisheries products all along the production, processing and distribution chain<sup>3</sup>.

In this regard, questions related to consumer information under Regulation No 1379/2013 of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products entered into force on 13 December 2014.

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<sup>1</sup> EU Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

<sup>2</sup> 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.

<sup>3</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000.

It provides for mandatory labelling requirement as follows:

- (a) the commercial designation of the species and its scientific name;
- (b) the production method, in particular by the following words "... caught ..." or "... caught in freshwater ..." or "... farmed ...";
- (c) the area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries, as laid down in the first column of Annex III to this Regulation;
- (d) whether the product has been defrosted;
- (e) the date of minimum durability, where appropriate.

## **(2) Future planned improvements**

The Control Regulation stipulates that every five years, the European Union Member States will provide a report on the application of this Regulation. Member States have sent their first report to the Commission during the first semester 2015. The evaluation will be completed by the end of 2015. The report to the European Parliament and the Council will be published in the first semester of 2016.

Moreover, in order to ensure monitoring and enforcement of the new landing obligation provided for in Regulation (EU) No 1380/2013 of the European Parliament, Council Regulation (EC) No 1224/2009 was amended by requiring data on catches below the minimum conservation reference size to be recorded separately, by requiring catches to be stowed separately and by including provisions on the marketing of catches below minimum conservation reference sizes and on the deployment of control observers. According to the new rules, any infringement to the landing obligation set out in the Basic Regulation shall be considered as a serious infringement on the basis of which the holder of a fishing licence is assigned the appropriate number of points.

To facilitate enforcement of the landing obligation and where no multiannual plan or no management plan is adopted for a given fishery, the Commission should adopt the delegated acts laying down on a temporary basis and for a period of no more than three years a specific discard plan. Discard plans are progressively being adopted.

Regulation 404/2011 laying down the implementing rules of the Control Regulation is currently under revision but the final decision is expected by the end of September 2015.

Conversely, after 5 years of implementation, the EU will continue to work to improve the IUU Regulation, for example, by making improving the current systems in place and simplifying and modernising its implementation (e.g. by moving from a paper-based EU catch certification system to an electronic-based one). This will increase the traceability of transactions and protect the system from document fraud.

### **(3) Implementation of the common CCSBT definition for the “Attributable SBT Catch”**

All SBT catches by the EU fleet are duly reported. The EU has reported zero by-catches of SBT in 2014 and 2015<sup>4</sup>.

## **II. SBT Fishing and MCS Arrangements**

### **(1) Fishing for Southern Bluefin Tuna**

*(a) Specify the number of vessels that caught SBT in each sector (e.g. authorised commercial longline, authorised commercial purse seine, authorised commercial charter fleet, authorised domestic fleet) during the previous 3 fishing seasons.*

The EU fleet does not target SBT. Any incidental catches of SBT by EU vessels are the result of by-catches of long-liners harvesting swordfish (notably in the IOTC Convention Area). EU Purse Seiners do not harvest SBT as they fish in tropical tunas fishing grounds.

There are currently 22 long-liners fishing for swordfish in RFMOs in which interaction with SBT has taken place in the past (notably IOTC). The average of size of the long-liners is roughly 35 meters, ranging from 21 to 46 meters. The long-liners vary their activity in various oceans covered by different RFMOs.

The trend of the EU long-line fleet targeting swordfish and operating in various oceans is as follows:

Year	Number of vessels
2008	19
2009	15
2010	12
2011	14
2012	18
2013	22
2014	22

*(b) Specify the historic national SBT allocation, together with any carry-forward of unfished allocation and the total SBT catch counted against the national allocation (Attributable Catch) during the 3 previous fishing seasons. All figures should be provided in tonnes. Some CCSBT Members use slightly different definitions for the catch that is counted against the allocation, so in the space below the table, clearly define the catch that has been counted against the national allocation:-*

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<sup>4</sup> Catches for 2015 are still subject to final validation.

The EU fleet does not target SBT. Any incidental catches of SBT by EU vessels are the result of by-catches of long-liners harvesting swordfish.

On yearly basis the EU Fishing Opportunities Regulations<sup>5</sup> prohibits the targeting of SBT and explicitly mentions that the allocated EU quota of 10 tonnes is to be used exclusively for the counting of by-catch in compliance with the CCSBT allocation.

No SBT catches are to be reported by the EU at this stage for 2014 or 2015<sup>6</sup>. On average, since 2000 the level of catches has been maintained below the 10 tonnes allocated to the EU under the CCSBT SBT TAC for this purpose. Since 2011 the level of SBT by-catches by the EU fleet is very limited or close to zero.

### EU CATCHES CCSBT\*

Indian Ocean	2000	0
Indian Ocean	2001	0
Indian Ocean	2002	0
Indian Ocean	2003	3
Indian Ocean	2004	22
Indian Ocean	2005	0
Indian Ocean	2006	3
Indian Ocean	2007	18
Indian Ocean	2008	14
Indian Ocean	2009	2
Indian Ocean	2010	11
Indian Ocean	2011	3
Indian Ocean	2012	4
All	2013	0
All	2014	0
All	2015	0

*(c) Describe the system used for controlling the level of SBT catch. For ITQ and IQ systems, this should include details on how the catch was allocated to individual companies and/or vessels. For competitive catch systems this should include details of the process for authorising vessels to catch SBT and how the fishery was monitored for determining when to close the fishery. The description provided here should include any operational constraints on effort (both regulatory and voluntary):*

Control of catches is done through the EU electronic log-book, the EU CDS (when exported to third countries who request it), inspection in ports and a limited observer program.

[Please refer to the relevant EU legislation attached.](#)

<sup>5</sup> See Annex IG of Regulation No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations and agreements, Official Journal of the European Union, L 24, 28.1.2014. For 2015 see Council Regulation (EU) 2015/104 of 19 January 2015.

<sup>6</sup> Figures for 2015 are still subject to final validation.

(d) Provide details of the methods used to monitor catching in the fishery by completing the table below. Details should also be provided of monitoring conducted of fishing vessels when steaming away from the fishing grounds (this does not include towing vessels that are reported in Section 2).

Monitoring Methods	Description
Daily log book	<p><i>Specify:</i></p> <p>i. <i>Whether this was mandatory. If not, specify the % of SBT fishing that was covered:</i></p> <p>The EU Control Regulation requires EU vessels over 10m to keep a fishing logbook of their operations, indicating specifically all quantities of each species caught and kept on board above 50 kg of live-weight equivalent.</p> <p>According to European Commission implementing Regulation (EU) No 404/2011 of 8 April 2011, when at sea the master of an EU fishing vessel shall transmit the electronic fishing logbook information to the competent authorities of the flag Member State at least once a day and no later than 24.00 hrs even when there are no catches. He/she shall also send such data:</p> <p>(a) at the request of the competent authority of the flag Member State;</p> <p>(b) immediately after the last fishing operation has been completed;</p> <p>(c) before entering into port;</p> <p>(d) at the time of any inspection at sea;</p> <p>(e) at the time of events defined in EU legislation or by the flag State</p> <p>ii. <i>The level of detail recorded (shot by shot, daily aggregate etc):-</i></p> <p>The information recorded in the logbook shall be as follows:</p> <p>(a) the external identification number and the name of the fishing vessel;</p> <p>(b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;</p> <p>(c) the date of catches;</p> <p>(d) the date of departure from and of arrival to port, and the duration of the fishing trip;</p> <p>(e) the type of gear, mesh size and dimension;</p> <p>(f) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals;</p> <p>(g) the number of fishing operations.</p> <p>iii. <i>Whether the effort and catch information collected complied with that specified in the “Characterisation of the SBT Catch” section of the CCSBT Scientific Research Plan (Attachment D of the SC5 report), including both retained and discarded catch. If not, describe the non-compliance:-</i></p> <p>The effort and catch information is compliant with the mentioned document.</p> <p>iv. <i>What information on ERS was recorded in logbooks:</i></p> <p>Masters of EU fishing vessels shall record in their fishing logbook all estimated discards above 50 kg of live-weight equivalent in volume for any species.</p>

	<p>Information on sea-birds and turtles is not included in the log-book but it is reported as per each RFMO requirement.</p> <p>v. <i>Who were the log books submitted to</i><sup>7</sup>:</p> <p>See i and ii above.</p> <p>vi. <i>What was the timeframe and method</i><sup>8</sup> <i>for submission</i>:</p> <p>See i and ii above.</p> <p>vii. <i>The type of checking and verification that was routinely conducted for this information</i>:</p> <p>Automated software, information cross check, scientific validation of logbook, transshipment authorisation/declaration/validation, inspections, landings and marketing (if applicable), European Commission audits and inspections, national plans</p> <p>viii. <i>Reference to applicable legislation and penalties</i>:</p> <p>- Regulation on Illegal, Unregulated and Unreported Fishing (Regulation (EC) No 1005/2008) of 29 September 2008 which entered into force on 1 January 2010.</p> <p>- EU Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy of 20 November 2009:</p> <p>Article 90 of Control Regulation and Articles 44, 45 and 46 of IUU Regulation provide for sanctions for serious infringements taking into account such as the nature of the damage, its value, the economic situation of the offender and the extent of the infringement or its repetition, the value of the prejudice to the fishing resources and the marine environment concerned.</p> <p>Article 91 of Control Regulation and Article 43 of IUU Regulation provide for immediate enforcement measures.</p> <p>Articles 92 and 93 of the Control Regulation provide for the establishment of a point system for serious infringements assigned to the holder of the fishing licence of the vessel and to the master of the vessel with the aim to ensure compliance with the rules of the Common Fisheries Policy and a level playing field in all waters where the EU vessels operate.</p> <p>- European Commission implementing Regulation (EU) No 404/2011 of 8 April 2011</p> <p>Sanctions as referred to in Article 91 of Control Regulation and Articles 44 and 45 of IUU Regulation must be:</p> <p>- effective, proportionate and dissuasive administrative sanctions for serious</p>
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<sup>7</sup> If the reports are not to be submitted to the Member's or CNM's government fisheries authority, then also specify whether the information will later be sent to the fisheries authority, including how and when that occurs.

<sup>8</sup> In particular, whether the information is submitted electronically from the vessel.

	<p>infringements, without prejudice of criminal sanctions, that may, inter alia, include:</p> <ul style="list-style-type: none"> <li>- maximum sanction of at least 5 times (8 times for the case of repeated offenses) the value of the fishery products</li> <li>- sequestration, immobilisation of fishing vessel</li> <li>- confiscation of fish and prohibited gear, etc.</li> <li>- suspension/withdrawal of authorization to fish</li> <li>- ban on access to subsidies</li> </ul> <p>If a vessel is included in the EU IUU list the following applies (Article 37 of Regulation 1005/2008):</p> <ul style="list-style-type: none"> <li>- withdrawal of fishing authorisation</li> <li>- prohibition of any fishing operations and chartering</li> <li>- prohibition of authorisation to change crew</li> <li>- importation/landing/exportation of its products prohibited, etc.</li> </ul> <p><i>ix. Other relevant information<sup>9</sup>:</i></p> <ul style="list-style-type: none"> <li>- See also point on VMS below</li> </ul>
<p><i>Additional reporting methods (such as real time monitoring programs)</i></p>	<p>No additional reporting methods</p>
<p><i>Scientific Observers</i></p>	<p><i>Specify:</i></p> <p><i>i. The percentage of the SBT catch and effort observed and the total number of days that observers were actually deployed for in the three previous seasons for each sector (e.g. longline, purse seine, commercial charter fleet, domestic fleet).</i></p> <p><u>There is n</u>No specific SBT observer program as there are no substantial catches of SBT (zero in 2014 and 2015). <u>However, but</u> there is an observer program for the EU long-liners targeting swordfish. <u>The target is to reach 10% of observers on EU long-liners in 2015-2016.</u></p>
<p><i>VMS</i></p> <p><i>The items of “ii” are required in association with the Resolution on establishing the CCSBT Vessel Monitoring System</i></p>	<p><i>Specify:</i></p> <p><i>i. Whether a mandatory VMS for SBT vessels that complies with CCSBT’s VMS resolution was in operation. If not, provide details of non-compliance and plans for further improvement:</i></p> <p>Yes, the EU Control Regulation (Article 9) foresees the compulsory use of VMS for the EU vessels of more than 12 meters’ length.</p>

<sup>9</sup> Including information on ERS, and comments on the effectiveness of the controls or monitoring tools and any plans for further improvement.



ii. *For the most recently completed fishing season, specify:*

- *The number of its flag vessels on the CCSBT Authorised Vessel List that were required to report to a National VMS system:*

See point II (1) a) on MCS

- *The number of its flag vessels on the CCSBT Authorised Vessel List that actually reported to a National VMS system:*

All

- *Reasons for any non-compliance with VMS requirements and action taken by the Member:*

None

- *In the event of a technical failure of a vessel's VMS, the vessel's geographical position (latitude and longitude) at the time of failure and the length of time the VMS was inactive should be reported:*

In the event of a technical failure or non-functioning of the satellite-tracking device fitted on board a EU fishing vessel, the master or his representative shall, starting from the time that the event was detected or from the time that he was informed, communicate every 4 hours, to the FMC of the flag Member State the up-to-date geographical coordinates of the fishing vessel by appropriate telecommunication means.

The FMC of the flag Member State shall enter the relevant geographical positions into the VMS database without delay on their receipt. The manual VMS data shall be clearly distinguishable in a database from automatic messages. Where appropriate, those manual VMS data shall be transmitted without delay to coastal Member States.

- *The procedures used for manual reporting in the event of a VMS failure (e.g. "manual position reporting on a 4 hourly basis"):*

See above

- *A description of any investigations initiated in accordance with paragraph 3(b) of the CCSBT VMS resolution including progress to date and any actions taken:*

Not applicable

iii. *Reference to applicable legislation and penalties:-*

Currently, penalties to non-complying vessels, either for VMS matters or other fisheries related offenses, are applied by Member States according to their national legislation within the framework of the Control and IUU Regulations and are not directly imposed by the European Union. To harmonize the way infringements are

	<p>sanctioned, the EU has established a list of serious infringements of the rules of the common fisheries policy. EU countries must include in their legislation effective, proportionate and dissuasive sanctions and ensure that the rules are respected.</p> <p>As from 1 January 2012, EU Member States introduced a point system for serious infringements. Under the scheme, national authorities will:</p> <ul style="list-style-type: none"> <li>- assess alleged infringements involving vessels registered under its flag, using standard EU definitions</li> <li>- impose a pre-set number of points on vessels involved in serious infringements (points are recorded in the national registry of fisheries offences)</li> <li>- suspend the vessel's license for 2, 4, 8 or 12 months or permanently withdrawn when a pre-set number of points have been accumulated in a 3-year period.</li> </ul> <p>Points are attributed to the fishing license holder that is linked to a vessel, so they will be transferred with the vessel even when it is sold on to a new owner. Detailed rules for the point system have been drawn up at EU level in close cooperation with Member States. EU Member States are also required to establish a point system for masters of fishing vessels. The point system does not interfere with the discretionary power of the national judge in assessing the facts of the case and the gravity of the behaviour in question.</p> <p>The point system related to the master of the vessel who committed a serious infringement is defined by Member States.</p>
<i>At-Sea Inspections</i>	<p><i>Specify:</i></p> <p><i>i. The coverage level of at sea inspections (e.g. % of SBT trips inspected):</i></p> <p style="text-align: center;">No at sea inspections program</p> <p><i>ii. Other relevant information<sup>93</sup>:-</i></p>
<i>Other (use of masthead cameras etc.)</i>	

**(2) SBT Towing and transfer to and between farms (farms only)**

Not applicable. No EU farming.

**(3) SBT Transshipment (in port and at sea)**

Not applicable. No SBT transshipments.

#### **(4) Landings of Domestic Product (from both fishing vessels and farms)**

Not applicable. No EU landings of domestic products.

#### **(5) SBT Exports**

See attached table.

There were no EU catches of SBT in 2014.

#### **Anomalous intra-EU trade figures**

Figures of intra-EU trade of SBT for 2007-2012 showed an anomalously high number of trade exchanges which are not coherent with the figures of EU imports of SBT. In last year's report, we indicated that "the EU is currently collecting data from Member States about imports of SBT in order to be able to undertake an audit of the system used for controlling and monitoring imports of SBT, and to clarify any shortcomings in the system."

Through 2013 and 2014 we engaged with the relevant EU Member States to verify the trade data and take appropriate action as required. This involved a number of exchanges over several months with national administrations involving at times two or more administrations (customs, trade, statistics, etc.).

At this stage, we have completed the investigation regarding the intra-EU trade of SBT and we can report back on the results. After a full investigation, including going back to importers/exporters for the relevant years, the preliminary outcome is confirmed that the relevant trade statistics were erroneous as the species are miscoded and do not concern SBT. A particularly telling feature is that there was a large trade of live SBT which is physically impossible.

We have stressed in our contacts the need to properly reflect species in trade statistics so as to avoid system errors. We will continue to work with the relevant administrations to follow-up and verify that encoding errors are avoided<sup>10</sup>.

#### **(6) SBT Imports**

*(a) Specify the total quantity of SBT (in tonnes to 1 decimal place) imported during each of the last 3 fishing seasons from each country/fishing entity.*

The EU is not an important market for SBT in terms of imports, fishing records or consumption. This is perhaps due to the closer availability of Atlantic Bluefin tuna managed by ICCAT. The EU recorded virtually no imports in 2014-2015 (\*) of SBT, and an average of 1,5 tonnes/year in 2011-2013. See attachment.

*(b) Describe the system used for controlling and monitoring imports of SBT. This should include details of:*  
*i. Rules for designated ports for import of SBT:*

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<sup>10</sup> In this regard, EU exports to the rest of the world in 2014 show 100 tonnes of SBT exports from the EU to Japan, that are not matched by EU imports or catches. We are currently addressing this matter. The initial indication is that it concerns again an encoding error as it is very likely Atlantic Bluefin tuna (Malta is the exporting country). We will provide an update of the situation as soon as it is further clarified.

EU Regulation 1005/2008 provides for the specific designation of the EU port of landings and transshipment for third countries-flagged vessels.

ii. *Inspections required for import of SBT (including % coverage):*

The EU IUU regulation provides that at least 5% of landings and transshipments by third country vessels in EU ports are to be inspected.

iii. *Details of genetic testing conducted and any other techniques that are used to verify that SBT are not being imported as a different species:*

A large number of reported cases of genetic testing undertaken by EU countries' control authorities for several fish species not necessarily covering SBT. EU financed projects (<https://fishpoptrace.jrc.ec.europa.eu/tools/projects>)

iv. *Process for checking and collecting CCSBT CDS documents (Catch Monitoring Form and depending on circumstances, Re-export/Export after landing of domestic product Form):*

As per EU Regulation 1005/2008, all imports of fisheries products into the EU, have to be accompanied by the EU Catch Documentation Scheme. This includes any imports of SBT.

Catch certificates, re-export certificates and related documents validated in conformity with catch documentation schemes adopted by RFMOs and which comply with the requirements of the IUU Regulation may be accepted for the species concerned. The list of such documentation schemes is included in Annex V of the Commission Implementing Regulation<sup>11</sup>.

It comprises the CCSBT CDS under the condition that in addition to the catch documents and any related documents validated in conformity with the CCSBT Catch Documentation scheme, the importer submits to the authorities of the EU Member States of importation the information on transport details, specified in the Appendix on transport details included in Annex II of the IUU Regulation.

### **Return of CMFs copies to the Secretariat upon importation**

The European Union takes the lack of submission of two CMFs copies upon importation to the CCSBT very seriously. After requesting additional information from the CCSBT Secretariat regarding the period and the concerned EU Member States, we have contacted the relevant national authorities on this matter on three occasions to follow-up the issue.

The root cause for failing to comply with this requirement was seemingly the lack of familiarity by private operators and national administrations with this requirement of the CCSBT CDS, which is quite specific to CCSBT.

After raising the importance of this procedure on a number of occasions we expect that there will be no further instances of non-compliance in the future. We are of course ready to address the matter again should the question arise in the future.

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<sup>11</sup> Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008

v. *Reference to applicable legislation and penalties:*

EU Regulation 1005/2008.

vi. *Other relevant information*<sup>93</sup>:-

## **(7) SBT Markets**

*(a) Describe any activities targeted at points in the supply chain between landing and the market:-*

EU applies a full traceability policy for fishery products (from net to plate) contained in Article 58 of the EU Control Regulation provides for a coherent traceability system to ensure that all lots of fisheries and aquaculture products are traceable at all stages of production, processing and distribution, from catching or harvesting to the retail stage.

All lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage.

EU Member States shall ensure that operators have in place systems and procedures to identify any operator from whom they have been supplied with lots of fisheries and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.

Requirements for all lots of fisheries and aquaculture products include the identification number of each lot; the external identification number and name of the fishing vessel or the name of the aquaculture production unit; the FAO alpha-3 code of each species; the date of catches or the date of production; the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals; the name and address of the suppliers; the commercial designation, the scientific name, the relevant geographical area and the production method; whether the fisheries products have been previously frozen or not.

*(b) Describe the system used for controlling and monitoring of SBT at markets (e.g. voluntary or mandatory requirements for certain documentation and/or presence of tags, and monitoring or audit of compliance with such requirements):-*

Regulation (EU) No 1169/2011 applies to all food products and defines food information to be provided to consumers. It entered into force on 13 December 2014. The obligation to provide nutrition information will apply from 13 December 2016.

Additional information to consumers related to seafood is defined under Regulation No 1379/2013 of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products entered into force on 13 December 2014.

It provides for mandatory labelling requirement as follows:

(a) the commercial designation of the species and its scientific name;

(b) the production method, in particular by the following words "... caught ..." or "... caught in freshwater ..." or "... farmed ...";

- (c) the area where the product was caught or farmed, and the category of fishing gear used in capture of fisheries, as laid down in the first column of Annex III to this Regulation;
- (d) whether the product has been defrosted;
- (e) the date of minimum durability, where appropriate.

This does not apply to processed and preserved products with the exception of salted, smoked products and cooked shrimps in their shells.

**(8) Other**

*Description of any other MCS systems of relevance.*

### III. Additional Reporting Requirements

#### **(1) Coverage and Type of CDS Audit undertaken**

*As per paragraph 5.9 of the CDS Resolution, specify details on the level of coverage and type of audit undertaken, in accordance with 5.8<sup>12</sup> of the Resolution, and the level of compliance.*

An internal assessment has been launched on the trade and intra-EU exchange of SBT following reporting by GTA of SBT exchanges within the EU despite no imports/landings. The final conclusions indicate mis-reporting of species.

#### **(2) Ecologically Related Species**

*(a) Reporting requirements in relation to implementation of the 2008 ERS Recommendation:*

- i. Specify whether each of the following plans/guidelines have been implemented, and if not, specify the action that has been taken towards implementing each of these plans/guidelines:-*
  - *International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries:*
  - *International Plan of Action for the Conservation and Management of Sharks:*
  - *FAO Guidelines to reduce sea turtle mortality in fishing operations:*
- ii. Specify whether all current binding and recommendatory measures<sup>13</sup> aimed at the protection of ecologically related species<sup>14</sup> from fishing of the following tuna RFMOs are being complied with. If not, specify which measures are not being complied with and the progress that is being made towards compliance:-*
  - *IOTC, when fishing within IOTC's Convention Area:*
  - *WCPFC, when fishing within WCPFC's Convention Area:*
  - *ICCAT, when fishing within ICCAT's Convention Area:*
- iii. Specify whether data is being collected and reported on ecologically related species in accordance with the requirements of the following tuna RFMOs. If data are not being collected and reported in accordance with these requirements, specify which measures are not being complied with and the progress that is being made towards compliance:-*
  - *CCSBT<sup>15</sup>:*
  - *IOTC, for fishing within IOTC's Convention Area:*
  - *WCPFC, for fishing within WCPFC's Convention Area:*
  - *ICCAT, for fishing within ICCAT's Convention Area:*

The EU fleet complies with all current binding and recommendatory measures aimed at the protection from fishing of ecologically related species, including seabirds, sea turtles and

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<sup>12</sup> Paragraph 5.8 of the CDS Resolution specifies that "Members and Cooperating Non-Members shall undertake an appropriate level of audit, including inspections of vessels, landings, and where possible markets, to the extent necessary to validate the information contained in the CDS documentation."

<sup>13</sup> Relevant measures of these RFMOs can be found at: [http://www.ccsbt.org/site/bycatch\\_mitigation.php](http://www.ccsbt.org/site/bycatch_mitigation.php).

<sup>14</sup> Including seabirds, sea turtles and sharks.

<sup>15</sup> Current CCSBT requirements are those in the Scientific Observer Program Standards and those necessary for completing the template for the annual report to the ERSWG.

sharks, which have been adopted by the IOTC, WCPFC and ICCAT, when fishing in the respective Convention areas of these RFMOs.

In February 2009 the European Commission adopted the first ever EU Action Plan for the Conservation and Management of Sharks. The aim of the plan is to ensure that effective steps are taken to help rebuild shark stocks wherever they are under threat, if necessary on a precautionary basis, and to set down guidelines for the sustainable management of the fisheries concerned, including those where shark are taken as by-catch. The plan also includes measures to improve scientific knowledge of shark stocks and shark fisheries. The measures set out cover not only sharks, but also related species, such as skates and rays, and will apply wherever the EU fleet operates, both within and outside European waters.

Recognising that incidental mortality of seabirds in fisheries remains at high levels and populations of many affected seabird species continue to decline the European Commission adopted an EU Plan of Action (EU-PoA) on 16 November 2012 ([http://ec.europa.eu/fisheries/cfp/fishing\\_rules/seabirds/seabirds\\_communication\\_en.pdf](http://ec.europa.eu/fisheries/cfp/fishing_rules/seabirds/seabirds_communication_en.pdf)).

The Plan of Action a stable and effective platform for the development of a management framework that will lead to seabird bycatch being minimised to as low levels as is practically possible. This is in line with the objectives of the reformed Common Fisheries Policy of moving towards ecosystem management covering all components of the ecosystem including seabirds.

The proposed objective of the EU-PoA is to minimise and where possible eliminate the incidental catches of threatened seabird populations by EU vessels operating in EU and non-EU waters and to reduce bycatch for other seabird species where the populations are stable but bycatch are at levels that are cause for conservation concern.

The European Commission has brought forward proposals on more effective mitigation measures in longline fisheries for tuna and non-tuna through a number of RFMOs including ICCAT, IATTC, CCAMLR, SPRFMO and IOTC in the last years and the EU-PoA will help to encourage similar measures to be adopted by other RFMOs.

The EU strongly supports the improvement of the assessment of existing incidental catches of seabirds in fisheries and intends to examine what measures are required to achieve more reliable reporting of incidental catches of seabirds in European fisheries.

*(b) Specify the number of observed ERS interactions including mortalities, and describe the methods of scaling used to produce estimates of total mortality (information should be provided by species –including the scientific name – wherever possible<sup>16</sup>):*

Data on interactions with ERS are not 100% relevant for scientific advice as it is provided in relation with swordfish fisheries and not SBT since no SBT has been targeted or caught in 2014 or 2015. Nevertheless, they are provided below for reference purposes:

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<sup>16</sup> Where species specific information is available, insert additional line(s) for each species below the relevant Seabird, Sharks, and/or Sea Turtles sub headings.



SPECIES	2008	2009	2010	2011	2012	2013
<i>Carcharhinus</i> spp.	236902	223975	281021	145803	25625	565
<i>Galeocerdo cuvieri</i>	600	437	260	241	0	0
<i>Isurus oxyrinchus</i>	474305	334761	349959	439784	561690	620973
<i>Isurus paucus</i>	3944	2009	289	228	250	791
<i>Lamna nasus</i>	1263	2710	0	0	0	0
<i>Prionace glauca</i>	3880295	3101372	2422054	3290769	3686452	414948
Other sharks	45203	52689	289	228	0	0

Table 4. Preliminary scientific estimation of shark, by species, of the by-catch annual landings (kg round weight) obtained by the Spanish longline fleet in the Indian Ocean for the 2008-2013 period (Data of previous years have also been already reported).

There were 13 observed incidental interaction with seabirds in surface longliners during the year 2013. The table below shows the incidence and mortality rates of seabirds after analyzing 640,995 hooks during the 2007-2013.

As turtles are concerned, there were scientifically observed incidental interaction on 27 marine turtles in surface longliners during the year 2013, five of them were dead. The table below shows the incidence and mortality rates of marine turtles after analyzing 640,995 hooks during the 2007-2013 period.

	Year	Interaction rate	Mortality rate	Number
SEABIRDS	2007	9.92827E-06	9.92827E-06	2
	2008	2.30249E-05	2.30249E-05	4
	2009	0	0	0
	2010	0	0	0
	2011	0	0	0
	2012	0	0	0
	2013	7.18546E-05	7.18546E-05	13
TURTLES	2007	1.98565E-05	0	4
	2008	9.20996E-05	1.15124E-05	16
	2009	0	0	0
	2010	0	0	0
	2011	0	0	0
	2012	0	0	0
	2013	0.000149236	2.76364E-05	27

(c) *Mitigation – describe the current mitigation requirements:*

Full compliance with measures applicable in non-EU waters managed by RFMOs. Where not already required to do so, the EU PoA for seabirds stipulates that in these fisheries at least two of the following mitigation measures should be used:

- Night setting with minimum deck lighting
- Bird-scaring lines (Tori lines)
- Line weighting

Full compliance with mitigation measures adopted at the RFMO level. Obligation by longliners to carry and use the proper equipment (de-hookers, line cutters, scoop nets) in order to safely release turtles

### **(3) Historical SBT Catch (retained and non-retained)**

*Specify the best estimate (weight and number as available) of the historical fishing amounts of SBT for each sector (e.g. commercial longline, commercial purse seine, commercial charter fleet, domestic fleet, recreational) in the table below. The table should include the most recently completed fishing season. Figures should be provided for both retained SBT and non-retained SBT. For longline and recreational, “Retained SBT” includes SBT retained on vessel and “Non-Retained SBT” includes those returned to the water. For farming, “Retained SBT” includes SBT stocked to farming cages and “Non-Retained SBT” includes towing mortalities. If the number of individuals is known but the value in tonnes is unknown, enter the number of individuals in square brackets (e.g. [250]). Table cells should not be left empty. If the value is zero, enter “0”. It is recognised that for some sectors, the information requested in this table may not yet be available. Therefore, if the value is unknown, enter “?”. However, estimates are preferred over unknown entries. Cells containing estimates with a high degree of uncertainty should be shaded in light grey. A description of any estimation methods should be provided below the table.*

See point II (1) a) on MCS

## I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

## REGULATIONS

## 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**

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 <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions,

Whereas:

(1) The Community is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 (Unclos), has ratified the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (UN Fish Stocks Agreement) and has accepted the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 of the Food and Agriculture Organization of the United Nations (FAO Compliance Agreement). Those provisions predominantly set out the principle that all States have a duty to adopt appropriate measures to ensure sustainable management of marine resources and to cooperate with each other to this end.

<sup>(1)</sup> Opinion delivered on 23 May 2008 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion delivered on 29 May 2008 (not yet published in the Official Journal). Opinion delivered following non-compulsory consultation.

(2) The objective of the common fisheries policy, as set out in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy <sup>(3)</sup>, is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

(3) Illegal, unreported and unregulated (IUU) fishing constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources and jeopardises the very foundation of the common fisheries policy and international efforts to promote better ocean governance. IUU fishing also represents a major threat to marine biodiversity which needs to be addressed in accordance with the objectives set out in the Communication from the Commission — Halting the loss of biodiversity by 2010 — and beyond.

(4) The FAO adopted in 2001 an international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing, which the Community has endorsed. Furthermore, regional fisheries management organisations, with the active support of the Community, have established an array of measures designed to counteract illegal, unreported and unregulated fishing.

(5) In line with its international commitments, and given the scale and urgency of the problem, the Community should substantially enhance its action against IUU fishing and adopt new regulatory measures designed to cover all facets of the phenomenon.

<sup>(3)</sup> OJ L 358, 31.12.2002, p. 59.

- (6) The action by the Community should be targeted primarily at behaviour falling under the definition of IUU fishing and which causes the most serious damage to the marine environment, the sustainability of fish stocks and the socioeconomic situation of fishermen abiding by the rules on conservation and management of fisheries resources.
- (7) In line with the definition of IUU fishing, the scope of this Regulation should extend to fishing activities carried out on the high seas and in maritime waters under the jurisdiction or sovereignty of coastal countries, including maritime waters under the jurisdiction or sovereignty of the Member States.
- (8) In order to properly address the internal dimension of IUU fishing, it is vital for the Community to adopt the necessary measures to improve compliance with the rules of the common fisheries policy. Pending the revision of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(1)</sup> provisions to this end should be inserted in this Regulation.
- (9) Community rules, and in particular Title II of Regulation (EEC) No 2847/93, provide for a comprehensive system designed to monitor the legality of catches from Community fishing vessels. The current system applying to fishery products caught by third country fishing vessels and imported into the Community does not ensure an equivalent level of control. This weakness constitutes an important incentive for foreign operators carrying out IUU fishing to trade their products in the Community and increase the profitability of their activities. As the world's largest market for, and importer of fishery products, the Community has a specific responsibility in making sure that fishery products imported into its territory do not originate from IUU fishing. A new regime should therefore be introduced to ensure a proper control of the supply chain for fishery products imported into the Community.
- (10) Community rules governing access to Community ports of fishing vessels flying the flag of a third country should be strengthened with a view to ensuring a proper control over the legality of the fishery products landed by fishing vessels flying the flag of a third country. This should notably imply that access to Community ports is only authorised for fishing vessels flying the flag of a third country which are able to provide accurate information on the legality of their catches and to have this information validated by their flag State.
- (11) Transshipments at sea escape any proper control by flag or coastal States and constitute a usual way for operators carrying out IUU fishing to dissimulate the illegal nature of their catches. It is therefore justified for the Community to authorise transshipment operations only if they occur within the designated ports of Member States, in ports of third countries between Community fishing vessels, or outside Community waters between Community fishing vessels and fishing vessels registered as carrier vessels under the auspices of a regional fisheries management organisation.
- (12) It is appropriate to lay down the conditions, procedure and frequency according to which checking, inspection and verification activities shall be carried out by Member States, on the basis of risk management.
- (13) Trade with the Community in fishery products stemming from IUU fishing should be prohibited. In order to make this prohibition effective and ensure that all traded fishery products imported into or exported from the Community have been harvested in compliance with international conservation and management measures and, where appropriate, other relevant rules applying to the fishing vessel concerned, a certification scheme applying to all trade in fishery products with the Community shall be put in place.
- (14) The Community should take into account the capacity constraints of developing countries for the implementation of the certification scheme.
- (15) It is appropriate that, under this scheme, a certificate be required as a precondition for the import of fishery products into the Community. That certificate should contain information demonstrating the legality of the products concerned. It should be validated by the flag State of the fishing vessels which caught the fish concerned, in line with its duty under international law to ensure that fishing vessels flying its flag comply with international rules on conservation and management of fisheries resources.
- (16) It is essential that this certification scheme apply to all imports of marine fishery products into the Community and exports from the Community. This scheme should also apply to fishery products which have been transported or processed in a country other than the flag State before reaching the territory of the Community. Specific requirements should therefore apply with respect to those products, in order to guarantee that the products arriving into the territory of the Community are not different from those the legality of which has been validated by the flag State.
- (17) It is important to ensure an equal level of control for all imported fishery products, without prejudice to the volume or frequency of trade, by introducing specific procedures for granting the status of approved economic operator.

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1.

- (18) The exportation of catches from fishing vessels flying the flag of a Member State should also be subject to the certification scheme under the framework of cooperation with third countries.
- (19) Member States into which the products are intended to be imported should be able to check the validity of the catch certificates accompanying the consignment and be entitled to refuse the importation where the conditions laid down in this Regulation with respect to the catch certificate are not met.
- (20) It is important that checking, inspection and verification activities pertaining to fishery products in transit or transshipment be carried out primarily by the Member States of final destination in order to improve their efficiency.
- (21) In order to assist control authorities within Member States in their tasks of monitoring the legality of fishery products traded with the Community, as well as to warn Community operators, a Community alert system should be established, designed to spread information, where appropriate, about well-founded doubts as to compliance by certain third countries with applicable conservation and management rules.
- (22) It is essential that the Community adopt dissuasive measures against fishing vessels carrying out IUU fishing and which are not subject to appropriate action by their flag State in response to such IUU fishing.
- (23) To this end, the Commission, in collaboration with Member States, the Community Fisheries Control Agency, third States and other bodies, should identify fishing vessels suspected of carrying out IUU fishing, on the basis of risk management, and the Commission should seek information from the competent flag State as to the accuracy of the findings.
- (24) In order to facilitate enquiries pertaining to fishing vessels presumed to have carried out IUU fishing and prevent the continuation of the alleged infringement, those fishing vessels should be subject to specific control and inspection requirements by Member States.
- (25) When, on the basis of the information obtained, there are sufficient grounds to consider that fishing vessels flying the flag of a third country have been engaged in IUU fishing and that the competent flag States have not taken effective action in response to such IUU fishing, the Commission should place those vessels on the Community IUU vessel list.
- (26) When, on the basis of the information obtained, there are sufficient grounds to consider that Community fishing vessels have been engaged in IUU fishing and that the competent flag Member States have not taken effective action pursuant to this Regulation and to Regulation (EEC) No 2847/93 in response to such IUU fishing, the Commission should place those vessels on the Community IUU vessel list.
- (27) With a view to remedying the absence of effective action by flag States towards fishing vessels flying their flags and placed on the Community IUU vessel list, and to restrict the continuation of fishing activities by those vessels, Member States should apply appropriate measures against those vessels.
- (28) To safeguard the rights of the fishing vessels placed on the Community IUU vessel list and of their flag States, the procedure for the listing should give the flag State the opportunity to inform the Commission of the measures taken and, where possible, give the owner or operators concerned the possibility of being heard at each stage of the procedure and allow for the delisting of a fishing vessel when the criteria for its listing are no longer met.
- (29) In order to provide for a single framework within the Community and to avoid proliferation of lists pertaining to fishing vessels involved in IUU fishing, fishing vessels included in the IUU lists adopted by regional fisheries management organisations should automatically be included in the corresponding list drawn up by the Commission.
- (30) The failure by some States to discharge the duty incumbent on them under international law as flag, port, coastal or market States, to take appropriate measures to ensure compliance by their fishing vessels or nationals with rules on the conservation and management of fisheries resources is one of the main drivers of IUU fishing and should be addressed by the Community.
- (31) To this end, in addition to its action at international and regional levels, the Community should be entitled to identify those non-cooperating States, on the basis of transparent, clear and objective criteria relying on international standards, and, after giving them adequate time and to respond to a prior notification, adopt non-discriminatory, legitimate and proportionate measures with respect to those States, including trade measures.
- (32) It is for the Council to adopt trade measures in respect of other States. As the establishment of a list of non-cooperating States should entail trade counter-measures in respect of the States concerned, it is appropriate that the Council reserve itself the right to exercise implementing powers directly in this specific case.
- (33) It is essential that nationals of Member States be effectively deterred from engaging in or supporting IUU fishing by fishing vessels flying the flag of third countries and active outside the Community, without prejudice to the primacy of the responsibility of the flag State. Member States should therefore put in place the necessary measures and cooperate

between themselves and with third countries to identify their nationals carrying out IUU fishing, make sure that they are adequately sanctioned and verify the activities of their nationals involved with third country fishing vessels, outside the Community.

- (34) The persistence of a high number of serious infringements against the rules of the common fisheries policy within Community waters or by Community operators lies to a large extent in the non-deterrent level of sanctions prescribed within Member States' legislation in relation to serious infringements to those rules. This weakness is compounded by the wide variety of sanctions levels across Member States, which encourages illegal operators to operate in maritime waters or the territory of the Member States where these are the lowest. To address this weakness, building upon the provisions set out in Regulations (EC) No 2371/2002 and (EEC) No 2847/93 in this area, it is appropriate to approximate within the Community the maximum levels of administrative sanctions foreseen in relation to serious infringements against common fisheries policy rules, taking into account the value of the fishery products obtained by committing the serious infringement, their repetition and the value of the prejudice to the fishing resources and the marine environment concerned, as well as to foresee immediate enforcement measures and complementary measures.
- (35) In addition to behaviour constitutive of a serious infringement against rules on fishing activities, the conduct of business directly connected to IUU fishing, including the trade in or the importation of fishery products stemming from IUU fishing, or the falsification of documents, should also be considered as serious infringements requiring the adoption of harmonised maximum levels of administrative sanctions by Member States.
- (36) The sanctions for serious infringements of this Regulation should also apply to legal persons as those infringements are committed, to a large extent, in the interest of legal persons or for their benefit.
- (37) Provisions pertaining to sightings of fishing vessels at seas adopted within certain regional fisheries management organisations should be implemented in a harmonised manner within the Community.
- (38) Cooperation between Member States, the Commission, and with third countries is essential to ensure that IUU fishing is properly investigated and sanctioned and that the measures

laid down in this Regulation can be applied. A system for mutual assistance should be established to enhance such cooperation.

- (39) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of eliminating IUU fishing to lay down rules on the measures foreseen in this Regulation. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty.
- (40) 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 Commission <sup>(1)</sup>.
- (41) This Regulation identifies IUU fishing as a violation of applicable laws, rules or regulations of particular gravity, as it seriously undermines the attainment of the objectives of the violated rules and jeopardises the sustainability of the stocks concerned or the conservation of the marine environment. Given its restricted scope, the implementation of this Regulation must build upon, and be complementary to that of Regulation (EEC) No 2847/93, which establishes the basic framework for the control and monitoring of fishing activities under the common fisheries policy. Accordingly, this Regulation reinforces the rules of Regulation (EEC) No 2847/93 in the area of port inspections of third country fishing vessels, which are now repealed and replaced by the port inspection regime established in Chapter II of this Regulation. In addition, this Regulation provides for a regime of sanctions in Chapter IX that applies specifically to IUU fishing activities. The provisions of Regulation (EEC) No 2847/93 relating to sanctions remain thus applicable to violations of the rules of the common fisheries policy other than those addressed by this Regulation.
- (42) The protection of individuals with regard to the processing of personal data is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(2)</sup>, which is fully applicable to the processing of personal data for the purposes of this Regulation, in particular as regards the rights of data subjects to access, rectification, blocking and erasure of data and notification to third parties, which have not in consequence been further particularised in this Regulation.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

(43) The entry into force of provisions of this Regulation on matters covered by Council Regulations (EEC) No 2847/93, (EC) No 1093/94 <sup>(1)</sup>, (EC) No 1447/1999 <sup>(2)</sup>, (EC) No 1936/2001 <sup>(3)</sup> and (EC) No 601/2004 <sup>(4)</sup> should result in the repeal of parts or the entirety of those Regulations,

(b) conducted by fishing vessels flying the flag of States that are contracting parties to a relevant regional fisheries management organisation, but which operate in contravention of the conservation and management measures adopted by that organisation and by which those States are bound, or of relevant provisions of the applicable international law; or

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

#### Subject matter and scope

1. This Regulation establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

2. For the purposes of paragraph 1, each Member State shall take appropriate measures, in accordance with Community law, to ensure the effectiveness of that system. It shall place sufficient means at the disposal of its competent authorities to enable them to perform their tasks as laid down in this Regulation.

3. The system laid down in paragraph 1 shall apply to all IUU fishing and associated activities carried out within the territory of Member States to which the Treaty applies, within Community waters, within maritime waters under the jurisdiction or sovereignty of third countries and on the high seas. IUU fishing within maritime waters of the overseas territories and countries referred to in Annex II of the Treaty shall be treated as taking place within maritime waters of third countries.

(c) conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organisation;

3. 'unreported fishing' means fishing activities:

(a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

(b) which have been undertaken in the area of competence of a relevant regional fisheries management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation;

4. 'unregulated fishing' means fishing activities:

(a) conducted in the area of application of a relevant regional fisheries management organisation by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organisation or by any other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or

(b) conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with State responsibilities for the conservation of living marine resources under international law;

#### Article 2

#### Definitions

For the purposes of this Regulation:

1. 'illegal, unreported and unregulated fishing' or 'IUU fishing' means fishing activities which are illegal, unreported or unregulated;

2. 'illegal fishing' means fishing activities:

(a) conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

<sup>(1)</sup> Council Regulation (EC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports (OJ L 121, 12.5.1994, p. 3).

<sup>(2)</sup> Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy (OJ L 167, 2.7.1999, p. 5).

<sup>(3)</sup> Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).

<sup>(4)</sup> Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources (OJ L 97, 1.4.2004, p. 16).

5. 'fishing vessel' means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;

6. 'Community fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Community;

7. 'fishing authorisation' means entitlement to engage in fishing activities during a specified period, in a given area or for a given fishery;
8. 'fishery products' mean any products which fall under Chapter 03 and Tariff headings 1604 and 1605 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, with the exception of the products listed in Annex I of this Regulation;
9. 'conservation and management measures' mean measures to conserve and manage one or more species of living marine resources and that are adopted and in force in accordance with the relevant rules of international and/or Community law;
10. 'transhipment' means the unloading of all or any fishery products on board a fishing vessel to another fishing vessel;
11. 'importation' means the introduction of fishery products into the territory of the Community, including for transhipment purposes at ports in its territory;
12. 'indirect importation' means the importation from the territory of a third country other than the flag State of the fishing vessel responsible for the catch;
13. 'exportation' means any movement to a third country of fishery products harvested by fishing vessels flying the flag of a Member State, including from the territory of the Community, from third countries or from fishing grounds;
14. 're-exportation' means any movement from the territory of the Community of fishery products which had been previously imported into the territory of the Community;
15. 'regional fisheries management organisation' means a subregional, regional or a similar organisation with competence, as recognised under international law, to establish conservation and management measures for living marine resources placed under its responsibility by virtue of the convention or agreement by which it was established;
16. 'contracting party' means a contracting party to the international convention or agreement establishing a regional fisheries management organisation, as well as States, fishing entities or any other entities that cooperate with such an organisation and have been granted cooperating non-contracting party status with respect to such an organisation;
17. 'sighting' means any observation by a Member State's competent authority responsible for inspection at sea, or by
- the master of a Community or third country fishing vessel of a fishing vessel that may fall under one or several of the criteria referred to in Article 3(1);
18. 'joint fishing operation' means any operation between two or more fishing vessels where catch is transferred from the fishing gear of one fishing vessel to another or where the technique used by those fishing vessels requires one common fishing gear;
19. 'legal person' means any legal entity having such status under the applicable national law, with the exception of States or public bodies in the exercise of State authority and public organisations;
20. 'risk' means the likelihood of an event that may occur, with regard to fishery products imported into or exported from the territory of the Community, which prevents the correct application of this Regulation or of the conservation and management measures;
21. 'risk management' means the systematic identification of risk and the implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescribing and taking action, and regular monitoring and review of the process and its outcomes, based on international, Community or national sources or strategies;
22. 'high seas' means all the part of the sea as defined in Article 86 of the United Nations Convention of the Law of the Sea (Unclos);
23. 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee.

### Article 3

#### Fishing vessels engaged in IUU fishing

1. A fishing vessel shall be presumed to be engaged in IUU fishing if it is shown that, contrary to the conservation and management measures applicable in the fishing area concerned, it has:
- fished without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or
  - not fulfilled its obligations to record and report catch or catch-related data, including data to be transmitted by satellite vessel monitoring system, or prior notices under Article 6; or

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.



- (c) fished in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth; or
- (d) engaged in directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited; or
- (e) used prohibited or non-compliant fishing gear; or
- (f) falsified or concealed its markings, identity or registration; or
- (g) concealed, tampered with or disposed of evidence relating to an investigation; or
- (h) obstructed the work of officials in the exercise of their duties in inspecting for compliance with the applicable conservation and management measures; or the work of observers in the exercise of their duties of observing compliance with the applicable Community rules; or
- (i) taken on board, transhipped or landed undersized fish in contravention of the legislation in force; or
- (j) transhipped or participated in joint fishing operations with, supported or re-supplied other fishing vessels identified as having engaged in IUU fishing under this Regulation, in particular those included in the Community IUU vessel list or in the IUU vessel list of a regional fisheries management organisation; or
- (k) carried out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a State not party to that organisation, or not cooperating with that organisation as established by that organisation; or
- (l) no nationality and is therefore a stateless vessel, in accordance with international law.

2. The activities set out in paragraph 1 shall be considered as serious infringements in accordance with Article 42 depending on the gravity of the infringement in question which shall be determined by the competent authority of the Member State, taking into account the criteria such as the damage done, its value, the extent of the infringement or its repetition.

## CHAPTER II

## INSPECTIONS OF THIRD COUNTRY FISHING VESSELS IN MEMBER STATES PORTS

## SECTION 1

**Conditions for access to port by third country fishing vessels**

## Article 4

**Inspection in port schemes**

1. With a view to prevent, deter and eliminate IUU fishing, an effective scheme of inspections in port for third country fishing vessels calling at the ports of Member States shall be maintained.

2. Access to ports of Member States, the provision of port services, and the conduct of landing or transhipment operations in such ports shall be prohibited for third country fishing vessels unless they meet the requirements laid down in this Regulation, except in cases of *force majeure* or distress within the meaning of Article 18 of the Unclos (*force majeure* or distress) for services strictly necessary to remedy those situations.

3. Transhipments between third country fishing vessels or between the latter and fishing vessels flying the flag of a Member State shall be prohibited in Community waters and shall take place only in port, in accordance with the provisions of this Chapter.

4. Fishing vessels flying the flag of a Member State shall not be authorised to tranship at sea catches from third country fishing vessels outside Community waters unless the fishing vessels are registered as carrier vessels under the auspices of a regional fisheries management organisation.

## Article 5

**Designated ports**

1. Member States shall designate ports, or places close to the shore, where landings or transhipment operations of fishery products and port services referred to in Article 4(2) are permitted.

2. Access to port services and the conduct of landing or transhipment operations by third country fishing vessels shall be authorised only in designated ports.

3. Member States shall transmit to the Commission no later than 15 January of each year a list of designated ports. Any subsequent changes to this list shall be notified to the Commission at least 15 days before the change takes effect.

4. The Commission shall, without delay, publish the list of designated ports in the *Official Journal of the European Union* and on its website.

#### Article 6

##### Prior notice

1. Masters of third country fishing vessels or their representatives shall notify the competent authorities of the Member State whose designated port or landing facilities they wish to use at least three working days before the estimated time of arrival at the port, of the following information:

- (a) vessel identification;
- (b) name of the designated port of destination and the purposes of the call, landing, transhipment or access to services;
- (c) fishing authorisation or, where appropriate, authorisation to support fishing operations or to tranship fishery products;
- (d) dates of the fishing trip;
- (e) estimated date and time of arrival at port;
- (f) the quantities of each species retained on board or, where appropriate, a negative report;
- (g) the zone or zones where the catch was made or where transhipment took place, whether in Community waters, in zones under the jurisdiction or sovereignty of a third country or on the high seas;
- (h) the quantities for each species to be landed or transhipped.

Masters of third country fishing vessels or their representatives shall be exempted from notifying information contained in points (a), (c), (d), (g) and (h), where a catch certificate has been validated in accordance with Chapter III for the full catch to be landed or transhipped in the territory of the Community.

2. The notification set out in paragraph 1 shall be accompanied by a catch certificate validated in accordance with Chapter III if the third country fishing vessel carries on board fishery products. The provisions laid down in Article 14 on the recognition of catch documents or port State control forms which are part of catch documentation or port State control schemes adopted by regional fisheries management organisations shall apply *mutatis mutandis*.

3. The Commission, in accordance with the procedure referred to in Article 54(2), may exempt certain categories of third country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, *inter alia*, the type of fishery product, the distance between the

fishing grounds, landing places and ports where the vessels in question are registered or listed.

4. This Article shall apply without prejudice to special provisions set forth in fisheries agreements concluded between the Community and third countries.

#### Article 7

##### Authorisation

1. Without prejudice to point 5 of Article 37, a third country fishing vessel shall be granted authorisation to access the port only if the information set out in Article 6(1) is complete and, if the third country vessel carries on board fishery products, is accompanied by the catch certificate referred to in Article 6(2).

2. Authorisation to commence landing or transhipment operations in port shall be subject to a check to determine the completeness of the information submitted as prescribed in paragraph 1 and, where appropriate, to an inspection carried out in accordance with Section 2.

3. By way of derogation to paragraphs 1 and 2 of this Article the port Member State may authorise port access and all or part of a landing in cases where the information set out in Article 6(1) is not complete or its check or verification is pending, but shall, in such cases, keep the fishery products concerned in storage under the control of the competent authorities. The fishery products shall only be released to be sold, taken over or transported once the information set out in Article 6(1) has been received or the checking or verification process is completed. If this process is not completed within 14 days of the landing, the port Member State may confiscate and dispose of the fishery products in accordance with national rules. The cost of storage shall be borne by the operators.

#### Article 8

##### Recording of landing or transhipment operations

1. Masters of third country fishing vessels or their representative shall submit to the authorities of the Member State whose designated ports of landing or transhipment facilities they use, if possible by electronic means prior to landing or transhipment operations, a declaration indicating the quantity of fishery products by species to be landed or transhipped, and the date and place of each catch. Masters and their representatives shall be held responsible for the accuracy of such declarations.

2. Member States shall keep the originals of the declarations set out in paragraph 1, or a hard copy when transmitted electronically, for a period of three years or longer in accordance with national rules.

3. Landing and transhipment declaration procedures and forms shall be determined in accordance with the procedure referred to in Article 54(2).

4. Member States shall notify the Commission by computer transmission before the end of the first month of each calendar quarter of the quantities landed and/or transhipped by third country fishing vessels in their ports during the previous quarter.

## SECTION 2

### Port inspections

#### Article 9

#### General principles

1. Member States shall carry out inspections in their designated ports of at least 5 % of landing and transshipment operations by third country fishing vessels each year, in accordance with the benchmarks determined by the procedure referred to in Article 54(2) on the basis of risk management, without prejudice to the higher thresholds adopted by regional fisheries management organisations.

2. The following fishing vessels shall be inspected in all cases:

- (a) fishing vessels sighted in accordance with Article 48;
- (b) fishing vessels reported in the framework of a notification made under the Community alert system in accordance with Chapter IV;
- (c) fishing vessels identified by the Commission as presumed to have engaged in IUU fishing in accordance with Article 25;
- (d) fishing vessels appearing in a IUU vessel list adopted by a regional fisheries management organisation notified to Member States in accordance with Article 30.

#### Article 10

#### Inspection procedure

1. Officials in charge of inspections (officials) shall be able to examine all relevant areas, decks and rooms of the fishing vessel, catches processed or not, nets or other gear, equipment and any relevant documents which officials deem it necessary to verify in compliance with applicable laws, regulations or international management and conservation measures. Officials may also question persons deemed to have information on the matter subject to inspection.

2. Inspections shall involve the monitoring of the entire landing or transshipment operations and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped.

3. Officials shall sign their inspection report in the presence of the master of the fishing vessel, who shall have the right to add or cause to be added any information that he considers relevant.

Officials shall indicate in the logbook that an inspection has been made.

4. A copy of the inspection report shall be handed over to the master of the fishing vessel, who may forward it to the owner.

5. The master shall cooperate with and assist in the inspections of the fishing vessel and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

#### Article 11

#### Procedure in the event of infringements

1. If the information collected during the inspection provides evidence to the official to believe that a fishing vessel has engaged in IUU fishing in accordance with the criteria set out in Article 3, the official shall:

- (a) record the suspected infringement in the inspection report;
- (b) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;
- (c) immediately forward the inspection report to the competent authority.

2. If the results of the inspection provide evidence that a third country fishing vessel has engaged in IUU fishing in accordance with the criteria set out in Article 3, the competent authority of the port Member State shall not authorise such vessels to land or tranship their catch.

3. The inspecting Member State shall immediately notify its decision not to authorise landing or transshipment operations taken in accordance with paragraph 2, accompanied by a copy of the inspection report, to the Commission or to a body designated by it, which shall immediately transmit it to the competent authority of the flag State of the inspected fishing vessel with a copy to the flag State or States of donor vessels where the inspected fishing vessel has engaged in transshipment operations. Where appropriate, a copy of the notification shall also be communicated to the Executive Secretary of the regional fisheries management organisation in whose area of competence the catch was made.

4. Where the suspected breach has taken place in the high seas, the port Member State shall cooperate with the flag State in carrying out an investigation into it and, where appropriate, shall apply the sanctions provided for by the legislation of that port Member State, under the condition that, in accordance with international law, that flag State has expressly agreed to transfer its jurisdiction. In addition, where the suspected breach has taken place in the maritime waters of a third country, the port Member

State shall also cooperate with the coastal State in carrying out an investigation into it and, where appropriate, shall apply the sanctions provided for by the legislation of that port Member State, under the condition that, in accordance with international law, that coastal State has expressly agreed to transfer its jurisdiction.

### CHAPTER III

#### CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

##### Article 12

#### Catch certificates

1. The importation into the Community of fishery products obtained from IUU fishing shall be prohibited.
2. To ensure the effectiveness of the prohibition established in paragraph 1, fishery products shall only be imported into the Community when accompanied by a catch certificate in conformity with this Regulation.
3. The catch certificate referred to in paragraph 2 shall be validated by the flag State of the fishing vessel or fishing vessels which made the catches from which the fishery products have been obtained. It shall be used to certify that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures.
4. The catch certificate shall contain all the information specified in the specimen shown in Annex II, and shall be validated by a public authority of the flag State with the necessary powers to attest the accuracy of the information. In agreement with flag States, within the framework of the cooperation set out in Article 20(4), the catch certificate may be established, validated or submitted by electronic means or be replaced by electronic traceability systems ensuring the same level of control by authorities.
5. The list in Annex I of the products excluded from the scope of implementation of the catch certificate may be reviewed each year on the basis of the results of the information gathered under Chapters II, III, IV, V, VIII, X and XII, and amended in accordance with the procedure referred to in Article 54(2).

##### Article 13

#### Catch documentation schemes agreed and in force in the framework of a regional fisheries management organisation

1. Catch documents, and any related documents, validated in conformity with catch documentation schemes adopted by a regional fisheries management organisation which are recognised as complying with the requirements laid down in this Regulation,

shall be accepted as catch certificates in respect of the fishery products from species to which such catch documentation schemes apply and shall be subject to the check and verification requirements incumbent upon the Member State of importation in accordance with Articles 16 and 17 and to the provisions on refusal of importation laid down in Article 18. The list of such catch documentation schemes shall be determined in accordance with the procedure referred to in Article 54(2).

2. Paragraph 1 shall apply without prejudice to the specific regulations in force whereby such catch documentation schemes are implemented into Community law.

##### Article 14

#### Indirect importation of fishery products

1. In order to import fishery products constituting one single consignment, transported in the same form to the Community from a third country other than the flag State, the importer shall submit to the authorities of the Member States of importation:
  - (a) the catch certificate(s) validated by the flag State; and
  - (b) documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good and genuine condition, and remained under the surveillance of the competent authorities in that third country.

Documented evidence shall be provided by means of:

- (i) where appropriate, the single transport document issued to cover the passage from the territory of the flag State through that third country; or
- (ii) a document issued by the competent authorities of that third country:
  - giving an exact description of the fishery products, the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and
  - indicating the conditions under which the fishery products remained in that third country.

Where the species concerned are subject to a regional fisheries management organisation catch documentation scheme which has been recognised under Article 13, the documents referred to above may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly.

2. In order to import fishery products constituting one single consignment and which have been processed in a third country other than the flag State, the importer shall submit to the authorities of the Member State of importation a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form in Annex IV:

- (a) giving an exact description of the unprocessed and processed products and their respective quantities;
- (b) indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag State; and
- (c) accompanied by:
  - (i) the original catch certificate(s) where the totality of the catches concerned has been used for the processing of the fishery products exported in a single consignment; or
  - (ii) a copy of the original catch certificate(s), where part of the catches concerned has been used for the processing of the fishery products exported in a single consignment.

Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been recognised under Article 13, the statement may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country of processing has fulfilled its notification requirements accordingly.

3. The documents and the statement set out in paragraphs (1)(b) and (2) of this Article respectively may be communicated by electronic means within the framework of the cooperation laid down in Article 20(4).

#### Article 15

##### **Exportation of catches made by fishing vessels flying the flag of a Member State**

1. The exportation of catches made by fishing vessels flying the flag of a Member State shall be subject to the validation of a catch certificate by the competent authorities of the flag Member State, as established in Article 12(4), if required within the framework of the cooperation laid down in Article 20(4).

2. Flag Member States shall notify to the Commission their competent authorities for the validation of the catch certificates referred to in paragraph 1.

#### Article 16

##### **Submission and checks of catch certificates**

1. The validated catch certificate shall be submitted by the importer to the competent authorities of the Member State in

which the product is intended to be imported at least three working days before the estimated time of arrival at the place of entry into the territory of the Community. The deadline of three working days may be adapted according to the type of fishery product, the distance to the place of entry into the territory of the Community or the transport means used. Those competent authorities shall, on the basis of risk management, check the catch certificate in the light of the information provided in the notification received from the flag State in accordance with Articles 20 and 22.

2. By way of derogation to paragraph 1, importers who have been granted the status of approved economic operator may advise the competent authorities of the Member State of the arrival of the products within the deadline referred to in paragraph 1 and keep the validated catch certificate and related documents as referred to in Article 14 available to the authorities for the purposes of checks in accordance with paragraph 1 of this Article or verifications in accordance with Article 17.

3. The criteria for granting the status of approved economic operator to an importer by the competent authorities of a Member State shall include:

- (a) the establishment of the importer on the territory of that Member State;
- (b) a sufficient number and volume of import operations to justify the implementation of the procedure referred to in paragraph 2;
- (c) an appropriate record of compliance with the requirements of conservation and management measures;
- (d) a satisfactory system of managing commercial and, where appropriate, transport and processing records, which enables the appropriate checks and verifications to be carried out for the purposes of this Regulation;
- (e) the existence of facilities with regard to the conduct of those checks and verifications;
- (f) where appropriate, practical standards of competence or professional qualifications directly related to the activities carried out; and
- (g) where appropriate, proven financial solvency.

Member States shall communicate to the Commission the name and address of the approved economic operators as soon as possible after having granted this status. The Commission shall make available this information to the Member States by electronic means.

The rules relating to the status of approved economic operator may be determined in accordance with the procedure referred to in Article 54(2).

#### Article 17

##### Verifications

1. The competent authorities of the Member States may carry out all of the verifications they deem necessary to ensure that the provisions of this Regulation are correctly applied.
2. Verifications may, in particular, consist in examining the products, verifying declaration data and the existence and authenticity of documents, examining the accounts of operators and other records, inspecting means of transport, including containers and storage places of the products and carrying out official enquiries and other similar acts, in addition to the inspection of fishing vessels at port under Chapter II.
3. Verifications shall be focused towards risk identified on the basis of criteria developed at national or Community level under risk management. Member States shall notify to the Commission their national criteria within 30 working days after 29 October 2008 and update this information. The Community criteria shall be determined in accordance with the procedure referred to in Article 54(2).
4. Verifications shall be carried out, in any case, where:
  - (a) the verifying authority of the Member State has grounds to question the authenticity of the catch certificate itself, of the validation seal or of the signature of the relevant authority of the flag State; or
  - (b) the verifying authority of the Member State is in possession of information that questions the compliance by the fishing vessel with applicable laws, regulations or conservation and management measures, or the fulfilment of other requirements of this Regulation; or
  - (c) fishing vessels, fishing companies or any other operators have been reported in connection with presumed IUU fishing, including those fishing vessels which have been reported to a regional fisheries management organisation under the terms of an instrument adopted by that organisation to establish lists of vessels presumed to have carried out illegal, unreported and unregulated fishing; or
  - (d) flag States or re-exporting countries have been reported to a regional fisheries management organisation under the terms of an instrument adopted by that organisation to implement trade measures vis-à-vis flag States; or
  - (e) an alert notice has been published pursuant to Article 23(1).
5. Member States may decide to carry out verifications at random, in addition to the verifications referred to in paragraphs 3 and 4.

6. For the purpose of a verification, the competent authorities of a Member State may request the assistance of the competent authorities of the flag State or of a third country other than the flag State as referred to in Article 14, in which case:

- (a) the request for assistance shall state the reasons why the competent authorities of the Member State in question have well-founded doubts as to the validity of the certificate, of the statements contained therein and/or the compliance of the products with conservation and management measures. A copy of the catch certificate and any information or documents suggesting that the information on the certificate is inaccurate shall be forwarded in support of the request for assistance. The request shall be sent without delay to the competent authorities of the flag State or of a third country other than the flag State as referred to in Article 14;
  - (b) the procedure for verification shall be completed within 15 days of the date of the verification request. In the event that the competent authorities of the flag State concerned cannot meet the deadline, the verifying authorities in the Member State may, on request by the flag State or by a third country other than the flag State as referred to in Article 14 grant an extension of the deadline to reply, which shall not exceed a further 15 days.
7. The release of the products onto the market shall be suspended while awaiting the results of the verification procedures referred to in paragraphs (1) to (6). The cost of storage shall be borne by the operator.
8. Member States shall notify to the Commission their competent authorities for the checks and verifications of the catch certificates in accordance with Article 16 and paragraphs (1) to (6) of this Article.

#### Article 18

##### Refusal of importation

1. The competent authorities of the Member States shall, where appropriate, refuse the importation into the Community of fishery products without having to request any additional evidence or send a request for assistance to the flag State where they become aware that:
  - (a) the importer has not been able to submit a catch certificate for the products concerned or to fulfil his obligations under Article 16(1) or (2);
  - (b) the products intended for importation are not the same as those mentioned in the catch certificate;
  - (c) the catch certificate is not validated by the public authority of the flag State referred to in Article 12(3);
  - (d) the catch certificate does not indicate all the required information;

- (e) the importer is not in a position to prove that the fishery products comply with the conditions of Article 14(1) or (2);
- (f) a fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the Community IUU vessel list or in the IUU vessel lists referred to in Article 30;
- (g) the catch certificate has been validated by the authorities of a flag State identified as a non-cooperating State in accordance with Article 31.

2. The competent authorities of the Member States shall, where appropriate, refuse the importation of any fishery products into the Community, following a request for assistance pursuant to Article 17(6), where:

- (a) they have received a reply according to which the exporter was not entitled to request the validation of a catch certificate; or
- (b) they have received a reply according to which the products do not comply with the conservation and management measures, or other conditions under this Chapter are not met; or
- (c) they have not received a reply within the stipulated deadline; or
- (d) they have received a reply which does not provide pertinent answers to the questions raised in the request.

3. In the event that the importation of fishery products is refused pursuant to paragraphs 1 or 2, Member States may confiscate and destroy, dispose of or sell such fishery products in accordance with national law. The profits from the sale may be used for charitable purposes.

4. Any person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraphs 1, 2 or 3 which concern him. The right of appeal shall be exercised according to the provisions in force in the Member State concerned.

5. The competent authorities of the Member States shall notify the flag State and, where appropriate, the third country other than the flag State as referred to in Article 14 of refusals of importation. A copy of the notification shall be sent to the Commission.

#### *Article 19*

### **Transit and transshipment**

1. Where, at the point of entry into the territory of the Community, fishery products are placed under a transit procedure and transported to another Member State where they shall be placed into another customs procedure, the provisions of Articles 17 and 18 shall be implemented in that Member State.

2. Where, at the point of entry into the territory of the Community, fishery products are placed under a transit procedure and transported to another place in the same Member State where they shall be placed under another customs procedure, that Member State may implement the provisions of Articles 16, 17 and 18 at the point of entry or at the place of destination. Member States shall, as soon as possible, notify to the Commission the measures adopted for the implementation of this paragraph and update this information. The Commission shall publish these notifications on its website.

3. Where, at the point of entry into the territory of the Community, fishery products are transhipped and transported by sea to another Member State, the provisions of Articles 17 and 18 shall be implemented in that Member State.

4. The Member States of transshipment shall communicate to the Member States of destination the information taken from the transport documentation on the nature of the fishery products, their weight, the port of loading and the shipper in the third country, the names of the transport vessels and the ports of transshipment and destination, as soon as possible this information is known and prior to the anticipated date of arrival in the port of destination.

#### *Article 20*

### **Flag State notifications and cooperation with third countries**

1. The acceptance of catch certificates validated by a given flag State for the purposes of this Regulation shall be subject to the condition that the Commission has received a notification from the flag State concerned certifying that:

- (a) it has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures which must be complied with by its fishing vessels;
- (b) its public authorities are empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from the Member States. The notification shall also include the necessary information to identify those authorities.

2. The information to be given in the notification laid down in paragraph 1 is set forth in Annex III.

3. The Commission shall inform the flag State of the receipt of the notification sent pursuant to paragraph 1. If all elements mentioned in paragraph 1 are not provided by the flag State, the Commission shall indicate to the flag State which elements are missing and request that it provide a new notification.

4. The Commission shall, where appropriate, cooperate administratively with third countries in areas pertaining to the implementation of the catch certification provisions of this Regulation, including the use of electronic means to establish, validate or submit the catch certificates and, where appropriate, documents referred to in Article 14(1) and 14(2).

Such cooperation shall aim to:

- (a) ensure that fishery products imported into the Community originate from catches made in compliance with applicable laws, regulations or conservation and management measures;
- (b) facilitate the accomplishment by flag States of the formalities linked to the access to ports of fishing vessels, the importation of fishery products and the verification requirements of catch certificates established in Chapter II and this Chapter;
- (c) provide for the conduct of on-the-spot audits by the Commission or a body designated by it to verify the effective implementation of the cooperation arrangement;
- (d) provide for the establishment of a framework for the exchange of information between the two sides in support of the implementation of the cooperation arrangement.

5. The cooperation laid down in paragraph 4 shall not be construed as a precondition for the application of this Chapter to imports originating from catches made by fishing vessels flying the flag of any State.

#### Article 21

### Re-exportation

1. The re-exportation of products imported under a catch certificate in accordance with this Chapter shall be authorised through the validation by the competent authorities of the Member State from which the re-exportation is to take place of the section 're-export' of the catch certificate or a copy thereof where the fishery products to be re-exported are a part of the products imported.

2. The procedure defined in Article 16(2) shall apply *mutatis mutandis* where the fishery products are re-exported by an approved economic operator.

3. Member States shall notify to the Commission their competent authorities for the validation and the verification of the section 're-export' of catch certificates in accordance with the procedure defined in Article 15.

#### Article 22

### Record keeping and dissemination

1. The Commission shall keep a record of States and their competent authorities notified in accordance with this Chapter which shall include:

- (a) Member States which have notified their competent authorities to validate, check and verify catch certificates and re-export certificates in accordance with Articles 15, 16, 17 and 21, respectively;
- (b) flag States for which notifications have been received in accordance with Article 20(1), indicating those for which cooperation with third countries has been established in accordance with Article 20(4).

2. The Commission shall publish on its website and in the *Official Journal of the European Union* the list of States and their competent authorities referred to in paragraph 1, and shall regularly update this information. The Commission shall make the details of the flag States authorities in charge of the validation and the verification of catch certificates available by electronic means to the authorities in the Member States responsible for the validation and verification of catch certificates.

3. The Commission shall publish on its website and in the *Official Journal of the European Union* the list of the catch documentation schemes which are recognised in accordance with Article 13 and shall update it on a regular basis.

4. Member States shall keep originals of the catch certificates submitted for importation, the catch certificates validated for exportation and the validated re-export sections of catch certificates for a period of three years or longer, in accordance with national rules.

5. Approved economic operators shall keep the original of the documents referred to in paragraph 4 for a period of three years or longer, in accordance with national rules.

## CHAPTER IV

### COMMUNITY ALERT SYSTEM

#### Article 23

### Issuance of alerts

1. Where information obtained in accordance with Chapters II, III, V, VI, VII, VIII, X or XI raises well-founded doubt as to the compliance, by fishing vessels or fishery products from certain third countries, with applicable laws or regulations, including applicable laws or regulations communicated by third countries under the administrative cooperation referred to in Article 20(4), or with international conservation and management measures, the Commission shall publish an alert notice on its website and



in the *Official Journal of the European Union* to warn operators and to ensure that Member States take appropriate measures in respect of the third countries concerned pursuant to this Chapter.

2. The Commission shall communicate the information referred to in paragraph 1 without delay to the Member States' authorities and to the flag State concerned and, where appropriate, to a third country other than the flag State as referred to in Article 14.

#### Article 24

##### Action following issuance of alerts

1. Upon receipt of the information communicated pursuant to Article 23(2), Member States shall, where appropriate, and in accordance with risk management:

- (a) identify the on-going consignments of fishery products to be imported which fall within the scope of the alert notice and carry out a verification of the catch certificate and, where appropriate, of the documents referred to in Article 14, in accordance with the provisions laid down in Article 17;
- (b) take measures to ensure that the future consignments of fishery products intended for importation which fall within the scope of the alert notice be submitted to the verification of the catch certificate, and, where appropriate, of the documents referred to in Article 14, in accordance with the provisions laid down in Article 17;
- (c) identify the previous consignments of fishery products which fall under the scope of the alert notice and carry out the appropriate verifications, including the verification of previously submitted catch certificates;
- (d) submit the fishing vessels which fall within the scope of the alert notice, in accordance with the rules of international law, to the necessary enquiries, investigations or inspections at sea, in ports or any other landing places.

2. Member States shall communicate to the Commission as soon as possible the conclusions of their verifications and requests for verification and the actions taken where non-compliance with applicable laws, regulations or international conservation and management measures has been established.

3. Where the Commission decides that in light of the conclusions of verifications carried out pursuant to paragraph 1, the well-founded doubt which motivated the alert notice no longer exists, it shall, without delay:

- (a) publish a notice to that effect on its website and in the *Official Journal of the European Union* annulling the earlier alert notice;
- (b) advise the flag State and, where appropriate, the third country other than the flag State as referred to in Article 14 of the annulment; and

- (c) advise Member States through appropriate channels.

4. Where the Commission decides that in light of the conclusions of verifications carried out pursuant to paragraph 1, the well-founded doubt which motivated the alert notice remains, it shall, without delay:

- (a) update the alert notice by a new publication on its website and in the *Official Journal of the European Union*;
- (b) advise the flag State and, where appropriate, the third country other than the flag State as referred to in Article 14;
- (c) advise Member States through appropriate channels; and
- (d) where appropriate, refer the matter to the regional fisheries management organisation whose conservation and management measures might have been violated.

5. Where the Commission decides that in light of the conclusions of verifications carried out pursuant to paragraph 1, there are sufficient grounds to consider that the facts established might constitute a case of non-compliance with applicable laws, regulations or international conservation and management measures, it shall, without delay:

- (a) publish a new alert notice to their effect on its website and in the *Official Journal of the European Union*;
- (b) advise the flag State and undertake the appropriate proceedings and démarches in accordance with Chapters V and VI;
- (c) where appropriate, advise the third country other than the flag State as referred to in Article 14;
- (d) advise Member States through appropriate channels; and
- (e) where appropriate, refer the matter to the regional fisheries management organisation whose conservation and management measures might have been violated.

#### CHAPTER V

##### IDENTIFICATION OF FISHING VESSELS ENGAGED IN IUU FISHING

#### Article 25

##### Alleged IUU fishing

1. The Commission, or a body designated by it, shall compile and analyse:

- (a) all information on IUU fishing obtained in accordance with Chapters II, III, IV, VIII, X and XI; and/or

- (b) any other relevant information, as appropriate, such as:
- (i) the catch data;
  - (ii) trade information obtained from national statistics and other reliable sources;
  - (iii) vessel registers and databases;
  - (iv) regional fisheries management organisation catch documents or statistical document programmes;
  - (v) reports on sightings or other activities of fishing vessels presumed to be engaged in IUU fishing as referred to in Article 3 and IUU vessel lists reported or adopted by regional fisheries management organisations;
  - (vi) reports under the terms of Regulation (EEC) No 2847/93 on fishing vessels presumed to be engaged in IUU fishing as referred to in Article 3;
  - (vii) any other relevant information obtained, *inter alia*, in the ports and on the fishing grounds.
- and share the results of this investigation with the Commission on a timely basis;
- (c) issue an official request to the flag State to take immediate enforcement action should the allegation formulated against the fishing vessel concerned be proven to be founded, and to inform the Commission of the measures taken;
  - (d) ask the flag State to notify the owner and, where appropriate, the operator of the fishing vessel concerned of the detailed statement of reasons for the intended listing and of the consequences which would result should the fishing vessel be included in the Community IUU vessel list, as laid down in Article 37. Flag States shall also be requested to provide information to the Commission as to the fishing vessel's owners and, where appropriate, operators so as to ensure that such persons can be heard, in accordance with Article 27(2);
  - (e) advise the flag State on the provisions in Chapters VI and VII.

2. Member States may, at any time, submit to the Commission any additional information which might be relevant for the establishment of the Community IUU vessel list. The Commission, or a body designated by it, shall circulate the information, together with all the evidence provided, to the Member States and to the flag States concerned.

3. The Commission, or a body designated by it, shall keep a file in respect of each fishing vessel reported as allegedly involved in IUU fishing which shall be updated as new information is obtained.

#### Article 26

#### Presumed IUU fishing

1. The Commission shall identify fishing vessels for which sufficient information has been obtained in accordance with Article 25 to presume that such fishing vessels may be engaged in IUU fishing, warranting an official enquiry with the flag State concerned.

2. The Commission shall notify flag States whose fishing vessels are identified pursuant to paragraph 1 of an official request for an enquiry into the alleged IUU fishing of their flagged vessels concerned. The notification shall:

- (a) provide all information gathered by the Commission on alleged IUU fishing;
- (b) issue an official request to the flag State that it takes all the necessary measures to investigate the alleged IUU fishing

3. The Commission shall notify flag Member States whose fishing vessels are identified pursuant to paragraph 1 of an official request for an enquiry into the alleged IUU fishing of their flagged vessels concerned. The notification shall:

- (a) provide all information gathered by the Commission on alleged IUU fishing;
- (b) include an official request to the flag Member State to take all the necessary measures, in accordance with Regulation (EEC) No 2847/93 to investigate the alleged IUU fishing or, where appropriate, to report on all the measures already taken to investigate it and to share the results of this investigation with the Commission on a timely basis;
- (c) issue an official request to the flag Member State to take timely enforcement action should the allegation formulated against the fishing vessel concerned be proven to be founded, and to inform the Commission of the measures taken;
- (d) ask the flag Member State to notify the owner and, where appropriate, the operator of the fishing vessel concerned of the detailed statement of reasons for the intended listing and of the consequences which would result should the vessel be included in the Community IUU vessel list, as laid down in Article 37. Flag Member States shall also be requested to provide information to the Commission as to the fishing vessel's owners and, where appropriate, operators so as to ensure that such persons can be heard, in accordance with Article 27(2).

4. The Commission shall circulate the information on fishing vessels presumed to be engaged in IUU fishing to all Member States in order to facilitate the implementation of Regulation (EEC) No 2847/93.

#### Article 27

##### Establishment of the Community IUU vessel list

1. The Commission shall, in accordance with the procedure referred to in Article 54(2), establish a Community IUU vessel list. The list shall include the fishing vessels in relation to which, further to the measures taken pursuant to Articles 25 and 26, the information obtained in accordance with this Regulation establishes that they are engaged in IUU fishing and whose flag States have not complied with the official requests referred to in Article 26(2)(b) and (c) and Article 26(3)(b) and (c), in response to such IUU fishing.

2. Before placing any fishing vessel on the Community IUU vessel list, the Commission shall provide the owner and, where appropriate, the operator of the fishing vessel concerned with a detailed statement of reasons for the intended listing and with all elements supporting the suspicion that the fishing vessel has carried out IUU fishing. The statement shall mention the right to ask for or to provide additional information, and give the owner, and, where appropriate, the operator the possibility of being heard and to defend their case, leaving them adequate time and facilities.

3. When a decision is taken to place a fishing vessel on the Community IUU vessel list, the Commission shall notify that decision, and the reasons for it, to the owner and, where appropriate, the operator of the fishing vessel.

4. The obligations imposed on the Commission by paragraphs 2 and 3 shall apply without prejudice to the primary responsibility of the flag State over the fishing vessel, and only in so far as the relevant information on the identification of the fishing vessel owner and operator is at the disposal of the Commission.

5. The Commission shall notify the flag State of the inclusion of the fishing vessel on the Community IUU vessel list and shall provide the flag State with the detailed reasons for listing.

6. The Commission shall request flag States with fishing vessels on the Community IUU vessel list to:

- (a) notify the owner of the fishing vessel of its inclusion on the Community IUU vessel list, of the reasons justifying this inclusion and of the consequences resulting from it, as laid down in Article 37; and
- (b) take all the necessary measures to eliminate IUU fishing, including, if necessary, the withdrawal of the registration or the fishing licences of the fishing vessels concerned, and to inform the Commission of the measures taken.

7. This Article shall not apply to Community fishing vessels if the flag Member State has taken action in accordance with paragraph 8.

8. Community fishing vessels shall not be included in the Community IUU vessel list if the flag Member State has taken action pursuant to this Regulation and Regulation (EEC) No 2847/93 against breaches constituting serious infringements as laid down in Article 3(2), without prejudice to the action taken by regional fisheries management organisations.

#### Article 28

##### Removal of fishing vessels from the Community IUU vessel list

1. The Commission shall remove a fishing vessel from the Community IUU vessel list, in accordance with the procedure referred to in Article 54(2), if the fishing vessel's flag State demonstrates that:

- (a) the vessel did not engage in any of the IUU fishing activities for which it was placed on the list; or
- (b) proportionate, dissuasive and effective sanctions have been applied in response to the IUU fishing activities in question, notably for the fishing vessels flying the flag of a Member State in accordance with the Regulation (EEC) No 2847/93.

2. The owner or, where appropriate, the operator of a fishing vessel placed on the Community IUU vessel list may submit a request to the Commission to review the status of that vessel in case of inaction by the flag State under paragraph 1.

The Commission shall only consider removing the fishing vessel from the list if:

- (a) the owner or the operator provides evidence as to the fact that the fishing vessel is no longer engaged in IUU fishing; or
- (b) the listed fishing vessel has sunk or has been scrapped.

3. In all other cases, the Commission shall only consider removing the fishing vessel from the list if the following conditions are fulfilled:

- (a) at least two years have elapsed since the fishing vessel's listing during which no further reports of alleged IUU fishing by the vessel have been received by the Commission in accordance with Article 25; or
- (b) the owner submits information relating to the current operation of the fishing vessel that demonstrates that it is operating in full conformity with laws, regulations and/or conservation and management measures that apply to any fisheries in which it is participating; or

- (c) the fishing vessel concerned, its owner or operator, maintain no operational or financial links, whether direct or indirect, with any other vessel, owner or operator presumed or confirmed to be engaged in IUU fishing.

#### Article 29

### **Content, publicity and maintenance of the Community IUU vessel list**

1. The Community IUU vessel list shall contain the following details for each fishing vessel:

- (a) name and previous names, if any;
- (b) flag and previous flags, if any;
- (c) owner and where relevant previous owners, including beneficial owners, if any;
- (d) operator and where relevant previous operators, if any;
- (e) call sign and previous call signs, if any;
- (f) Lloyds/IMO number, where available;
- (g) photographs, where available;
- (h) date of first inclusion on it;
- (i) summary of activities which justify inclusion of the vessel on it, together with references to all relevant documents informing of and evidencing those activities.

2. The Commission shall publish the Community IUU vessel list in the *Official Journal of the European Union* and shall take any measure necessary to ensure its publicity, including by placing it on its website.

3. The Commission shall update every three months the Community IUU vessel list and shall provide for a system to automatically notify updates to Member States, regional fisheries management organisations and any member of the civil society that should so request. Furthermore, the Commission shall transmit the list to the FAO and to regional fisheries management organisations for the purposes of enhancing cooperation between the Community and these organisations aimed at preventing, deterring and eliminating IUU fishing.

#### Article 30

### **IUU vessel lists adopted by regional fisheries management organisations**

1. In addition to the fishing vessels referred to in Article 27, fishing vessels included in the IUU vessel lists adopted by regional fisheries management organisations shall be included in

the Community IUU vessel list, in accordance with the procedure referred to in Article 54(2). Removal of such vessels from the Community IUU vessel list shall be governed by the decisions taken with regard to them by the relevant regional fisheries management organisation.

2. The Commission shall each year, on receiving from regional fisheries management organisations the lists of fishing vessels presumed or confirmed to be involved in IUU fishing, notify them to the Member States.

3. The Commission shall notify promptly to the Member States any addition to, any deletion from and/or any modification of the lists referred to in paragraph 2 of this Article at any time such changes occur. Article 37 shall apply in respect of the vessels appearing on the regional fisheries management organisations IUU vessel lists so modified as of the time of their notification to Member States.

#### CHAPTER VI

### **NON-COOPERATING THIRD COUNTRIES**

#### Article 31

### **Identification of non-cooperating third countries**

1. The Commission, in accordance with the procedure referred to in Article 54(2), shall identify the third countries that it considers as non-cooperating third countries in fighting IUU fishing.

2. The identification set out in paragraph 1 shall be based on the review of all information obtained pursuant to Chapters II, III, IV, V, VIII, X and XI, or, as appropriate, any other relevant information, such as the catch data, trade information obtained from national statistics and other reliable sources, vessel registers and databases, catch documents or statistical document programmes and IUU vessel lists adopted by regional fisheries management organisations, as well as any other information obtained in the ports and on the fishing grounds.

3. A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.

4. For the purposes of paragraph 3, the Commission shall primarily rely on the examination of measures taken by the third country concerned in respect of:

- (a) recurrent IUU fishing suitably documented as carried out or supported by fishing vessels flying its flag or by its nationals, or by fishing vessels operating in its maritime waters or using its ports; or

(b) access of fisheries products stemming from IUU fishing to its market.

5. For the purposes of paragraph 3, the Commission shall take into account:

- (a) whether the third country concerned effectively cooperates with the Community, by providing a response to requests made by the Commission to investigate, provide feedback or follow-up to IUU fishing and associated activities;
- (b) whether the third country concerned has taken effective enforcement measures in respect of the operators responsible for IUU fishing, and in particular whether sanctions of sufficient severity to deprive the offenders of the benefits accruing from IUU fishing have been applied;
- (c) the history, nature, circumstances, extent and gravity of the manifestations of IUU fishing considered;
- (d) for developing countries, the existing capacity of their competent authorities.

6. For the purposes of paragraph 3, the Commission shall also consider the following elements:

- (a) the ratification of, or accession of the third countries concerned to, international fisheries instruments, and in particular the Unclos, the UN Fish Stocks Agreement and the FAO Compliance Agreement;
- (b) the status of the third country concerned as a contracting party to regional fisheries management organisations, or its agreement to apply the conservation and management measures adopted by them;
- (c) any act or omission by the third country concerned that may have diminished the effectiveness of applicable laws, regulations or international conservation and management measures.

7. Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article.

#### *Article 32*

#### **Démarches in respect of countries identified as non-cooperating third countries**

1. The Commission shall, without delay, notify countries concerned of the possibility of being identified as non-cooperating third countries in accordance with the criteria laid

down in Article 31. It shall include in the notification the following information:

- (a) the reason or reasons for the identification with all available supporting evidence;
- (b) the opportunity to respond to the Commission in writing with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action to improve and the measures taken to rectify the situation;
- (c) the right to ask for, or to provide, additional information;
- (d) the consequences of its identification as non-cooperating third country, as provided in Article 38.

2. The Commission shall also include in the notification referred to in paragraph 1 a request that the third country concerned take any necessary measures for the cessation of the IUU fishing activities in question and the prevention of any future such activities, and rectify any act or omission referred to in Article 31(6)(c).

3. The Commission shall, by more than one means of communication, transmit its notification and request to the third country concerned. The Commission shall seek to obtain confirmation from that country that it has received the notification.

4. The Commission shall give to the third country concerned adequate time to answer the notification and a reasonable time to remedy the situation.

#### *Article 33*

#### **Establishment of a list of non-cooperating third countries**

1. The Council, acting by qualified majority on a proposal from the Commission, shall decide on a list of non-cooperating third countries.

2. The Commission shall, without delay, notify the third country concerned of its identification as a non-cooperating third country and of the measures applied in accordance with Article 38, and shall request it to rectify the current situation and to advise on the measures taken to ensure compliance with conservation and management measures by its fishing vessels.

3. Following a decision taken pursuant to paragraph 1 of this Article, the Commission shall, without delay, notify it to the Member States and shall request them to ensure the immediate implementation of the measures laid down in Article 38. Member States shall notify the Commission of any measures they have taken in response to this request.

## Article 34

**Removal from the list of non-cooperating third countries**

1. The Council, acting by qualified majority on a proposal from the Commission, shall remove a third country from the list of non-cooperating third countries if the third country concerned demonstrates that the situation that warranted its listing has been rectified. A removal decision shall also take into consideration whether the identified third countries concerned have taken concrete measures capable of achieving a lasting improvement of the situation.

2. Following a decision taken pursuant to paragraph 1 of this Article, the Commission shall, without delay, notify Member States of the lifting of the measures laid down in Article 38 in respect of the third country concerned.

## Article 35

**Publicity of the list of non-cooperating third countries**

The Commission shall publish the list of non-cooperating third countries in the *Official Journal of the European Union* and take any measure necessary to ensure publicity of this list, including placing it on its website. The Commission shall regularly update the list and shall provide for a system to automatically notify updates to Member States, regional fisheries management organisations and any member of the civil society that should so request. Furthermore, the Commission shall transmit the list of non-cooperating third countries to the FAO and to regional fisheries management organisations for the purposes of enhancing cooperation between the Community and those organisations aimed at preventing, deterring and eliminating IUU fishing.

## Article 36

**Emergency measures**

1. If there is evidence that the measures adopted by a third country undermine the conservation and management measures adopted by a regional fisheries management organisation, the Commission shall be entitled to adopt, in line with its international obligations, emergency measures which shall last no more than six months. The Commission may take a new decision to extend the emergency measures for no more than six months.

2. The emergency measures referred to in paragraph 1 may include, *inter alia*, that:

- (a) fishing vessels authorised to fish and flying the flag of the third country concerned shall not be granted access to the ports of Member States, except in case of *force majeure* or distress as referred to in Article 4(2) for services strictly necessary to remedy those situations;
- (b) fishing vessels flying the flag of a Member State shall not be authorised to engage in joint fishing operations with vessels flying the flag of the third country concerned;

(c) fishing vessels flying the flag of a Member State shall not be authorised to fish in maritime waters under the jurisdiction of the third country concerned, without prejudice to the provisions set out in bilateral fishing agreements;

(d) provision of live fish for fish farming in maritime waters under the jurisdiction of the third country concerned shall not be authorised;

(e) live fish caught by fishing vessels flying the flag of the third country concerned shall not be accepted for the purposes of fish farming in maritime waters under the jurisdiction of a Member State.

3. Emergency measures shall have immediate effect. They shall be notified to the Member States and to the third country concerned and published in the *Official Journal of the European Union*.

4. The Member States concerned may refer the Commission's decision set out in paragraph 1 to the Council within 10 working days of receipt of the notification.

5. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.

## CHAPTER VII

**MEASURES IN RESPECT OF FISHING VESSELS AND STATES INVOLVED IN IUU FISHING**

## Article 37

**Action in respect of fishing vessels included in the Community IUU vessel list**

The following measures shall apply to the fishing vessels included in the Community IUU vessel list (IUU fishing vessels):

- 1. flag Member States shall not submit to the Commission any requests for fishing authorisations in respect of IUU fishing vessels;
- 2. current fishing authorisations or special fishing permits issued by flag Member States in respect of IUU fishing vessels shall be withdrawn;
- 3. IUU fishing vessels flying the flag of a third country shall not be authorised to fish in Community waters and shall be prohibited to be chartered;
- 4. fishing vessels flying the flag of a Member State shall not in any way assist, engage in fish processing operations or participate in any transshipment or joint fishing operations with IUU fishing vessels;

5. IUU fishing vessels flying the flag of a Member State shall only be authorised access to their home ports and to no other Community port, except in case of *force majeure* or distress. IUU fishing vessels flying the flag of a third country shall not be authorised to enter into a port of a Member State, except in case of *force majeure* or distress. Alternatively, a Member State may authorise the entry into its ports of an IUU fishing vessel on the condition that the catches on board and, where appropriate, fishing gear prohibited pursuant to conservation and management measures adopted by regional fisheries management organisations, are confiscated. Member States shall also confiscate catches and, where appropriate, fishing gear prohibited pursuant to those measures, on board IUU fishing vessels which have been authorised to enter into its ports for reason of *force majeure* or distress;
  6. IUU fishing vessels flying the flag of a third country shall not be supplied in ports with provisions, fuel or other services, except in case of *force majeure* or distress;
  7. IUU fishing vessels flying the flag of a third country shall not be authorised to change the crew, except as necessary in case of *force majeure* or distress;
  8. Member States shall refuse the granting of their flag to IUU fishing vessels;
  9. the importation of fishery products caught by IUU fishing vessels shall be prohibited, and accordingly catch certificates accompanying such products shall not be accepted or validated;
  10. the exportation and re-exportation of fishery products from IUU fishing vessels for processing shall be prohibited;
  11. IUU fishing vessels with no fish and crew on board shall be authorised to enter a port for its scrapping, but without prejudice to any prosecutions and sanctions imposed against that vessel and any legal or natural person concerned.
- relation to IUU fishing affecting a given stock or species, the prohibition of importation may only apply in respect of this stock or species;
  2. the purchase by Community operators of a fishing vessel flying the flag of such countries shall be prohibited;
  3. the reflagging of a fishing vessel flying the flag of a Member State to such countries shall be prohibited;
  4. Member States shall not authorise the conclusion of chartering agreements with such countries for fishing vessels flying their flag;
  5. the exportation of Community fishing vessels to such countries shall be prohibited;
  6. private trade arrangements between nationals of a Member State and such countries in order for a fishing vessel flying the flag of that Member State to use the fishing possibilities of such countries shall be prohibited;
  7. joint fishing operations involving fishing vessels flying the flag of a Member State with a fishing vessel flying the flag of such countries shall be prohibited;
  8. the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreement with such countries which provides for termination of the agreement in case of failure to comply with undertakings made by them with regard to combating IUU fishing;
  9. the Commission shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries.

## CHAPTER VIII

## NATIONALS

## Article 38

## Article 39

**Action in respect of non-cooperating third countries****Nationals supporting or engaged in IUU fishing**

The following measures shall apply to non-cooperating third countries:

1. the importation into the Community of fishery products caught by fishing vessels flying the flag of such countries shall be prohibited, and accordingly catch certificates accompanying such products shall not be accepted. In the event that the identification of a non-cooperating third country pursuant to Article 31 is justified by the lack of appropriate measures adopted by this third country in

1. Nationals subject to the jurisdiction of Member States (nationals) shall neither support nor engage in IUU fishing, including by engagement on board or as operators or beneficial owners of fishing vessels included in the Community IUU vessel list.

2. Without prejudice to the primary responsibility of the flag State, Member States shall cooperate amongst themselves and with third countries and take all appropriate measures, in accordance with national and Community law, in order to identify nationals supporting or engaged in IUU fishing.

3. Without prejudice to the primary responsibility of the flag State, Member States shall take appropriate action, subject to and in accordance with their applicable laws and regulations with regard to nationals identified as supporting or engaged in IUU fishing.

4. Each Member State shall notify to the Commission the names of the competent authorities responsible for coordinating the collection and verification of information on activities of nationals referred to in this Chapter and for reporting to and cooperating with the Commission.

#### Article 40

##### Prevention and sanction

1. Member States shall encourage nationals to notify any information pertaining to legal, beneficial or financial interests in, or control of, fishing vessels flagged to a third country which they hold and the names of the vessels concerned.

2. Nationals shall not sell or export any fishing vessel to operators involved in the operation, management or ownership of fishing vessels included in the Community IUU vessel list.

3. Without prejudice to other provisions laid down in Community law pertaining to public funds, Member States shall not grant any public aid under national aid regimes or under Community funds to operators involved in the operation, management or ownership of fishing vessels included in the Community IUU vessel list.

4. Member States shall endeavour to obtain information on the existence of any arrangement between nationals and a third country allowing the reflagging of fishing vessels flying their flag to such third country. They shall inform the Commission thereof by submitting a list of the fishing vessels concerned.

#### CHAPTER IX

##### IMMEDIATE ENFORCEMENT MEASURES, SANCTIONS AND ACCOMPANYING SANCTIONS

#### Article 41

##### Scope

This Chapter shall apply in relation to:

1. serious infringements committed within the territory of Member States to which the Treaty applies, or within maritime waters under the sovereignty or jurisdiction of the Member States, with the exception of waters adjacent to the territories and countries mentioned in Annex II of the Treaty;

2. serious infringements committed by Community fishing vessels or nationals of Member States;

3. serious infringements detected within the territory or within waters as referred to in point 1 of this Article but which have been committed on the high seas or within the jurisdiction of a third country and are being sanctioned pursuant to Article 11(4).

#### Article 42

##### Serious infringements

1. For the purpose of this Regulation, serious infringement means:

- (a) the activities considered to constitute IUU fishing in accordance with the criteria set out in Article 3;
- (b) the conduct of business directly connected to IUU fishing, including the trade in/or the importation of fishery products;
- (c) the falsification of documents referred to in this Regulation or the use of such false or invalid documents.

2. The serious character of the infringement shall be determined by the competent authority of a Member State taking into account the criteria set out in Article 3(2).

#### Article 43

##### Immediate enforcement measures

1. Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such an infringement, Member States shall start a full investigation of the infringement and, in conformity with their national law and depending on the gravity of the infringement, take immediate enforcement measures such as in particular:

- (a) the immediate cessation of fishing activities;
- (b) the rerouting to port of the fishing vessel;
- (c) the rerouting of the transport vehicle to another location for inspection;
- (d) the ordering of a bond;
- (e) the seizure of fishing gear, catches or fisheries products;
- (f) the temporary immobilisation of the fishing vessel or transport vehicle concerned;
- (g) the suspension of the authorisation to fish.



2. The enforcement measures shall be of such nature as to prevent the continuation of the serious infringement concerned and to allow the competent authorities to complete its investigation.

#### Article 44

##### Sanctions for serious infringements

1. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive administrative sanctions.

2. The Member States shall impose a maximum sanction of at least five times the value of the fishery products obtained by committing the serious infringement.

In case of a repeated serious infringement within a five-year period, the Member States shall impose a maximum sanction of at least eight times the value of the fishery products obtained by committing the serious infringement.

In applying these sanctions the Member States shall also take into account the value of the prejudice to the fishing resources and the marine environment concerned.

3. Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.

#### Article 45

##### Accompanying sanctions

The sanctions provided for in this Chapter may be accompanied by other sanctions or measures, in particular:

1. the sequestration of the fishing vessel involved in the infringement;
2. the temporary immobilisation of the fishing vessel;
3. the confiscation of prohibited fishing gear, catches or fishery products;
4. the suspension or withdrawal of authorisation to fish;
5. the reduction or withdrawal of fishing rights;
6. the temporary or permanent exclusion from the right to obtain new fishing rights;
7. the temporary or permanent ban on access to public assistance or subsidies;
8. the suspension or withdrawal of the status of approved economic operator granted pursuant to Article 16(3).

#### Article 46

##### Overall level of sanctions and accompanying sanctions

The overall level of sanctions and accompanying sanctions shall be calculated in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their serious infringements without prejudice to the legitimate right to exercise a profession. For this purpose, account shall be also taken of immediate enforcement measures taken pursuant to Article 43.

#### Article 47

##### Liability of legal persons

1. Legal persons shall be held liable for serious infringements where such infringements have been committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, and having a determining position within the legal person, based on:

- (a) a power of representation of the legal person; or
- (b) an authority to take decisions on behalf of the legal person; or
- (c) an authority to exercise control within the legal person.

2. A legal person may be held liable where the lack of supervision or control, by a natural person referred to in paragraph 1, has made possible the commission of a serious infringement for the benefit of that legal person by a natural person under its authority.

3. Liability of a legal person shall not exclude proceedings against natural persons who are perpetrators, instigators or accessories in the infringements concerned.

#### CHAPTER X

##### IMPLEMENTATION OF PROVISIONS ADOPTED WITHIN CERTAIN REGIONAL FISHERIES MANAGEMENT ORGANISATIONS PERTAINING TO FISHING VESSEL SIGHTINGS

#### Article 48

##### Sightings at sea

1. The provisions of this Chapter shall apply to fishing activities subject to the rules on sightings at sea adopted within regional fishery management organisations which are binding to the Community.

2. In the event that a Member State's competent authority responsible for inspection at sea sights a fishing vessel engaged in activities that may be considered as IUU fishing, it shall forthwith issue a report of the sighting. Such report and the results of investigations carried out on that fishing vessel by that Member State shall be considered evidence for use in the implementation of the identification and enforcement mechanisms provided in this Regulation.

3. In the event that the master of a Community or a third country fishing vessel sights a fishing vessel engaged in activities referred to in paragraph 2, the master may document as much information as possible on such sighting, for instance:

- (a) the name and description of the fishing vessel;
- (b) the fishing vessel's call sign;
- (c) the registration number and, if appropriate, the Lloyds IMO number of the fishing vessel;
- (d) the flag State of the fishing vessel;
- (e) the position (latitude, longitude) at the time when first identified;
- (f) the date/time UTC when first identified;
- (g) a photograph or photographs of the fishing vessel to support the sighting;
- (h) any other relevant information regarding the observed activities of the fishing vessel concerned.

4. Sighting reports shall be sent without delay to the competent authority of the flag Member State of the sighting fishing vessel, which shall transmit them as soon as possible to the Commission or to the body designated by it. The Commission or the body designated by it shall then immediately inform the flag State of the fishing vessel sighted. The Commission or a body designated by it shall thereupon transmit the sighting report to all the Member States and, as appropriate, to the Executive Secretary of the relevant regional fisheries management organisations for further action in accordance with the measures adopted by those organisations.

5. A Member State which receives a sighting report reporting the activities of a fishing vessel flying its flag from the competent authority of a contracting party of a regional fisheries management organisation shall notify the report and all relevant information as soon as possible to the Commission or to the body designated by it, which shall thereupon forward this information to the Executive Secretary of the regional fisheries management organisation concerned for further action in accordance with the measures adopted by this organisation, as appropriate.

6. This Article shall apply without prejudice to stricter provisions adopted by regional fisheries management organisations to which the Community is a contracting party.

#### Article 49

### Submission of information regarding sighted fishing vessels

1. Member States which obtain suitably documented information regarding sighted fishing vessels shall transmit this information without delay to the Commission or to the body designated by it with the format determined in accordance with the procedure referred to in Article 54(2).

2. The Commission or the body designated by it shall also examine suitably documented information regarding sighted fishing vessels submitted by citizens, civil society organisations, including environmental organisations, as well as representatives of fisheries or fish trade stakeholder interests.

#### Article 50

### Investigation of sighted fishing vessels

1. Member States shall, as soon as possible, initiate an investigation on the activities of fishing vessels flying their flag which have been sighted in accordance with Article 49.

2. Member States shall notify, where possible by electronic means, to the Commission or the body designated by it the details of the initiation of the investigation and of any action taken or intended in respect of the sighted fishing vessels flying their flag, as soon as practicable and in any case within two months of the notification of the sighting report pursuant to Article 48(4). Reports on the progress of the investigations on the activities of the sighted fishing vessel shall be provided to the Commission or to the body designated by it at appropriate regular intervals. A final report on the outcome when the investigations are completed shall be provided to the Commission or to the body designated by it.

3. Member States other than the flag Member State concerned shall, where appropriate, verify whether the sighted fishing vessels reported have carried out activities in maritime waters under their jurisdiction or if fisheries products stemming from those vessels have been landed or imported into their territory and shall investigate their record of compliance with relevant conservation and management measures. Member States shall notify without delay to the Commission, or to the body designated by it, and to the flag Member State concerned the outcome of their verifications and investigations.

4. The Commission or the body designated by it shall communicate to all the Member States the information received in accordance with paragraphs 2 and 3.

5. This Article shall apply without prejudice to the provisions of Chapter V of Regulation (EC) No 2371/2002 and to the provisions adopted by regional fisheries management organisations to which the Community is a contracting party.

#### CHAPTER XI

### MUTUAL ASSISTANCE

#### Article 51

#### Mutual assistance

1. The administrative authorities responsible for implementation of this Regulation in the Member States shall cooperate with each other, with administrative authorities of third countries and with the Commission in order to ensure compliance with this Regulation.

2. For the purposes of paragraph 1, a system for mutual assistance shall be established, which shall include an automated information system, the 'IUU fishing information system', which shall be managed by the Commission or a body designated by it, to assist competent authorities in preventing, investigating and prosecuting IUU fishing.

3. Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure referred to in Article 54(2).

#### CHAPTER XII

### FINAL PROVISIONS

#### Article 52

#### Implementation

The measures necessary for implementing the provisions of this Regulation shall be adopted in accordance with the procedure referred to in Article 54(2).

#### Article 53

#### Financial support

Member States may require the operators concerned to contribute to the costs linked to the implementation of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 September 2008.

#### Article 54

#### Committee procedure

1. The Commission shall be assisted by the Committee set up under Article 30 of Regulation (EC) No 2371/2002.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

#### Article 55

#### Reporting obligations

1. Every two years, Member States shall transmit a report to the Commission on the application of this Regulation not later than 30 April of the following calendar year.

2. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a report every three years to be submitted to the European Parliament and to the Council.

3. An evaluation of the impact of this Regulation on IUU fishing shall be undertaken by the Commission by 29 October 2013.

#### Article 56

#### Repeals

Articles 28b(2), 28e, 28f, 28g and Article 31(2)(a) of Regulation (EEC) No 2847/93, Regulation (EC) No 1093/94, Regulation (EC) No 1447/1999, Articles 8, 19a, 19b, 19c, 21, 21b, 21c of Regulation (EC) No 1936/2001 and Articles 26a, 28, 29, 30 and 31 of Regulation (EC) No 601/2004 shall be repealed with effect from 1 January 2010.

References to the repealed Regulations shall be construed as references to this Regulation.

#### Article 57

#### Entry into force

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

For the Council

The President

M. BARNIER

## ANNEX I

**List of products excluded from the definition of 'fishery products' set out in point 8 of Article 2**

- Freshwater fishery products
  - Aquaculture products obtained from fry or larvae
  - Ornamental fish
  - Oysters, live
  - Scallops including queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*, live, fresh or chilled
  - Coquilles St Jacques (*Pecten maximus*), frozen
  - Other scallops, fresh or chilled
  - Mussels
  - Snails, others than those obtained from the sea
  - Prepared and preserved molluscs
-

## ANNEX II

## European Community Catch Certificate and Re-export Certificate

EUROPEAN COMMUNITY CATCH CERTIFICATE							
Document number				Validating authority			
1. Name		Address			Tel.		
					Fax		
2. Fishing vessel name		Flag – Home port and registration number			Call sign		IMO/Lloyd's number (if issued)
Fishing licence No – Valid to			Inmarsat No, Fax No, Telephone No, E-mail address (if issued)				
3. Description of product			Type of processing authorised on board		4. References of applicable conservation and management measures		
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate		
5. Name of master of fishing vessel – Signature – Seal:							
6. Declaration of transhipment at sea Name of master of fishing vessel				Signature and date	Transhipment date/area/position	Estimated weight (kg)	
Master of receiving vessel		Signature	Vessel name		Call sign	IMO/Lloyds number (if issued)	
7. Transhipment authorisation within a port area							
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (stamp)
8. Name and address of exporter		Signature		Date		Seal	
9. Flag State authority validation:							
Name/title			Signature		Date	Seal (stamp)	

<b>10. Transport details</b> (see Appendix)					
<b>11. Importer declaration</b>					
<b>Name and address of importer</b>	<b>Signature</b>	<b>Date</b>		<b>Seal</b>	<b>Product CN code</b>
<b>Documents under Articles 14(1), (2) of Regulation (EC) No .../2008</b>	<b>References</b>				
<b>12. Import control — authority</b>	<b>Place</b>	<b>Importation authorised (*)</b>	<b>Importation suspended (*)</b>	<b>Verification requested – date</b>	
<b>Customs declaration (if issued)</b>	<b>Number</b>		<b>Date</b>	<b>Place</b>	
(*) Tick as appropriate.					

<b>EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE</b>			
<b>Certificate number</b>	<b>Date</b>	<b>Member State</b>	
<b>1. Description of re-exported product</b>		<b>Weight (kg)</b>	
<b>Species</b>	<b>Product code</b>	<b>Balance from total quantity declared in the catch certificate</b>	
<b>2. Name of re-exporter</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>
<b>3. Authority</b>			
<b>Name/title</b>	<b>Signature</b>	<b>Date</b>	<b>Seal/stamp</b>
<b>4. Re-export control</b>			
<b>Place</b>	<b>Re-export authorised (*)</b>	<b>Verification requested (*)</b>	<b>Re-export declaration number and date</b>
(*) Tick as appropriate.			

*Appendix***Transport details**

1. Country of exportation Port/airport/other place of departure	2. Exporter signature			
Vessel name and flag Flight number/airway bill number Truck nationality and registration number Railway bill number Other transport document	Container number(s) list attached	Name	Address	Signature



## ANNEX III

**Flag State notifications**

## 1. Content of flag State notifications pursuant to Article 20

The Commission shall request flag States to notify the names, addresses and official seal prints of the public authorities situated in their territory which are empowered to:

- (a) register fishing vessels under their flag;
- (b) grant, suspend and withdraw fishing licences to their fishing vessels;
- (c) attest the veracity of information provided in the catch certificates referred to in Article 13 and validate such certificates;
- (d) implement, control and enforce laws, regulations and conservation and management measures which must be complied with by their fishing vessels;
- (e) carry out verifications of such catch certificates to assist the competent authorities of the Member States through the administrative cooperation referred to in Article 20(4);
- (f) communicate sample forms of their catch certificate in accordance with the specimen in Annex II; and
- (g) update such notifications.

## 2. Catch documentation schemes adopted by regional fishery management organisations referred to in Article 13:

Where a catch documentation scheme adopted by a regional fishery management organisation has been recognised as a catch certification scheme for the purposes of this Regulation, the flag State notifications made under such catch documentation schemes are deemed to be done in accordance with the provisions laid down in paragraph 1 of this Annex and the provisions of this Annex are deemed to apply *mutatis mutandis*.

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ANNEX IV

**Statement under Article 14(2) of Council Regulation (EC) No .../2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches imported under the following catch certificate(s):

Catch certificate number	Vessel name(s) and flag(s)	Validation date(s)	Catch description	Total landed weight (kg)	Catch processed (kg)	Processed fishery product (kg)

Name and address of the processing plant:

.....  
 .....  
 .....

Name and address of the exporter (if different from the processing plant):

.....  
 .....  
 .....

Approval number of the processing plant:

.....

Health certificate number and date:

.....

Responsible person of the processing plant:	Signature:	Date:	Place:
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Endorsement by the competent authority:

.....

Official:	Signature and seal:	Date:	Place:
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**COMMISSION REGULATION (EC) No 1010/2009****of 22 October 2009****laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

be set out in accordance with Articles 6(1), 8(3) and 49(1) of Regulation (EC) No 1005/2008.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing <sup>(1)</sup>, and in particular Articles 6(3), 8(3), 9(1), 12(4), 12(5), 13(1), 16(1), 16(3), 17(3), 20(4), 49(1), 52 thereof,

After consulting the European Data Protection Supervisor,

Whereas:

- (1) Regulation (EC) No 1005/2008 provides for the adoption of detailed rules and measures to implement the provisions it sets out.
- (2) In accordance with Articles 6(3) and 16(1) of Regulation (EC) No 1005/2008 the period of three working days set out for the prior notification of landings or transshipments in port and for the submission of catch certificates before the estimated time of arrival of fishery products at the place of entry into the territory of the Community may be modified in the light of certain factors. These factors include: the type of fishery product; the distance between the fishing ground, landing places and ports where the vessels in question are registered or listed; the distance to the place of entry into the territory of the Community; the transport means used. Fresh fishery products and consignments arriving by air, road or rail require a shorter period than three working days.
- (3) Consistency should be ensured in documents transmitted in relation to prior notification of landings and transshipments, landing and transshipment declarations and sighting reports. For that reason formats for these must

- (4) Article 9(1) and Article 17(3) of Regulation (EC) No 1005/2008 provide that Member States shall carry out port inspections of at least 5 % of landing and transshipment operations by third country fishing vessels as well as verifications deemed necessary to ensure that the provisions of the Regulation are correctly applied, in accordance with benchmarks determined on the basis of risk management and on the basis of national or Community risk management criteria. It is appropriate to lay down common risk management criteria for checking, inspection and verification activities in order to allow timely risk analyses and global assessments of relevant control information. The common criteria aim at ensuring a harmonised approach to inspection and verification in all Member States and to establish a level playing field for all operators.

- (5) Article 52 of Regulation (EC) No 1005/2008 provides that measures necessary for implementing the provisions of that Regulation are to be adopted in accordance with the Committee procedure. Given the fact that the Community should take account of possible capacity constraints for the proper implementation of the certification scheme, it is deemed necessary to adapt the scheme for some fishery products obtained by small fishing vessels, introducing the possibility of a simplified catch certificate. In the absence of a general definition of small scale fisheries certain specific criteria should be laid down under which the validation of a simplified catch certificate may be requested by the exporter. These criteria should take account in the first instance of the limited capacity of the fishing vessels concerned, in relation to which the obligation to apply the standard catch certification scheme would constitute a disproportionate burden.

- (6) Article 13(1) of Regulation (EC) No 1005/2008 provides for the recognition of catch documentation schemes agreed and in force in the framework of regional fisheries management organisations (hereinafter referred to as RFMO) in so far as they comply with the requirements of the Regulation. Some of these schemes can be recognised as complying with the requirements of Regulation (EC) No 1005/2008, while others are subject to additional conditions.

<sup>(1)</sup> OJ L 286, 29.10.2008, p. 1.

- (7) Economic operators who fulfil the conditions for obtaining the status of approved economic operator should be able to benefit from a simplified procedure when importing fishery products into the territory of the Community. It is necessary to establish common conditions in all Member States for the granting, amendment or withdrawal of approved economic operators' certificates, or for suspension or revocation of the status of approved economic operator, and rules on the application for and issuing of approved economic operators' certificates.
- (8) Article 12(4) of Regulation (EC) No 1005/2008 provides for an administrative cooperation between the Commission and third countries in areas pertaining to the implementation of the catch certification provisions. Within the framework of Article 20(4) of Regulation (EC) No 1005/2008, the catch certificate may be established, validated or submitted by electronic means or may be replaced by electronic traceability systems ensuring the same level of control by authorities, in agreement with flag States. These administrative arrangements with flag States shall be regularly updated and Member States and the public shall be informed in due time.
- (9) According to Article 51(2) of Regulation (EC) No 1005/2008 a system shall be established for mutual assistance between the Member States, with third countries and the Commission. Such administrative cooperation is essential to ensure that the Community catch certification scheme can be applied properly and that IUU fishing is properly investigated and sanctioned. Rules should therefore be drawn up for a systematic exchange of information either on request or spontaneously, and for the possibility to request enforcement measures and administrative notification by another Member State. Practical procedures should be laid down for exchanging information and requesting assistance. However, these provisions are not such as to affect the application in the Member States of rules on judicial cooperation in criminal cases.
- (10) The protection of individuals with regard to the processing of personal data by the Member States is governed by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup>. The protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of

18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(2)</sup>, in particular as regards to the requirements of confidentiality and security of processing, the transfer of personal data from the national systems of Member States to the Commission, the lawfulness of processing, and the rights of data subjects to information, access to and rectification of their personal data.

- (11) Annex I of Regulation (EC) No 1005/2008, which lists the products excluded from the definition of 'fishery products', may be reviewed annually in accordance with Article 12(5), on the basis of information gathered under Chapters II, III, IV, V, VIII, X and XII. Hence, on the basis of the information gathered under the cooperation provided for in Article 20(4), Annex I shall be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

#### TITLE I

### INSPECTIONS OF THIRD COUNTRY FISHING VESSELS IN MEMBER STATES PORTS

#### CHAPTER I

#### *Conditions for access to port by third country fishing vessels*

##### *Article 1*

#### **Prior notification**

By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008, vessels landing the types of fishery products set out in Annex I to this Regulation shall be subject to a prior notification period of 4 hours.

##### *Article 2*

#### **Prior notification form**

1. The form for prior notification referred to in Article 6(1) of Regulation (EC) No 1005/2008 is set out in Annex IIA to this Regulation.

2. Where all catches are accompanied by a validated catch certificate, the simplified prior notification form set out in Annex IIB may be used.

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

*Article 3***Procedures and forms for pre-landing and pre-transshipment declarations**

1. The form of the pre-landing declaration referred to in Article 8(1) of Regulation (EC) No 1005/2008 shall be as set out in Annex IIIA to this Regulation.

2. The form of the pre-transshipment declaration referred to in Article 8(1) of Regulation (EC) No 1005/2008 shall be as set out in Annex IIIB to this Regulation.

3. A third country fishing vessel may submit the pre-landing or pre-transshipment declaration in electronic format if the Member State whose designated ports of landing and transshipment facilities it intends to use and the flag State of the vessel have agreed to electronic exchange of data.

4. Unless otherwise provided for in the agreement referred to in paragraph 3, a third country fishing vessel shall submit the pre-landing or pre-transshipment declaration either in:

(a) the official language of the Member State of landing or transshipment; or

(b) English if accepted by the Member State of landing or transshipment.

5. The pre-landing or pre-transshipment declaration shall be submitted at least 4 hours before the intended landing or transshipment.

*CHAPTER II***Port inspections***Article 4***Benchmarks for port inspections**

The benchmarks for port inspections as referred to in Article 9(1) of Regulation (EC) No 1005/2008 shall consist of the following criteria:

(a) the species concerned are subject to a management or recovery plan;

(b) the fishing vessel is suspected of not implementing applicable provisions on VMS according to Chapter IV of

Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems <sup>(1)</sup>;

(c) the fishing vessel has not been controlled at port in the port Member State in the last 3 months;

(d) the fishing vessel has not been controlled by the port Member State in the last 6 months;

(e) the fishing vessel is not on the list of establishments from which imports of specified products of animal origin are permitted, as set out in Article 12 of Regulation (EC) No 854/2004 of the European Parliament and of the Council <sup>(2)</sup>;

(f) importation, exportation or trade in fishery products obtained from species of high commercial value;

(g) introduction of new kinds of fishery products or discovery of new trade patterns;

(h) inconsistencies between the trade patterns and the known fishing activities of a flag State in particular in respect of species, volumes or characteristics of its fishing fleet;

(i) inconsistencies between the trade patterns and the known fishing-related activities of a third country in particular in respect of the characteristics of its processing industry or its trade in fishery products;

(j) trade pattern not justified in terms of economic criteria;

(k) involvement of a newly established operator;

(l) significant and sudden increase in trade volume for a certain species;

(m) submission of copies of catch certificates accompanying processing statements according to Annex IV of Regulation (EC) No 1005/2008, for instance when the catch has been split during production;

(n) prior notification, required under Article 6 of Regulation (EC) No 1005/2008, not transmitted at the proper time or information incomplete;

<sup>(1)</sup> OJ L 333, 20.12.2003, p. 17.

<sup>(2)</sup> OJ L 226, 25.6.2004, p. 83.

- (o) inconsistencies between catch data declared by the operator and other information available to the competent authority;
- (p) vessel or vessel owner suspected of being or having been involved in IUU fishing activities;
- (q) vessel having recently changed name, flag or registration number;
- (r) flag State not notified according to Article 20 of Regulation (EC) No 1005/2008 or information available on possible irregularities in the validation of catch certificates by a given flag State (e.g. stamps or validation seal from a competent authority lost, stolen or forged);
- (s) presumed deficiencies in the control system of a flag State;
- (t) operators concerned who have already been involved in illegal activities constituting a potential risk in respect of IUU fishing.
- (b) with an overall length of less than 8 metres with towed gear; or
- (c) without a superstructure; or
- (d) of less than measured 20 GT.
2. Catches from third country fishing vessels referred to in paragraph 1 which are only landed in the flag State of those vessels and which together constitute one consignment may be accompanied by a simplified catch certificate instead of the catch certificate referred to in Article 12 of Regulation (EC) No 1005/2008. The simplified catch certificate shall contain all the information specified in the specimen shown in Annex IV to this Regulation and shall be validated by a public authority of the flag State with the necessary powers to attest the accuracy of the information.
3. The validation of the simplified catch certificate shall be requested by the exporter of the consignment upon submission to the public authority of all the information specified in the specimen shown in Annex IV.

#### Article 5

##### Reporting on the application of benchmarks

1. Member States shall report on the application of benchmarks referred to in Article 4 in their report to be transmitted to the Commission every two years according to Article 55(1) of Regulation (EC) No 1005/2008.
2. On the basis of those reports and its own observations, the Commission shall undertake an evaluation and possible adjustment of the benchmarks.

#### TITLE II

### CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

#### CHAPTER I

##### Catch certificates

#### Article 6

##### Simplified catch certificate

1. This Article shall apply to third country fishing vessels:
- (a) with an overall length of less than 12 metres without towed gear; or

#### Article 7

##### Recognised catch documentation schemes in RFMOs

1. The catch documentation schemes adopted by regional fisheries management organisations listed in Annex V, Part I, to this Regulation, shall be recognised for the purposes of Article 13(1) of Regulation (EC) No 1005/2008 as complying with the requirements of that Regulation without additional conditions.
2. The catch documentation schemes adopted by regional fisheries management organisations listed in Annex V, Part II, of this Regulation, shall be recognised, for the purposes of Article 13(1) of Regulation (EC) No 1005/2008, as complying with the requirements of that Regulation subject to additional conditions.

#### Article 8

##### Deadline for the submission of catch certificates

By way of derogation from Article 16(1) of Regulation (EC) No 1005/2008, the submission of catch certificates for imports of fishery products in consignments by means of transportation referred to in Annex VI to this Regulation shall be subject to the shorter deadlines set out in that Annex.

## CHAPTER II

**Approved economic operators**

## Section 1

**Conditions for granting the approved economic operator certificate**

## Article 9

**General provisions**

Economic operators may, following an application, be granted a certificate of approved economic operator (hereinafter referred to as APEO certificate) for the purposes of Article 16 of Regulation (EC) No 1005/2008 only if they:

- (a) hold an authorised economic operator certificate (hereinafter referred to as AEO certificate) in accordance with Commission Regulation (EEC) No 2454/93 <sup>(1)</sup> (hereinafter referred to as the Implementing Rules of the Community Customs Code); and
- (b) fulfil the criteria laid down in Article 16(3)(a) to (g) of Regulation (EC) No 1005/2008 and detailed in Articles 10 to 13 of this Regulation.

## Article 10

**Sufficient import**

1. The sufficient number and volume of import operations referred to in Article 16(3)(b) of Regulation (EC) No 1005/2008 must be achieved in the Member State of establishment.

2. Each Member State shall determine the minimum threshold for number and volume of import operations and inform the Commission thereof.

## Article 11

**Record of compliance**

1. The record of compliance with the requirements of conservation and management measures referred to in Article 16(3)(c) of Regulation (EC) No 1005/2008 shall be considered as appropriate if, over the last three years preceding the submission of the application, the applicant:

- (a) has not committed a serious infringement of the rules of the common fisheries policy;

(b) has not committed repeated infringements of the rules of the common fisheries policy;

(c) has not directly or indirectly participated in or supported activities of vessels or operators engaged in IUU fishing or which are currently subject to investigation in that respect; and

(d) has not directly or indirectly participated in or supported activities of vessels included in IUU vessel lists adopted by a RFMO.

2. Notwithstanding paragraph 1, the record of compliance with the requirements of conservation and management measures may be considered as appropriate if the competent Member State authority considers an infringement committed by the applicant:

(a) not to be serious; and

(b) of negligible quantitative importance in relation to the number or size of the import-related operations carried out by the applicant.

## Article 12

**Management of records**

The system of managing catch certificates and, where appropriate, processing records, as referred to in Article 16(3)(d) of Regulation (EC) No 1005/2008, shall be considered satisfactory if it ensures:

(a) the handling of catch certificates connected to the trade in fisheries products;

(b) the archiving of the applicant's records and information; and

(c) the protection against the loss of information.

## Article 13

**Facilities**

The applicant's facilities, as referred to in Article 16(3)(e) of Regulation (EC) No 1005/2008, shall be considered appropriate if they:

(a) prevent unauthorised access to storage areas, shipping areas, loading docks and cargo areas;

(b) ensure the handling of fishery products including protection against tampering with cargo units;

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.

(c) ensure the handling of import and/or export licenses connected to prohibitions and restrictions and to distinguish fishery products subject to catch certificates from fishery products not subject to catch certificates.

## Section 2

### Application for an APEO certificate

#### Article 14

##### Submission of the application

1. The application for an APEO certificate shall be submitted to the competent Member State authority on whose territory the importer is established in accordance with the specimen set out in Annex VII.

2. The application shall include records and documentation enabling the competent Member State authority to verify and monitor the compliance with the criteria laid down in Articles 9 to 13 of this Regulation, including a copy of the AEO certificate issued in accordance with the Implementing Rules of the Community Customs Code. Applicants shall submit necessary data to the competent Member State authority.

3. If a part of the relevant records and documentation is kept in another Member State, the consultation procedure referred to in Article 17 shall apply.

4. Where the competent Member State authority establishes that the application does not contain all the information required, it shall, within 30 calendar days of receipt of the application, require the applicant to supply the relevant information.

5. When the authority has received all the information necessary it shall inform the applicant that the application has been deemed complete, specifying the date from which the time limits laid down in Article 18(2) of this Regulation will run.

6. An operator who has been granted the status of approved economic operator in one Member State shall when applying for the same status in a subsequent Member State, attach a copy of the APEO certificate granted by the first Member State.

#### Article 15

##### Inadmissibility of applications

The application referred to in Article 14 shall be inadmissible in the following cases:

(a) where the application does not comply with Article 14; or

(b) where the application is submitted within three years after the withdrawal of the APEO certificate referred to in points (a), (b) and (d) of Article 27(1).

## Section 3

### Procedure for issuing APEO certificates

#### Article 16

##### Examination of application

1. The issuing Member State authority shall examine whether the criteria laid down in Articles 9 to 13 are met. The examination and its results shall be documented by the competent Member State authority.

2. Where the applicant holds an 'AEO certificate — Security and safety' or an 'AEO certificate — Customs simplification/security and safety', as referred to in Article 14a of the Implementing Rules of the Community Customs Code, the criteria set out in Article 13 need not be examined.

3. In cases where the applicant has previously been granted the status of approved economic operator in another Member State, the issuing authority shall examine whether the following criteria are met:

(a) the criteria set out in Articles 12 and 13;

(b) optionally, the criteria set out in Articles 10 and 11.

4. The issuing authority may accept conclusions provided by an expert in the relevant fields referred to in Articles 12 and 13 in respect of the criteria referred to in those Articles. The expert shall not in any way be related to the applicant.

#### Article 17

##### Consultation of other Member States

1. The issuing authority shall consult the competent authorities of other Member States if the examination of the compliance with one or more of the criteria laid down in Articles 9 to 13 cannot be performed by it due either to a lack of information or to the impossibility of checking it. The consulted competent authorities of the Member States shall respond within 60 calendar days, starting from the date of the communication of the request by the issuing Member State authority.



2. If the consulted competent authority fails to respond within the deadline of 60 calendar days referred to in paragraph 1, the issuing authority may assume that the applicant meets the criteria for which the consultation took place.

#### Article 18

##### Issuing of an APEO certificate

1. The issuing authority shall issue the APEO certificate in accordance with the specimen set out in Annex VIII.

2. The APEO certificate shall be issued within 90 calendar days starting from the date of receipt of all the information necessary in accordance with Article 14.

3. The period of 90 calendar days provided for in paragraph 2 may be extended by one further period of 30 calendar days where the competent authority is unable to meet the deadline. In such cases, the competent Member State authority shall, before the expiry of the period referred to in paragraph 2, inform the applicant of the reasons for the extension.

4. The period provided for in paragraph 2 may also be extended if, in the course of the examination of the compliance with the criteria laid down in Articles 9 to 13, the applicant carries out adjustments in order to satisfy those criteria and communicates them to the competent authority.

#### Article 19

##### Rejection of an application

1. Where the result of the examination carried out in accordance with Articles 16 and 17 is likely to lead to the rejection of the application, the issuing authority shall communicate the findings to the applicant and provide him with the opportunity to respond within 30 calendar days, before rejecting the application. The period laid down in paragraph 2 shall be suspended accordingly.

2. If the application is rejected, the competent authority shall inform the applicant of the reasons on which the decision is based. The decision to reject an application shall be notified to the applicant within the time limits laid down in paragraphs 2, 3 and 4 of Article 18 and paragraph 1 of this Article.

3. The issuing authority shall inform the Commission, as soon as possible, that an application has been rejected. The Commission shall make that information available to the competent authorities of the other Member States by electronic means.

#### Section 4

##### Status of approved economic operator

#### Article 20

##### Verifications

1. When the holder of an APEO certificate has advised the competent Member State authority of the arrival of fishery products, that authority may, before the arrival of the consignment into that Member State, notify the approved economic operator when, as a result of a risk analysis in accordance with Article 17 of Regulation (EC) No 1005/2008, the consignment has been selected for further verification. That notice shall only be provided where it does not jeopardise the verification to be carried out.

2. The holder of an APEO certificate shall be subject to fewer physical and document-based verifications than other importers, unless the competent Member State authority decides otherwise in order to take into account a specific risk, or control obligations set out in other Community legislation.

3. Where, following a risk analysis, the competent Member State authority selects for further examination a consignment accompanied by a catch certificate lodged by an approved economic operator, it shall carry out the necessary verifications as a matter of priority. If the approved economic operator so requests, and subject to agreement with the competent Member State authority concerned, those verifications may be carried out at a place which is different from the place of the office of the competent Member State authority.

#### Section 5

##### Legal effects of APEO certificates

#### Article 21

##### General provisions

1. The APEO certificate shall take effect on the tenth working day after the date of its issue. Its period of validity shall not be limited.

2. The APEO certificate shall only be valid in the Member State of the issuing authority.

3. The competent authorities shall monitor compliance with the criteria laid down in Articles 9 to 13.

4. In the case of an APEO certificate issued to an applicant established for less than three years, close monitoring shall take place during the first year after issue.

5. A reassessment of the compliance with the criteria referred to in Articles 9 to 13 shall be carried out by the issuing authority in the following cases:

- (a) major changes to the relevant Community legislation;
- (b) reasonable indication that the relevant criteria are no longer met by the approved economic operator.

6. Article 16(4) shall apply to the reassessment.

7. The issuing authority shall inform the Commission, as soon as possible, of the results of the reassessment. The Commission shall make that information available to the competent authorities of all Member States, by electronic means.

#### Article 22

### **Suspension of the status of an approved economic operator**

1. The status of approved economic operator shall be suspended by the issuing authority in the following cases:

- (a) where non-compliance with the criteria laid down in Articles 9 to 13 has been detected;
- (b) where the competent Member State authorities have sufficient reason to believe that an act has been perpetrated by the approved economic operator, which gives rise to legal proceedings and is linked to an infringement of the rules of the common fisheries policy or of Regulation (EC) No 1005/2008;
- (c) where the status of the authorised economic operator has been suspended in accordance with the Implementing Rules of the Community Customs Code;
- (d) where the suspension is requested by the approved economic operator which is temporarily unable to meet any of the criteria laid down in Articles 9 to 13.

2. Before taking a decision in accordance with paragraph 1(a), (b) and (c), the competent Member State authorities shall communicate their findings to the economic operator concerned. The operators shall be entitled to express its point of view within 30 calendar days starting from the date of receiving the communication.

3. However, where the nature or the level of the threat to the conservation measures for a certain stock or stocks so require, suspension shall take place immediately. The suspending authority shall immediately inform the Commission in order to permit other Member States to take appropriate action.

4. The suspension referred to in paragraph 1 shall take effect from the day following its notification to the approved economic operator. The suspension shall however not affect any import procedure already started before the date of suspension and not yet completed.

#### Article 23

### **Suspension in the case of non-compliance with relevant criteria**

1. In the case referred to in point (a) of Article 22(1), if the approved economic operator does not regularise the situation within the period referred to in paragraph 2 of that Article, the status of approved economic operator shall be suspended for a period of 30 calendar days. The competent Member State authority shall, without delay, notify the economic operator of the suspension and the competent authorities of the other Member States.

2. Where the economic operator concerned has been unable to regularise the situation within the suspension period of 30 calendar days referred to in paragraph 1 but can provide evidence that the conditions can be met if the suspension period is extended, the issuing authority shall suspend the status of approved economic operator for a further 30 calendar days. The competent authorities of the other Member States shall be informed of the extension.

3. When the economic operator concerned has, within the time limit set out in paragraphs 1 or 2, taken the necessary measures to comply with the criteria laid down in Articles 9 to 13, the issuing authority shall withdraw the suspension and inform the economic operator concerned and the Commission. The suspension may be withdrawn before the expiry of the time limit laid down in paragraphs 1 or 2.

#### Article 24

### **Suspension in case of legal proceedings**

1. In the case referred to in point (b) of Article 22(1), the issuing authority shall suspend the status of the approved economic operator for the duration of the proceedings. It shall notify the approved economic operator thereof. Notification shall also be sent to the competent authorities of the other Member States.

2. The competent Member State authority may however decide not to suspend the status of approved economic operator if it considers the infringement to be of negligible quantitative importance in relation to the number or volume of the import-related operations carried out by that operator.

#### Article 25

##### **Suspension related to the status of authorised economic operator**

In the case referred to in point (c) of Article 22(1), the issuing authority shall suspend the status of the approved economic operator until the suspension of the status of authorised economic operator has been withdrawn. It shall notify the approved economic operator thereof. It shall also notify the competent authorities of the other Member States.

#### Article 26

##### **Suspension upon request**

1. In the case referred to in Article 22(1)(d) the approved economic operator shall notify the issuing authority of its temporary inability to meet the criteria laid down in Articles 9 to 13, specifying the date when the criteria will be met again. The approved economic shall also notify the issuing authority of any planned measures and their timescale.

2. The issuing authority shall send the notification to the Commission and the competent authorities of the other Member States.

3. If the approved economic operator fails to regularise the situation within the period set out in its notification, the issuing authority may grant a reasonable extension, provided that the approved economic operator has acted in good faith. The extension shall be notified to the Commission and the competent authorities of the other Member States.

#### Article 27

##### **Withdrawal of the APEO certificate**

1. The APEO certificate shall be withdrawn in the following cases:

- (a) where the approved economic operator fails to take the necessary measures to comply with the criteria laid down in Articles 9 to 13 in accordance with Article 23(3);
- (b) where it has been established that a serious infringement or repeated infringements related to the rules of the common

fisheries policy or of Regulation (EC) No 1005/2008 have been committed by the approved economic operator and there is no further right of appeal;

- (c) where the approved economic operator fails to take the necessary measures to comply with the criteria laid down in Articles 9 to 13 in accordance with Article 26;
- (d) where the status of authorised economic operator, granted in accordance with the Implementing Rules of the Community Customs Code, has been withdrawn;
- (e) upon request of the approved economic operator.

2. In the case referred to in point (b) of paragraph 1, the competent authority may decide not to withdraw the APEO certificate if the infringements are of negligible quantitative importance in relation to the number or size of the import-related operations carried out by that operator.

3. The withdrawal shall take effect from the day following its notification to the approved economic operator.

4. The issuing authority shall immediately inform the Commission of the withdrawal of an APEO certificate.

#### Section 6

##### **Information exchange**

#### Article 28

##### **Information requests**

1. The approved economic operator shall inform the issuing authority of all factors arising after the certificate is granted which may influence its continuation.

2. All relevant information at the disposal of the issuing authority concerning economic operators approved by it shall *upon request* be made available to the Commission and the competent authorities of the other Member States where the approved economic operators carry out import-related activities.

#### Article 29

##### **Sharing of information on approved economic operators**

1. The Commission and the competent authorities in all Member States shall store for a period of three years or longer in accordance with national rules, and have access to the following information:

- (a) the electronically transmitted data of the applications;

(b) the APEO certificates, and where applicable, their amendment or withdrawal of those certificates, or the suspension of the status of approved economic operator.

2. The IUU fishing information system referred to in Article 51 of Regulation (EC) No 1005/2008 may be used for the information and communication process between the competent authorities and for information of the Commission and of the economic operators as provided for in this chapter.

3. The list of approved economic operators may be disclosed by the Commission to the public via the Internet with prior agreement of the approved economic operators concerned. The list shall be kept up to date.

#### Article 30

##### Reporting obligations and evaluation

1. Member States shall include information on the application of the approved economic operator scheme as laid down in this chapter in their report to be transmitted to the Commission every two years according to Article 55(1) of Regulation (EC) No 1005/2008.

2. On the basis of those reports and its own observations, the Commission shall undertake an evaluation and possible adjustment of the approved economic operator scheme.

#### CHAPTER III

##### Verifications related to catch certificates

#### Article 31

##### Community criteria for verifications

Verifications intended to ensure that the provisions of Regulation (EC) No 1005/2008 are complied with, as referred to in Article 17 of that Regulation, shall be focused towards risks identified on the basis of the following Community criteria:

- (a) importation, exportation or trade in fishery products obtained from species of high commercial value;
- (b) introduction of new kinds of fishery products or discovery of new trade patterns;
- (c) inconsistencies between the trade patterns and the known fishing activities of a flag State in particular in respect of species, volumes or characteristics of its fishing fleet;

(d) inconsistencies between the trade patterns and the known fishing-related activities of a third country in particular in respect of the characteristics of its processing industry or its trade in fishery products;

(e) trade pattern not justified in terms of economic criteria;

(f) involvement of a newly established operator;

(g) significant and sudden increase in trade volume for a certain species;

(h) submission of copies of catch certificates accompanying processing statements according to Annex IV of Regulation (EC) No 1005/2008, for instance when the catch has been split during production;

(i) prior notification, required under Article 6 of Regulation (EC) No 1005/2008, not transmitted at the proper time or information incomplete;

(j) inconsistencies between catch data declared by the operator and other information available to the competent authority;

(k) vessel or vessel owner suspected of being or having been involved in IUU fishing activities;

(l) vessel having recently changed name, flag or registration number;

(m) flag State not notified according to Article 20 of Regulation (EC) No 1005/2008 or information available on possible irregularities in the validation of catch certificates by a given flag State (e.g. stamps or validation seal from a competent authority lost, stolen or forged);

(n) presumed deficiencies in the control system of a flag State;

(o) operators concerned who have already been involved in illegal activities constituting a potential risk in respect of IUU fishing.

#### Article 32

##### Reporting obligations and evaluation

1. Member States shall include information on the application of the Community criteria referred to in Article 31 in their report to be transmitted to the Commission every two years according to Article 55(1) of Regulation (EC) No 1005/2008.

2. On the basis of those reports and its own observations, the Commission shall undertake an evaluation and possible adjustment of the Community criteria.

#### CHAPTER IV

### Cooperation with third countries

#### Article 33

#### Administrative cooperation with third countries concerning catch certificates

1. The administrative arrangements in which the catch certificate is established, validated or submitted by electronic means or is replaced by electronic traceability systems ensuring the same level of control by authorities, established within the framework of the administrative cooperation set out in Article 20(4) of Regulation (EC) No 1005/2008, are listed in Annex IX to this Regulation.

2. The Commission shall within 15 working days after establishment of a new administrative arrangement pertaining to the implementation of the catch certification provisions of Regulation (EC) No 1005/2008, inform the competent authorities of Member States thereof, place the information on its website as soon as possible and update Annex IX to this Regulation.

#### TITLE III

### SIGHTINGS

#### Article 34

#### Form for submission of information regarding sighted fishing vessels

1. The form for submission of information regarding sighted fishing vessels referred to in Article 49(1) of Regulation (EC) No 1005/2008 is set out in Annex XA to this Regulation.

2. The instructions for filling in the form referred to in paragraph 1 are set out in Annex XB to this Regulation.

#### TITLE IV

### MUTUAL ASSISTANCE

#### CHAPTER I

### General provisions

#### Article 35

#### Scope

1. This Title lays down the conditions under which the Member States shall administratively cooperate with each other, third countries, the Commission and the body designated by it in order to ensure the effective application of Regulation (EC) No 1005/2008 and this Regulation.

2. This Title shall not bind Member States to grant each other assistance where that would be likely to be injurious to their national legal system, public policy, security or other fundamental interests. Before denying a request for assistance, the requested Member State shall consult the applicant Member State to determine whether assistance may be given in part, subject to specific terms and conditions. Where a request for assistance cannot be complied with the applicant Member State and the Commission shall promptly be notified of that fact and reasons shall be stated.

3. This Title shall not affect the application in the Member States of rules on criminal procedure and mutual assistance in criminal matters, including those on secrecy of judicial inquiries.

#### Article 36

### Protection of personal data

1. This Regulation leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter either the obligations of Member States relating to their processing of personal data under Directive 95/46/EC or the obligations of the Community institutions and bodies relating to their processing of personal data under Regulation (EC) No 45/2001 when fulfilling their responsibilities. The Member States and the Commission shall ensure that all applicable provisions laid down in Regulation (EC) No 45/2001 and Directive 95/46/EC are respected.

2. The rights of persons with regard to their registration data processed in national systems shall be exercised in accordance with the law of the Member State which stored their personal data, and in particular the provisions implementing Directive 95/46/EC, and, with regard to their registration data processed in Community systems, shall be exercised in accordance with Regulation (EC) No 45/2001.

#### Article 37

### Use of information and protection of professional and commercial secrecy

1. The applicant Member State shall use information communicated according to this Title solely for the purposes of implementing Regulation (EC) No 1005/2008 and at all times in accordance with Directive 95/46/EC. The use of such information for other purposes shall be subject to prior written consultation of the requested Member State which provided the information. Such use shall then be subject to any conditions established by the requested Member State for non-disclosure of information in accordance with Directive 95/46/EC. The use of personal information data for other purposes shall be in compliance with the conditions laid down in Directive 95/46/EC.

2. The applicant Member State shall consider specific demands related to disclosure of the information such as the safety and privacy of persons identified or identifiable by the information.

3. The information shall benefit from the same protection accorded to similar data by the national legislation of the Member State receiving them and, for a Community institution receiving them, by the corresponding provisions applicable to this institution. It may be invoked as evidence in administrative or criminal proceedings by the Member State receiving the information, in accordance with the law of that Member State.

4. Information communicated in any form to persons working for national public authorities and the Commission shall be covered by duties of confidentiality and professional secrecy if their disclosure would undermine

- (a) the protection of the privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data;
- (b) the commercial interests of a natural or legal person, including intellectual property;
- (c) court proceedings and legal advice; or
- (d) the purpose of inspections or investigations.

5. Paragraph 4 shall not apply where the disclosure is necessary to bring about the cessation of IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 and the authority communicating the information consents to its disclosure.

#### Article 38

##### **Costs**

Member States shall bear their own costs of executing a request for assistance and shall waive all claims for the reimbursement of expenses incurred in applying this Title.

#### Article 39

##### **Single authority**

1. Each Member State shall designate a single liaison office responsible for the application of this Title.
2. Each Member State shall communicate to the Commission and the other Member States the identity of the single liaison office and keep that information up to date.
3. The Commission shall publish and update the list of single liaison offices in the *Official Journal of the European Union*.

#### Article 40

##### **Follow-up measures**

1. Where national authorities decide, in response to a request for assistance based on this Title or following a spontaneous exchange of information, to take measures which may be implemented only with the authorisation or at the demand of a judicial authority, they shall communicate to the Member State concerned and the Commission any information on those measures which is related to IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008, or to infringements of this Regulation.

2. Any such communication must have the prior authorisation of the judicial authority if such authorisation is required by national law.

#### CHAPTER II

##### **Information without prior request**

#### Article 41

##### **Information without prior request**

1. When a Member State becomes aware of any potential IUU fishing activity or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 or reasonably suspects that such an activity or infringement may occur, it shall notify the other Member States concerned and the Commission, without delay. That notification shall supply all necessary information and shall be made via the single authority as referred to in Article 39.

2. When a Member State takes enforcement measures in relation to an IUU fishing activity or infringement referred to in paragraph 1, it shall notify the other Member States concerned and the Commission via the single authority as referred to in Article 39.

3. All notifications according to this Article shall be made in writing.

#### CHAPTER III

##### **Requests for assistance**

#### Article 42

##### **Definitions**

For the purposes of this Title 'request for assistance' means a request addressed by one Member State to another Member State for:

- (a) information;
- (b) enforcement measures; or
- (c) administrative notification.

#### Article 43

##### General requirements

1. The applicant Member State shall ensure that all requests for assistance contain sufficient information to enable a requested Member State to fulfil the request, including any necessary evidence obtainable in the territory of the applicant Member State.
2. Requests for assistance shall be limited to substantiated cases where there is reasonable cause to believe that IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 have occurred and where the applicant Member State is not able to obtain the requested information or to take the requested measures by its own means.

#### Article 44

##### Transmission of requests and replies

1. Requests shall only be sent by the single authority of the applicant Member State or by the Commission to the single authority of the requested Member State. All replies to a request shall be communicated in the same way.
2. Requests for mutual assistance and the respective replies shall be made in writing.
3. The languages used for requests and for the communication of information shall be agreed by the single authorities concerned before requests are made. If no agreement can be reached, requests shall be communicated in the official language(s) of the applicant Member State and replies in the official language(s) of the requested Member State.

#### Article 45

##### Requests for information

1. A requested Member State shall, at the request of an applicant Member State, or of the Commission, supply any relevant information required to establish whether IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 have occurred or to establish whether there is a reasonable suspicion it may occur. That information shall be supplied via the single authority as referred to in Article 39.

2. The requested Member State shall, at the request of the applicant Member State or of the Commission, carry out the appropriate administrative enquiries concerning operations which constitute, or appear to the applicant Member State to constitute, IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008. The requested Member State shall communicate the results of such administrative enquiries to the applicant Member State and to the Commission.

3. At the request of the applicant Member State, or of the Commission, the requested Member State may permit a competent official of the applicant Member State to accompany the officials of the requested Member State or of the Commission, in the course of administrative enquiries referred to in paragraph 2. In so far as national provisions on criminal proceedings restrict certain acts to officials specifically designated by national law, the officials of the applicant Member State shall not take part in such acts. In no event, shall they participate in searches of premises or the formal questioning of persons under criminal law. The officials of the applicant Member States present in the requested Member State must at all time be able to present written authority stating their identity and their official functions.

4. At the request of the applicant Member State, the requested Member State shall supply it with any document or certified true copies in its possession which relates to IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008.

5. The standard form for the exchange of information on request is set out in Annex XI.

#### Article 46

##### Requests for enforcement measures

1. A requested Member State shall, based on the evidence referred to in Article 43, at the request of an applicant Member State, or of the Commission, take all necessary enforcement measures to bring about the cessation, within its territory or within maritime waters under its sovereignty or jurisdiction, of any IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 without delay.

2. The requested Member State may consult the applicant Member State and the Commission in the course of taking the enforcement measures referred to in paragraph 1.

3. The requested Member State shall report the measures taken and their effect to the applicant Member State, the other Member States concerned and the Commission, via the single authority as referred to in Article 39.

#### Article 47

### Deadline for replies to requests for information and enforcement measures

1. The requested Member State shall provide the information referred to in Article 45(1) and Article 46 (3) as quickly as possible, but not later than 4 weeks following the date of receipt of the request. Different time limits may be agreed between the requested and the applicant Member State or the Commission.

2. Where the requested Member State is unable to respond to the request by the deadline, it shall inform the applicant Member State or the Commission in writing of the reason for its failure to do so, and indicate when it considers it will be able to respond.

#### Article 48

### Requests for administrative notification

1. A requested Member State shall, at the request of an applicant Member State and in accordance with its national rules governing the notification of similar instruments and decisions, notify the addressee of all instruments and decisions taken in the field covered by Regulation (EC) No 1005/2008 which emanate from the administrative authorities of the applicant Member State and are to be served in the territory of the requested Member State.

2. Requests for notification shall be made using the standard form attached to this Regulation in Annex XII.

3. The requested Member State shall transmit its reply to the applicant Member State immediately after the notification via the single authority referred to in Article 39. The reply shall be made using the standard form attached to this Regulation in Annex XII.

#### CHAPTER IV

### Relations with the Commission

#### Article 49

### Communication between the Member States and the Commission

1. Each Member State shall communicate to the Commission as soon as it is available to it any information it considers relevant concerning methods, practices or revealed tendencies used or suspected of having been used for IUU fishing or

serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008.

2. The Commission shall communicate to the Member States, as soon as it becomes available to it, any information that would help them to enforce the implementation of Regulation (EC) No 1005/2008.

#### Article 50

### Coordination by the Commission

1. Where a Member State becomes aware of operations which constitute, or appear to constitute, IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 and which are of particular relevance at Community level, it shall communicate to the Commission as soon as possible any relevant information needed to determine the facts. The Commission shall convey that information to the other Member States concerned.

2. For the purposes of paragraph 1, operations which constitute IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 shall be deemed to be of particular relevance at Community level especially where:

- (a) they have, or might have, connections in other Member States; or
- (b) it appears likely to the Member State that similar operations have also been carried out in other Member States.

3. Where the Commission considers that operations which constitute IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 have taken place in one or more Member States, it shall inform the Member States concerned thereof which shall as soon as possible carry out enquiries. The Member States concerned shall, as soon as possible, communicate to the Commission the findings of those enquiries.

#### CHAPTER V

### Relations with third countries

#### Article 51

### Information exchange with third countries

1. When a Member State receives information relevant to ensure the effective application of Regulation (EC) No 1005/2008 and this Regulation from a third country, it shall communicate that information to the other Member States concerned via the single authority, in so far as it is permitted to do so by bilateral assistance agreements with that third country.



2. Information received under this Title may be communicated to a third country by a Member State via its single authority under a bilateral assistance agreement with that third country; That communication shall take place after consultation of the Member State that originally communicated the information and in accordance with Community legislation and national legislation regarding the protection of individuals with regard to the processing of personal data.

3. The Commission may, in the framework of fisheries agreements concluded between the Community and third countries or in the framework of Regional Fisheries Management Organisations or similar arrangements to which the Community is a Contracting Party or a non-contracting Cooperating Party, communicate relevant information concerning IUU fishing or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 to other parties to those agreements, organisations or arrangements, subject to the consent of the Member State that supplied the information.

#### CHAPTER VI

##### **Transitional provision**

###### *Article 52*

##### **Establishment of an IUU Fishing Information System**

Pending the establishment of the 'IUU Fishing Information System', as referred to in Article 51(2) of Regulation (EC) No

1005/2008, the competent authorities of the Member States shall cooperate under this title with each other and the Commission through existing information arrangements.

#### TITLE V

##### **AMENDMENTS**

###### *Article 53*

##### **Amendments to Regulation (EC) No 1005/2008**

Annex I of Regulation (EC) No 1005/2008, containing the list of products excluded from the definition of 'fisheries products' in Article 2(8) of that Regulation is amended as set out in Annex XIII to this Regulation.

#### TITLE VI

##### **FINAL PROVISIONS**

###### *Article 54*

##### **Entry into force**

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 October 2009.

*For the Commission*

Joe BORG

*Member of the Commission*

## ANNEX I

**Prior notification period for certain types of fishery products referred to in Article 1****Four-hour prior notification period**

Landings of fresh fishery products by fishing vessels into designated Community ports.

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## Form for prior notification for third country fishing vessels referred to in Article 2(1)

Please complete all relevant fields before sending the prior notice:

**Vessel identification**

1. Vessel name:
2. Type of vessel (catching, carrier or support):
3. Flag (country of registration):
4. Home port (ISO alpha-2 country code + name of port):
5. Registration number (external identification):
6. International radio call sign:
7. IMO/Lloyd's number (if issued):

**Dates**

13. Dates of the fishing trip:
14. Date and estimated time of arrival at port:

**Quantities of species retained on board (or negative report if no catches)**

15. Name of catching vessel(s) and catch certificate number(s) for this/these (if available)	16. Date of transhipment (if transhipment has taken place elsewhere than the port of landing)	17. Area or port of transhipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	18. Name of the species (FAO alpha-3 code)	19. Catch area (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	20. Estimated total live weight on board (in kg) or number of fish if required	21. Estimated total live weight of fish to be landed/transhipped (in kg) or number of fish if required	22. Presentation of fish and state of preservation (use letter codes (**))

23. Name and address of vessel owner:
24. Name of master of vessel/representative:
25. Signature:
26. Date:

If catching vessel fill in points 1-10, 12-14 plus 18-22

If carrier vessel fill in points 1-9, 11 and 12 plus 14-22

If support vessel fill in points 1-9, 11, 12 and 14

All must fill in points 23-26

(\*) Letter codes for ports, the state of the fish and the presentation: [http://ec.europa.eu/fisheries/cfp/control\\_enforcement/ers\\_en.htm](http://ec.europa.eu/fisheries/cfp/control_enforcement/ers_en.htm)

## Form for prior notification for third country fishing vessels referred to in Article 2(2)

Please complete all relevant fields before sending the prior notice:

**Intended port of call**

1. Name of the port (ISO alpha-2 country code + 3 letter port code (\*)):
2. Purpose of the call (landing, transhipment or access to services):
3. Date and estimated time of arrival at port:

**Quantities of species retained on board**

4. Name of catching vessel(s) and catch certificate number(s) for this/these	5. Date of transhipment (if transhipment has taken place elsewhere than the port of landing)	6. Area or port of transhipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	7. Name of the species (FAO alpha-3 code)	8. Estimated total live weight on board (in kg) or number of fish if required	9. Estimated total live weight of fish to be landed/transhipped (in kg) or number of fish if required	10. Presentation of fish and state of preservation (use letter codes (*))

11. Name and address of vessel owner:
12. Name of master of vessel/representative:
13. Signature:
14. Date:

If catching vessel fill in points 1-3, 7 plus 9 and 10

If carrier vessel fill in points 1-10

If support vessel fill in points 1-3

All must fill in points 11-14

(\*) Letter codes for ports, the state of the fish and the presentation: [http://ec.europa.eu/fisheries/cfp/control\\_enforcement/ers\\_en.htm](http://ec.europa.eu/fisheries/cfp/control_enforcement/ers_en.htm)

ANNEX IIIA

Form for pre-landing declarations referred to in Article 3(1)

**Vessel identification**

1. Vessel name:
2. Type of vessel (catching or carrier):
3. Flag (country of registration):
4. Home port (ISO alpha-2 country code + name of port):
5. Registration number (external identification):
6. International radio call sign:
7. IMO/Lloyd's number (if issued):

**Contact**

8. Name of the master/representative:
9. Address of master/representative:

**Departure information**

10. Dates and time of departure:
11. Port of departure (ISO alpha-2 country code + name of port):

**Landing information**

12. Date and estimated time of landing:
13. Intended port of landing (ISO alpha-2 country code + 3 letter port code (\*)):
14. Sent by master/representative:

**Quantities of species retained on board**

15. Catch certificate number(s), date(s) and flag State(s)	16. Date of transshipment (if transshipment has taken place elsewhere than the port of landing) and name of catching vessel(s)	17. Area or port of transshipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle)	18. Name of the species (FAO alpha-3 code)	19. Catch area (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	20. Estimated total live weight on board (in kg) or number of fish if required	21. Estimated total live weight of fish to be landed (in kg) or number of fish if required	22. Presentation of fish and state of preservation (use letter codes (*))	23. If applicable, conversion factor applied to fishery product by flag State	24. If processed fishery products, processing's type of packaging (3 letter code CRT=cartons, BOX=boxes, BGS=bags and BLC=blocks)	25. If processed fishery products, number of packing units (cartons, boxes, bags, containers, blocks etc.)	26. If processed fishery products, average weight per unit of packing (in kg)

27. Name and address of vessel owner:
28. Name of master of vessel/representative:
29. Signature:
30. Date:

If catching vessel fill in points 1-15 plus 18-30

If carrier vessel fill in all points

**Form for pre-shipment declarations referred to in Article 3(2)**

(required from both donor and receiving vessel)

**Vessel identification**

1. Vessel name:
2. Type of vessel (catching or carrier):
3. Flag (country of registration):
4. Home port (ISO alpha-2 country code + name of port):
5. Registration number (external identification):
6. International radio call sign:
7. IMO/Lloyd's number (if issued):

**Departure information**

10. Dates and time of departure:
11. Port of departure (ISO alpha-2 country code + name of port):

**Quantities of species retained on board**

18. Catch certificate number(s), date(s) and flag State(s)	19. Date of transshipment (if transshipment has taken place elsewhere than the port of landing) and name of catching vessel(s)	20. Area or port of transshipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	21. Name of the species (FAO alpha-3 code)	22. Catch area (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	23. Estimated total live weight on board (in kg) or number of fish if required	24. Estimated total live weight of fish to be transhipped (in kg) or number of fish if required	25. Presentation of fish and state of preservation (use letter codes (*))	26. If applicable, conversion factor applied to fishery product by flag State	27. If processed fishery products, processing's type of packaging (3 letter code CRT=cartons, BOX=boxes, BGS=bags and BLC=blocks)	28. If processed fishery products, number of packing units (cartons, boxes, bags, containers, blocks etc.)	29. If processed fishery products, average weight per unit of packing (in kg)

30. Name and address of vessel owner:
  31. Name of master of vessel/representative:
  32. Signature:
  33. Date:
- If catching vessel fill in points 1-18 plus 21-33  
If carrier vessel fill in all points

(\*) Letter codes for ports, the state of the fish and the presentation: [http://ec.europa.eu/fisheries/cfp/control\\_enforcement/ers\\_en.htm](http://ec.europa.eu/fisheries/cfp/control_enforcement/ers_en.htm)

**Contact**

8. Name of the master/representative:
9. Address of master/representative:

**Transshipment information**

12. Date and estimated time of transshipment:
13. Intended port of transshipment (ISO alpha-2 country code + 3 letter port code (\*)):
14. Sent by master/representative:

**Information on the other vessel in the transshipment operation:**

15. International radio call sign:
16. Registration number (external identification):
17. Flag (country of registration):

## ANNEX IV

## EUROPEAN COMMUNITY CATCH CERTIFICATE

Simplified form for fishery products fulfilling the requirements in Article 6 of this Regulation

(i) EUROPEAN COMMUNITY CATCH CERTIFICATE — Simplified form for fishery products fulfilling the requirements in Article 6 of this Regulation					
Document number			Validating authority (name, address, tel., fax)		
1. Description of product		2. References of applicable conservation and management measures			
Species	Product code	Verified weight landed (kg)			
3. List of vessels that have provided catches and the quantities by each vessel (name, registration number, etc. annexed):					
4. Name, address, tel. and fax of exporter	Signature	Date	Seal (stamp)		
5. Flag State authority validation:					
Name/Title	Signature	Date	Seal (stamp)		
6. Transport details ( <i>see Appendix</i> )					
7. Importer declaration:					
Name and address of importer	Signature	Date	Seal (stamp)	Product CN code	
8. Import control: Authority	Place	Importation authorised (*)	Importation suspended (*)	Verification requested — date	
Customs declaration (if issued)	Number	Date	Place		

(\*) Tick as appropriate.

(ii) EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE			
<b>Certificate number</b>	<b>Date</b>	<b>Member State</b>	
<b>1. Description of re-exported product</b>		<b>Weight (kg)</b>	
<b>Species</b>	<b>Product code</b>	<b>Balance from total quantity declared in the catch certificate</b>	
<b>2. Name of re-exporter</b>	<b>Address</b>	<b>Signature</b>	<b>Date</b>
<b>3. Authority</b>			
<b>Name/Title</b>	<b>Signature</b>	<b>Date</b>	<b>Seal/Stamp</b>
<b>4. Re-export control</b>			
<b>Place:</b>	<b>Re-export authorised (*)</b>	<b>Verification requested (*)</b>	<b>Re-export declaration number and date</b>

(\*) Tick as appropriate.



## Appendix

## Transport details

<b>1. Country of exportation</b>  <b>Port/airport/other place of departure</b>	<b>2. Exporter signature</b>			
<b>Vessel name and flag</b>  <b>Flight number airway bill number</b>  <b>Truck nationality and registration number</b>  <b>Railway bill number</b>  <b>Other transport document</b>	<b>Container number(s)</b>  <b>list attached</b>	<b>Name</b>	<b>Address</b>	<b>Signature</b>

## ANNEX V

**Catch documentation schemes adopted by regional fisheries management organisations recognised as complying with the requirements of Regulation (EC) No 1005/2008**

Part I Catch documentation schemes recognised as complying with the requirements of Regulation (EC) No 1005/2008:

- Dissostichus spp. catch documentation scheme as set out in Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus* spp <sup>(1)</sup>.
- ICCAT Bluefin tuna Catch Documentation Programme as set out in ICCAT Recommendation 08-12 amending 07-10 on an ICCAT Bluefin tuna Catch Documentation Programme.

Part II Catch documentation schemes recognised as complying with the requirements of Regulation (EC) No 1005/2008, subject to additional conditions:

- CCSBT (Commission for the Conservation of Southern Bluefin Tuna) — Resolution on the implementation of a CCSBT Catch Documentation scheme (adopted at the Fifteenth Annual Meeting — 14-17 October 2008). In addition to the catch documents and any related documents validated in conformity with the CCSBT Catch Documentation scheme, the importer shall submit to the authorities of the Member States of importation the information on transport details, specified in the Appendix on transport details included in Annex II of Regulation (EC) No 1005/2008.

<sup>(1)</sup> OJ L 145, 31.5.2001, p. 1.

## ANNEX VI

**Submission periods of catch certificates for consignments referred to in Article 8****Four-hour period for submission of catch certificate prior to entry into the Community**

Consignments of fishery products entering the Community by airfreight

**Two-hour period for submission of catch certificate prior to entry into the Community**

Consignments of fishery products entering the Community by road

**Four-hour period for submission of catch certificate prior to entry into the Community**

Consignments of fishery products entering the Community by railway

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## ANNEX VII

**EUROPEAN COMMUNITY**

SPECIMEN

**Application for APEO certificate**

(Referred to in Article 14)

*NB:* please refer to the explanatory note when filling out this form

1. <b>Applicant</b>		Reserved for authorities	
2. <b>Legal status of applicant</b>		3. <b>Date of establishment</b>	
4. <b>Address of establishment</b>			
5. <b>Location of main business</b>			
6. <b>Contact person (name, phone, fax, email)</b>		7. <b>Correspondence address</b>	
8. <b>VAT ID number(s)</b>	9. <b>Trader identification number(s)/ EORI number</b>		10. <b>Legal registration number</b>

11. AEO certificate number	12. Member State where customs related activities are carried out	13. Monthly average number/ volume of import operations
14. Office where catch certificate documentation is kept		
15. Office responsible for providing all catch certificate documentation		
16. Location(s) where imported products are kept		
17.  Signature: .....	Date: .....  Number of annexes: .....	
Name: .....		

*Explanatory notes:*

The application and related documents must be submitted, electronically or in paper form, as requested by the Member State to which the application is sent.

1. **Applicant**

Enter the full name of the applicant economic operator.

2. **Legal status**

Enter the legal status as mentioned in the document of establishment.

3. **Date of establishment**

Enter — with numbers — the day, month and year of establishment.

4. **Address of establishment**

Enter the full address of the place where your entity was established, including the country.

5. **Location of main place of business**

Enter the full address of the place of your business where the main activities are carried out.

6. **Contact person**

Indicate the full name, phone and fax numbers, and email address of the contact person designated by you within your company to be contacted by the authorities when examining the application.

7. **Correspondence address**

Fill in only in case it differs from your address of establishment

8, 9 and 10. **VAT ID, trader identification and legal registration numbers**

Enter the required numbers

The trader identification number(s) is(are) the identification number(s) registered by the customs authority(ies)

The economic operators registration and identification (EORI) number is the identification number registered by the customs authority(ies)

The legal registration number is the registration number given by the company registration office.

If these numbers are the same, enter only the VAT ID number.

11. **AEO certificate number**

Enter the required number

12. **Member State where customs related activities are carried out**

Enter the relevant ISO alpha-2 country code. Must be the same as Member State where the status of authorised economic operator has been granted.

13. **Monthly average number/volume of import operations**

Enter the monthly average number/volume of import operations over the past 12 months.

14, 15 and 16. **Offices/locations for documentation/products**

Enter the full addresses of the relevant offices/locations. If the offices/locations have the same address, fill in only Box 14.

17. **Name, date and signature of the applicant**

Signature: the signatory should add his capacity. The signatory should always be the person who represents the applicant as a whole.

Name: name of the applicant and the stamp of the applicant.

Number of annexes: the applicant shall provide the following general information:

1. The application, including annexes, for the status of authorised economic operator
2. The AEO certificate from the authorities granting the status of authorised economic operator
3. Documentation for the number of import operations over the past 12 months.

\_\_\_\_\_

## ANNEX VIII

**EUROPEAN COMMUNITY****SPECIMEN****APEO certificate**

..... (certificate number)	
<b>1. Holder of the APEO certificate</b>    	<b>2. Issuing authority</b>    
<b>3. Date from which the certificate is effective</b>    	

*Explanatory notes:***Certificate number**

The certificate number shall always begin with the ISO alpha-2 country code of the issuing Member State, followed by the national authorisation number.

**1. Holder of the APEO certificate**

The full name of the Holder shall be mentioned, as indicated in Box 1 of the Application form in Annex VII, as well as the VAT ID number(s) as indicated in Box 8 of the application form, and the AEO number as indicated in Box 11 of the application form.

**2. Issuing authority**

Signature, the name of the Member State's administration and the stamp.

The name of the Member State's administration can be mentioned on a regional level, if the organisational structure of the administration so requires.

**3. Date from which the certificate is effective**

Indicate the day, month and the year, in accordance with Article 21(1).

## ANNEX IX

*Administrative arrangement with flag States pertaining to the implementation of the catch certification provisions (Article 12(4) of Regulation (EC) No 1005/2008)*

## ANNEX XA

**Form for submission of information regarding sighted fishing vessels**

Vessel name: \_\_\_\_\_ International radio call sign: \_\_\_\_\_ Flag: \_\_\_\_\_

Registration number (and, if appropriate, Lloyds IMO number): \_\_\_\_\_

Description of vessel (distinguishing markings): \_\_\_\_\_

Type of vessel (e.g. longliner, trawler): \_\_\_\_\_

Initial position: Latitude \_\_\_\_\_ Longitude (east/west) \_\_\_\_\_

Fishing area, subarea, division: \_\_\_\_\_

Contact/sighting (tick appropriate box): Visual  Radar  Radio traffic

Radio contact made with the vessel: Yes  No

Details of person(s) contacted on board of sighted vessel:

Summary content of radio conversation: \_\_\_\_\_

Time and activity (e.g. fishing, transiting) of sighted vessel:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ : \_\_\_\_\_ Activity: \_\_\_\_\_ Direction: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ : \_\_\_\_\_ Activity: \_\_\_\_\_ Direction: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ : \_\_\_\_\_ Activity: \_\_\_\_\_ Direction: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ : \_\_\_\_\_ Activity: \_\_\_\_\_ Direction: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ : \_\_\_\_\_ Activity: \_\_\_\_\_ Direction: \_\_\_\_\_ Position: \_\_\_\_\_

Record of sightings (e.g. by photograph or video): \_\_\_\_\_

Comments: \_\_\_\_\_

Photograph or sketch of vessel, indicating distinguishing structures, profile, masts and markings:

Date of reporting: \_\_\_\_\_ Reported by (contact details): \_\_\_\_\_

## ANNEX XB

**Instructions for filling the format set out in Annex XA**

## FILL IN AS MUCH INFORMATION AS POSSIBLE

1. Vessel name, call sign, flag and if possible registration and Lloyd IMO number are to be obtained from what is seen on the vessel or from radio contact with the vessels (the source of this information must be reported).
  2. Distinguishing markings: state whether the name and port of registration of the vessel was visible or not. Record hull and superstructure colours, number of masts, position of bridge and funnel length, etc.
  3. Type of vessel: describe the type of vessel and gear sighted (e.g. longliner, trawler, factory ship, carrier ship).
  4. Position: record the initial sighting of the vessel, including fishing area/subarea/division.
  5. Activity of the sighted vessel: record the time of the sighting, activity of the vessel at that time and heading (degrees). Record whether the vessel was fishing, setting fishing gear, trawling, hauling or other activities. Space is available for up to five sightings of the same vessel, if more space is needed complete this section on the back of the form or on a separate sheet of paper. Record presence/absence of a streamer line.
  6. Record of sighting: indicate if the sighting of the vessel was recorded on video or with photographs (record where documents have been deposited under comments).
  7. Comments: indicate the direction in which the vessel was transiting. Summarise any radio conversation that took place with indication of the name, nationality, position given by the person(s) contacted on board of the sighted vessel.
  8. Diagram of vessel: draw the profile of the vessel, indicating any distinguishing markings that could be used for identification.
-



## ANNEX XI

## Standard form for the exchange of information on request according to Article 45

## I. REQUEST FOR INFORMATION

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>No of attachments to this request</b>	
<b>Details on the natural or legal person and/or fishing vessel subject to the request</b>	<i>Provide all information available for the identification of concerned fishing vessels, masters, holders of fishing licences and/or fishing authorisations, owner, etc</i>
<b>Information requested on</b>	
<input type="checkbox"/> possible IUU fishing as defined in Article 2(1) of Regulation (EC) No 1005/2008 or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008 <i>Article 45(1)</i>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<input type="checkbox"/> possible infringements of Regulation (EC) No 1005/2008 <i>Article 45(1)</i>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<b>Request to carry out administrative enquiries</b> <i>Article 45(2)</i>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<b>Request for the supply of documents or certified true copies in the possession of the requested authority</b> <i>Article 45(4)</i>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<b>Any other general information or question</b>	

## II. REPLY

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>Date of transmission of the reply</b>	
<b>Reference number requested authority</b>	
<b>No of attachments to this reply</b>	
<b>Information requested on</b>	
<input type="checkbox"/> possible IUU fishing as defined in Article 2(1) of Regulation (EC) No 1005/2008 or serious infringements referred to in Article 42(1)(b) and (c) of Regulation (EC) No 1005/2008	<i>Provide all relevant information available or gathered in the context of the request</i>
<input type="checkbox"/> possible infringement of Regulation (EC) No 1005/2008	<i>Provide all relevant information available or gathered in the context of the request</i>
<input type="checkbox"/> Request to carry out administrative enquiries <i>Article 45(2)</i>	<i>Provide details and results of the administrative enquiries carried out</i>
<input type="checkbox"/> Request for the supply of documents or certified true copies in the possession of the requested authority <i>Article 45(4)</i>	<i>List the documents provided and attached as annex to this reply form</i>
<b>Any other information</b>	

## ANNEX XII

## Standard form for the request for administrative notification according to Article 48

## I. REQUEST FOR ADMINISTRATIVE NOTIFICATION

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>No of attachments to this request</b>	
<b>Details on the natural or legal person subject to the request</b>	<i>Provide all information available for the identification of the addressee of the administrative notification</i>
<b>Information on the subject of the instrument or decision to be notified</b>	<i>Provide all possible information on the subject of the instrument or decision to be notified</i>

## II. REPLY

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>Date of transmission of the reply</b>	
<b>Reference number requested authority</b>	

<b>No of attachments to this reply</b>	
<b>Requested notification</b>	
<b>Information on the requested notification:</b> — <b>Date of notification to the addressee</b> — <b>failure of notification</b>	<i>Indicate date in case of successful notification</i> <i>Indicate reasons in case of failed notification</i>
<b>Other information</b>	

## ANNEX XIII

**List of products excluded from the definition of 'fishery products' set out in point 8 of Article 2 of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

- Freshwater fishery products, including
  - 0301 91 — Other live fish: Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*) <sup>(1)</sup>
  - 0301 92 — Other live fish: Eels (*Anguilla* spp.)
  - 0301 93 — Other live fish: Carp
  - ex 0301 99 — Other: freshwater fish (CN 0301 99 11 and 0301 99 19)
  - 0302 11 — Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304: Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*)
  - 0302 12 — Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304: Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)
  - 0302 66 — Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304: Eels (*Anguilla* spp.)
  - ex 0302 69 — Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304: freshwater fish (CN 0302 69 11 and 0302 69 19)
  - 0303 11 — Fish, frozen, excluding fish fillets and other fish meat of heading 0304: Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), excluding livers and roes
  - 0303 21 — Fish, frozen, excluding fish fillets and other fish meat of heading 0304: Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*)
  - 0303 22 — Fish, frozen, excluding fish fillets and other fish meat of heading 0304: Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)
  - 0303 76 — Fish, frozen, excluding fish fillets and other fish meat of heading 0304: Eels (*Anguilla* spp.)
  - ex 0303 79 — Other Fish, frozen, excluding fish fillets and other fish meat of heading 0304: freshwater fish (CN 0303 79 11 and 0303 79 19)
  - ex 0304 19 — Fish fillets and other fish meat (whether or not minced), fresh or chilled: freshwater fish (CN 0304 19 13; 0304 19 15; 0304 19 17; 0304 19 19 and 0304 19 91)
  - ex 0304 29 — Frozen fillets: of freshwater fish (CN 0304 29 13; 0304 29 15; 0304 29 17 and 0304 29 19)

<sup>(1)</sup> CN codes corresponding to Commission Regulation (EC) No 1031/2008 (OJ L 291, 31.10.2008).

- ex 0304 99 — Other frozen fish meat: of freshwater fish (CN 0304 99 21)
  
- ex 0305 30 — Fish fillets, dried, salted or in brine, but not smoked: of Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*), and Danube salmon (*Hucho hucho*), salted or in brine (CN 0305 30 30); of trout of the species *Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*; of carp (ex CN 0305 30 90)
  
- ex 0305 41 — Smoked fish, including fillets: Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*)
  
- ex 0305 49 — Smoked fish, including fillets: Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*) (CN 0305 49 45); Eels (*Anguilla* spp.) (CN 0305 49 50); Carp (ex CN 0305 49 80)
  
- ex 0305 59 — Dried fish, whether or not salted but not smoked: Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*); Carp (ex CN 0305 59 80)
  
- ex 0305 69 — Fish, salted but not dried or smoked and fish in brine: Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*) (CN 0305 69 50); Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*); Carp (ex CN 0305 69 80)
  
- ex 0306 19 — Other crustaceans, including flours, meals and pellets of crustaceans, fit for human consumption, frozen: Freshwater crayfish (CN 0306 19 10)
  
- ex 0306 29 — Other crustaceans, including flours, meals and pellets of crustaceans, fit for human consumption, not frozen: Freshwater crayfish (CN 0306 29 10)
  
- 1604 11 00 — Prepared or preserved fish, whole or in pieces, but not minced: Salmon
  
- ex 1604 19 — Prepared or preserved fish, whole or in pieces, but not minced: Salmonidae, other than salmon (CN 1604 19 10)
  
- ex 1604 20 — Other prepared or preserved fish: of salmon (CN 1604 20 10); of salmonidae, other than salmon (CN 1604 20 30)
  
- ex 1605 40 00 — Other crustaceans prepared or preserved: Freshwater crayfish cooked with dill, frozen
  
  
- Aquaculture products obtained from fry or larvae
  
- 0301 10 — Live ornamental fish
  
- 0307 10 — Oysters, whether in shell or not, live fresh, chilled, frozen, dried, salted or in brine
  
- Scallops incl. queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*
  
- 0307 21 — Live, fresh or chilled (CN 0307 21 00)
  
- 0307 29 — Other

- 
- Mussels
    - 0307 31 — Live, fresh or chilled
    - 0307 39 — Other
    - ex 1605 90 — Other (CN 1605 90 11 and 1605 90 19)
  - 0307 60 00 — Snails, others than sea snails
  - 0305 10 00 — Flours, meals and pellets of fish, fit for human consumption
  - ex 1605 90 30 — Other crustaceans, molluscs and other aquatic invertebrates, prepared or preserved: scallops, oysters, snails
  - 1605 90 00 — Other aquatic invertebrates, prepared or preserved
-

## I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

## REGULATIONS

## COUNCIL REGULATION (EC) No 1224/2009

of 20 November 2009

**establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006**

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 <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Having regard to the opinion of the European Data Protection Supervisor <sup>(4)</sup>,

Whereas:

(1) The objective of the common fisheries policy, as set out in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy <sup>(5)</sup>, is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

<sup>(1)</sup> Opinion of 22 April 2009 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion of 15 May 2009 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 211, 4.9.2009, p. 73.

<sup>(4)</sup> OJ C 151, 3.7.2009, p. 11.

<sup>(5)</sup> OJ L 358, 31.12.2002, p. 59.

(2) Given that the success of the common fisheries policy involves implementing an effective system of control, the measures provided for in this Regulation seek to establish a Community system for control, inspection, and enforcement with a global and integrated approach in accordance with the principle of proportionality, so as to ensure compliance with all the rules of the common fisheries policy in order to provide for the sustainable exploitation of living aquatic resources by covering all aspects of this policy.

(3) The experience gained in the application of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the Common Fisheries Policy <sup>(6)</sup> has shown that the current control system no longer suffices to ensure compliance with the rules of the common fisheries policy.

(4) Currently control provisions are contained in a wide number of overlapping and complex legal texts. Some parts of the control system are poorly implemented by Member States which results in insufficient and divergent measures in response to infringements of the rules of the common fisheries policy thereby undermining the creation of a level playing field for fishermen across the Community. Accordingly the existing regime and all the obligations therein should be consolidated, rationalised and simplified, in particular through reduction of double regulation and administrative burdens.

<sup>(6)</sup> OJ L 261, 20.10.1993, p. 1.



- (5) In view of the scale of the depletion of marine aquatic resources, it is vital for the Community to adopt the necessary measures to develop a culture of compliance among all operators with the rules of the common fisheries policy, and with the objectives set out by the World Summit on Sustainable Development in 2002 as well as the European Council's Sustainable Development Strategy. To achieve this aim, the rules for control, inspection, and enforcement of conservation as well as resource management measures, structural measures and measures on the common organisation of the market should be reinforced, harmonised and strengthened.
- (6) Given that Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing <sup>(1)</sup>, obliges the Member States to take appropriate measures to ensure the effectiveness of the fight against all illegal, unreported and unregulated (IUU) fishing and associated activities and given that Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters <sup>(2)</sup> establishes provisions on authorisations for Community fishing vessels to engage in fishing activities outside Community waters and on authorisations for third country fishing vessels to engage in fishing activities in Community waters, this Regulation should be complementary to these Regulations and ensure that there is no discrimination between Member States' and third country nationals.
- (7) This Regulation should affect neither special provisions contained in international agreements or applicable in the framework of regional fisheries management organisations nor any national control provisions which fall within the scope of this Regulation but go beyond its minimum provisions, provided that such national provisions are in conformity with Community law.
- (8) Modern technologies, such as the vessel monitoring system, the vessel detection system and the automatic identification system, should be exploited since they allow effective monitoring, systematic and automated cross-checks in a rapid manner, and facilitate the administrative procedures for both the national authorities and the operators and thus allow timely risk analyses and global assessments of all relevant control information. The control system should therefore allow Member States to combine the use of the various control instruments to ensure the most efficient method of control.
- (9) A new, common approach to fisheries control should be introduced that includes comprehensive monitoring of catches, with a view to ensuring a level playing field for the fishing sector that takes into account the differences across the segments of the fleet. To this end common criteria for the implementation of fisheries control and in particular standardised and coordinated inspection procedures at sea, on land and throughout the market chain should be established. As part of the new approach the respective responsibilities of the Member States, the Commission and the Community Fisheries Control Agency should be clarified.
- (10) Management of fishery resources at Community level is based in particular on total allowable catches (TACs), quotas, effort regimes and technical measures. Appropriate steps should be taken to ensure that Member States adopt the necessary measures to implement these management measures in an effective manner.
- (11) Control activities and methods should be based on risk management using cross-checking procedures in a systematic and comprehensive way by Member States. It is also necessary for Member States to exchange relevant information.
- (12) Cooperation and coordination between Member States, the Commission and the Community Fisheries Control Agency should be intensified in order to promote compliance with the rules of the common fisheries policy.
- (13) To ensure that fishing activities are only undertaken in line with the rules of the common fisheries policy such activities should be subject to a fishing licence and, when specific conditions apply, to a fishing authorisation. Also rules on the marking and identification of fishing vessels and their gear should apply.
- (14) To ensure an effective control, Member States should operate a vessel monitoring system and fishing vessels of 12 metres' length overall or more should be equipped with a device allowing Member States to automatically locate and identify those vessels. Furthermore fishing vessels should be equipped with an automatic identification system in accordance with Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system <sup>(3)</sup>, and Member States should use the data of such a system for cross-checking purposes.

<sup>(1)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(2)</sup> OJ L 286, 29.10.2008, p. 33.

<sup>(3)</sup> OJ L 208, 5.8.2002, p. 10.

- (15) Cooperation among Community agencies and among authorities of Member States should be strengthened. For this purpose, it should be possible to transmit data from the vessel monitoring system, automatic identification system and the vessel detection system to Community agencies and competent authorities of Member States engaged in surveillance operations for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.
- (16) It should be for the Council to decide on the future use of electronic monitoring devices and traceability tools such as genetic analysis and other fisheries control technologies if these technologies lead to an improved compliance with rules of the common fisheries policy in a cost effective way.
- (17) Member States should monitor the activities of their fishing vessels in and outside Community waters. To facilitate effective monitoring masters of Community fishing vessels of 10 metres' length overall or more should be obliged to keep a fishing logbook and submit landing and transhipment declarations. In order to make use of modern technologies, for fishing vessels of 12 metres' length overall or more, the fishing logbook should be in electronic form and the landing and transhipment declarations should be submitted electronically.
- (18) The information contained in the fishing logbooks of fishing vessels should be verified at the time of landing. Accordingly, those involved in the landing and marketing of fish and fishery products should be required to declare the quantities landed, transhipped, offered for sale or purchased.
- (19) For small fishing vessels of less than 10 metres' length overall an obligation to keep a fishing logbook or to complete a landing declaration would constitute a disproportionate burden in relation to their fishing capacity. In order to ensure an adequate level of control over such vessels, Member States should monitor their activities by the implementation of a sampling plan.
- (20) Transhipments at sea escape any proper control by flag or coastal states and therefore constitute a possible way for operators to carry illegal catch. To improve controls, transhipment operations in the Community should be authorised only in designated ports.
- (21) The Member States' authorities should be able to monitor landings in their ports. To that end fishing vessels engaged in fisheries on stocks subject to a multiannual plan that are under the obligation to record fishing logbook data electronically should be required to pre-notify those authorities of their intention to land in their ports. Member States should be allowed to deny access if the required information is not complete.
- (22) Since the management of fishing resources is based on fishing opportunities it should be ensured that catches and deployed effort are correctly recorded and that the catches and deployed effort are charged against the quotas and effort allocations of the flag Member State. Fisheries should be closed if the available quota or effort allocation have been exhausted.
- (23) In view of the capacity requirements in the Community fishing fleet as contained in Article 13 of Regulation (EC) No 2371/2002, Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions <sup>(1)</sup>, Commission Regulation (EC) No 1438/2003 of 12 August 2003 laying down implementing rules on the Community Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002 <sup>(2)</sup> and Commission Regulation (EC) No 2104/2004 of 9 December 2004 laying down detailed implementation rules for Council Regulation (EC) No 639/2004 <sup>(3)</sup>, instruments should be introduced for the control of the fleet capacity which should include the monitoring of the engine power and of the use of fishing gear. For that reason Member States should take measures to ensure that the total capacity of the fishing licences does not exceed the maximum capacity levels and ensure that the propulsion engine power of fishing vessels does not exceed the certified engine power of those vessels. Member States should for this purpose certify the propulsion engine power of fishing vessels whose propulsion engine power exceeds 120 kW and also verify on the basis of a sampling plan the consistency of engine power with other available information.
- (24) Particular measures should apply in case of multiannual plans as a particular form to protect the concerned stocks. Transhipments of catches of stocks subject to a multiannual plan should be allowed only in designated ports and only if these catches have been weighed.
- (25) Special provisions should be foreseen that only allowed gears are used and that lost gear is retrieved.
- (26) Special rules should apply to fishing restricted areas. The procedure for the establishment and lifting of real time closures for fishing grounds should be clearly established.

<sup>(1)</sup> OJ L 102, 7.4.2004, p. 9.

<sup>(2)</sup> OJ L 204, 13.8.2003, p. 21.

<sup>(3)</sup> OJ L 365, 10.12.2004, p. 19.

- (27) As recreational fisheries can have a significant impact on fish resources, Member States should ensure that they are conducted in a manner compatible with the objectives of the common fisheries policy. For stocks under a recovery plan Member States should collect catch data of recreational fisheries. Where such fisheries have a significant impact on the resources, the Council should have the possibility to decide on specific management measures.
- (28) In order to establish a comprehensive control regime, the whole chain of production and marketing should be covered by such a regime. It should include a coherent traceability system complementing the provisions contained in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(1)</sup>, and an enhanced control of producer organisations. It should also protect the interests of consumers by providing the information concerning the commercial designation, the production method and the catch area at each stage of the marketing as contained in Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products <sup>(2)</sup>. It should ensure the monitoring of producer organisations in accordance with Commission Regulation (EC) No 2508/2000 of 15 November 2000 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards operational programmes in the fisheries sector <sup>(3)</sup>.
- (29) To ensure that all catches are properly controlled Member States should ensure that all fisheries products are first marketed or registered at an auction centre or to registered buyers or to producer organisations. As the exact weight of catches needs to be known to follow the utilisation of quotas, Member States should ensure that all fisheries products are weighed unless sampling plans based on a common methodology are in place.
- (30) In order to follow the way of the catch and to be able to verify their coherence with catch data, registered buyers, registered auctions or other bodies or persons authorised by Member States should submit sales notes. If they have an annual turnover in first sales of fisheries products of more than EUR 200 000 the sales notes should be transmitted electronically.
- (31) In order to ensure compliance with Community conservation and trade measures, steps should be taken to require all fishery products for which neither a sales note nor a take-over declaration has been submitted and which are transported to a place other than that of landing to be accompanied by a transport document identifying their nature, origin and weight unless a transport document has been transmitted electronically before the transport.
- (32) Member States should carry out regular checks on producer organisations to ensure that they meet the legal requirements. They should also carry out checks regarding the price and intervention arrangements.
- (33) Member States should carry out surveillance in Community waters and take the necessary measures if a sighting or detection does not correspond to the information available to them.
- (34) The concept and the tasks of control observers should be clearly established for future control observer schemes. At the same time rules should also be established on the conduct of inspections.
- (35) For the consistent and effective prosecution of infringements, provision should be made to enable inspection and surveillance reports drawn up by Commission officials, Community inspectors and officials of Member States to be used in the same way as national reports. At the same time Member States should set up an electronic database providing the inspection and surveillance reports of their officials.
- (36) To enhance a common level of control in Community waters a list of Community inspectors should be established and their tasks and competences should be clarified. For the same reason inspections of fishing vessels outside the waters of the inspecting Member State should be possible under certain conditions.
- (37) In the case of an infringement it should be ensured that the appropriate measures are taken and that the infringement can effectively be followed up irrespective of where it occurs. In certain cases of serious infringements there should be an enhanced follow-up to enable immediate investigation. In this respect Member States should also be obliged to take appropriate measures where an infringement has been discovered by a Community inspector. Under certain conditions it should be possible to transfer the proceedings to the flag Member State or the Member State of which the offender holds the citizenship.

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(2)</sup> OJ L 278, 23.10.2001, p. 6.

<sup>(3)</sup> OJ L 289, 16.11.2000, p. 8.

- (38) Nationals of Member States should be deterred from committing infringements of the rules of the common fisheries policy. Since action taken following infringements of those rules differs widely from one Member State to another, thereby causing discrimination and unfair competition rules for fishermen and given that the absence of dissuasive, proportionate and effective sanctions in certain Member States reduces the effectiveness of controls, it is appropriate to introduce administrative sanctions in combination with a point system for serious infringements to provide a real deterrent.
- (39) The persistence of a high number of serious infringements of the rules of the common fisheries policy within Community waters or by Community operators is to a large extent attributable to the non-deterrent level of sanctions for serious infringements of those rules laid down in national legislation. That weakness is compounded by the wide discrepancy in the levels of sanctions between Member States, which encourages illegal operators to operate in waters or within the territory of the Member States where the sanctions are lowest. It is therefore appropriate to complement the maximum levels of sanctions for serious infringements of the rules of the common fisheries policy as laid down in Article 44 of Regulation (EC) No 1005/2008 with dissuasive sanctions, taking into account the nature of the damage, value of the fishery products obtained by committing the serious infringement, the economic situation of the offender and any repetition of an infringement. Immediate enforcement measures and complementary measures should also be laid down.
- (40) The establishment of sanctions should be complemented by a point system for serious infringements on the basis of which a fishing licence should be suspended if a certain number of points have been attributed to the holder of a fishing licence following the imposition of sanctions for serious infringements. If the fishing licences have been suspended five times on the basis of this system and again the number of points are attributed the fishing licence should be withdrawn altogether. In this context Member States should enter in a national register all infringements of the rules of the common fisheries policy.
- (41) To ensure the achievement of the objectives of the common fisheries policy the Commission should be able to take effective corrective measures. To this end the management capacity of the Commission and its capacity to intervene in a manner proportionate to the level of non-compliance by a Member State should be strengthened. The Commission should be empowered to undertake inspections without prior notice and in an independent way, so as to verify the control operations carried out by the competent authorities of Member States.
- (42) For the purposes of protecting the Community financial interest and securing the overriding interest in the conservation of fisheries resources, the financial assistance in the framework of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund <sup>(1)</sup> and Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of Sea <sup>(2)</sup> should be made conditional upon compliance by Member States with their obligations in the fields of fisheries control and thus suspension and cancellation of such financial assistance should be foreseen in cases of an inadequate implementation of the rules of common fisheries policy by Member States which affects the effectiveness of the measures being financed.
- (43) Powers should be conferred to the Commission to close a fishery when the quota of a Member State or a TAC itself is exhausted. The Commission should also be empowered to deduct quotas and effort allocations to ensure the limitation of fishing opportunities are fully complied with. The Commission should also have the capacity to take emergency measures if there is evidence that fishing activities or measures of a Member State undermine the conservation and management measures of management plans or threaten the marine eco-system.
- (44) The exchange of data in electronic form with other Member States and the Commission or the body designated by it should be ensured. The Commission or the body designated by it should be in a position to access directly the fisheries data of Member States to enable it to verify that Member States comply with their obligations and to intervene where inconsistencies are identified.
- (45) For a better communication the competent authorities of Member States should set up websites with general information available on a publicly accessible part and operational information on a secure part of the website. It should also be ensured that the competent authorities of Member States for the implementation of this Regulation cooperate with each other, the Commission, the body designated by the Commission and the competent authorities of third countries.
- (46) 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 Commission <sup>(3)</sup>. All measures adopted by the Commission to implement this Regulation should comply with the proportionality principle.

<sup>(1)</sup> OJ L 223, 15.8.2006, p. 1.

<sup>(2)</sup> OJ L 160, 14.6.2006, p. 1.

<sup>(3)</sup> OJ L 184, 17.7.1999, p. 23.

(47) The mandate of the Community Fisheries Control Agency should be adjusted and extended to support the uniform implementation of the control system of the common fisheries policy, to ensure the organisation of operational cooperation, to provide assistance to Member States and to enable it to set up an emergency unit where a serious risk to the common fisheries policy is identified. It should also be enabled to provide itself with the necessary equipment to carry out joint deployment plans and to cooperate in the implementation of the EU Integrated Maritime Policy.

(48) Data collected and exchanged in the framework of this Regulation should be treated in accordance with applicable rules on confidentiality. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup> should apply to the processing of personal data activities carried out by the Member States when applying this Regulation. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(2)</sup> should govern the processing of personal data activities carried out by the Commission in the application of this Regulation.

(49) In order to bring the Community legislation in line with this Regulation certain Regulations pertaining to control provisions should be amended.

(50) As this Regulation will establish a new, comprehensive control regime, Regulation (EEC) No 2847/93, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits <sup>(3)</sup>, and Council Regulation (EC) No 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing <sup>(4)</sup> should be repealed.

(51) In order to provide the Member States with the necessary time to adapt to some of the new obligations laid down in this Regulation, it is convenient to defer the applicability of certain provisions to a later date,

HAS ADOPTED THIS REGULATION:

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(3)</sup> OJ L 171, 6.7.1994, p. 7.

<sup>(4)</sup> OJ L 408, 30.12.2006, p. 1.

## TITLE I

### GENERAL PROVISIONS

#### Article 1

##### Subject matter

This Regulation establishes a Community system for control, inspection and enforcement (hereinafter referred to as Community control system) to ensure compliance with the rules of the common fisheries policy.

#### Article 2

##### Scope

1. This Regulation shall apply to all activities covered by the common fisheries policy carried out on the territory of Member States or in Community waters or by Community fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States.

2. Activities within maritime waters of the overseas territories and countries referred to in Annex II of the Treaty shall be treated as taking place within maritime waters of third countries.

#### Article 3

##### Relationship with international and national provisions

1. This Regulation shall apply without prejudice to special provisions contained in fisheries agreements concluded between the Community and third countries or applicable in the framework of regional fisheries management organisations or similar agreements to which the Community is a Contracting Party or a non-contracting Cooperating Party.

2. This Regulation shall apply without prejudice to any national control measures which go beyond its minimum requirements, provided that they comply with Community legislation and are in conformity with the common fisheries policy. At the request of the Commission, Member States shall notify those control measures.

#### Article 4

##### Definitions

For the purposes of this Regulation, the definitions set out in Regulation (EC) No 2371/2002 shall apply. The following definitions shall also apply:

1. 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fisheries products;

2. 'rules of the common fisheries policy' means Community legislation on the conservation, management and exploitation of living aquatic resources, on aquaculture and on processing, transport and marketing of fisheries and aquaculture products;
3. 'control' means monitoring and surveillance;
4. 'inspection' means any check which is carried out by officials regarding compliance with the rules of the common fisheries policy and which is noted in an inspection report;
5. 'surveillance' means the observation of fishing activities on the basis of sightings by inspection vessels or official aircrafts and technical detection and identification methods;
6. 'official' means a person authorised by a national authority, the Commission or the Community Fisheries Control Agency to carry out an inspection;
7. 'Community inspectors' means officials of a Member State or of the Commission or the body designated by it, whose names are contained in the list established in accordance with Article 79;
8. 'control observer' means a person authorised by a national authority to observe the implementation of the rules of the common fisheries policy;
9. 'fishing licence' means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of living aquatic resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a Community fishing vessel;
10. 'fishing authorisation' means a fishing authorisation issued in respect of a Community fishing vessel in addition to its fishing licence, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;
11. 'automatic identification system' means an autonomous and continuous vessel identification and monitoring system which provides means for ships to electronically exchange with other nearby ships and authorities ashore ship data including identification, position, course and speed;
12. 'vessel monitoring system data' means data on the fishing vessel identification, geographical position, date, time, course and speed transmitted by satellite-tracking devices installed on board fishing vessels to the fisheries monitoring centre of the flag Member State;
13. 'vessel detection system' means a satellite based remote sensing technology which can identify vessels and detect their positions at sea;
14. 'fishing restricted area' means any marine area under the jurisdiction of a Member State which has been defined by the Council and where fishing activities are either limited or banned;
15. 'fisheries monitoring centre' means an operational centre established by a flag Member State and equipped with computer hardware and software enabling automatic data reception, processing and electronic data transmission;
16. 'transhipment' means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel;
17. 'risk' means the likelihood of an event that may occur and would constitute a violation of the rules of the common fisheries policy;
18. 'risk management' means the systematic identification of risks and the implementation of all measures necessary for limiting the occurrence of these risks. This includes activities such as collecting data and information, analysing and assessing risks, preparing and taking action, and regular monitoring and review of the process and its outcomes, based on international, Community and national sources and strategies;
19. 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
20. 'lot' means a quantity of fisheries and aquaculture products of a given species of the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, or the same aquaculture production unit;
21. 'processing' means the process by which the presentation was prepared. It includes filleting, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner;
22. 'landing' means the initial unloading of any quantity of fisheries products from on board a fishing vessel to land;
23. 'retail' means the handling and/or processing of products of living aquatic resources and their storage at the point of sale or delivery to the final consumer, and includes distribution;

24. 'multiannual plans' means recovery plans as referred to in Article 5 of Regulation (EC) No 2371/2002, management plans as referred to in Article 6 of Regulation (EC) No 2371/2002 as well as other Community provisions adopted on the basis of Article 37 of the Treaty and providing for specific management measures for particular fish stocks for several years;
25. 'coastal State' means the State in the waters under the sovereignty or jurisdiction or in the ports of which an activity takes place;
26. 'enforcement' means any actions taken to ensure compliance with the rules of the common fisheries policy;
27. 'certified engine power' means the maximum continuous engine power which can be obtained at the output flange of an engine according to the certificate issued by the Member State's authorities or classification societies or other operators assigned by them;
28. 'recreational fisheries' means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;
29. 'relocation' means fishing operations where the catch or part thereof is transferred or moved from shared fishing gear to a vessel or from a fishing vessel's hold or its fishing gear to a keep net, container or cage outside the vessel in which the live catch is kept until landing;
30. 'relevant geographical area' means a sea area that is considered as a unit for the purposes of geographical classification in fisheries expressed by reference to a FAO sub-area, division or sub-division, or where applicable an ICES statistical rectangle, fishing effort zone, economic zone or area bounded by geographical coordinates;
31. 'fishing vessel' means any vessel equipped for commercial exploitation of living aquatic resources;
32. 'fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort.

## TITLE II

## GENERAL PRINCIPLES

## Article 5

## General principles

1. Member States shall control the activities carried out by any natural or legal person within the scope of the common fisheries policy on their territory and within waters under their sovereignty or jurisdiction, in particular fishing activities, transshipments, transfer of fish to cages or aquaculture installations including fattening installations, landing, import, transport, processing, marketing and storage of fisheries and aquaculture products.

2. Member States shall also control access to waters and resources and control activities outside Community waters carried out by Community fishing vessels flying their flag and, without prejudice to the primary responsibility of the flag Member State, by their nationals.

3. Member States shall adopt appropriate measures, allocate adequate financial, human and technical resources and set up all administrative and technical structures necessary for ensuring control, inspection and enforcement of activities carried out within the scope of the common fisheries policy. They shall make available to their competent authorities and officials all adequate means to enable them to carry out their tasks.

4. Each Member State shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.

5. In each Member State, a single authority shall coordinate the control activities of all national control authorities. It shall also be responsible for coordinating the collection, treatment and certification of information on fishing activities and for reporting to, cooperating with and ensuring the transmission of information to the Commission, the Community Fisheries Control Agency established in accordance with Regulation (EC) No 768/2005 <sup>(1)</sup>, other Member States and, where appropriate, third countries.

6. In accordance with the procedure laid down in Article 103, the payment of contributions from the European Fisheries Fund pursuant to Regulation (EC) No 1198/2006 and of Community financial contributions to measures referred to in Article 8(a) of Regulation (EC) No 861/2006 shall be conditional upon respect by the Member States of their obligation to ensure compliance with and enforcement of the rules of the common fisheries policy related to, or having an impact on the effectiveness of, the measures being financed, and to operate and maintain an effective control, inspection and enforcement system to this effect.

7. In accordance with their respective responsibilities, the Commission and the Member States shall ensure that the objectives of this Regulation are fulfilled in the management and control of Community financial assistance.

## TITLE III

## GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES

## Article 6

## Fishing licence

1. A Community fishing vessel may be used for commercial exploitation of living aquatic resources only if it has a valid fishing licence.

<sup>(1)</sup> OJ L 128, 21.5.2005, p. 1.

2. The flag Member State shall ensure that the information contained in the fishing licence is accurate and consistent with that contained in the Community fishing fleet register referred to in Article 15 of Regulation (EC) No 2371/2002.

3. The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 45(4) of Regulation (EC) No 1005/2008.

4. The flag Member State shall withdraw permanently the fishing licence of a vessel which is the subject of a capacity adjustment measure referred to in Article 11(3) of Regulation (EC) No 2371/2002, or which has had its fishing authorisation withdrawn in accordance with Article 45(4) of Regulation (EC) No 1005/2008.

5. The flag Member State shall issue, manage and withdraw the fishing licence in accordance with the detailed rules adopted in accordance with the procedure referred to in Article 119.

#### Article 7

##### Fishing authorisation

1. A Community fishing vessel operating in Community waters shall be authorised to carry out specific fishing activities only insofar as they are indicated in a valid fishing authorisation when the fisheries or fishing zones where the activities are authorised are subject to:

- (a) a fishing effort regime;
- (b) a multiannual plan;
- (c) a fishing restricted area;
- (d) fishing for scientific purposes;
- (e) other cases laid down in Community legislation.

2. Where a Member State has a specific national fishing authorisation scheme, it shall send to the Commission at its request a summary of the information contained in the authorisation issued and the related aggregated figures on fishing effort.

3. Where the flag Member State has adopted national provisions in the form of a national fishing authorisation scheme for the allocation to individual vessels of the fishing opportunities available to it, it shall send to the Commission at its request information on the fishing vessels authorised to engage in a fishing activity in a given fishery, in particular concerning the external identification number, the name of the fishing vessels concerned, and the individual fishing opportunities allocated to them.

4. A fishing authorisation shall not be issued if the fishing vessel concerned does not have a fishing licence obtained in accordance with Article 6 or if its fishing licence has been suspended or withdrawn. A fishing authorisation shall be automatically withdrawn where the fishing licence corresponding to the vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

#### Article 8

##### Marking of the fishing gear

1. The master of a fishing vessel shall respect conditions and restrictions relating to the marking and identification of fishing vessels and their gear.

2. Detailed rules for the marking and identification of fishing vessels and their gear shall be adopted in accordance with the procedure referred to in Article 119.

#### Article 9

##### Vessel monitoring system

1. Member States shall operate a satellite-based vessel monitoring system for effective monitoring of fishing activities of the fishing vessels flying their flag wherever those vessels may be and of fishing activities in the Member States' waters.

2. Without prejudice to specific provisions contained in multiannual plans, a fishing vessel of 12 metres' length overall or more shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at regular intervals. It shall also allow the fisheries monitoring centre of the flag Member State to poll the fishing vessel. For fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall this Article shall apply as from 1 January 2012.

3. When a fishing vessel is in the waters of another Member State, the flag Member State shall make available the vessel monitoring system data of that vessel by automatic transmission to the fisheries monitoring centre of the coastal Member States. The vessel monitoring system data shall also be made available upon request to the Member State in whose ports a fishing vessel is likely to land its catches or in the waters of which the fishing vessel is likely to continue its fishing activities.

4. If a Community fishing vessel operates in the waters of a third country or in areas of the high sea where the fishing resources are managed by an international organisation and, if the agreement with that third country or the applicable rules of that international organisation so provide, those data shall also be made available to that country or organisation.

5. A Member State may exempt Community fishing vessels of less than 15 metres' length overall flying its flag from the requirement to be fitted with a vessel monitoring system if they:

- (a) operate exclusively within the territorial seas of the flag Member State; or



(b) never spend more than 24 hours at sea from the time of departure to the return to port.

6. Third country fishing vessels of 12 metres' length overall or more and third country auxiliary fishing vessels engaged in activities ancillary to fishing activities operating in Community waters shall have installed on board a fully functioning device which allows such a vessel to be automatically located and identified by the vessel monitoring system by transmitting position data at regular intervals in the same way as Community fishing vessels.

7. Member States shall establish and operate fisheries monitoring centres, which shall monitor fishing activities and fishing effort. The fisheries monitoring centre of a particular Member State shall monitor the fishing vessels flying its flag, whatever the waters in which they are operating or the port they are in, as well as Community fishing vessels flying the flag of other Member States and fishing vessels of third countries to which a vessel monitoring system applies operating in the waters under the sovereignty or the jurisdiction of that particular Member State.

8. Each flag Member State shall appoint the competent authorities responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Member States shall provide for back-up and recovery procedures in case of system failure. Member States may operate a joint fisheries monitoring centre.

9. A Member State may oblige or authorise any fishing vessels flying its flag to be fitted with a vessel monitoring system.

10. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

#### Article 10

##### Automatic identification system

1. In accordance with Annex II Part I point 3 of the Directive 2002/59/EC, a fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation according to chapter V, Regulation 19, section 2.4.5 of the 1974 SOLAS Convention.

2. Paragraph 1 shall apply:

(a) as from 31 May 2014 to Community fishing vessels of 15 metres' length overall or more and less than 18 metres' length overall;

(b) as from 31 May 2013 to Community fishing vessels of 18 metres' length overall or more and less than 24 metres' length overall;

(c) as from 31 May 2012 to Community fishing vessels of 24 metres' length overall or more and less than 45 metres' length overall.

3. Member States may use the automatic identification system data when such data are available for the purpose of cross-checking with other available data in accordance with Articles 109 and 110. For that purpose Member States shall ensure that data from the automatic identification system for fishing vessels flying their flag are available to their national fisheries control authorities.

#### Article 11

##### Vessel detection system

Where Member States have clear evidence of a cost benefit in relation to the traditional control means in the detection of fishing vessels, they shall use a vessel detection system 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 vessel monitoring system or automatic identification system, in order to assess the presence of fishing vessels in the area. Member States shall ensure that their fisheries monitoring centres possess the technical capacity to use a vessel detection system.

#### Article 12

##### Transmission of data for surveillance operations

Data from the vessel monitoring system, the automatic identification system and the vessel detection system collected in the framework of this Regulation may be transmitted to Community agencies and competent authorities of the Member States engaged in surveillance operations for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.

#### Article 13

##### New technologies

1. The Council may decide on the basis of Article 37 of the Treaty on the obligation to use electronic monitoring devices and traceability tools such as genetic analysis. In order to assess the technology to be used, Member States, on their own initiative or in cooperation with the Commission or the body designated by it, shall carry out pilot projects on traceability tools such as genetic analysis before 1 June 2013.

2. The Council may decide on the basis of Article 37 of the Treaty on the introduction of other new fisheries control technologies when these technologies lead to improved compliance with the rules of the common fisheries policy in a cost-effective way.

## TITLE IV

**CONTROL OF FISHERIES**

## CHAPTER I

**Control of the use of fishing opportunities**

## Section 1

**General provisions***Article 14***Completion and submission of the fishing logbook**

1. Without prejudice to specific provisions contained in multiannual plans, masters of Community fishing vessels of 10 metres' length overall or more shall keep a fishing logbook of their operations, indicating specifically all quantities of each species caught and kept on board above 50 kg of live-weight equivalent.

2. The fishing logbook referred to in paragraph 1 shall contain in particular the following information:

- (a) the external identification number and the name of the fishing vessel;
- (b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the date of catches;
- (d) the date of departure from and of arrival to port, and the duration of the fishing trip;
- (e) the type of gear, mesh size and dimension;
- (f) the estimated quantities of each species in kilograms live weight or, where appropriate, the number of individuals;
- (g) the number of fishing operations.

3. The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % for all species.

4. Masters of Community fishing vessels shall also record in their fishing logbook all estimated discards above 50 kg of live-weight equivalent in volume for any species.

5. In fisheries subject to a Community regime of fishing effort, masters of Community fishing vessels shall record and account in their fishing logbooks for the time spent in an area as follows:

- (a) with regard to towed gear:
  - (i) entry into, and exit from the port located in that area;
  - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;

- (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;

- (b) with regard to static gear:

- (i) entry into, and exit from the port located in that area;
- (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
- (iii) the date and time of setting or re-setting of the static gear in these areas;
- (iv) the date and time of the completion of fishing operations using the static gear;
- (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.

6. Masters of Community fishing vessels shall submit the fishing logbook information as soon as possible and not later than 48 hours after landing:

- (a) to their flag Member State; and
- (b) if the landing has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.

7. To convert stored or processed fish weight into live fish weight, masters of Community fishing vessels shall apply the conversion factor established in accordance with the procedure referred to in Article 119.

8. Masters of third country fishing vessels operating in Community waters shall record the information referred to in this Article in the same way as masters of Community fishing vessels.

9. The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.

10. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*Article 15***Electronic completion and transmission of fishing logbook data**

1. Masters of Community fishing vessels of 12 metres' length overall or more shall record by electronic means the information referred to in Article 14, and shall send it by electronic means to the competent authority of the flag Member State at least once a day.

2. Masters of Community fishing vessels of 12 metres' length overall or more shall send the information referred to in Article 14 at the request of the competent authority of the flag Member State, and shall in any event transmit the relevant fishing logbook data after the last fishing operation has been completed and before entering port.

3. Paragraph 1 shall apply:

(a) as from 1 January 2012 to Community fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;

(b) as from 1 July 2011 to Community fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and

(c) as from 1 January 2010 to Community fishing vessels of 24 metres' length overall or more.

4. A Member State may exempt masters of Community fishing vessels of less than 15 metres' length overall flying its flag from paragraph 1 if they:

(a) operate exclusively within the territorial seas of the flag Member State; or

(b) never spend more than 24 hours at sea from the time of departure to the return to port.

5. Masters of Community fishing vessels that electronically record and report data on their fishing activities shall be exempt from the obligation to complete a paper fishing logbook, a landing declaration and a transshipment declaration.

6. Member States may conclude bilateral agreements on the use of electronic reporting systems on vessels flying their flags within the waters under their sovereignty or jurisdiction. The vessels falling within the scope of such agreements shall be exempt from completing a paper fishing logbook within those waters.

7. A Member State may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in Article 14.

8. 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 paragraphs 1 and 2.

9. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

#### Article 16

### Fishing vessels not subject to fishing logbook requirements

1. Each Member State shall monitor, on the basis of sampling, the activities of fishing vessels which are not subject to the requirements specified in Articles 14 and 15 in order to ensure compliance by these vessels with the rules of the common fisheries policy.

2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology adopted by the Commission in accordance with the procedure referred to in Article 119 and transmit it every year by 31 January to the Commission indicating the methods used for the establishment of this plan. The sampling plans shall be, as far as possible, stable over time and standardised within relevant geographical areas.

3. Member States requiring fishing vessels of less than 10 metres' length overall flying their flag to submit fishing logbooks referred to in Article 14, in accordance with their national law, shall be exempted from the obligation laid down in paragraphs 1 and 2 of this Article.

4. By way of derogation from paragraphs 1 and 2 of this Article, sales notes submitted in accordance with Articles 62 and 63 shall be accepted as an alternative measure to sampling plans.

#### Article 17

### Prior notification

1. Masters of Community fishing vessels of 12 metres' length overall or more engaged in fisheries on stocks subject to a multi-annual plan, which are under the obligation to record fishing logbook data electronically in accordance with Article 15, shall notify the competent authorities of their flag Member State at least four hours before the estimated time of arrival at port of the following information:

(a) the external identification number and the name of the fishing vessel;

(b) the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services;

(c) the dates of the fishing trip and the relevant geographical areas in which the catches were taken;

(d) the estimated date and time of arrival at port;

(e) the quantities of each species recorded in the fishing logbook;

(f) the quantities of each species to be landed or transhipped.

2. When a Community fishing vessel intends to enter a port in a Member State other than the flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the electronic prior notification to the competent authorities of the coastal Member State.

3. The competent authorities of the coastal Member State may give permission to an earlier entry at port.

4. The electronic fishing logbook data referred to in Article 15 and the electronic prior notification may be sent in a single electronic transmission.

5. The accuracy of the data recorded in the electronic prior notification shall be the responsibility of the master.

6. The Commission, in accordance with the procedure referred to in Article 119, may exempt certain categories of fishing vessels from the obligation set out in paragraph 1 for a limited period, which may be renewed, or make provision for another notification period taking into account, inter alia, the type of fisheries products, the distance between the fishing grounds, landing places and ports where the vessels in question are registered.

#### Article 18

##### Prior notification of landing in another Member State

1. Masters of Community fishing vessels which are not under the obligation to record fishing logbook data electronically pending the entry into force of the provisions referred to in Article 15(3) and who intend to use port or landing facilities in a coastal Member State other than their flag Member State shall notify the competent authorities of the coastal Member State at least four hours before the estimated time of arrival at the port of the information referred to in Article 17(1).

2. The competent authorities of the coastal Member State may give permission to an earlier entry.

#### Article 19

##### Authorisation to access to port

The competent authorities of the coastal Member State may deny access to port to fishing vessels if the information referred to in Articles 17 and 18 is not complete, except in cases of force majeure.

#### Article 20

##### Transshipment operations

1. Transshipments at sea shall be prohibited in Community waters. They shall be allowed only subject to an authorisation and to the conditions laid down in this Regulation in ports or places close to the shore of Member States designated for this purpose, and in accordance with the conditions laid down in Article 43(5).

2. If the transshipment operation is interrupted, permission may be required before the transshipment operation is resumed.

3. For the purposes of this Article, relocation, pair trawling activities and fishing operations involving joint action by two or more Community fishing vessels shall not be considered as transshipment.

#### Article 21

##### Completion and submission of the transshipment declaration

1. Without prejudice to specific provisions contained in multi-annual plans, masters of Community fishing vessels of 10 metres' length overall or more involved in a transshipment operation shall complete a transshipment declaration, indicating specifically all quantities of each species transhipped or received above 50 kg of live-weight equivalent.

2. The transshipment declaration referred to in paragraph 1 shall contain at least the following information:

- (a) the external identification number and the name of both the transshipping and the receiving fishing vessels;
- (b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the estimated quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
- (d) the port of destination of the receiving fishing vessel;
- (e) the designated port of transshipment.

3. The permitted margin of tolerance in estimates recorded in the transshipment declaration of the quantities in kilograms of fish transhipped or received shall be 10 % for all species.

4. The masters of both the transshipping and the receiving fishing vessel shall each submit a transshipment declaration, as soon as possible and not later than 48 hours after transshipment:

- (a) to their flag Member State (s); and
- (b) if the transshipment has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.

5. The masters of both the transshipping and the receiving fishing vessel shall each be responsible for the accuracy of the data recorded in their transshipment declaration.

6. The Commission, in accordance with the procedure referred to in Article 119, may exempt certain categories of fishing vessels from the obligation laid down in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, inter alia, the type of fishery products and the distance between the fishing grounds, transshipping places and ports where the vessels in question are registered.

7. Transshipment declaration procedures and forms shall be determined in accordance with the procedure referred to in Article 119.

*Article 22***Electronic completion and transmission of transshipment declaration data**

1. Masters of Community fishing vessels of 12 metres' length overall or more shall record by electronic means the information referred to in Article 21 and shall send it by electronic means to the competent authority of the flag Member State within 24 hours after completion of the transshipment operation.
2. Paragraph 1 shall apply:
  - (a) as from 1 January 2012 to Community fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;
  - (b) as from 1 July 2011 to Community fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and
  - (c) as from 1 January 2010 to Community fishing vessels of 24 metres' length overall or more.
3. A Member State may exempt masters of Community fishing vessels of less than 15 metres' length overall flying its flag from paragraph 1 if they:
  - (a) operate exclusively within the territorial seas of the flag Member State; or
  - (b) never spend more than 24 hours at sea from the time of departure to the return to port.
4. 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 paragraphs 1 and 2.
5. When a Community fishing vessel transships its catches in a Member State other than the flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the transshipment declaration data by electronic means to the competent authorities of the Member State where the catch was transhipped and where the catch is destined.
6. A Member State may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in Article 21.
7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*Article 23***Completion and submission of the landing declaration**

1. Without prejudice to specific provisions contained in multiannual plans, the master of a Community fishing vessel of 10 metres' length overall or more, or his representative, shall complete a landing declaration, indicating specifically all quantities of each species landed.

2. The landing declaration referred to in paragraph 1 shall contain at least the following information:

- (a) the external identification number and the name of the fishing vessel;
- (b) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (c) the quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
- (d) the port of landing.

3. The master of a Community fishing vessel or his representative shall submit the landing declaration, as soon as possible and not later than 48 hours after the completion of the landing:

- (a) to their flag Member State; and
- (b) if the landing has taken place in a port of another Member State, to the competent authorities of the port Member State concerned.

4. The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*Article 24***Electronic completion and transmission of landing declaration data**

1. The master of a Community fishing vessel of 12 metres' length overall or more, or his representative, shall record by electronic means the information referred to in Article 23, and shall send it by electronic means to the competent authority of the flag Member State within 24 hours after completion of the landing operation.

2. Paragraph 1 shall apply:

- (a) as from 1 January 2012 to Community fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall;
- (b) as from 1 July 2011 to Community fishing vessels of 15 metres' length overall or more and less than 24 metres' length overall; and
- (c) as from 1 January 2010 to Community fishing vessels of 24 metres' length overall or more.

3. A Member State may exempt masters of Community fishing vessels of less than 15 metres' length overall flying its flag from paragraph 1 if they:

- (a) operate exclusively within the territorial seas of the flag Member State; or

- (b) never spend more than 24 hours at sea from the time of departure to the return to port.

4. When a Community fishing vessel lands its catches in a Member State other than the flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the Member State where the catch was landed.

5. The master of a Community fishing vessel, or his representative, who records by electronic means the information referred to in Article 23 and who lands his catch in a Member State other than the flag Member State shall be exempt from the requirement to submit a paper landing declaration to the coastal Member State.

6. A Member State may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in Article 23.

7. 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 paragraphs 1 and 2.

8. Landing declaration procedures and forms shall be determined in accordance with the procedure referred to in Article 119.

#### Article 25

##### Vessels not subject to landing declaration requirements

1. Each Member State shall monitor, on the basis of sampling, the activities of fishing vessels which are not subject to the landing declaration requirements specified in Articles 23 and 24 in order to ensure compliance by these vessels with the rules of the common fisheries policy.

2. For the purposes of the monitoring referred to in paragraph 1, each Member State shall establish a sampling plan based on the methodology adopted by the Commission in accordance with the procedure referred to in Article 119, and transmit it every year by 31 January to the Commission indicating the methods used for the establishment of this plan. The sampling plans shall be, as far as possible, stable over time and standardised within relevant geographical areas.

3. Member States requiring fishing vessels of less than 10 metres' length overall flying their flag to submit landing declarations referred to in Article 23, in accordance with their national law, shall be exempted from the obligation laid down in paragraphs 1 and 2 of this Article.

4. By way of derogation from paragraphs 1 and 2 of this Article, sales notes submitted in accordance with Articles 62 and 63 shall be accepted as an alternative measure to sampling plans.

#### Section 2

##### Control of fishing effort

#### Article 26

##### Monitoring of fishing effort

1. Member States shall control the compliance with fishing effort regimes in geographical areas where maximum allowable fishing effort applies. They shall ensure that fishing vessels flying their flag are present in a geographical area subject to a fishing effort regime when carrying on board or, where appropriate, deploying a fishing gear or gears subject to that fishing effort regime or, where appropriate, operating in a fishery subject to that fishing effort regime only if the maximum allowable fishing effort available to them has not been reached and if the effort available to the individual fishing vessel has not been exhausted.

2. Without prejudice to special rules, where a fishing vessel carrying on board or, where appropriate, deploying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime crosses during the same day two or more geographical areas subject to that fishing effort regime, the fishing effort deployed shall be counted against the maximum allowable fishing effort related to such fishing gear or such fishery and to the geographical area in which the largest proportion of time was spent during that day.

3. Where a Member State has authorised a fishing vessel in accordance with Article 27(2) to use more than one fishing gear or gears belonging to more than one grouping of fishing gears subject to a fishing effort regime during a certain fishing trip in a geographical area subject to that fishing effort regime, the fishing effort deployed during that trip shall be counted simultaneously against the maximum allowable fishing effort available to this Member State and related to each of such gears or groupings of fishing gears and to such geographical area.

4. Where fishing gears belong to the same grouping of fishing gears subject to the fishing effort regime, the fishing effort deployed in a geographical area by fishing vessels when carrying those gears on board shall be counted only once against the maximum allowable fishing effort related to such grouping of fishing gears and to such geographical area.

5. Member States shall regulate the fishing effort of their fleet in geographical areas subject to a fishing effort regime when carrying on board or, where appropriate, deploying a fishing gear or gears subject to that fishing effort regime or operating in a fishery subject to that fishing effort regime by taking appropriate action if the available maximum allowable fishing effort is about to be reached to ensure that the deployed fishing effort does not exceed the set limits.

6. A day present within an area shall be any continuous period of 24 hours or part thereof during which a fishing vessel is present within the geographical area and absent from port or where appropriate deploying its fishing gear. The time from which the continuous period of a day present in the area is measured is at the discretion of the Member State whose flag is flown by the fishing vessel concerned. A day absent from port shall be any continuous period of 24 hours or part thereof during which the fishing vessel is absent from port.

#### Article 27

##### Notification of fishing gear

1. Without prejudice to specific rules, in relevant geographical areas subject to a fishing effort regime where gear restrictions apply or where maximum allowable fishing effort were set for different fishing gears or groupings of fishing gears, the master of a fishing vessel or his representative shall notify to the competent authorities of the flag Member State before a period to which maximum allowable fishing effort applies which fishing gear or, where applicable, fishing gears he intends to use during the forthcoming period. Until such notification is provided the fishing vessel shall not be entitled to fish within the geographical areas to which the fishing effort regime applies.

2. Where a fishing effort regime allows the use of gears belonging to more than one grouping of fishing gears in a geographical area, the use of more than one fishing gear during a fishing trip shall be subject to a prior authorisation by the flag Member State.

#### Article 28

##### Fishing effort report

1. When the Council so decides for Community fishing vessels which are not equipped with a functioning vessel monitoring system as referred to in Article 9 or which do not transmit fishing logbook data electronically as referred to in Article 15 and which are subject to a fishing effort regime, the masters of these fishing vessels shall communicate by telex, fax, telephone message or e-mail duly recorded by the recipient or by radio via a radio station approved under Community rules the following information in the form of a fishing effort report to the competent authorities of his flag Member State and, where appropriate, to the coastal Member State immediately before each entry into and exit from a geographical area subject to that fishing effort regime:

- (a) the name, external identification mark, radio call sign and name of the master of the fishing vessel;
- (b) the geographical location of the fishing vessel to which the communication refers;
- (c) the date and time of each entry into and exit from the area and, where applicable, parts thereof;

- (d) the catch retained on board by species in kilograms live weight.

2. Member States may implement, in accordance with Member States concerned by the fishing activities of the former's vessels, alternative control measures to ensure compliance with effort reporting obligations. These measures shall be as effective and transparent as the reporting obligations in paragraph 1 and shall be notified to the Commission before being implemented.

#### Article 29

##### Exemptions

1. A fishing vessel carrying on board fishing gears subject to a fishing effort regime may transit across a geographical area subject to that fishing effort regime if it has no fishing authorisation to operate in that geographical area or it has first notified its competent authorities of its intention to transit. While the fishing vessel is within that geographical area, any fishing gear subject to that fishing effort regime and carried on board shall be lashed and stowed in accordance with conditions laid down in Article 47.

2. A Member State may choose not to count against any available maximum allowable fishing effort the activity of a fishing vessel undertaking non-fishing related activities in a geographical area subject to a fishing effort regime provided that the fishing vessel first notifies its flag Member State of its intention to do so, of the nature of its activity and that it surrenders its fishing authorisation for that time. Such fishing vessels shall not carry any fishing gear or fish during that time.

3. A Member State may choose not to count against any maximum allowable fishing effort the activity of a fishing vessel in a geographical area subject to a fishing effort regime which has been present in that geographical area but was unable to fish because it was assisting another fishing vessel in need of emergency aid or because it was transporting an injured person for emergency medical aid. Within one month after taking that decision, the flag Member State shall inform the Commission and provide evidence of the emergency aid supplied.

#### Article 30

##### Exhaustion of fishing effort

1. Without prejudice to Articles 29 and 31, in a geographical area where fishing gears are subject to a fishing effort regime a fishing vessel carrying on board such fishing gear or gears shall remain in port or out of that geographical area for the remainder of a period in which such fishing effort regime applies if:

- (a) it has exhausted the share of the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears that has been assigned to it; or

(b) the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears available to its flag Member State has been exhausted.

2. Without prejudice to Article 29, in a geographical area where a fishery is subject to a fishing effort regime, a fishing vessel shall not operate in that fishery in that area if:

(a) it has exhausted the share of the maximum allowable fishing effort related to that geographical area and to that fishery that has been assigned to it; or

(b) the maximum allowable fishing effort related to that geographical area and to that fishery available to its flag Member State has been exhausted.

#### Article 31

### Fishing vessels excluded from the application of a fishing effort regime

This Section shall not apply to fishing vessels to the extent that they are exempted from the application of a fishing effort regime.

#### Article 32

### Detailed rules

Detailed rules for the application of this Section may be adopted in accordance with the procedure referred to in Article 119.

#### Section 3

### Recording and exchange of data by Member States

#### Article 33

### Recording of catches and fishing effort

1. Each flag Member State shall record all relevant data, in particular data referred to in Articles 14, 21, 23, 28 and 62, on fishing opportunities as referred to in this Chapter, expressed both in terms of landings and, where appropriate, fishing effort, and shall keep the originals of those data for a period of three years or longer in accordance with national rules.

2. Without prejudice to specific rules laid down in Community legislation, before the 15th of each month, each flag Member State shall notify the Commission or the body designated by it, by computer transmission of the aggregated data:

(a) for the quantities of each stock or group of stocks subject to TACs or quotas landed during the preceding month; and

(b) for the fishing effort deployed during the preceding month for each fishing area subject to a fishing effort regime or, where appropriate, for each fishery subject to a fishing effort regime.

3. By way of derogation from paragraph 2(a), for quantities landed from 1 January 2010 until 31 December 2010, Member States shall record quantities landed by fishing vessels of other Member States in their ports and notify them to the Commission in accordance with the procedures set out in this Article.

4. Each flag Member State shall notify the Commission by electronic means, before the end of the first month of each calendar quarter, of the quantities of stocks in aggregated form other than those mentioned in paragraph 2 landed during the preceding quarter.

5. All catches of a stock or a group of stocks subject to quota made by Community fishing vessels shall be charged against the quotas applicable to the flag Member State for the stock or group of stocks in question, irrespective of the place of landing.

6. Catches taken in the framework of scientific research which are marketed and sold shall be counted against the quota applicable to the flag Member State insofar as they exceed 2 % of the quotas concerned. Article 12(2) of Council Regulation (EC) No 199/2008 of 25 February 2008 establishing a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy <sup>(1)</sup> shall not apply to scientific research voyages during which such catches are taken.

7. Without prejudice to Title XII, Member States may until 30 June 2011 carry out pilot projects with the Commission and body designated by it on the real-time remote access to Member States data recorded and validated according to this Regulation. The data access format and procedures shall be considered and tested. Member States shall inform the Commission before 1 January 2011 if they plan to carry out pilot projects. As from 1 January 2012 the Council may decide on a different way and frequency of data transmission by Member States to the Commission.

8. Except for effort deployed by fishing vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by Community fishing vessels when carrying on board or, where appropriate, using a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to the flag Member State.

<sup>(1)</sup> OJ L 60, 5.3.2008, p. 1.



9. Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of its flag Member State if the catches taken during the deployment of this effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. Article 12(2) of Regulation (EC) No 199/2008 shall not apply to scientific research voyages during which such catches are taken.

10. The Commission may adopt formats for the transmission of the data referred to in this Article in accordance with the procedure referred to in Article 119.

#### Article 34

##### Data on the exhaustion of fishing opportunities

A Member State shall inform the Commission, without delay, when it establishes that:

- (a) the catches of a stock or group of stocks subject to a quota made by the fishing vessels flying its flag are deemed to have exhausted 80 % of that quota; or
- (b) 80 % of the maximum fishing effort level related to a fishing gear or a fishery and to a geographical area and applicable to all or a group of the fishing vessels flying its flag is deemed to have been reached.

In such an eventuality, it shall provide the Commission, at the Commission's request, with more detailed and more frequent information than provided for in Article 33.

#### Section 4

##### Closure of fisheries

#### Article 35

##### Closure of fisheries by Member States

1. Each Member States shall establish the date from which:
  - (a) the catches of a stock or group of stocks subject to a quota made by the fishing vessels flying its flag shall be deemed to have exhausted that quota;
  - (b) the maximum allowable fishing effort related to a fishing gear or a fishery and to a geographical area and applicable to all or a group of the fishing vessels flying its flag shall be deemed to have been reached.

2. As from the date referred to in paragraph 1, the Member State concerned shall prohibit fishing either for the stock or group of stocks whose quota has been exhausted, in the relevant fishery or when carrying on board the relevant fishing gear in the geographical area where the maximum allowable fishing effort has been reached, by all or part of the fishing vessels flying its flag and in particular the retention on board, the transshipments, the relocations and the landings of fish taken after that date and shall decide on a date up to which transshipments, transfers and landings or final declarations of catches are permitted.

3. The decision referred to in paragraph 2 shall be made public by the Member State concerned and immediately communicated to the Commission. It shall be published in the *Official Journal of the European Union* (C series) and on the public website of the Commission. As from the date that the decision has been made public by the Member State concerned, Member States shall ensure that no retention on board, transshipments, relocations or landings either of the relevant fish or when carrying on board relevant fishing gears in relevant geographical areas by fishing vessels or a group of the vessels flying the flag of the Member State concerned take place in their waters and on their territory.

4. The Commission shall make available to Member States by electronic means the notifications received pursuant to this Article.

#### Article 36

##### Closure of fisheries by the Commission

1. Where the Commission finds that a Member State has not complied with the obligation to notify the monthly data on fishing opportunities as provided for in Article 33(2), it may set the date on which 80 % of the fishing opportunities of that Member State are deemed to have been exhausted and it may set the estimated date on which the fishing opportunities shall be deemed to have been exhausted.

2. On the basis of the information under Article 35 or on its own initiative, where the Commission finds that fishing opportunities available to the Community, a Member State or group of Member States are deemed to have been exhausted, the Commission shall inform the Member States concerned thereof and shall prohibit fishing activities for the respective area, gear, stock, group of stocks or fleet involved in those specific fishing activities.

#### Article 37

##### Corrective measures

1. When the Commission has prohibited fishing because of the alleged exhaustion of the fishing opportunities available to a Member State or group of Member States or to the Community and it transpires that a Member State has not in fact exhausted its fishing opportunities, this Article shall apply.

2. If the prejudice suffered by the Member State for which fishing has been prohibited before its fishing opportunities were exhausted has not been removed, measures shall be adopted with the aim of remedying in an appropriate manner the prejudice caused, in accordance with the procedure referred to in Article 119. These measures may involve making deductions from the fishing opportunities of any Member State which has overfished and allocating the quantities so deducted appropriately to the Member States whose fishing activities were prohibited before their fishing opportunities were exhausted.

3. The deductions referred to in paragraph 2 and the consequent allocations shall be made taking into account as a matter of priority the species and relevant geographical areas for which the fishing opportunities were fixed. They may be made during the year in which the prejudice occurred or in the succeeding year or years.

4. Detailed rules for the application of this Article, and in particular for determining the quantities concerned, shall be adopted in accordance with the procedure referred to in Article 119.

## CHAPTER II

### **Control of fleet management**

#### Section 1

### **Fishing capacity**

#### Article 38

### **Fishing capacity**

1. Member States shall be responsible for carrying out the necessary checks in order to ensure that the total capacity corresponding to the fishing licences issued by a Member State, in GT and in kW, shall at any moment not be higher than the maximum capacity levels for that Member State established in accordance with:

- (a) Article 13 of Regulation (EC) No 2371/2002;
- (b) Regulation (EC) No 639/2004;
- (c) Regulation (EC) No 1438/2003; and
- (d) Regulation (EC) No 2104/2004.

2. Detailed rules for the application of this Article, and in particular regarding:

- (a) registration of fishing vessels;
- (b) verification of the engine power of fishing vessels;
- (c) verification of the tonnage of fishing vessels;
- (d) verification of the type, number and characteristics of the fishing gear;

may be adopted in accordance with the procedure referred to in Article 119.

3. Member States shall inform the Commission as part of the report referred to in Article 118 of the check methods used, together with the names and addresses of the bodies responsible for carrying out the verifications referred to in paragraph 2 of this Article.

## Section 2

### **Engine power**

#### Article 39

### **Monitoring of engine power**

1. It shall be prohibited to fish with a fishing vessel that is equipped with an engine the power of which exceeds the one established in the fishing licence.

2. Member States shall ensure that the certified engine power is not exceeded. Member States shall inform the Commission as part of the report referred to in Article 118 on the control measures they have undertaken to ensure that the certified engine power is not exceeded.

3. Member States may charge parts or all costs arising from the certification of engine power to the operators of the fishing vessels.

#### Article 40

### **Certification of engine power**

1. Member States shall be responsible for certifying engine power and issuing engine certificates for Community fishing vessels whose propulsion engine power exceeds 120 kilowatts (kW), except vessels using exclusively static gear or dredge gear, auxiliary vessels and vessels used exclusively in aquaculture.

2. A new propulsion engine, a replacement propulsion engine and a propulsion engine that has been technically modified of fishing vessels referred to in paragraph 1 shall be officially certified by the Member States' competent authorities as not being capable of developing more maximum continuous engine power than stated in the engine certificate. Such a certificate shall only be issued if the engine is not capable of developing more than the stated maximum continuous engine power.

3. Member States' competent authorities may assign the certification of engine power to classification societies or to other operators having the necessary expertise for the technical examination of engine power. Those classification societies or other operators shall only certify a propulsion engine as not being capable of exceeding the officially stated power if there is no possibility to increase the performance of the propulsion engine above the certified power.

4. It shall be prohibited to use a new propulsion engine, a replacement propulsion engine or a propulsion engine that has been technically modified if such engine has not been officially certified by the Member State concerned.

5. This Article shall apply for fishing vessels subject to a fishing effort regime as from 1 January 2012. For other fishing vessels it shall apply as from 1 January 2013.

6. Detailed rules for the application of this Section shall be adopted in accordance with the procedure referred to in Article 119.

#### Article 41

### Verification of engine power

1. Member States shall undertake, following a risk analysis, data verification, established on a sampling plan based on the methodology adopted by the Commission in accordance with the procedure referred to in Article 119, of the consistency of engine power using all the information available to the administration concerning the technical characteristics of the vessel concerned. In particular they shall verify the information contained in:

- (a) vessel monitoring system records;
- (b) the fishing logbook;
- (c) the Engine International Air Pollution Prevention (EIAPP) Certificate issued for the engine in accordance with Annex VI to the Marpol 73/78 Convention;
- (d) class certificates issued by a recognised ship inspection and survey organisation within the meaning of Directive 94/57/EC;
- (e) the sea trial certificate;
- (f) the Community Fishing Fleet Register; and
- (g) any other documents providing relevant information on vessel power or any related technical characteristics.

2. Following the analysis of the information referred to in paragraph 1, where there are indications that the engine power of a fishing vessel is greater than the power stated on its fishing licence, Member States shall proceed to a physical verification of the engine power.

#### CHAPTER III

### Control of multiannual plans

#### Article 42

### Transshipment in port

1. Fishing vessels engaged in fisheries subject to a multiannual plan shall not tranship their catches on board of any other vessel in a designated port or in places close to the shore unless they have been weighed in accordance with Article 60.

2. By way of derogation from paragraph 1, fishing vessels may tranship pelagic catches subject to a multiannual plan in designated ports or places close to the shore which have not been weighed provided that a control observer or an official is present on board the receiving vessel or an inspection is carried out before the departure of the receiving vessel after the transshipment is completed. The master of the receiving vessel is responsible for informing the competent authorities of the coastal Member State 24 hours before the estimated departure of the receiving vessel. The control observer or official shall be designated by the competent authorities of the flag Member State of the receiving vessel. If the receiving vessel engages in fishing activities before or after having received such catches, it shall carry on board the control observer or official until the landing of the received catches. The receiving vessel shall land the received catches in a port of a Member State designated for this purpose in accordance with the conditions laid down in Article 43(4) where the catch shall be weighed in accordance with Articles 60 and 61.

#### Article 43

### Designated ports

1. The Council may decide, when adopting a multiannual plan, on a threshold applicable to the live weight of species subject to a multiannual plan, above which a fishing vessel shall be required to land its catches in a designated port or a place close to the shore.

2. Where more than the threshold of fish as referred to in paragraph 1 is to be landed, the master of a Community fishing vessel shall ensure that such landing is only made in a designated port or a place close to the shore in the Community.

3. When the multiannual plan is applied in the framework of a regional fisheries management organisation, the landings or transshipments may take place in the ports of a Contracting Party or a non-contracting Cooperating Party of that organisation, in accordance with the rules laid down by that regional fisheries management organisation.

4. Each Member State shall designate ports or places close to the shore in which landings referred to in paragraph 2 shall take place.

5. For a port or place close to the shore to be determined as a designated port, the following conditions shall be met:

- (a) established landing or transshipment times;
- (b) established landing or transshipment places;
- (c) established inspection and surveillance procedures.

6. Where a port or place close to the shore has been determined as a designated port for the landing of a given species subject to a multiannual plan, it may be used for the landing of any other species.

7. Member States shall be exempted from paragraph 5(c) if the national control action programme adopted in accordance with Article 46 contains a plan on how to perform control in designated ports, ensuring the same level of control by competent authorities. The plan shall be deemed satisfactory if agreed by the Commission in accordance with the procedure referred to in Article 119.

*Article 44*

**Separate stowage of demersal catches subject to multiannual plans**

1. All catches of demersal stocks subject to a multiannual plan retained on board a Community fishing vessel of 12 metres' length overall or more shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.

2. Masters of Community fishing vessels shall keep the catches of demersal stocks subject to a multiannual plan according to a stowage plan that describes the location of the different species in the holds.

3. It shall be prohibited to retain on board a Community fishing vessel in any box, compartment or container any quantity of catches of demersal stocks subject to a multiannual plan mixed with any other fisheries product.

*Article 45*

**Real time use of quotas**

1. When accumulated catches of stocks subject to a multiannual plan have reached a certain threshold of the national quota, data on catches shall be sent more frequently to the Commission.

2. The Council shall decide on the relevant threshold to apply and the frequency of the communication of the data referred to in paragraph 1.

*Article 46*

**National control action programmes**

1. Member States shall define a national control action programme applicable to each multiannual plan. All national control action programmes shall be notified to the Commission or made available on the secure part of the Member State's website in accordance with Article 115(a).

2. Member States shall set out specific inspection benchmarks in accordance with Annex I. Such benchmarks shall be defined in accordance with risk management and shall be revised periodically after an analysis of the results achieved has been made. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Annex I are reached.

CHAPTER IV

**Control of technical measures**

Section 1

**Use of fishing gear**

*Article 47*

**Fishing gear**

In fisheries in which it is not allowed to use more than one type of gear, any other gear shall be lashed and stowed so that it may not readily be used, in accordance with the following conditions:

- (a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes;
- (b) nets which are on or above deck shall be securely lashed and stowed;
- (c) longlines shall be stowed in lower decks.

*Article 48*

**Retrieval of lost gear**

1. A Community fishing vessel shall have the equipment on board to retrieve lost gear.

2. The master of a Community fishing vessel that has lost gear or part of it shall attempt to retrieve it as soon as possible.

3. If the lost gear cannot be retrieved, the master of the vessel shall inform the competent authority of its flag Member State, which shall then inform the competent authority of the coastal Member State, within 24 hours of the following:

- (a) the external identification number and the name of the fishing vessel;
- (b) the type of lost gear;
- (c) the time when the gear was lost;
- (d) the position where the gear was lost;
- (e) the measures undertaken to retrieve the gear.

4. If the gear that is retrieved by the competent authorities of the Member States has not been reported as lost, these authorities may recover the cost from the master of the fishing vessel that lost the gear.

5. A Member State may exempt Community fishing vessels of less than 12 metres' length overall flying its flag from the requirement set out in paragraph 1 if they:

- (a) operate exclusively within the territorial seas of the flag Member State; or
- (b) never spend more than 24 hours at sea from the time of departure to the return to port.

#### Article 49

### Catch composition

1. If catches which have been retained on board any Community fishing vessel have been taken with nets with different minimum mesh sizes during the same voyage, the species composition shall be calculated for each part of the catch which has been taken under different conditions. To that end, all changes from the mesh size previously used as well as the catch composition on board at the moment of any such change shall be entered into the fishing logbook.

2. Without prejudice to Article 44, detailed rules on the keeping on board of a stowage plan, by species, of processed products, indicating where they are located in the hold, may be adopted in accordance with the procedure referred to in Article 119.

#### Section 2

### Control of fishing restricted areas

#### Article 50

### Control of fishing restricted areas

1. Fishing activities of Community fishing vessels and third country fishing vessels in fishing zones where a fishing restricted area has been established by the Council shall be controlled by the fisheries monitoring centre of the coastal Member State, which shall have a system to detect and record the vessels' entry into, transit through and exit from the fishing restricted areas.

2. In addition to paragraph 1, the Council shall establish a date from which the fishing vessels shall have an operational system on board which shall alert the master of the entry and exit into a fishing restricted area.

3. The frequency of data transmissions shall be of at least once every 30 minutes when a fishing vessel enters a fishing restricted area.

4. Transit through a fishing restricted area is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions:

- (a) all gears carried on board are lashed and stowed during the transit; and
- (b) the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of the flag Member State which shall then inform the competent authorities of the coastal Member State.

5. This Article shall apply to Community fishing vessels and third country fishing vessels of 12 metres' length overall or more.

#### Section 3

### Real-time closure of fisheries

#### Article 51

### General provisions

1. When a trigger catch level of a particular species or group of species as defined in accordance with the procedure referred to in Article 119 has been reached, the area concerned shall be temporarily closed to the relevant fisheries in accordance with this Section.

2. The trigger catch level shall be calculated on the basis of a sampling methodology adopted by the Commission in accordance with the procedure referred to in Article 119, as the percentage or weight of a particular species or group of species compared to the total catch in a haul of the fish concerned.

3. Detailed rules for the application of this Section may be adopted in accordance with the procedure referred to in Article 119.

#### Article 52

### Trigger catch in two hauls

1. Where the quantity of catches exceeds a trigger catch level in two consecutive hauls, the fishing vessel shall change the fishing area by at least five nautical miles, or two nautical miles for fishing vessels of less than 12 metres' length overall, from any position of the previous haul before continuing fishing and shall inform without delay the competent authorities of the coastal Member State.

2. The Commission in accordance with the procedure referred to in Article 119, at its own initiative or at the request of the Member State concerned, may modify distances referred to in paragraph 1.

#### Article 53

### Real-time closure by Member States

1. When an official, control observer or research platform detects that a trigger catch level has been reached, the official, the control observer of the coastal Member State or the person who is participating in a joint operation under a Joint Deployment Plan shall inform without delay the competent authorities of the coastal Member State.

2. On the basis of the information received in accordance with paragraph 1 the coastal Member State shall decide the real-time closure of the area concerned without delay. It may also use the information received in accordance with Article 52, or any available information for this decision. The decision establishing the real-time closure shall define clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure.

3. If the area referred to in paragraph 2 straddles jurisdictions, the Member State concerned shall without delay inform the neighbouring coastal Member State of the findings and the decision to close. The neighbouring coastal Member State shall close its part of the area without delay.

4. The real time closure referred to in paragraph 2 shall be non-discriminatory and shall only apply to fishing vessels that are equipped to catch the species concerned and/or which have an authorisation to fish on the fishing grounds concerned.

5. The coastal Member State shall inform without delay the Commission, all Member States and third countries whose fishing vessels are authorised to operate in the area concerned that a real-time closure has been established.

6. The Commission may request the Member State at any time to cancel or amend the real time closure with immediate effect if the Member State concerned has not provided sufficient information that a trigger catch level has been reached in accordance with Article 51.

7. Fishing activities in the area referred to in paragraph 2 shall be prohibited as defined in the decision establishing the real-time closure.

#### *Article 54*

#### **Real-time closure by the Commission**

1. On the basis of the information demonstrating that a trigger catch level has been reached the Commission may determine an area to be temporarily closed if the coastal Member State has not itself established such a closure.

2. The Commission shall inform without delay all Member States and third countries whose fishing vessels operate in the closed area and shall make available without delay on its official website a map with the coordinates of the area temporarily closed, specifying the duration of the closure and the conditions governing fisheries in that specific closed area.

#### *CHAPTER V*

#### ***Control of recreational fisheries***

#### *Article 55*

#### **Recreational fisheries**

1. Member States shall ensure that recreational fisheries on their territory and in Community waters are conducted in a manner compatible with the objectives and rules of the common fisheries policy.

2. The marketing of catches from recreational fisheries shall be prohibited.

3. Without prejudice to Regulation (EC) No 199/2008, Member States shall monitor, on the basis of a sampling plan, the catches of stocks subject to recovery plans by recreational fisheries practised from vessels flying their flag and from third country vessels in waters under their sovereignty or jurisdiction. Fishing from shore shall not be included.

4. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall evaluate the biological impact of recreational fisheries as referred to in paragraph 3. Where a recreational fishery is found to have a significant impact, the Council may decide, in accordance with the procedure referred to in Article 37 of the Treaty, to submit recreational fisheries as referred to in paragraph 3 to specific management measures such as fishing authorisations and catch declarations.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

#### TITLE V

#### **CONTROL OF MARKETING**

#### *CHAPTER I*

#### ***General provisions***

#### *Article 56*

#### **Principles for the control of marketing**

1. Each Member State shall be responsible for controlling on its territory the application of the rules of the common fisheries policy at all stages of the marketing of fisheries and aquaculture products, from the first sale to the retail sale, including transport.

2. Where a minimum size has been fixed for a given species in Community legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.

3. Member States shall ensure that all fisheries and aquaculture products from catching or harvesting are put into lots prior to the first sale.

4. Quantities of less than 30 kg per single species coming from the same management area from several fishing vessels may be put into lots by the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer prior to the first sale. The producer organisation and the registered buyer shall keep records for at least three years on the origin of the contents of the lots in which catches of several fishing vessels are put.

*Article 57***Common marketing standards**

1. Member States shall ensure that the products to which common marketing standards apply are displayed for first sale, offered for first sale, sold or otherwise marketed only if they comply with these standards.

2. Products withdrawn from the market in accordance with Regulation (EC) No 104/2000 shall respect common marketing standards, in particular freshness categories.

3. Operators responsible for purchasing, selling, stocking or transporting lots of fisheries and aquaculture products shall be able to prove that the products comply with the minimum marketing standards at all stages.

*Article 58***Traceability**

1. Without prejudice to Regulation (EC) No 178/2002, all lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage.

2. Fisheries and aquaculture products placed on the market or likely to be placed on the market in the Community shall be adequately labelled to ensure the traceability of each lot.

3. Lots of fisheries and aquaculture products may be merged or split after first sale only if it is possible to trace them back to catching or harvesting stage.

4. Member States shall ensure that operators have in place systems and procedures to identify any operator from whom they have been supplied with lots of fisheries and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.

5. The minimum labelling and information requirements for all lots of fisheries and aquaculture products shall include:

- (a) the identification number of each lot;
- (b) the external identification number and name of the fishing vessel or the name of the aquaculture production unit;
- (c) the FAO alpha-3 code of each species;
- (d) the date of catches or the date of production;

(e) the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals;

(f) the name and address of the suppliers;

(g) the information to consumers provided for in Article 8 of Regulation (EC) No 2065/2001: the commercial designation, the scientific name, the relevant geographical area and the production method;

(h) whether the fisheries products have been previously frozen or not.

6. Member States shall ensure that the information listed in points (g) and (h) of paragraph 5 is available to the consumer at retail sale stage.

7. The information listed in points (a) to (f) of paragraph 5 shall not apply to fisheries and aquaculture products imported into the Community with catch certificates submitted in accordance with Regulation (EC) No 1005/2008.

8. Member States may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed the value of EUR 50 per day. Any amendment to this threshold shall be adopted in accordance with the procedure referred to in Article 119.

9. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*CHAPTER II***Post-landing activities***Article 59***First sale of fisheries products**

1. Member States shall ensure that all fisheries products are first marketed or registered at an auction centre or to registered buyers or to producer organisations.

2. The buyer of fisheries products from a fishing vessel at first sale shall be registered with the competent authorities of the Member State where the first sale takes place. For the purpose of registration, each buyer shall be identified according to its VAT number, tax identification number or other unique identifier in national databases.

3. A buyer acquiring fisheries products up to an amount of 30 kg which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article. Any amendment to this threshold shall be adopted in accordance with the procedure referred to in Article 119.

*Article 60***Weighing of fishery products**

1. A Member State shall ensure that all fishery products are weighed on systems approved by the competent authorities unless it has adopted a sampling plan approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.
2. Without prejudice to specific provisions, the weighing shall be carried out on landing prior to the fisheries products being held in storage, transported or sold.
3. By way of derogation from paragraph 2, Member States may permit fisheries products to be weighed on board the fishing vessel subject to a sampling plan as referred to in paragraph 1.
4. Registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in a Member State shall be responsible for the accuracy of the weighing operation unless, in accordance with paragraph 3, the weighing takes place on board a fishing vessel, in which case it shall be the master's responsibility.
5. The figure resulting from the weighing shall be used for the completion of landing declarations, transport document, sales notes and take-over declarations.
6. The competent authorities of a Member State may require that any quantity of fisheries products first landed in that Member State is weighed in the presence of officials before being transported elsewhere from the place of landing.
7. Detailed rules on the risk-based methodology and procedure of weighing shall be established in accordance with the procedure referred to in Article 119.

*Article 61***Weighing of fisheries products after transport from the place of landing**

1. By way of derogation from Article 60(2), Member States may permit fisheries products to be weighed after transport from the place of landing provided that they are transported to a destination on the territory of the Member State concerned and that this Member State has adopted a control plan approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.
2. By way of derogation from paragraph 1, the competent authorities of the Member State in which the fisheries products are landed may permit the transport before weighing of these products to registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in another Member State. This permission shall be subject to a common control programme between the Member States concerned as referred to in Article 94 which has been approved by the Commission and based on the risk-based

methodology adopted by the Commission in accordance with the procedure referred to in Article 119.

*Article 62***Completion and submission of sales notes**

1. Registered buyers, registered auctions or other bodies or persons authorised by Member States with an annual financial turnover in first sales of fisheries products of less than EUR 200 000 which are responsible for the first marketing of fisheries products landed in a Member State, shall submit, if possible electronically, within 48 hours after the first sale, a sales note to the competent authorities of the Member State in whose territory the first sale takes place. The accuracy of the sales note shall be the responsibility of these buyers, auctions, bodies or persons.
2. A Member State may oblige or authorise registered buyers, registered auctions or other bodies or persons authorised by Member States with an annual financial turnover in first sales of fisheries products of less than EUR 200 000 to electronically record and transmit the data mentioned in Article 64(1).
3. If the Member State in whose territory the first sale takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the sales note is submitted, if possible electronically, to the competent authorities of the flag Member State upon receipt of the relevant information.
4. 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 controlling the first marketing shall ensure that a copy of the sales note is submitted, if possible electronically, to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag Member State of the fishing vessel upon receipt of the sales note.

5. When the landing takes place outside the Community and the first sale takes place in a third country, the master of the fishing vessel or his representative shall forward, if possible electronically, a copy of the sales note or any equivalent document containing the same level of information to the competent authority of the flag member State within 48 hours after the first sale.

6. Where a sales note does not correspond to the invoice or to a document replacing it, as referred to in Articles 218 and 219 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(1)</sup>, the Member State concerned shall adopt the necessary provisions to ensure that the information on the price excluding tax for deliveries of goods to the purchaser is identical to that indicated on the invoice. Member States shall adopt the necessary provisions to ensure that the information on the price excluding tax for deliveries of goods to the purchaser is identical to that indicated on the invoice.

<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1.



*Article 63***Electronic completion and transmission of sales notes data**

1. Registered buyers, registered auctions or other bodies or persons authorised by Member States with an annual financial turnover in first sales of fisheries products of EUR 200 000 or more shall record by electronic means the information referred to in Article 64(1), and shall send it by electronic means within 24 hours after completion of the first sale to the competent authorities of the Member State in whose territory the first sale takes place.
2. Member States shall transmit in the same way, by electronic means, information on sales notes referred to in Article 62(3) and (4).

*Article 64***Content of the sales notes**

1. The sales notes referred to in Articles 62 and 63 shall contain the following data:
  - (a) the external identification number and the name of the fishing vessel that has landed the product concerned;
  - (b) the port and date of landing;
  - (c) the name of the fishing vessel's operator or master and, if different, the name of the seller;
  - (d) the name of the buyer and its VAT number, its tax identification number, or other unique identifier;
  - (e) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
  - (f) the quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
  - (g) for all products subject to marketing standards, as appropriate, the individual size or weight, grade, presentation and freshness;
  - (h) where appropriate, the destination of products withdrawn from the market (carry-over, use for animal feed, for production of meal for animal feed, for bait or for non-food purposes);
  - (i) the place and the date of the sale;
  - (j) where possible, the reference number and date of invoice and, where appropriate, the sales contract;
  - (k) where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;
  - (l) the price.
2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*Article 65***Exemptions from sales notes requirements**

1. The Commission, in accordance with the procedure referred to in Article 119, may grant an exemption from the obligation to submit the sales note to the competent authorities or other authorised bodies of the Member State for fisheries products landed from certain categories of Community fishing vessels of less than 10 metres' length overall or for quantities landed of fisheries products not exceeding 50 kg of live weight equivalent by species. Such exemptions may be granted only in cases where the Member State in question has installed an acceptable sampling system, in accordance with Articles 16 and 25.
2. A buyer acquiring products up to an amount of 30 kg which are not thereafter placed on the market but used only for private consumption shall be exempted from the provisions laid down in Articles 62, 63 and 64. Any amendment to this threshold shall be adopted in accordance with the procedure referred to in Article 119.

*Article 66***Take-over declaration**

1. Without prejudice to specific provisions contained in multi-annual plans, when the fisheries products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons with an annual financial turnover in first sales of fisheries products of less than EUR 200 000 which are responsible for the first marketing of fisheries products landed in a Member State shall submit within 48 hours after completion of landing a take-over declaration to the competent authorities of the Member State where the take-over takes place. The submission of the take-over declaration and its accuracy shall be the responsibility of these buyers, auctions or other bodies or persons.
2. If the Member State where the take-over takes place is not the flag Member State of the fishing vessel that landed the fish, it shall ensure that a copy of the take over declaration is submitted, if possible electronically, to the competent authorities of the flag Member State upon receipt of the relevant information.
3. The take-over declaration referred to in paragraph 1 shall contain at least the following information:
  - (a) the external identification number and name of the fishing vessel that has landed the products;
  - (b) the port and date of landing;
  - (c) the name of the vessel's operator or master;
  - (d) the FAO alpha-3 code of each species and its relevant geographical area in which the catches were taken;
  - (e) the quantities of each species stored in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;

- (f) the name and address of the facilities where the products are stored;
- (g) where applicable, reference to the transport document specified to in Article 68.

#### Article 67

##### **Electronic completion and transmission of take over declaration data**

1. Without prejudice to specific provisions contained in multiannual plans, when the fisheries products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons with an annual financial turnover in first sales of fisheries products of EUR 200 000 or more which are responsible for the first marketing of fisheries products landed in a Member State shall record by electronic means the information referred to in Article 66 and shall send it within 24 hours by electronic means to the competent authorities of the Member State where the take-over takes place.

2. Member States shall transmit, by electronic means, information on take over declarations referred to in Article 66(2).

#### Article 68

##### **Completion and submission of the transport document**

1. Fisheries products landed into the Community, either unprocessed or after having been processed on board, for which neither a sales note nor a take-over declaration has been submitted in accordance with Articles 62, 63, 66 and 67 and which are transported to a place other than that of landing, shall be accompanied by a document drawn up by the transporter until the first sale has taken place. The transporter shall submit, within 48 hours after the loading, a transport document to the competent authorities of the Member State in whose territory the landing has taken place or other bodies authorised by it.

2. The transporter shall be exempted from the requirement of having the transport document accompanying the fisheries products if a transport document has been transmitted electronically, before the transport begins, to the competent authorities of the flag Member State which shall, in the event that the products are transported to a Member State other than the Member State of landing, immediately upon receipt forward the transport document to the competent authorities of the Member State in whose territory the first marketing is declared to take place.

3. In the event that the products are transported to a Member State other than the Member State of landing, the transporter shall also transmit, within 48 hours following the loading of the fisheries products, a copy of the transport document to the competent authorities of the Member State in whose territory the first marketing is declared to take place. The Member State of first marketing may require further information in this regard from the Member State of landing.

4. The transporter shall be responsible for the accuracy of the transport document.

5. The transport document shall indicate:

- (a) the place of destination of the consignment(s) and the identification of the transport vehicle;
- (b) the external identification number and name of the fishing vessel that has landed the products;
- (c) the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- (d) the quantities of each species transported in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
- (e) the name(s) and address(es) of the consignee(s);
- (f) the place and date of loading.

6. The competent authorities of Member States may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than 20 km from the place of landing.

7. Where fisheries products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove with a document that a sales transaction has taken place.

8. The transporter shall be exempt from the obligation laid down in this Article if the transport document is replaced by a copy of the landing declaration provided for in Article 23 pertaining to the quantities transported, or any equivalent document containing the same level of information.

#### CHAPTER III

##### **Producer organisations and price and intervention arrangements**

#### Article 69

##### **Monitoring of producer organisations**

1. In accordance with Article 6(1) of Regulation (EC) No 104/2000, Member States shall carry out checks at regular intervals to ensure that:

- (a) producer organisations comply with the terms and conditions for recognition;
- (b) recognition of a producer organisation may be withdrawn if the conditions set out in Article 5 of Regulation (EC) No 104/2000 are no longer fulfilled or if recognition is based on wrong information;
- (c) recognition is immediately withdrawn retroactively if the organisation obtains or benefits from recognition by fraudulent means.

2. In order to ensure that the rules pertaining to producer organisations as laid down in Article 5 and Article 6(1)(b) of Regulation (EC) No 104/2000 are complied with, the Commission shall carry out checks and in the light of such checks may, where appropriate, request that Member States withdraw recognition.

3. Each Member State shall carry out appropriate checks to ensure that each producer organisation fulfils the obligations laid down in the operational programme for the fishing year concerned, as referred to in Regulation (EC) No 2508/2000, and shall apply the penalties provided for in Article 9(3) of Regulation (EC) No 104/2000 in the event that those obligations are not fulfilled.

#### Article 70

##### **Monitoring of price and intervention arrangements**

Member States shall carry out all the checks regarding the price and intervention arrangements, in particular:

- (a) the withdrawal of products from the market for purposes other than human consumption;
- (b) carry-over operations for stabilising, storing and/or processing of products withdrawn from the market;
- (c) private storage of products frozen at sea;
- (d) compensatory allowance for tuna intended for processing.

#### TITLE VI

#### **SURVEILLANCE**

#### Article 71

##### **Sightings at sea and detection by Member States**

1. Member States shall carry out surveillance in Community waters under their sovereignty or jurisdiction based on:

- (a) sightings of fishing vessels by inspection vessels or surveillance aircrafts;
- (b) a vessel monitoring system as referred to in Article 9; or
- (c) any other detection and identification methods.

2. If the sighting or detection does not correspond to other information available to the Member State, it shall undertake any investigations that may be necessary to determine the appropriate follow-up.

3. If the sighting or detection refers to a fishing vessel of another Member State or a third country and the information does not correspond to any other information that is available to the coastal Member State and if that coastal Member State is not in a position to undertake further action, it shall record its findings in a surveillance report and shall transmit that report without delay, if possible by electronic means, to the flag Member State or to the third country concerned. In case of a third country vessel, the surveillance report shall also be sent to the Commission or the body designated by it.

4. In the event that an official of a Member State sights or detects a fishing vessel engaged in activities that may be considered to be an infringement of the rules of the common fisheries policy, he shall without delay issue a surveillance report and send it to his competent authorities.

5. The content of the surveillance report shall be determined in accordance with the procedure referred to in Article 119.

#### Article 72

##### **Action to be taken upon information on sightings and detection**

1. Flag Member States shall, upon receipt of a surveillance report from another Member State, take prompt action on it and undertake such further investigation as is necessary to allow them to determine appropriate follow-up.

2. Member States other than the flag Member State concerned shall, where appropriate, verify whether the sighted vessel reported has carried out activities in the waters under their jurisdiction or sovereignty or if fisheries products stemming from that vessel have been landed or imported into their territory and shall investigate its record of compliance with relevant conservation and management measures.

3. The Commission or the body designated by it or, where appropriate, the flag Member State and other Member States shall also examine suitably documented information regarding sighted vessels submitted by individual citizens, civil society organisations, including environmental organisations, as well as representatives of fisheries or fish trade stakeholder interests.

#### Article 73

##### **Control observers**

1. Where a Community control observer scheme has been established by the Council, control observers on board fishing vessels shall verify the fishing vessel's compliance with the rules of the common fisheries policy. They shall implement all the tasks of the observer scheme and in particular verify and record the vessel's fishing activities and relevant documents.

2. Control observers shall be qualified for their tasks. They shall be independent of the owner, the master of the fishing vessel and any crew member. They shall not have any economic link with the operator.

3. As far as possible, control observers shall ensure that their presence on board fishing vessels does not hinder or interfere with the fishing activities and the normal operations of the vessel.

4. In the event a control observer notices a serious infringement, he shall inform without delay the competent authorities of the flag Member State.

5. Control observers shall draw up an observer report, if possible electronically, and forward it without delay, using if deemed necessary electronic means of transmission on board the fishing vessel, to their competent authorities and to the competent authorities of the flag Member State. Member States shall insert the report in the database referred to in Article 78.

6. In the event that the observer report indicates that the vessel observed has engaged in fishing activities contrary to the rules of the common fisheries policy, the competent authorities referred to in paragraph 4 shall take all appropriate action to investigate the matter.

7. Masters of Community fishing vessels shall provide adequate accommodation for assigned control observers, facilitate their work and avoid interference with the discharge of their duties. Masters of Community fishing vessels shall also provide control observers access to relevant parts of the vessel, including the catch, and to the vessel's documents including electronic files.

8. All costs arising from the operation of control observers under this Article shall be borne by the flag Member States. Member States may charge those costs, in part or in full, to the operators of the fishing vessels flying their flags involved in the relevant fishery.

9. Detailed rules for the application of this Article may be adopted in accordance with the procedure referred to in Article 119.

## TITLE VII

### INSPECTION AND PROCEEDINGS

#### CHAPTER I

#### *General provisions*

#### *Article 74*

#### **Conduct of inspections**

1. Member States shall set up and keep up to date a list of officials responsible for carrying out inspections.

2. Officials shall carry out their duties in accordance with Community law. They shall conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and during the marketing of the fisheries products.

3. Officials shall check in particular:

- (a) the legality of the catch kept on board, stored, transported, processed or marketed and the accuracy of the documentations or electronic transmissions relating to it;
- (b) the legality of the fishing gear used for the targeted species and for the catches kept on board;
- (c) if appropriate, the stowage plan and the separate stowage of species;
- (d) the marking of gears; and
- (e) the information on the engine referred to in Article 40.

4. Officials may examine all relevant areas, decks and rooms. They may also examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They may also question persons deemed to have information on the matter that is the subject of the inspection.

5. Officials shall conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch. They shall, as far as possible, prevent any degradation of the catch during the inspection.

6. Detailed rules for the application of this Article, in particular on the methodology and the conduct of an inspection, shall be adopted in accordance with the procedure referred to in Article 119.

#### *Article 75*

#### **Duties of the operator**

1. The operator shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. It shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

2. Detailed rules for the application of this Article may be adopted in accordance with the procedure referred to in Article 119.

*Article 76***Inspection report**

1. Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Where possible, this report shall be recorded and transmitted by electronic means. In the case of the inspection of a fishing vessel flying the flag of another Member State, a copy of the inspection report shall be sent without delay to the flag Member State concerned if an infringement has been found in the course of the inspection. In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent without delay to the competent authorities of the third country concerned if an infringement has been found in the course of the inspection. In case of an inspection carried out in the waters under the jurisdiction of another Member State, a copy of the inspection report shall be sent without delay to that Member State.

2. Officials shall communicate their findings from the inspection to the operator, who shall have the possibility to comment on the inspection and its findings. The operator's comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.

3. A copy of the inspection report shall be sent as soon as possible to the operator, and in any case no later than 15 working days after the completion of the inspection.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*Article 77***Admissibility of inspection and surveillance reports**

Inspection and surveillance reports drawn up by Community inspectors or officials of another Member State or Commission officials shall constitute admissible evidence in administrative or judicial proceedings of any Member State. For establishing facts they shall be treated as equivalent to inspection and surveillance reports of the Member States.

*Article 78***Electronic database**

1. Member States shall set up and keep up to date an electronic database where they upload all inspection and surveillance reports drawn up by their officials.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

*Article 79***Community inspectors**

1. A list of Community inspectors shall be established by the Commission in accordance with the procedure referred to in Article 119.

2. Without prejudice to the primary responsibility of the coastal Member States, Community inspectors may carry out inspections in accordance with this Regulation in Community waters, and on Community fishing vessels outside Community waters.

3. Community inspectors may be assigned for:

- (a) the implementation of the specific control and inspection programmes adopted in accordance with Article 95;
- (b) international fisheries control programmes, where the Community is under an obligation to provide for controls.

4. For the accomplishment of their tasks and subject to paragraph 5, Community inspectors shall have access without delay to:

- (a) all areas on board Community fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport; and
- (b) all information and documents which are needed to fulfil their tasks, in particular the fishing logbook, landing declarations, catch certificates, the transshipment declaration, sales notes and other relevant documents;

to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.

5. Community inspectors shall have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Community waters under the sovereignty and jurisdiction of their Member State of origin.

6. When assigned as Community inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.

7. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

## CHAPTER II

**Inspections outside the waters of the inspecting Member State***Article 80***Inspections of fishing vessels outside the waters of the inspecting Member State**

1. Without prejudice to the primary responsibility of the coastal Member State, a Member State may inspect fishing vessels flying its flag in all Community waters outside waters under the sovereignty of another Member State.

2. A Member State may carry out inspections on fishing vessels of another Member State in accordance with this Regulation relating to fishing activities in all Community waters outside waters under the sovereignty of another Member State:

- (a) following authorisation by the coastal Member State concerned; or
- (b) where a specific control and inspection programme has been adopted in accordance with Article 95.

3. A Member State shall be authorised to inspect Community fishing vessels flying the flag of another Member State in international waters.

4. A Member State may inspect Community fishing vessels flying its own flag or the flag of another Member State in waters of third countries in accordance with international agreements.

5. Member States shall designate the competent authority which shall act as the contact point for the purpose of this Article. The contact point of the Member States shall be available 24 hours a day.

#### Article 81

##### Requests for authorisation

1. Requests for authorisation of a Member State to carry out inspections on fishing vessels in Community waters outside waters under its sovereignty or jurisdiction, as referred to in Article 80(2)(a), shall be decided by the coastal Member State concerned within 12 hours of the time of the request or within an appropriate period where the reason for the request is a hot pursuit commenced in the waters of the inspecting Member State.

2. The requesting Member State shall be informed of the decision without delay. Decisions shall also be communicated to the Commission or the body designated by it.

3. Requests for authorisations shall only be refused, in whole or in part only to the extent necessary, for compelling reasons. Refusals and the reasons underlying them shall be sent without delay to the requesting Member State and to the Commission or the body designated by it.

#### CHAPTER III

##### Infringements detected in the course of inspections

#### Article 82

##### Procedure in the event of an infringement

If the information collected during an inspection or any other relevant data leads the official to believe that an infringement of the rules of the common fisheries policy has been committed, the official shall:

- (a) note the suspected infringement in the inspection report;

- (b) take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;

- (c) immediately forward the inspection report to his competent authority;

- (d) inform the natural or legal person suspected of having committed the infringement or which was caught in the act while committing the infringement that the infringement may result in the assignment of the appropriate number of points in accordance with Article 92. This information shall be noted in the inspection report.

#### Article 83

##### Infringements detected outside the waters of the inspecting Member State

1. If an infringement has been detected as a result of an inspection carried out in accordance with Article 80, the inspecting Member State shall without delay submit a summary inspection report to the coastal Member State or, in case of an inspection outside Community waters, to the flag Member State of the fishing vessel concerned. A full inspection report shall be submitted to the coastal and to the flag Member State within 15 days from the time of inspection.

2. The coastal Member State or, in case of an inspection outside Community waters, the flag Member State of the fishing vessel concerned shall undertake all appropriate measures in respect of the infringement referred to in paragraph 1.

#### Article 84

##### Enhanced follow-up with regard to certain serious infringements

1. The flag Member State or the coastal Member State in whose waters a fishing vessel is suspected of having:

- (a) misrecorded catches of stocks subject to a multiannual plan of more than 500 kg or 10 %, calculated as a percentage of the fishing logbook figures, whichever is the higher; or

- (b) committed any of the serious infringements referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90(1) of this Regulation within one year of committing a first such serious infringement;

may require the fishing vessel to proceed immediately to a port for a full investigation, in addition to the measures referred to in Chapter IX of Regulation (EC) No 1005/2008.

2. The coastal Member State shall immediately and in compliance with its procedures under national law notify the flag Member State of the investigation referred to in paragraph 1.

3. Officials may remain on board a fishing vessel until a full investigation as referred to in paragraph 1 has been undertaken.

4. The master of the fishing vessel referred to in paragraph 1 shall cease all fishing activities and proceed to port if he has been requested to do so.

#### CHAPTER IV

### **Proceedings of infringements detected in the course of inspections**

#### Article 85

#### **Proceedings**

Without prejudice to Article 83(2) and Article 86, where an infringement of the rules of the common fisheries policy is discovered by the competent authorities in the course of or after an inspection, the competent authorities of the inspecting Member State shall take appropriate measures in accordance with Title VIII against the master of the vessel involved or against any other legal or natural person responsible for the infringement.

#### Article 86

#### **Transfer of proceedings**

1. The Member State in the territory or waters of which an infringement has been discovered may transfer proceedings relating to that infringement to the competent authorities of the flag Member State or the Member State of which the offender holds the citizenship, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89(2).

2. The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the inspecting Member State, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the result referred to in Article 89(2).

#### Article 87

#### **Infringement detected by Community inspectors**

Member States shall undertake all appropriate measures in respect of any infringement that a Community inspector has discovered in the waters under their sovereignty or jurisdiction, or on a fishing vessel flying their flag.

#### Article 88

#### **Corrective measures in the absence of proceedings by the Member State of landing or transshipment**

1. If the Member State of landing or transshipment is not the flag Member State and its competent authorities do not take appropriate measures against the natural or legal persons responsible, or do not transfer proceedings in accordance with Article 86, the quantities illegally landed or transhipped may be set against the quota allocated to the Member State of landing or transshipment.

2. The quantities of fish to be set against the quota of the Member State of landing or transshipment shall be fixed in accordance with the procedure referred to in Article 119 after the Commission has consulted the two Member States concerned.

3. If the Member State of landing or transshipment no longer has a corresponding quota at its disposal, Article 37 shall apply. To that end the quantities of fish illegally landed or transhipped shall be deemed equivalent to the amount of the prejudice suffered, as mentioned in that Article, by the flag Member State.

#### TITLE VIII

#### **ENFORCEMENT**

#### Article 89

#### **Measures to ensure compliance**

1. Member States shall ensure that appropriate measures are systematically taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons suspected of a breach of any of the rules of the common fisheries policy.

2. The overall level of sanctions and accompanying sanctions shall be calculated, in accordance with the relevant provisions of national law, in such way as to make sure that they effectively deprive those responsible of the economic benefit derived from their infringement without prejudice to the legitimate right to exercise their profession. Those sanctions shall also be capable of producing results proportionate to the seriousness of such infringements, thereby effectively discouraging further offences of the same kind.

3. Member States may apply a system whereby a fine is proportionate to the turnover of the legal person, or to the financial advantage achieved or envisaged by committing the infringement.

4. The competent authorities of the Member State having jurisdiction in the event of an infringement shall, without delay and in compliance with their procedures under national law, notify the flag Member States, the Member State of which the offender holds the citizenship, or any other Member State with an interest in following up the administrative action, criminal proceedings or other measures taken and of any definitive ruling relating to such infringement, including the number of points assigned in accordance with Article 92.

#### Article 90

#### **Sanctions for serious infringements**

1. In addition to Article 42 of Regulation (EC) No 1005/2008, the following activities shall also be considered as serious infringements for the purpose of this Regulation depending on the gravity of the infringement in question which shall be determined by the competent authority of the Member State, taking into account criteria such as the nature of the damage, its value, the economic situation of the offender and the extent of the infringement or its repetition:

- (a) the non-transmission of a landing declaration or a sales note when the landing of the catch has taken place in the port of a third country;
- (b) the manipulation of an engine with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate;
- (c) the failure to land any species subject to a quota caught during a fishing operation, unless such landing would be contrary to obligations provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply.

2. Member States shall ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive administrative sanctions, in accordance with the range of sanctions and measures provided for in Chapter IX of Regulation (EC) No 1005/2008.

3. Without prejudice to Article 44(2) of Regulation (EC) No 1005/2008, the Member States shall impose a sanction that is effectively dissuasive and, as appropriate, calculated on the value of the fisheries products obtained by committing a serious infringement.

4. In fixing the sanction, the Member States shall also take into account the value of the prejudice to the fishing resources and the marine environment concerned.

5. Member States may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.

6. The sanctions provided for in this Chapter may be accompanied by other sanctions or measures, in particular those described in Article 45 of Regulation (EC) No 1005/2008.

#### Article 91

##### **Immediate enforcement measures**

Member States shall take immediate measures to prevent masters of fishing vessels or other natural persons and legal persons caught in the act of committing a serious infringement, as defined in Article 42 of Regulation (EC) No 1005/2008, from continuing to do so.

#### Article 92

##### **Point system for serious infringements**

1. Member States shall apply a point system for serious infringements as referred to in Article 42(1)(a) of Regulation (EC) No 1005/2008 on the basis of which the holder of a fishing licence is assigned the appropriate number of points as a result of an infringement of the rules of the common fisheries policy.

2. When a natural person has committed or a legal person is held liable for a serious infringement of the rules of the common fisheries policy, the appropriate number of points shall be assigned to the holder of the fishing licence as a result of the infringement. The points assigned shall be transferred to any future holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement. The holder of the fishing licence shall be entitled to review proceedings in accordance with national law.

3. When the total number of points equals or exceeds a specified number of points, the fishing licence shall be automatically suspended for a period of at least two months. That period shall be four months if the fishing licence is suspended a second time, eight months if the fishing licence is suspended a third time and one year if the fishing licence is suspended a fourth time as a consequence of a licence holder being assigned the specified number of points. In case of the holder being assigned the specified number of points for a fifth time, the fishing licence shall be permanently withdrawn.

4. If the holder of a fishing licence does not commit, within three years from the date of the last serious infringement, another serious infringement, all points on the fishing licence shall be deleted.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

6. Member States shall also establish a point system under which the master of a vessel is assigned the appropriate number of points as a result of a serious infringement of the rules of the common fisheries policy committed by him.

#### Article 93

##### **National register of infringements**

1. Member States shall enter in a national register all infringements of the rules of the common fisheries policy committed by vessels flying their flag or by their nationals, including the sanctions they incurred and the number of points assigned. Infringements of fishing vessels flying their flag or by their nationals prosecuted in other Member States shall also be entered by Member States in their national register on infringements, upon notification of the definitive ruling by the Member State having jurisdiction, pursuant to Article 90.

2. When following up an infringement of rules of the common fisheries policy, a Member State may request other Member States to provide information contained in their national register on the fishing vessels and persons suspected of having committed the infringement in question or caught in the act of committing the infringement in question.

3. Where a Member State requests information from another Member State in relation to the measures taken on an infringement, that other Member State may provide the relevant information on the fishing vessels and persons in question.



4. The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but always for a minimum of three calendar years, starting from the year following that in which the information is recorded.

#### TITLE IX

### CONTROL PROGRAMMES

#### Article 94

#### Common control programmes

Member States may carry out, among themselves and on their initiative, control, inspection and surveillance programmes concerning fisheries activities.

#### Article 95

#### Specific control and inspection programmes

1. The Commission in accordance with the procedure referred to in Article 119 and in concert with the Member State concerned, may determine which fisheries shall be subject to specific control and inspection programmes.

2. The specific control and inspection programmes referred to in paragraph 1 shall state the objectives, priorities and procedures as well as benchmarks for inspection activities. Such benchmarks shall be established based on risk management and revised periodically after an analysis has been made of the results achieved.

3. When a multiannual plan has entered into force and before a specific control and inspection programme has become applicable, each Member State shall establish risk management based target benchmarks for inspection activities.

4. The Member States concerned shall adopt the necessary measures to ensure the implementation of the specific control and inspection programmes, particularly as regards required human and material resources and the periods and zones where these are to be deployed.

#### TITLE X

### EVALUATION AND CONTROL BY THE COMMISSION

#### Article 96

#### General principles

1. The Commission shall control and evaluate the application of the rules of the common fisheries policy by the Member States by means of the examination of information and documents and by conducting verifications, autonomous inspections and audits and shall facilitate coordination and cooperation between them. For this purpose the Commission may, of its own accord and by its own means, initiate and carry out inquiries, verifications, inspections and audits. It may in particular verify:

- (a) the implementation and application of the rules of the common fisheries policy by Member States and their competent authorities;
- (b) the implementation and application of the rules of the common fisheries policy in the waters of a third country in accordance with an international agreement with that country;
- (c) the conformity of national administrative practices and inspection and surveillance activities with the rules of the common fisheries policy;
- (d) the existence of the required documents and their compatibility with the applicable rules;
- (e) the circumstances in which control activities are carried out by Member States;
- (f) the detection and proceedings of infringements;
- (g) the cooperation between Member States.

2. Member States shall cooperate with the Commission in order to facilitate the accomplishment of its tasks. Member States shall ensure that the verification, autonomous inspection and audit missions carried out under this Title are not subject to publicity that is injurious to on-the-spot missions. Wherever the Commission officials encounter difficulties in the execution of their duties, the Member States concerned shall provide the Commission with the means to accomplish its task and give the Commission officials the opportunity to evaluate the specific control and inspection operations.

Member States shall afford the Commission such assistance as it needs to fulfil its tasks.

#### Article 97

#### Competences of Commission officials

1. Commission officials may carry out verifications and inspections on fishing vessels as well as on the premises of businesses and other bodies with activities relating to the common fisheries policy and shall have access to all information and documents needed to exercise their responsibilities, to the same extent and under the same conditions as officials of the Member State in which the verification and inspection take place.

2. Commission officials shall be entitled to take copies of the relevant files and to take the necessary samples if they have reasonable grounds to believe that the rules of the common fisheries policy are not complied with. They may request the identification of any person found on the inspected premises.

3. Commission officials shall have no powers going beyond those of national inspectors and they shall have no police and enforcement powers.

4. Commission officials shall present a written authority stating their identity and capacity.

5. The Commission shall issue written instructions to its officials indicating their authority and the objectives of their mission.

#### Article 98

##### Verifications

1. Wherever it is deemed necessary by the Commission, its officials may be present during control activities carried out by national control authorities. In the framework of these missions of verification, the Commission shall establish appropriate contacts with Member States with a view, wherever possible, to establishing a mutually acceptable verification programme.

2. The Member State concerned shall ensure that the bodies or persons concerned accept to be submitted to the verifications referred to in paragraph 1.

3. If the control and inspection operations envisaged in the framework of the initial verification programme cannot be carried out for factual reasons, the Commission officials, in liaison and agreement with the competent authorities of the Member State concerned, shall modify the initial verification programme.

4. In case of sea or air controls and inspections, the commander of the vessel or aircraft shall be in sole charge of the control and inspection operations. In exercising his command he shall take due account of the verification programme referred to in paragraph 1.

5. The Commission may arrange for its officials visiting a Member State to be accompanied by one or more officials from another Member State as observers. Upon request from the Commission the sending Member State shall nominate, at short notice if necessary, the national officials selected as observers. Member States may also draw up a list of national officials whom the Commission may invite to be present at such controls and inspections. The Commission can invite national officials included in that list or those notified to the Commission at its discretion. The Commission shall, where appropriate, place the list at the disposal of all the Member States.

6. Commission officials may decide, if they consider it necessary, to carry out missions of verification referred to in this Article without prior notice.

#### Article 99

##### Autonomous inspections

1. When there is reason to believe that irregularities occur in the application of the rules of the common fisheries policy, the Commission may carry out autonomous inspections. It shall carry out such inspections of its own accord and without the presence of officials of the Member State concerned.

2. All operators may be subject to autonomous inspections where these are considered necessary.

3. In the framework of autonomous inspections on the territory or in waters under the sovereignty or jurisdiction of a Member State, the procedural rules of that Member State shall apply.

4. If a serious infringement of the provisions of this Regulation is discovered by Commission officials on the territory or in waters under the sovereignty or jurisdiction of a Member State, Commission officials shall inform without delay the competent authorities of the Member State concerned which shall undertake all appropriate measures in respect of such infringement.

#### Article 100

##### Audits

The Commission may carry out audits of the control systems of Member States. The audits may include in particular the evaluation of:

- (a) the quota and the effort management system;
- (b) data validation systems, including systems of cross-checks of vessel monitoring systems, catch, effort and marketing data and data related to the Community fishing fleet register as well as the verification of licences and fishing authorisations;
- (c) the administrative organisation, including the adequacy of the available staff and the available means, the training of staff, the delimitation of functions of all authorities involved in control as well as the mechanisms in place to coordinate the work and the joint evaluation of the results of those authorities;
- (d) the operational systems, including procedures for control of designated ports;
- (e) national control action programmes including the establishment of inspection levels and their implementation;
- (f) the national system of sanctions, including the adequacy of the sanctions imposed, duration of proceedings, economic benefits forfeited by offenders and the deterrent nature of such system of sanctions.

*Article 101***Verification, autonomous inspection and audit reports**

1. The Commission shall inform the Member States concerned of the preliminary findings of verifications and of autonomous inspections within one day after they have taken place.
2. Commission officials shall draw up a verification, autonomous inspection or audit report after each verification, autonomous inspection or audit. The report shall be made available to the Member State concerned within one month after the conclusion of the verification, autonomous inspection or audit. Member States shall have the possibility to comment on the findings of the report within one month.
3. Member States shall take the necessary action on the basis of the report referred to in paragraph 2.
4. The Commission shall publish the finalised verification, autonomous inspection and audit reports, together with the comments of the Member State concerned, on the secure part of its official website.

*Article 102***Follow-up of verification, autonomous inspection and audit reports**

1. Member States shall provide the Commission with any relevant information as that may request on the implementation of this Regulation. In submitting a request for information, the Commission shall specify a reasonable time limit within which the information is to be supplied.
2. If the Commission considers that irregularities have occurred in the implementation of the rules of the common fisheries policy or that the existing control provisions and methods in particular Member States are not effective it shall inform the Member States concerned, which shall then conduct an administrative inquiry in which Commission officials may participate.
3. The Member States concerned shall inform the Commission of the results of the inquiry and forward a report to the Commission drawn up not more than three months after the Commission's request. This period may be extended by the Commission, on a duly reasoned request from the Member State, for a reasonable delay.
4. If the administrative inquiry referred to in paragraph 2 does not lead to the removal of the irregularities or if the Commission identifies shortcomings in the control system of a Member State during the verifications or autonomous inspections referred to in Articles 98 and 99 or in the audit referred to in Article 100, the Commission shall establish an action plan with that Member State. The Member State shall take all necessary measures to implement that action plan.

## TITLE XI

**MEASURES TO ENSURE COMPLIANCE BY MEMBER STATES WITH COMMON FISHERIES POLICY OBJECTIVES**

## CHAPTER I

**Financial measures***Article 103***Suspension and cancellation of Community financial assistance**

1. The Commission may decide to suspend for a maximum period of 18 months all or part of the payments of the Community financial assistance under Regulation (EC) No 1198/2006 and Article 8(a) of Regulation (EC) No 861/2006 where there is evidence that:
  - (a) the effectiveness of the measures being financed is or is likely to be affected by non-compliance with the rules of the common fisheries policy, in particular in the fields of conservation and management of fisheries resources, the adaptation of fleet and fisheries control;
  - (b) the non-compliance is directly attributable to the Member State concerned; and
  - (c) the non-compliance may lead to a serious threat to the conservation of living aquatic resources or the effective operation of the Community control and enforcement system,

and where the Commission concludes, on the basis of the information available and, where appropriate, after examination of the Member State's explanations, that the Member State concerned has not taken adequate measures to remedy the situation and is not in a position to do so in the immediate future.

2. Where, during the period of suspension, the Member State concerned still fails to demonstrate that it has taken remedial action to ensure compliance with and the enforcement of applicable rules in the future or that there is no serious risk that the future effective operation of the Community control and enforcement system will be impaired, the Commission may cancel all or part of the Community financial assistance the payment of which was suspended pursuant to paragraph 1. Such cancellation shall only be made after the corresponding payment has been suspended for 12 months.
3. Before taking the measures referred to in paragraphs 1 and 2, the Commission shall inform in writing the Member State concerned of its findings relating to failures in the control system of the Member State and its intention to adopt the decision referred to paragraph 1 or 2, and shall request it to take remedial action within a period to be determined by the Commission according to the gravity of the infringement, which shall not be less than one month.

4. If the Member State fails to reply to the letter referred to in paragraph 3 within the period to be determined in accordance with that paragraph, the Commission may take the decision referred to in paragraph 1 or 2 on the basis of the information available at that time.

5. The percentage by which payments may be suspended or cancelled shall be proportionate to the nature and importance of the Member State's non-compliance with applicable rules on conservation, control, inspection or enforcement and the gravity of the threat to the conservation of living aquatic resources or the effective operation of the Community control and enforcement system and shall take into account the extent to which the effectiveness of the measures being financed is or is likely to be affected. It shall take into account, and be limited by, the relative share of the fishery and fishery-related activities, to which non-compliance relates, within the measures financed by the financial assistance referred to in paragraph 1.

6. Decisions under this Article shall be taken with due regard to all relevant circumstances and in such a way that a real economic link exists between the subject matter of the compliance failure and the measure to which the suspended payment or cancelled Community financial assistance relates.

7. A suspension shall be discontinued if the conditions laid down in paragraph 1 are no longer met.

8. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

## CHAPTER II

### **Closure of fisheries**

#### Article 104

#### **Closure of fisheries for failure to comply with the common fisheries policy objectives**

1. Where a Member State does not respect its obligations for the implementation of a multiannual plan, and where the Commission has evidence that the failure to respect those obligations constitutes a serious threat to the conservation of the stock concerned, the Commission may provisionally close the fisheries affected by those shortcomings for the Member State concerned.

2. The Commission shall inform in writing the Member State concerned of its findings and the relevant documentation and set a deadline of no more than ten working days for the Member State to demonstrate that the fisheries can be safely exploited.

3. The measures referred to in paragraph 1 shall only apply if the Member State fails to respond to the request of the Commission within the deadline given in paragraph 2 or if the response is considered unsatisfactory or is clearly indicative of the fact that the necessary measures have not been implemented.

4. The Commission shall lift the closure after the Member State has demonstrated in writing to the satisfaction of the Commission that the fisheries can be safely exploited.

## CHAPTER III

### **Deduction and transfers of quotas and fishing effort**

#### Article 105

#### **Deduction of quotas**

1. When the Commission has established that a Member State has exceeded the quotas which have been allocated to it, the Commission shall operate deductions from future quotas of that Member State.

2. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in a given year the Commission shall operate deductions in the following year or years from the annual quota, allocation or share of the Member State which has overfished by applying a multiplying factor according to the following table:

Extent of overfishing relative to the permitted landings	Multiplying factor
Up to 5 %	Overfishing * 1,0
Over 5 % up to 10 %	Overfishing * 1,1
Over 10 % up to 20 %	Overfishing * 1,2
Over 20 % up to 40 %	Overfishing * 1,4
Over 40 % up to 50 %	Overfishing * 1,8
Any further overfishing greater than 50 %	Overfishing * 2,0

However, a deduction equal to the overfishing \* 1,00 shall apply in all cases of overfishing relative to permitted landing equal to, or less than, 100 tonnes.

3. In addition to the multiplying factors referred to in paragraph 2, a multiplying factor of 1,5 shall apply if:

- a Member State has repeatedly overfished its quota, allocation or share of the stock or group of stocks over the previous two years and these overfishings have been the subject of deductions as referred to in paragraph 2;
- the available scientific, technical and economic advice and in particular the reports drawn up by STECF have established that overfishing constitutes a serious threat to the conservation of the stock concerned; or
- the stock is subject to a multiannual plan.

4. In the case of an overfishing of a quota, allocation or share of a stock or a group of stocks available to a Member State in earlier years, the Commission, after consultation of the Member State concerned, may deduct quotas in accordance with the procedure referred to in Article 119 from future quotas of that Member State to take account of the level of overfishing.

5. If a deduction according to paragraphs 1 and 2 cannot be operated on the quota, allocation or share of a stock or group of stocks that was overfished as such because that quota, allocation or share of a stock or group of stocks is not or not sufficiently available to the Member State concerned, the Commission, after consultation of the Member State concerned, may deduct in the following year or years quotas for other stocks or groups of stocks available to that Member State in the same geographical area, or with the same commercial value in accordance with paragraph 1.

6. Detailed rules for the application of this Article, and in particular for determining the quantities concerned, may be adopted in accordance with the procedure referred to in Article 119.

#### Article 106

##### Deduction of fishing effort

1. When the Commission has established that a Member State has exceeded the fishing effort which has been allocated to it, the Commission shall operate deductions from future fishing effort of that Member State.

2. If the fishing effort in a geographical area or in a fishery available to a Member State is exceeded the Commission shall operate deductions in the following year or years from the fishing effort available to that Member State for the geographical area or the fishery concerned by applying a multiplying factor according to the following table:

Extent of excess of available fishing effort	Multiplying factor
Up to 5 %	Excess* 1,0
Over 5 % up to 10 %	Excess* 1,1
Over 10 % up to 20 %	Excess* 1,2
Over 20 % up to 40 %	Excess* 1,4
Over 40 % up to 50 %	Excess* 1,8
Any further excess greater than 50 %	Excess* 2,0

3. If a deduction according to paragraph 2 cannot be operated on the maximum allowable fishing effort that was exceeded as such because such maximum allowable fishing effort is not or not sufficiently available to the Member State concerned, the Commission may deduct in the following year or years fishing effort available to that Member State in the same geographical area in accordance with paragraph 2.

4. Detailed rules for the application of this Article, and in particular for determining the fishing effort concerned, may be adopted in accordance with the procedure referred to in Article 119.

#### Article 107

##### Deduction of quotas for failure to comply with the rules of the common fisheries policy

1. Where there is evidence that rules on stocks subject to multiannual plans are not being complied with by a Member State and that this may lead to a serious threat to the conservation of these stocks, the Commission may operate deductions in the following year or years from the annual quotas, allocations or shares of a stock or group of stocks available to that Member State, applying the proportionality principle by taking into account the damage caused to the stocks.

2. The Commission shall inform in writing the Member State concerned of its findings and set a deadline of no more than 15 working days for the Member State to demonstrate that the fisheries can be safely exploited.

3. The measures referred to in paragraph 1 shall only apply if the Member State fails to respond to the request of the Commission within the deadline given in paragraph 2 or if the response is considered unsatisfactory or is clearly indicative of the fact that the necessary measures have not been implemented.

4. Detailed rules for the application of this Article, and in particular for determining the quantities concerned, shall be adopted in accordance with the procedure referred to in Article 119.

#### CHAPTER IV

##### Emergency measures

#### Article 108

##### Emergency measures

1. If there is evidence, including based on the results of the sampling carried out by the Commission, that fishing activities and/or measures adopted by a Member State or Member States undermine the conservation and management measures adopted in the framework of multiannual plans or threaten the marine eco-system and this requires immediate action, the Commission, at the substantiated request of any Member State or on its own initiative, may decide on emergency measures which shall last not more than six months. The Commission may take a new decision to extend the emergency measures for no more than six months.

2. The emergency measures provided for in paragraph 1 shall be proportionate to the threat and may include, inter alia:

- (a) suspension of fishing activities of vessels flying the flag of the Member States concerned;
- (b) closure of fisheries;

- (c) prohibition against Community operators accepting landings, placing in cages for fattening or farming, or transshipments of fish and fisheries products caught by the vessels flying the flag of the Member States concerned;
- (d) prohibition against the placing on the market or use for other commercial purposes fish and fisheries products caught by the vessels flying the flag of the Member States concerned;
- (e) prohibition against the provision of live fish for fish farming in the waters under the jurisdiction of the Member States concerned;
- (f) prohibition against the accepting of live fish caught by vessels flying the flag of the Member State concerned for the purposes of fish farming in waters under the jurisdiction of the other Member States;
- (g) prohibition against fishing vessels flying the flag of the Member State concerned to fish in waters under the jurisdiction of other Member States;
- (h) modification of the fishing data submitted by Member States in an appropriate way.

3. A Member State shall communicate the request referred to in paragraph 1 simultaneously to the Commission and to the Member States concerned. The other Member States may submit their written comments to the Commission within five working days of receipt of the request. The Commission shall take a decision within 15 working days of receipt of the request.

4. The emergency measures shall have immediate effect. They shall be notified to the Member States concerned and published in the *Official Journal of the European Union*.

5. The Member States concerned may refer the Commission decision to the Council within 15 working days of receipt of the notification.

6. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.

## TITLE XII

### DATA AND INFORMATION

#### CHAPTER I

#### *Analysis and audit of data*

##### Article 109

#### **General principles for the analysis of data**

1. Member States shall set up a computerised database for the purpose of validation of data recorded in accordance with this Regulation and a validation system no later than 31 December 2013.

2. Member States shall ensure that all data recorded in accordance with this Regulation are accurate, complete and submitted within deadlines laid down in the common fisheries policy. In particular:

- (a) Member States shall perform cross-checking, analyses and verifications of the following data through automated computerised algorithms and mechanisms:
  - (i) vessel monitoring system data;
  - (ii) fishing activities data, in particular the fishing logbook, the landing declaration, the transshipment declaration and prior notification;
  - (iii) data from take-over declarations, transport documents and sales notes;
  - (iv) data from fishing licences and fishing authorisations;
  - (v) data from inspection reports;
  - (vi) data on engine power;

(b) the following data shall also be cross-checked, analysed and verified where applicable:

- (i) vessel detection system data;
- (ii) data on sightings;
- (iii) data relating to international fisheries agreements;
- (iv) data on entries into and exits from fishing areas, maritime areas where specific rules on access to waters and resources apply, regulatory areas of regional fisheries management organisations and similar organisations and waters of a third country;
- (v) automatic identification system data.

3. The validation system shall allow the immediate identification of inconsistencies, errors and missing information in the data.

4. Member States shall ensure that the database clearly displays any data inconsistencies detected by the data validation system. The database shall also flag all data that were corrected and indicate the reason for such a correction.

5. If an inconsistency in the data has been identified, the Member State concerned shall undertake the necessary investigations and, if there are reasons to suspect that an infringement has been committed, take the necessary action.

6. Member States shall ensure that the dates for data receipt, data entry, data validation and the dates for the follow-up of detected inconsistencies are clearly visible in the database.

7. If the data referred to in paragraph 2 are not transmitted by electronic means Member States shall ensure that they are entered manually into the database without delay.

8. Member States shall establish a national plan for the implementation of the validation system covering the data listed under points (a) and (b) of paragraph 2 and the follow-up of inconsistencies. The plan shall allow Member States to make priorities for the validation and cross-checks and subsequent follow up on inconsistencies based on risk management. The plan shall be submitted to the Commission for approval by 31 December 2011. The Commission shall approve the plans before 1 July 2012 having allowed for the Member States to make corrections. Amendments to the plan shall be submitted to the Commission on an annual basis for approval.

9. If the Commission has identified inconsistencies in the data entered in the database of the Member State as a result of its own investigations, and after having presented documentation and consulted with the Member State, it may require the Member State to investigate the reason for the inconsistency and to correct the data if necessary.

10. The databases established and data collected by Member States referred to in this Regulation shall be deemed authentic under the conditions established under national law.

#### Article 110

##### Access to data

1. Member States shall ensure the remote access for the Commission or the body designated by it to all data referred to in Article 115 at any time without prior notice. In addition, the Commission shall be given the possibility to download manually and automatically these data for any period or for any number of fishing vessels.

2. Member States shall grant access to Commission officials based on electronic certificates generated by the Commission or the body designated by it.

The access shall be made available on the Member States' secure part of their websites referred to in Article 115.

3. Without prejudice to paragraphs 1 and 2, Member States may until 30 June 2012 carry out pilot project(s) with the Commission or the body designated by it to provide real-time remote access to Member States data on fishing opportunities recorded and validated according to this Regulation. When both the Commission and the Member State concerned are satisfied with the outcome of the pilot project, and as long as the remote access is functioning as agreed, the Member State concerned shall no longer be obliged to report on fishing opportunities as described in Article 33(2) and (8). The data access format and procedures shall be considered and tested. Member States shall inform the Commission before 1 January 2012 if they plan to carry out pilot project(s). As from 1 January 2013 the Council may decide on a different way and frequency of data transmission by Member States to the Commission.

#### Article 111

##### Exchange of data

1. Each flag Member State shall ensure the direct electronic exchange of relevant information with other Member States, and where appropriate, the Commission or the body designated by it, in particular:

- (a) vessel monitoring system data when its vessels are present in another Member State's waters;
- (b) fishing logbook information when its vessels are fishing in another Member State's waters;
- (c) landing declarations and transshipment declarations when such operations take place in another Member States ports;
- (d) prior notification when the intended port is in another Member State.

2. Each coastal Member State shall ensure the direct electronic exchange of relevant information with other Member States, and where appropriate, the Commission or the body designated by it, in particular by sending:

- (a) sales notes information to the flag Member State when a first sale originates from another Member State's fishing vessel;
- (b) take-over declaration information when the fish is placed in storage in Member State other than the flag Member State or the Member State of landing;
- (c) sales notes and take-over declaration information to the Member State where the landing took place.

3. Detailed rules for the application of this Chapter, in particular on checking the quality, compliance with deadlines for submission of data, cross-checks, analysis, verification of the data and on establishing a standardised format for the download and exchange of data, shall be adopted in accordance with the procedure referred to in Article 119.

#### CHAPTER II

##### Confidentiality of data

#### Article 112

##### Protection of personal data

1. This Regulation leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter either the obligations of Member States relating to their processing of personal data under Directive 95/46/EC or the obligations of the Community institutions and bodies relating to their processing of personal data under Regulation (EC) No 45/2001 when fulfilling their responsibilities.

2. The rights of persons with regard to their registration data processed in national systems shall be exercised in accordance with the law of the Member State which stored their personal data, and in particular the provisions implementing Directive 95/46/EC, and, with regard to their registration data processed in Community systems, shall be exercised in accordance with Regulation (EC) No 45/2001.

#### Article 113

### Confidentiality of professional and commercial secrecy

1. Member States and the Commission shall take all necessary steps to ensure that the data collected and received within the framework of this Regulation shall be treated in accordance with applicable rules on professional and commercial secrecy of data.

2. The data exchanged between Member States and the Commission shall not be transmitted to persons other than those in Member States or Community institutions whose functions require them to have such access unless the Member States transmitting the data give their express consent.

3. The data referred to in paragraph 1 shall not be used for any purpose other than that provided for in this Regulation unless the authorities providing the data give their express consent for the use of the data for other purposes and on condition that the provisions in force in the Member State of the authority receiving the data do not prohibit such use.

4. Data communicated in the framework of this Regulation to persons working for competent authorities, courts, other public authorities and the Commission or the body designated by it, the disclosure of which would undermine:

- (a) the protection of the privacy and the integrity of the individual, in accordance with Community legislation regarding the protection of personal data;
- (b) the commercial interests of a natural or legal person, including intellectual property;
- (c) court proceedings and legal advice; or
- (d) the scope of inspections or investigations;

shall be subject to applicable rules on confidentiality. Information may always be disclosed if this is necessary to bring about the cessation or prohibition of an infringement of the rules of the common fisheries policy.

5. The data referred to in paragraph 1 shall benefit from the same protection as is accorded to similar data by the national legislation of Member State receiving them and by the corresponding provisions applicable to Community institutions.

6. This Article shall not be construed as an obstacle to the use of the data, obtained pursuant to this Regulation, in the framework of legal actions or proceedings subsequently undertaken for failure to respect the rules of the common fisheries policy. The

competent authorities of the Member State transmitting the data shall be informed of all the instances where those data are utilised for these purposes.

7. This Article shall not prejudice the obligations pursuant to international conventions concerning mutual assistance in criminal matters.

#### CHAPTER III

### Official websites

#### Article 114

### Official websites

1. For the purpose of this Regulation each Member State shall set up before 1 January 2012 at the latest an official website accessible via Internet and containing the information listed in Articles 115 and 116. Member States shall communicate the Internet address of their official website to the Commission. The Commission may decide to develop common standards and procedures to ensure transparent communication between the Member States themselves as well as between the Member States, the Community Fisheries Control Agency and the Commission, including transmission of regular snapshots on records of fishing activities in relation to fishing possibilities.

2. Each Member State's official website shall be composed of a publicly accessible part and a secure part. On that website each Member State shall establish, maintain and keep up to date the data necessary for control purposes in accordance with this Regulation.

#### Article 115

### The publicly accessible part of the website

On the publicly accessible part of their websites Member States shall publish without delay or provide a direct link to:

- (a) the names and addresses of the competent authorities responsible for issuing fishing licences, and fishing authorisations referred to in Article 7;
- (b) the list of designated ports for the purpose of transshipment specifying their operating hours, as referred to in Article 20;
- (c) one month after the entry into force of a multiannual plan, and after approval by the Commission, the list of designated ports, specifying their operating hours as referred to in Article 43, and within 30 days thereafter, the associated conditions for recording and reporting the quantities of the species under the multiannual plan for each landing;
- (d) the decision establishing the real-time closure, and defining clearly the geographical area of the affected fishing grounds, the duration of the closure and the conditions governing fisheries in that area during the closure, as referred to in Article 53(2);



- (e) the contact point details for the transmission or submission of fishing logbooks, prior notifications, transshipment declarations, landing declarations, sales notes, take-over declarations and transport documents as referred to in Articles 14, 17, 20, 23, 62, 66 and 68;
- (f) a map with the coordinates of the area of temporary real-time closures as referred to in Article 54, specifying the duration of the closure and the conditions governing fisheries in that area during the closure;
- (g) the decision to close a fishery under Article 35 and all necessary details.

#### *Article 116*

##### **The secure part of the website**

1. On the secure part of its website each Member State shall establish, maintain and keep up to date access to the following lists and databases:

- (a) the lists of officials in charge of inspections as referred to in Article 74;
- (b) the electronic database for the treatment of inspection and surveillance reports drawn up by the officials as referred to in Article 78;
- (c) the vessel monitoring system computer files recorded by its fisheries monitoring centre as referred to in Article 9;
- (d) the electronic database containing the list of all fishing licences, and fishing authorisations issued and managed in accordance with this Regulation, with a clear indication of the conditions set out and the information on all suspensions and withdrawals;
- (e) the way of measuring the continuous period of 24 hours as referred to in Article 26(6);
- (f) the electronic database containing all relevant data on fishing opportunities as referred to in Article 33;
- (g) national control action programmes as referred to in Article 46;
- (h) the electronic database for the purpose of the verification of the completeness and the quality of the data collected as referred to in Article 109.

2. Each Member State shall ensure:

- (a) the remote access for the Commission or the body designated by it to all data referred to in this Article by secure Internet connection on a 24-hour, seven-days-a-week basis;
- (b) the direct electronic exchange of relevant information with other Member States and the Commission or the body designated by it.

3. The Member State shall grant access to Commission officials based on electronic certificates generated by the Commission or the body designated by it.

4. The data contained in the secure part of the website shall be made available only for specific users authorised to that effect by either the Member State concerned or the Commission or the body designated by it. The data accessible to these persons shall be limited to the data they need in order to carry out their tasks and activities of ensuring compliance with the rules of the common fisheries policy and thus shall be bound by the rules governing the confidentiality of the use of such data.

5. The data contained in the secure part of the website shall only be stored for as long as necessary for the purpose of this Regulation, but always for a minimum of three calendar years, starting from the year following that in which the information is recorded. Personal data which are to be exchanged, in accordance with this Regulation, for historical, statistical or scientific use shall be exchanged either in anonymous form only or, if that is not possible, only with the identity of the data subjects encrypted.

6. Detailed rules for the application of this Chapter shall be adopted in accordance with the procedure referred to in Article 119.

#### TITLE XIII

#### IMPLEMENTATION

##### *Article 117*

##### **Administrative cooperation**

1. The authorities responsible for the implementation of this Regulation in the Member States shall cooperate with each other, with the competent authorities of third countries, with the Commission and with the body designated by it in order to ensure compliance with this Regulation.

2. For the purposes referred to in paragraph 1, a system of mutual assistance shall be established, which shall include rules on the exchange of information upon prior request or on a spontaneous basis.

3. The Member State where fishing activities have taken place shall transmit to the Commission, at its request, by electronic means, any relevant information at the same time as it is communicated to the flag Member State of the fishing vessel.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

##### *Article 118*

##### **Reporting obligations**

1. Every five years, Member States shall transmit a report to the Commission on the application of this Regulation.

2. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a report every five years to be submitted to the European Parliament and the Council.

3. An evaluation of the impact of this Regulation on the common fisheries policy shall be undertaken by the Commission five years after the entry into force of this Regulation.

4. Member States shall transmit to the Commission a report stating the rules that have been used for producing reports on basic data.

5. Detailed rules on the content and format of the reports by Member States for the application of this Article shall be adopted in accordance with the procedure referred to in Article 119.

#### Article 119

##### Committee procedure

1. The Commission shall be assisted by the Committee set up under Article 30 of Regulation (EC) No 2371/2002.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

#### TITLE XIV

##### AMENDMENTS AND REPEALS

#### Article 120

##### Amendments to Regulation (EC) No 768/2005

Regulation (EC) No 768/2005 is hereby amended as follows:

1. in Article 3, the following point shall be added:

(i) to assist in the uniform implementation of the control system of the common fisheries policy, including in particular:

- organisation of operational coordination of control activities by Member States for the implementation of specific control and inspection programmes, control programmes related to illegal, unreported and unregulated (IUU) fishing and international control and inspection programmes,
- inspections as necessary to fulfil the Agency's tasks in accordance with Article 17a.;

2. in Article 5

(a) paragraph 1 shall be replaced by the following:

'1. Operational coordination by the Agency shall cover control of all activities covered by the common fisheries policy.;

(b) the following paragraph shall be added:

'3. For the purpose of enhanced operational coordination between Member States, the Agency may establish operational plans with the Member States concerned and coordinate their implementation.;

3. Article 7 shall be replaced by the following:

'Article 7

##### Assistance to the Commission and the Member States

The Agency shall assist the Commission and the Member States for the purpose of ensuring a high, uniform and effective fulfilment of their obligations under the rules of the common fisheries policy including the fight against IUU fishing and in their relations with third countries. The Agency shall in particular:

- (a) establish and develop a core curriculum for the training of the instructors of the fisheries inspectorate of the Member States and provide additional training courses and seminars to those officials and other personnel involved in control and inspection activities;
- (b) establish and develop a core curriculum for the training of Community inspectors before their first deployment and provide updated additional training and seminars on a regular basis to those officials;
- (c) at the request of Member States, undertake the joint procurement of goods and services relating to control and inspection activities by Member States as well as preparation for and the coordination of the implementation by Member States of joint pilot projects;
- (d) draw up joint operational procedures in relation to joint control and inspection activities undertaken by two or more Member States;
- (e) elaborate criteria for the exchange of means of control and inspection between Member States and between Member States and third countries and for the provision of such means by the Member States;
- (f) conduct risk analysis on the basis of the fisheries data on catches, landings and fisheries effort, as well as risk analysis of unreported landings including, inter alia, a comparison of data on catches and imports with data on exports and on national consumption;
- (g) on request from the Commission or of Member States develop common inspection methodologies and procedures;
- (h) assist Member States, at their request, to comply with their Community and their international obligations including the fight against IUU fishing and those arising in the framework of regional fisheries management organisations;

- (i) promote and coordinate the development of uniform risk management methodologies in the field of its competence;
- (j) coordinate and promote cooperation between Member States and common standards for the development of sampling plans defined in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (\*).

(\*) OJ L 343, 22.12.2009, p. 1.;

4. Article 8 shall be replaced by the following:

*'Article 8*

**Implementation of Community obligations relating to control and inspection**

1. The Agency shall, at the request of the Commission, coordinate control and inspection activities by Member States on the basis of international control and inspection programmes by establishing joint deployment plans.
2. The Agency may acquire, rent or charter the equipment that is necessary for the implementation of the joint deployment plans referred to in paragraph 1.;

5. Article 9 shall be replaced by the following:

*'Article 9*

**Implementation of specific control and inspection programmes**

1. The Agency shall coordinate the implementation of specific control and inspection programmes established in accordance with Article 95 of Regulation (EC) No 1224/2009 through joint deployment plans.
2. The Agency may acquire, rent or charter the equipment that is necessary for the implementation of the joint deployment plans referred to in paragraph 1.;

6. the following Chapter shall be inserted after Chapter III:

*'CHAPTER IIIa*

**COMPETENCES OF THE AGENCY**

*Article 17a*

**Assignment of Agency officials as Community inspectors**

Officials of the Agency may be assigned in international waters as Community inspectors in accordance with Article 79 of Regulation (EC) No 1224/2009.

*Article 17b*

**Agency measures**

The Agency shall, where appropriate:

- (a) issue manuals on harmonised standards of inspections;
- (b) develop guidance material reflecting the best practices in the field of control of the common fisheries policy, including on the training of control officials, and update this on a regular basis;
- (c) provide the Commission with the necessary technical and administrative support to carry out its tasks.

*Article 17c*

**Cooperation**

1. The Member States and the Commission shall cooperate with, and afford the necessary assistance to, the Agency for the accomplishment of its mission.
2. With due regard to the different legal systems in the individual Member States, the Agency shall facilitate cooperation between Member States and between them and the Commission in the development of harmonised standards for control in accordance with Community legislation and taking into account best practices in Member States and agreed international standards.

*Article 17d*

**Emergency unit**

1. Where the Commission, of its own initiative or at the request of at least two Member States, identifies a situation involving a direct, indirect or potential serious risk to the common fisheries policy, and the risk cannot be prevented, eliminated or reduced by existing means or cannot adequately be managed, the Agency shall be immediately notified.
2. The Agency acting upon a notification by the Commission or of its own initiative shall immediately set up an emergency unit and inform the Commission thereof.

*Article 17e*

**Tasks of the emergency unit**

1. The emergency unit set up by the Agency shall be responsible for collecting and evaluating all relevant information and identifying the options available to prevent, eliminate or reduce the risk to the common fisheries policy as effectively and rapidly as possible.

2. The emergency unit may request the assistance of any public authority or private person whose expertise it deems necessary to respond to the emergency effectively.

3. The Agency shall make the necessary coordination for undertaking an adequate and timely response to the emergency.

4. The emergency unit shall, where appropriate, keep the public informed of the risks involved and the measures taken.

#### Article 17f

##### **Multiannual work programme**

1. The multiannual work programme of the Agency shall establish its overall objectives, mandate, tasks, performance indicators and the priorities for each action of the Agency over a five-year period. It shall include a presentation of the staff policy plan and an estimation of budget appropriations to be made available for the achievement of the objectives for that five-year period.

2. The multiannual work programme shall be presented according to the activity-based management system and methodology developed by the Commission. It shall be adopted by the Administrative Board.

3. The work programme referred to in Article 23(2)(c) shall refer to the multiannual work programme. It shall clearly indicate the additions, changes or deletions in comparison with the previous year's work programme, and the progress made in the achievement of the overall objectives and priorities of the multiannual work programme.

#### Article 17g

##### **Cooperation in maritime affairs**

The Agency shall contribute to the implementation of the EU Integrated Maritime Policy, and in particular conclude administrative agreements with other bodies in matters covered by this Regulation after approval by the Administrative Board. The Executive Director shall inform the Commission and the Member States thereof at an early stage of such negotiations.

#### Article 17h

##### **Detailed rules**

Detailed rules for the implementation of this Chapter shall be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

These rules may cover in particular the formulation of plans for response to an emergency, the establishment of the emergency unit and the practical procedures to be applied.'

#### Article 121

##### **Amendments to other Regulations**

1. In Regulation (EC) No 847/96, Article 5 shall be deleted.

2. Regulation (EC) No 2371/2002 is amended as follows:

(a) Article 21 shall be replaced by the following:

'Article 21

##### **Community control and enforcement system**

Access to waters and resources and the pursuit of activities as set out in Article 1 shall be controlled and compliance with the rules of the common fisheries policy enforced. For this purpose a Community system for the control, inspection and enforcement of the rules of the common fisheries policy shall be established.'

(b) Articles 22 to 28 shall be deleted.

3. In Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the northern hake stock <sup>(1)</sup>, Articles 7, 8, 10, 11, 12 and 13 shall be deleted.

4. In Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation <sup>(2)</sup>, Article 7 shall be deleted.

5. In Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula <sup>(3)</sup>, Chapter IV shall be deleted.

6. In Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay <sup>(4)</sup>, Chapter IV shall be deleted.

7. In Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel <sup>(5)</sup>, Chapter IV shall be deleted.

8. In Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multiannual plan for fisheries exploiting stocks of plaice and sole in the North Sea <sup>(6)</sup>, Chapter IV shall be deleted.

<sup>(1)</sup> OJ L 150, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 340, 23.12.2005, p. 3.

<sup>(3)</sup> OJ L 345, 28.12.2005, p. 5.

<sup>(4)</sup> OJ L 65, 7.3.2006, p. 1.

<sup>(5)</sup> OJ L 122, 11.5.2007, p. 7.

<sup>(6)</sup> OJ L 157, 19.6.2007, p. 1.

9. In Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks <sup>(1)</sup>, Article 10(3) and (4), Article 11(2) and (3), Articles 12, 13, 15, Article 18(2) and (3), Articles 19 and 20, Article 22 second paragraph, Articles 23, 24 and 25 shall be deleted.

10. In Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock <sup>(2)</sup>, Articles 5 and 6 shall be deleted.

11. In Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks <sup>(3)</sup>, Articles 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 29 shall be deleted.

#### Article 122

##### Repeals

1. Regulation (EEC) No 2847/93 shall be repealed, except for Articles 6, 8 and 11, which shall be repealed with effect from the date of entry into force of the rules implementing Articles 14, 21 and 23 of this Regulation, and for Article 5, Article 9(5) and Articles 13, 21 and 34, which shall be repealed with effect from 1 January 2011.

2. Regulation (EC) No 1627/94 shall be repealed with effect from the date of entry into force of the rules implementing Article 7 of this Regulation.

3. Regulation (EC) No 1966/2006 shall be repealed with effect from 1 January 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 November 2009.

#### Article 123

##### References

References to the repealed Regulations and the provisions deleted in accordance with Article 121 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

#### TITLE XV

##### FINAL PROVISIONS

#### Article 124

##### Entry into force

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

However,

- (a) Article 33(6) and (9), Articles 37, 43, 58, 60, 61, 63, 67, 68, 73, 78 and 84, Article 90(2), (3) and (4), Articles 93 and 117 and Article 121(3) to (11) shall apply from 1 January 2011;
- (b) Articles 6, 7, 14, 21 and 23 shall apply from the date of entry into force of the rules implementing them;
- (c) Article 92 shall apply six months after the entry into force of the rules implementing it.

For the Council  
The President  
E. ERLANDSSON

<sup>(1)</sup> OJ L 248, 22.9.2007, p. 1.

<sup>(2)</sup> OJ L 344, 20.12.2008, p. 6.

<sup>(3)</sup> OJ L 348, 24.12.2008, p. 20.

## ANNEX I

**SPECIFIC INSPECTION BENCHMARKS FOR MULTIANNUAL PLANS***Objective*

1. Each Member State shall set specific inspection benchmarks in accordance with this Annex.

*Strategy*

2. Inspection and surveillance of fishing activities shall concentrate on fishing vessels likely to catch species subject to a multiannual plan. Random inspections of transport and marketing of species subject to a multiannual plan shall be used as a complementary cross-checking mechanism to test the effectiveness of inspection and surveillance.

*Priorities*

3. Different gear types shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing opportunity limits. For that reason, each Member State shall set specific priorities.

*Target benchmarks*

4. Not later than one month from the date of entry into force of a Regulation establishing a multiannual plan, Member States shall implement their inspection schedules taking account of the targets set out below.

Member States shall specify and describe which sampling strategy will be applied.

The Commission shall have access on request to the sampling plan used by the Member State.

- (a) Level of inspection in ports

As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20 % of all landings of species subject to a multiannual plan by weight in a Member State.

- (b) Level of inspection of marketing

Inspection of 5 % of the quantities of species subject to a multiannual plan offered for sale at auction.

- (c) Level of inspection at sea

Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer to the number of patrol days at sea in the management areas, possibly with a separate benchmark for days patrolling specific areas.

- (d) Level of aerial surveillance

Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources at the Member State's disposal into consideration.

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## ANNEX II

## CORRELATION TABLE

Regulation (EEC) No 2847/93	This Regulation
Article 1(1)	Articles 1 and 2
Article 1(2)	Article 5(3)
Article 1(3)	Article 2
Article 2	Article 5
Article 3	Article 9
Article 4(1)	Article 5
Article 4(2)	Article 75
Article 5(a) and (b)	Article 74
Article 5(c)	Article 8
Article 6	Articles 14, 15 and 16
Article 7	Articles 17 and 18
Article 8	Articles 23, 24 and 25
Article 9(1), (2), (3), (4), (4a), (5), (6), (7), (8) and (9)	Articles 62, 63, 64, 65 and 68
Article 9(4b) and (5)	Articles 66 and 67
Article 11	Articles 20, 21 and 22
Article 13	Article 68
Article 14	Article 59
Article 15(1), (2) and (4)	Articles 33 and 34
Article 15(3)	Article 36
Article 16	Article 117
Article 17	Articles 5
Article 19	Articles 112 and 113
Title IIA	Title IV, Chapter I, Section 2
Article 20(1)	Article 47
Article 20(2)	Article 49
Article 21(1)	Article 33
Article 21(2)	Article 35
Article 21(3)	Article 36
Article 21(4)	Article 37
Article 21a	Article 35
Article 21b	Article 34
Article 21c	Article 36
Article 23	Article 105
Title V	Title IV, Chapter II, and Article 109
Article 28(1)	Article 56
Article 28(2)	Articles 57 and 70
Article 28(2a)	Article 56
Article 29	Articles 96, 97, 98 and 99
Article 30	Article 102
Article 31(1) and (2)	Articles 89 and 90
Article 31(4)	Article 86

Article 32(1)	Article 85
Article 32(2)	Article 88
Article 33	Article 86
Article 34	Article 117
Article 34a	Article 117
Article 34b	Article 98
Article 34c	Article 95
Article 35	Article 118
Article 36	Article 119
Article 37	Articles 112 and 113
Article 38	Article 3
Article 39	Article 122
Article 40	Article 124
Regulation (EC) No 1627/94	This Regulation
The entire Regulation	Article 7
Regulation (EC) No 847/96	This Regulation
Article 5	Article 106
Regulation (EC) No 2371/2002	This Regulation
Article 21	Articles 1 and 2
Article 22(1)	Articles 6, 7, 8, 9, 14 and 75
Article 22(2)	Articles 58, 59, 62, 68 and 75
Article 23(3)	Article 5(3), Article 5(5) and Article 11
Article 23(4)	Articles 105 and 106
Article 24	Article 5, Title VII and Articles 71 and 91
Article 25	Chapters III and IV of Title VII and Article 89
Article 26(1)	Article 96
Article 26(2)	Article 108
Article 26(4)	Article 36
Article 27(1)	Articles 96 to 99
Article 27(2)	Articles 101 and 102
Article 28(1)	Article 117
Article 28(3)	Articles 80, 81 and 83
Article 28(4)	Article 79
Article 28(5)	Article 74
Regulation (EC) No 811/2004	This Regulation
Article 7	Article 14(2)
Article 8	Article 17
Article 10	Article 14(3)
Article 11	Article 44
Article 12	Article 60(6)
Regulation (EC) No 2166/2005	This Regulation
Article 9	Article 14(3)
Article 10	Article 60(1)
Article 12	Article 44
Article 13	Article 60(6)



Regulation (EC) No 2115/2005	This Regulation
Article 7	Article 14(3)
Regulation (EC) No 388/2006	This Regulation
Article 7	Article 14(3)
Article 8	Article 60(1)
Article 10	Article 44
Article 11	Article 60(6)
Regulation (EC) No 509/2007	This Regulation
Article 6	Article 14(3)
Article 8	Article 44
Article 9	Article 60(6)
Regulation (EC) No 676/2007	This Regulation
Article 10	Article 14(2)
Article 11	Article 14(3)
Article 12	Article 60(1)
Article 14	Article 44
Article 15	Article 60(6)
Regulation (EC) No 1098/2007	This Regulation
Article 15	Article 14(3)
Article 19	Article 60(1)
Article 24	Article 46
Regulation (EC) No 1342/2008	This Regulation
Article 19(1)	Article 109(2)
Article 19(2)	Article 115
Article 20	Article 60
Article 22	Article 42
Article 23	Article 46
Article 24	Article 17
Article 25	Article 43
Article 26	Article 14(2)
Article 27	Article 44
Article 28	Article 60(6)

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 404/2011

of 8 April 2011

**laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006<sup>(1)</sup>, and in particular Articles 6(5), 7(5), 8(1), 9(5), 14(10), 15(9), 16(2), 21(7), 22(7), 23(5), 24(8) and 25(2), Article 32, Articles 37(4), 40(6), 55(5), 58(9), 60(7), Article 61, and Articles 64(2), 72(5), 73(9), 74(6), 75(2), 76(4), 78(2), 79(7), 92(5), 103(8), 105(6), 106(4), 107(4), 111(3), 116(6), 117(4) and 118(5) thereof,

Whereas:

- (1) Regulation (EC) No 1224/2009 (hereafter referred to as 'the Control Regulation') provides for the adoption of detailed rules and measures to implement certain provisions it sets out.
- (2) With a view to ensuring a coherent application of these detailed rules the establishment of certain definitions is necessary.
- (3) Article 6(1) of the Control Regulation provides that a EU fishing vessel may only be used for the commercial exploitation of living aquatic resources if it has a valid fishing licence. Article 7(1) of the Control Regulation provides that an EU fishing vessel shall only be authorised to carry out specific fishing activities in so

far as they are indicated in a valid fishing authorisation. It is appropriate to establish common rules for the issuance and management of such fishing licences and fishing authorisations to ensure a common standard of information contained therein.

- (4) Article 8(1) of the Control Regulation provides that a master of a fishing vessel has to respect conditions and restrictions relating to the marking and identification of fishing vessels and their gear. As such conditions and restrictions apply to EU waters it is necessary to establish them at the level of the European Union.
- (5) According to Article 9(1) of the Control Regulation, Member States shall operate a satellite-based Vessel Monitoring System for the effective monitoring of fishing activities of their fishing vessels wherever they may be and of fishing activities in their waters. It is appropriate to establish common specifications at the level of the European Union for such a system. Such specifications should set out in particular the characteristics of satellite tracking devices, details on the transmission of position data and rules in the case of a technical failure or non-functioning of satellite tracking devices.
- (6) Article 14(1) of the Control Regulation provides that masters of EU fishing vessels of 10 metres length overall or more have to keep a fishing logbook of their operations. It is necessary to determine the information that has to be recorded in the fishing logbooks and their format.
- (7) Article 14(7) of the Control Regulation provides that masters of EU fishing vessels have to use conversion factors established at EU level for converting stored or processed fish weight into live fish weight. It is therefore necessary to establish such conversion factors.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

- (8) Article 15(1) of the Control Regulation provides that masters of EU fishing vessels of 12 metres length overall or more have to record logbook information by electronic means. It is appropriate to establish the requirements for the electronic completion and transmission of this information and to specify their format.
- (9) Articles 21(1) and 23(1) of the Control Regulation provide that masters of EU fishing vessels of 10 metres length overall and more have to complete and submit transshipment and landing declarations. It is appropriate to determine the information that has to be contained in these declarations and to specify the details of their submission.
- (10) Articles 22(1) and 24(1) of the Control Regulation provides for the electronic completion and transmission of transshipment and landing declarations by electronic means. It is appropriate to establish the requirements for the electronic completion and transmission of these data and to specify their format.
- (11) Articles 16(1) and 25(1) of the Control Regulation provide that every Member State has to monitor on the basis of sampling the activities of fishing vessels which are not subject to logbook requirements and landing declarations. With a view to ensure common standards of such samplings detailed rules, should be established at the level of the European Union.
- (12) Article 37 of the Control Regulation provides that necessary corrective actions are to be taken by the Commission in case the Commission has prohibited fishing because of the alleged exhaustion of the fishing opportunities available to a Member State or group of Member States, or to the European Union and it transpires that a Member State has not in fact exhausted its fishing opportunities. It is necessary to adopt adequate rules for the reallocation of such fishing opportunities, which take into account situations where a total allowable catch (TAC) for the EU is available or not, or where due to the annual setting of fishing opportunities circumstances do not permit such reallocation.
- (13) Articles 39 to 41 of the Control Regulation foresee rules to ensure that the engine power of fishing vessels is not exceeded. It is necessary to establish the technical rules of the relevant certifications and verifications to be done in this field.
- (14) Article 55 of the Control Regulation provides that Member States should ensure that recreational fisheries are conducted in a manner compatible with the objectives of the Common Fisheries Policy. For stocks under a recovery plan Member States should collect catch data of recreational fisheries. Where such fisheries have a significant impact on the resources, specific management measures may be decided by the Council. It is appropriate to lay down detailed rules for the establishment of sampling plans in order to allow Member States to monitor the catches of stocks subject to recovery plans by recreational fisheries practised from their vessels, in waters subject to their sovereignty or jurisdiction.
- (15) In order to establish a comprehensive control regime the whole chain of production and marketing should be covered by such a regime. Article 58 of the Control Regulation provides for a coherent traceability system to ensure that all lots of fisheries and aquaculture products are traceable at all stages of production, processing and distribution, from catching or harvesting to the retail stage. It is necessary to lay down common rules for identification procedures of the product concerned.
- (16) Article 60 of the Control Regulation provides that all fishery products are to be weighed on systems approved by the competent authorities unless they have adopted a sampling plan approved by the Commission. It is necessary to establish common rules in all Member States for the weighing of fresh and frozen fisheries products, as well as for the weighing of transhipped fisheries products, and for the weighing of fisheries products after transport from the place of landing.
- (17) Article 61 of the Control Regulation provides for the possibility for fisheries products to be weighed after transport under the condition that the Member State has adopted a control plan or, when the fisheries products are transported to another Member State, that the Member States concerned have adopted a common control programme that are approved by the Commission and based on a risk-based methodology adopted by the Commission. This risk-based methodology needs to be defined.
- (18) The fishery on herring, mackerel and horse mackerel has some specific features. For this reason it is appropriate to establish special rules on weighing and related elements to take account of these specific features.
- (19) Article 64 of the Control Regulation foresees that the detailed rules on the content of sales notes are to be adopted. It is pertinent to include such rules in this Regulation.
- (20) Articles 71 and 72 of the Control Regulation provide that Member States shall carry out surveillance in EU waters and take the necessary measures if a sighting does not correspond to the information available to them. It is necessary to lay down common rules regarding the content of a surveillance report, and its means of transmission.

- (21) Article 73 of the Control Regulation provides the possibility for the Council to establish control observer schemes and establishes in general lines the profile and tasks of control observers on board fishing vessels. Therefore detailed rules on the deployment and duties of control observers should be drawn up.
- (22) According to Chapter I of Title VII of the Control Regulation, rules are to be established for the conduct of inspections in order to enhance a standardised approach to control activities carried out by Member States. Rules should be laid down for the conduct of officials in charge of inspections, and the obligations of Member States regarding the behaviour of their officials authorised to conduct such inspections. At the same time, the duties of operators during inspection should be clarified. It is also necessary to lay down common principles for inspection procedures at sea, in port, during transport, at market places, and regarding inspection reports and their transmission.
- (23) Article 79 of the Control Regulation provides that Union inspectors may carry out inspections in EU waters and on EU fishing vessels outside EU waters. It is appropriate to draw up rules regarding the nomination of Union inspectors, their tasks and obligations, as well as the type of follow up to be given to their report.
- (24) Article 92 of the Control Regulation provides for the establishment of a point system for serious infringements with the aim to ensure compliance with the rules of the Common Fisheries Policy and a level playing field in all EU waters. For this to be achieved, it is necessary to establish common rules at the level of the European Union for the application of such a point system, including a list of points to be attributed for each serious infringement.
- (25) In accordance with Article 5(6) and Article 103 of the Control Regulation, the financial assistance in the framework of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund <sup>(1)</sup> and Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea <sup>(2)</sup> is made conditional upon compliance by Member States with their obligations in the fields of fisheries conservation and control, the Commission having the possibility under certain conditions to suspend and cancel such financial assistance. It is necessary to lay down detailed rules for the application of these measures.
- (26) Article 107 of the Control Regulation provides for deduction of quotas by the Commission in cases of failure by Member States to comply with the rules on stocks subject to multiannual plans which leads to a serious threat to the conservation of such stocks. Rules should therefore be drawn up regarding the extent of the deduction, taking into account the nature of the non-compliance, the extent of its impact, as well as the gravity of the threat to the resource.
- (27) Chapter I of Title XII of the Control Regulation establishes rules on the handling of data recorded for the purpose of that Regulation, including the obligation for the Member States to set up a computerised database and a validation system and the provisions on accessing and exchanging such data. It is necessary to lay down common rules establishing procedures to process such data and to ensure access to it by the Commission and specifying the requirements for the exchange of data.
- (28) Article 110 of the Control Regulation deals with the remote access of the Commission or the body designated by it to computer files containing the data recorded by fisheries monitoring centres of Member States. In order to ensure such an access it is pertinent to establish clear rules on the conditions and the procedures that should be respected.
- (29) Articles 114 to 116 of the Control Regulation provide that the Member States have to establish official websites. With a view to ensure their equal accessibility in all Member States it is pertinent to establish rules at EU level on these websites.
- (30) According to Article 117 of the Control Regulation a system of mutual assistance shall be established for ensuring the administrative cooperation among Member States and the Commission. Such administrative cooperation is essential to ensure that a level playing field in the EU is established and that illegal activities are properly investigated and sanctioned. Rules should therefore be drawn up for a systematic exchange of information either on request or spontaneously, and for the possibility to request enforcement measures and administrative notification by another Member State.
- (31) The protection of individuals with regard to the processing of personal data by the Member States is governed by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(3)</sup>. The protection of individuals with regard to the processing of personal data by the Commission is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(4)</sup>, in particular as regards the requirements of confidentiality and security of processing, the transfer of personal data from the national systems of Member States to the Commission, the lawfulness of processing, and the rights of data subjects to information, access to and rectification of their personal data.

<sup>(1)</sup> OJ L 223, 15.8.2006, p. 1.

<sup>(2)</sup> OJ L 160, 14.6.2006, p. 1.

<sup>(3)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(4)</sup> OJ L 8, 12.1.2001, p. 1.

- (32) To facilitate the implementation of the fisheries control system, detailed rules should be concentrated in one single Regulation. The following Commission Regulations should therefore be repealed:
- Regulation (EEC) No 2807/83 <sup>(1)</sup> laying down detailed rules for recording information on Member States' catches of fish,
  - Regulation (EEC) No 3561/85 <sup>(2)</sup> concerning information about inspections of fishing activities carried out by national control authorities,
  - Regulation (EEC) No 493/87 <sup>(3)</sup> establishing detailed rules for remedying the prejudice caused on the halting of certain fisheries,
  - Regulation (EEC) No 1381/87 <sup>(4)</sup> establishing detailed rules concerning the marking and documentation of fishing vessels,
  - Regulation (EEC) No 1382/87 <sup>(5)</sup> establishing detailed rules concerning the inspection of fishing vessels,
  - Regulation (EC) No 2943/95 <sup>(6)</sup> setting out detailed rules for applying Council Regulation (EC) No 1627/94 laying down general provisions concerning special fishing permits,
  - Regulation (EC) No 1449/98 <sup>(7)</sup> laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards effort reports,
  - Regulation (EC) No 356/2005 <sup>(8)</sup> laying down detailed rules for the marking and identification of passive fishing gear and beam trawls,
  - Regulation (EC) No 2244/2003 <sup>(9)</sup> laying down detailed provisions regarding satellite-based Vessel Monitoring Systems,
  - Regulation (EC) No 1281/2005 <sup>(10)</sup> of the management of fishing licences and the minimal information to be contained therein,
  - Regulation (EC) No 1042/2006 <sup>(11)</sup> laying down detailed rules for the implementation of Article 28(3) and (4) of Council Regulation (EEC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy,
  - Regulation (EC) No 1542/2007 <sup>(12)</sup> on landing and weighing procedures for herring, mackerel and horse mackerel,
  - Regulation (EC) No 1077/2008 <sup>(13)</sup> laying down detailed rules for the implementation of Council Regulation (EC) No 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing and repealing Regulation (EC) No 1566/2007, and
  - Regulation (EC) No 409/2009 <sup>(14)</sup> establishing Community conversion factors and presentation codes used to convert fish processed weight into fish weight, and amending Commission Regulation (EEC) No 2807/83.
- (33) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION

#### TITLE I

#### GENERAL PROVISIONS

#### SCOPE

##### Article 1

#### Subject matter

This Regulation lays down detailed rules for the application of the control system of the European Union as established by the Control Regulation.

##### Article 2

#### Definitions

For the purpose of this Regulation the following definitions shall apply:

- (1) 'EU fishing vessel' means a vessel defined in Article 3(d) of Council Regulation (EC) No 2371/2002 <sup>(15)</sup>;
- (2) 'EU waters' means waters defined in Article 3(a) of Regulation (EC) No 2371/2002;
- (3) 'holder of a fishing licence' means a natural or legal person to whom a fishing licence as referred to Article 6 of the Control Regulation has been issued;

<sup>(1)</sup> OJ L 276, 10.10.1983, p. 1.

<sup>(2)</sup> OJ L 339, 18.12.1985, p. 29.

<sup>(3)</sup> OJ L 50, 19.2.1987, p. 13.

<sup>(4)</sup> OJ L 132, 21.5.1987, p. 9.

<sup>(5)</sup> OJ L 132, 21.5.1987, p. 11.

<sup>(6)</sup> OJ L 308, 21.12.1995, p. 15.

<sup>(7)</sup> OJ L 192, 8.7.1998, p. 4.

<sup>(8)</sup> OJ L 56, 2.3.2005, p. 8.

<sup>(9)</sup> OJ L 333, 20.12.2003, p. 17.

<sup>(10)</sup> OJ L 203, 4.8.2005, p. 3.

<sup>(11)</sup> OJ L 187, 8.7.2006, p. 14.

<sup>(12)</sup> OJ L 337, 21.12.2007, p. 56.

<sup>(13)</sup> OJ L 295, 4.11.2008, p. 3.

<sup>(14)</sup> OJ L 123, 19.5.2009, p. 78.

<sup>(15)</sup> OJ L 358, 31.12.2002, p. 59.

- (4) 'Union inspectors' means inspectors as defined in Article 4(7) of the Control Regulation;
- (5) 'fish aggregating device' means any equipment floating on the sea surface or anchored with the objective of attracting fish;
- (6) 'passive gear' means any fishing gear the catch operation of which does not require an active movement of the gear, including:
- (a) gillnets, entangling nets, trammel nets, and trap nets;
- (b) drifting gillnets, and drifting trammel nets, any of which may be equipped with anchoring, floating and navigational gear;
- (c) long lines, lines, pots and traps;
- (7) 'beam trawl' means any towed trawl in which the mouth of the trawl is held open by a beam or similar device, irrespectively of whether they are supported or not when dragged along the seabed;
- (8) 'vessel monitoring system' (VMS) as referred to in Article 9(1) of the Control Regulation means a satellite-based fishing vessel monitoring system providing to the fisheries authorities data at regular intervals on the location, course and speed of vessels;
- (9) 'satellite-tracking device' as referred to in Article 4(12) of the Control Regulation means a device installed on board of a fishing vessel that transmits position and related data automatically to the fisheries monitoring centre according to the legal requirements and that allows detection and identification of the fishing vessel at all times;
- (10) 'fishing trip' means any voyage of a fishing vessel during which fishing activities are conducted that starts at the moment when the fishing vessel leaves a port and ends on arrival in port;
- (11) 'fishing operation' means all activities in connection with searching for fish, the shooting, towing and hauling of active gears, setting, soaking, removing or resetting of passive gears and the removal of any catch from the gear, keep nets, or from a transport cage to fattening and farming cages;
- (12) 'electronic fishing logbook' means the record by computerised means of fishing operation details by the master of a fishing vessel transmitted to the Member State authorities;
- (13) 'product presentation' means a description of the processed state of the fisheries product or part thereof in accordance with the codes and descriptions in Annex I;
- (14) 'European Fisheries Control Agency' means the agency as defined in Article 1 of Council Regulation (EC) No 768/2005 <sup>(1)</sup>;
- (15) 'sighting' means any observation of a fishing vessel by any competent authority of a Member State;
- (16) 'commercially sensitive information' means information the release of which is likely to prejudice the commercial interests of an operator;
- (17) 'computerised validation system' means a system capable of verifying that all data recorded in Member States databases is accurate, complete and submitted within the deadlines;
- (18) 'web service' means a software system designed to support interoperable machine-to-machine interaction over a network.

## TITLE II

### GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES

#### CHAPTER I

#### *Fishing licences*

##### *Article 3*

#### **Issue and management of fishing licences**

1. A fishing licence referred to in Article 6 of the Control Regulation shall be valid for one EU fishing vessel only.
2. Fishing licences referred to in Article 6 of the Control Regulation shall be issued, managed and withdrawn by Member States for their fishing vessels in accordance with this Regulation.
3. Fishing licences referred to in Article 6 of the Control Regulation shall contain as a minimum the information set out in Annex II.
4. Fishing licences issued in accordance with Regulation (EC) No 1281/2005 shall be considered as fishing licences issued in accordance with this Regulation if they contain the minimum information required by paragraph 3 of this Article.

<sup>(1)</sup> OJ L 128, 21.5.2005, p. 1.

5. A fishing licence shall only be valid if the conditions on the basis of which it has been issued are still met.

6. If a fishing licence has been temporarily suspended or permanently withdrawn, the authorities of the flag Member State shall immediately inform the holder of the fishing licence.

7. At any moment the total capacity corresponding to the fishing licences issued by a Member State, in GT or kW, shall not be higher than the maximum capacity levels for that Member State established in accordance with Articles 12 and 13 of Regulation (EC) No 2371/2002, and Commission Regulation (EC) No 1438/2003<sup>(1)</sup>, Council Regulation (EC) No 639/2004<sup>(2)</sup>, and Commission Regulation (EC) No 2104/2004<sup>(3)</sup>.

#### CHAPTER II

### Fishing authorisations

#### Article 4

### Fishing authorisations

1. A fishing authorisation referred to in Article 7 of the Control Regulation shall be valid for one EU fishing vessel only.

2. Fishing authorisations referred to in Article 7 of the Control Regulation shall contain as a minimum the information set out in Annex III. The flag Member State shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules of the Common Fisheries Policy.

3. Special fishing permits issued in accordance with Council Regulation (EC) No 1627/94<sup>(4)</sup> shall be considered as fishing authorisations issued in accordance with this Regulation if they contain the minimum information required by paragraph 2 of this Article.

4. A fishing authorisation as referred to in paragraph 2 and a fishing licence as referred to in Article 3(2) of this Regulation may be contained in the same document.

5. Without prejudice to special rules EU fishing vessels of less than 10 metres' length overall which fish exclusively in the territorial waters of their flag Member States shall be excluded from the obligation to have a fishing authorisation.

6. Paragraph 2 and paragraph 5 of Article 3 of this Regulation shall apply correspondingly.

#### Article 5

### List of fishing authorisations

1. Without prejudice to special rules, when the websites as referred to in Article 114 of the Control Regulation have

become operational and not later than 1 January 2012 Member States shall make available on the secure part of their official websites the list of their fishing vessels that have received fishing authorisations referred to in Article 7 of the Control Regulation before these fishing authorisations become valid. They shall update their list in case of any changes to this list before they become effective.

2. For the period 1 January 2011 until 31 December 2011, on request Member States shall make available to the Commission a list of their fishing vessels that have received fishing authorisations for 2011. They shall inform the Commission of any changes to this list before these changes become effective.

#### CHAPTER III

### Marking and identification of EU fishing vessels and their gear

#### Section 1

### Marking and identification of fishing vessels

#### Article 6

### Marking of fishing vessels

An EU fishing vessel shall be marked as follows:

- (a) the letter(s) of the port or district in which the EU fishing vessel is registered and the number(s) under which it is registered shall be painted or displayed on both sides of the bow, as high above the water as possible so as to be clearly visible from the sea and the air, in a colour contrasting with the background on which they are painted;
- (b) for EU fishing vessels over 10 metres length overall and less than 17 metres length overall, the height of the letters and numbers shall be at least 25 centimetres with a line thickness of at least 4 centimetres. For EU fishing vessels of 17 metres length overall or more, the height of the letters and numbers shall be at least 45 centimetres, with a line thickness of at least 6 centimetres;
- (c) the flag Member State may require the international radio call sign (IRCS) or the external registration letters and numbers to be painted on top of the wheelhouse, so as to be clearly visible from the air, in a colour contrasting with the ground on which it is painted;
- (d) the contrasting colours shall be white and black;
- (e) the external registration letters and numbers painted or displayed on the hull of the EU fishing vessel shall not be removable, effaced, altered, illegible, covered or concealed.

<sup>(1)</sup> OJ L 204, 13.8.2003, p. 21.

<sup>(2)</sup> OJ L 102, 7.4.2004, p. 9.

<sup>(3)</sup> OJ L 365, 10.12.2004, p. 19.

<sup>(4)</sup> OJ L 171, 6.7.1994, p. 7.

*Article 7***Documents carried on board an EU fishing vessel**

1. The master of a EU fishing vessel of 10 metres length overall or more shall carry on board documents, issued by a competent authority of the Member State in which it is registered, showing at least the following elements of the vessel:

- (a) the name if any;
- (b) the letters of the port or district in which it is registered, and the number(s) under which it is registered;
- (c) the international radio call sign, if any;
- (d) the names and addresses of the owner(s) and, where applicable, the charterer(s);
- (e) the length overall, propulsion engine power, gross tonnage and, for EU fishing vessels which entered into service from 1 January 1987 onwards, date of entry into service.

2. On EU fishing vessels of 17 metres length overall or more with fish rooms the master shall keep on board accurate drawings with description of its fish rooms, including the indication of all access points and of their storage capacity in cubic metres.

3. The master of an EU vessel with chilled or refrigerated seawater tanks shall keep on board an up-to-date document indicating the calibration of the tanks in cubic metres at 10 centimetre intervals.

4. The documents referred to in paragraphs 2 and 3 shall be certified by the competent authority of the flag Member State. Any modification of the characteristics contained in the documents referred to in paragraphs 1 to 3, shall be certified by a competent authority of the flag Member State.

5. The documents referred to in this Article shall be presented for the purposes of control and inspection at the request of the officials.

*Section 2***Marking and identification of fishing gear and crafts***Article 8***Marking of crafts and fish aggregating devices**

Any craft carried on board EU fishing vessels and fish aggregating devices shall be marked with external registration letters and numbers of the EU fishing vessel(s) which use them.

*Article 9***General rules for passive gear and beam trawls**

1. The provisions contained in Articles 9 to 12 of this Regulation shall apply to EU fishing vessels fishing in all EU waters and the provisions contained in Articles 13 to 17 of this Regulation to EU waters outside 12 nautical miles measured from the base lines of the coastal Member States.

2. It shall be prohibited in EU waters as set down in paragraph 1 to carry out fishing activities with passive gear, buoys, and beam trawls, which are not marked and identifiable in accordance with the provisions of Articles 10 to 17 of this Regulation.

3. It shall be prohibited in EU waters as set down in paragraph 1 to carry on board:

- (a) beams of a beam trawl which do not display the external registration letters and numbers in accordance with Article 10 of this Regulation;
- (b) passive gear which is not labelled in accordance with Article 11(2) of this Regulation;
- (c) buoys which are not marked in accordance with Article 13(2) of this Regulation.

*Article 10***Rules for beam trawls**

The master of an EU fishing vessel or his representative shall ensure that each assembled beam trawl carried on board or used for fishing clearly displays the external registration letters and numbers of that fishing vessel on the beam of each beam trawl assembly.

*Article 11***Rules for passive gear**

1. The master of an EU fishing vessel or his representative shall ensure that each passive gear carried on board or used for fishing is clearly marked and identifiable in accordance with the provisions of this Article.

2. Each passive gear used for fishing shall permanently display the external registration letters and numbers displayed on the hull of the fishing vessel to which it belongs:

- (a) for nets, on a label attached to the upper first row;
- (b) for lines and long lines, on a label at the point of contact with the mooring buoy;



- (c) for pots and traps, on a label attached to the ground rope;
- (d) for passive gear extending more than 1 nautical mile, on labels attached in accordance with (a), (b) and (c) at regular intervals not exceeding 1 nautical mile so that no part of the passive gear extending more than 1 nautical mile shall be left unmarked.

#### Article 12

##### Rules for labels

1. Each label shall be:
  - (a) made of durable material;
  - (b) securely fitted to the gear;
  - (c) at least 65 millimetres broad;
  - (d) at least 75 millimetres long.
2. The label shall not be removable, effaced, altered, illegible, covered or concealed.

#### Article 13

##### Rules for buoys

1. The master of a EU fishing vessel or his representative shall ensure that two end marker buoys and intermediary marker buoys, rigged in accordance with Annex IV, are fixed to each passive gear used for fishing and are deployed in accordance with the provisions of this Section.
2. Each end marker buoy and intermediary buoy shall display the external registration letters and numbers displayed on the hull of the EU fishing vessel to which they belong and which has deployed such buoys as follows:
  - (a) letters and numbers shall be displayed as high above the water as possible so as to be clearly visible;
  - (b) in a colour contrasting with the surface on which they are displayed.
3. The letters and numbers displayed on the marker buoy shall not be effaced, altered or allowed to become illegible.

#### Article 14

##### Rules for cords

1. The cords linking the buoys to the passive gear shall be of submersible material, or shall be weighted down.

2. The cords linking the end marker buoys to each gear shall be fixed at the ends of that gear.

#### Article 15

##### Rules for end marker buoys

1. End marker buoys shall be deployed so that each end of the gear may be determined at any time.
2. The mast of each end marker buoy shall have a height of at least 1 metre above the sea level measured from the top of the float to the lower edge of the bottom most flag.
3. End marker buoys shall be coloured, but may not be red or green.
4. Each end marker buoy shall include:
  - (a) one or two rectangular flag(s); where two flags are required on the same buoy, the distance between them shall be at least 20 centimetres flags indicating the extremities of the same gear shall be of the same colour and may not be white and shall be of the same size;
  - (b) one or two light(s), which shall be yellow and give one flash each 5 seconds (F1 Y 5s), and be visible from a minimum distance of 2 nautical miles.
5. Each end marker buoy may include a top sign on the top of the buoy with one or two striped luminous bands which shall be neither red nor green and shall be at least 6 centimetres broad.

#### Article 16

##### Rules for fixing of end marker buoys

1. End marker buoys shall be fixed to passive gear in the following way:
  - (a) the buoy in the western sector (meaning the half compass circle from south through west to and including north) shall be rigged with two flags, two striped luminous bands, two lights and a label in accordance with Article 12 of this Regulation;
  - (b) the buoy in the eastern sector (meaning the half compass circle from north through east to and including the south) shall be rigged with one flag one striped luminous band, one light and a label in accordance with Article 12 of this Regulation.

2. The label shall contain the information contained in Article 13(2) of this Regulation.

*Article 17***Intermediary marker buoys**

1. Intermediary marker buoys shall be fixed to passive gear extending more than 5 nautical miles as follows:

- (a) intermediary marker buoys shall be deployed at distances of not more than 5 nautical miles so that no part of the gear extending 5 nautical miles or more shall be left unmarked;
- (b) intermediary marker buoys shall be fitted with a flashing light which shall be yellow and give one flash every 5 seconds (F1 Y 5s) and be visible from a minimum distance of 2 nautical miles. They shall have the same characteristics as those of the end marker buoy in the eastern sector, except that the flag shall be white.

2. By derogation from paragraph 1, in the Baltic Sea intermediary marker buoys shall be fixed to passive gear extending more than 1 nautical mile. Intermediary marker buoys shall be deployed at distances of not more than 1 nautical mile so that no part of the gear extending 1 nautical mile or more shall be left unmarked.

Intermediary marker buoys shall have the same characteristics as those of the end marker buoy in the eastern sector except for the following:

- (a) the flags shall be white;
- (b) every fifth intermediary marker buoys shall be fitted with a radar reflector giving an echo of at least 2 nautical miles.

## CHAPTER IV

**Vessel monitoring system***Article 18***Requirement of satellite-tracking devices on EU fishing vessels**

1. Without prejudice to Article 25(3) of this Regulation an EU fishing vessel subject to VMS shall not be allowed to leave a port without a fully operational satellite-tracking device installed on board.

2. When an EU fishing vessel is in port, the satellite-tracking device may only be switched off if:

- (a) prior notification has been given to the fisheries monitoring centre (FMC) of the flag Member State and the FMC of the coastal Member State; and
- (b) providing that the next report shows that the EU fishing vessel has not changed its position in relation to the previous report.

The competent authorities of the flag Member State may allow to replace the prior notification referred to in (a) with an automatic VMS message or alarm generated by the system, indicating that the EU fishing vessel is within a pre-defined geographical area of a port.

3. This Chapter shall not apply to EU fishing vessels used exclusively for the exploitation of aquaculture.

*Article 19***Characteristics of satellite-tracking devices**

1. The satellite-tracking device installed on board EU fishing vessels shall ensure the automatic transmission to the FMC of the flag Member State, at regular intervals, of data relating to:

- (a) the fishing vessel identification;
- (b) the most recent geographical position of the fishing vessel, with a position error which shall be less than 500 metres, with a confidence interval of 99 %;
- (c) the date and time (expressed in Coordinated Universal Time (UTC)) of the fixing of the said position of the fishing vessel; and
- (d) the instant speed and course of the fishing vessel.

2. Member States shall ensure that satellite-tracking devices are protected against input or output of false positions and cannot be manually over-ridden.

*Article 20***Responsibilities of the masters concerning the satellite-tracking devices**

1. The masters of an EU fishing vessel shall ensure that the satellite-tracking devices are fully operational at all times and that the data referred to in Article 19(1) of this Regulation are transmitted.

2. Without prejudice to Article 26(1) of this Regulation, the master of an EU fishing vessel shall ensure in particular that:

- (a) the data are not altered in any way;
- (b) the antenna or the antennas connected to the satellite tracking devices are not obstructed, disconnected or blocked in any way;
- (c) the power supply of the satellite-tracking devices is not interrupted in any way; and
- (d) the satellite-tracking device is not removed from the fishing vessel.

3. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the satellite-tracking device unless the competent authorities of the flag Member State have authorised its repair or replacement.

#### Article 21

##### **Control measures to be adopted by flag Member States**

Each flag Member State shall ensure the continuous and systematic monitoring and control of the accuracy of the data referred to in Article 19 of this Regulation, and shall act promptly whenever data are found to be inaccurate or incomplete.

#### Article 22

##### **Frequency of data transmission**

1. Each Member State shall ensure that its FMC receives, at least once every 2 hours, through the VMS the information referred to in Article 19 of this Regulation concerning its fishing vessels. The FMC may require the information at shorter time intervals.

2. The FMC shall have the capacity of polling the actual position of each of its fishing vessel.

#### Article 23

##### **Monitoring of entry into and exit from specific areas**

Each Member State shall ensure that through VMS data its FMC monitors, as regards its fishing vessels, date and time of entry into and exit from:

- (a) any maritime area where specific rules on access to waters and resources apply;
- (b) fishing restricted areas referred to in Article 50 of the Control Regulation;
- (c) regulatory areas of the Regional Fisheries Management Organisations to which the European Union or certain Member States are a party;
- (d) waters under the sovereignty and jurisdiction of a third country.

#### Article 24

##### **Transmission of data to the coastal Member State**

1. The VMS established by each Member State shall ensure the automatic transmission to the FMC of a coastal Member

State of the data to be provided in accordance with Article 19 of this Regulation concerning its fishing vessels during the time they are in the waters of the coastal Member State. That data transmission shall be simultaneous with the receipt at the FMC of the flag Member State and shall be in accordance with the format set out in Annex V.

2. Coastal Member States monitoring jointly an area may specify a common destination for the transmission of the data to be provided in accordance with Article 19 of this Regulation. They shall inform the Commission and the other Member States thereof.

3. Each Member State shall transmit to the other Member States and the Commission in a, where possible electronic, format compatible with the World Geodetic System 1984 (WGS 84) a comprehensive list of the latitude and longitude coordinates which delineate its exclusive economic zone or exclusive fishery zone. It shall also communicate to the other Member States and the Commission any changes of these coordinates. Alternatively Member States may publish this list on the website referred to in Article 115 of the Control Regulation.

4. Member States shall ensure effective coordination between their competent authorities regarding the transmission of VMS data in accordance with Article 9(3) of the Control Regulation, including through the establishment of clear and documented procedures for this purpose.

#### Article 25

##### **Technical failure or non-functioning of the satellite-tracking device**

1. In the event of a technical failure or non-functioning of the satellite-tracking device fitted on board a EU fishing vessel, the master or his representative shall, starting from the time that the event was detected or from the time that he was informed in accordance with paragraph 4 or Article 26(1) of this Regulation, communicate every 4 hours, to the FMC of the flag Member State the up-to-date geographical coordinates of the fishing vessel by appropriate telecommunication means. Member States shall decide on the telecommunication means to be used and indicate them on the website referred to in Article 115 of the Control Regulation.

2. The FMC of the flag Member State shall enter the geographical positions referred to in paragraph 1 into the VMS database without delay on their receipt. The manual VMS data shall be clearly distinguishable in a database from automatic messages. Where appropriate, those manual VMS data shall be transmitted without delay to coastal Member States.

3. Following a technical failure or non-functioning of the satellite-tracking device, an EU fishing vessel may only leave port once the satellite-tracking device fitted on board is fully functioning to the satisfaction of the competent authorities of the flag state. By derogation the FMC of the flag Member State may authorise its fishing vessels to leave the port with a non-functioning satellite-tracking device for its repair or replacement.

4. The competent authorities of the flag Member State or, where appropriate, of the coastal Member State shall seek to inform the master of or the person responsible for the vessel or their representative when the satellite-tracking device fitted on board a EU fishing vessel appears to be defective or not fully functioning.

5. The removal of the satellite-tracking device for repair or replacement shall be subject to the approval of the competent authorities of the flag Member State.

#### Article 26

##### **Non-receipt of data**

1. When the FMC of a flag Member State has not received data transmissions in accordance with Article 22 or Article 25(1) of this Regulation for 12 consecutive hours it shall notify the master or the operator of the EU fishing vessel or their representative(s) thereof as soon as possible. If, in respect of an EU particular fishing vessel, that situation occurs more than three times within a period of a calendar year, the flag Member State shall ensure that the satellite-tracking device of the fishing vessel is thoroughly checked. The flag Member State shall investigate the matter in order to establish whether the equipment has been tampered with. By way of derogation from Article 20(2)(d) of this Regulation, that investigation may entail the removal of such equipment for examination.

2. When the FMC of a flag Member State has not received data transmissions for 12 hours in accordance with Article 22 or Article 25(1) of this Regulation and the last received position was from within the waters of another Member State it shall notify the FMC of that coastal Member State thereof as soon as possible.

3. When the competent authorities of a coastal Member State observe an EU fishing vessel in its waters and have not received data in accordance with Article 24(1) or 25(2) of this Regulation, they shall notify the master of the fishing vessel and the FMC of the flag Member State thereof.

#### Article 27

##### **Monitoring and recording of the fishing activities**

1. Member States shall use the data received pursuant to Article 22, Article 24(1) and Article 25 of this Regulation for the effective monitoring of the activities of fishing vessels.

2. Flag Member States shall:

- (a) ensure that data received according to this Chapter are recorded in computer-readable form and safely stored in computerised databases for at least 3 years;
- (b) take all necessary measures to ensure that they are only used for official purposes; and
- (c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, distribution or unauthorised consultation.

#### Article 28

##### **Access to data by the Commission**

The Commission may request Member States in accordance with Article 111(1)(a) of the Control Regulation to ensure the automatic transmission to the Commission or to the body designated by it, of the data to be provided in accordance with Article 19 of this Regulation concerning a specific group of fishing vessels and during a specific time. That data transmission shall be simultaneous with receipt at the FMC of the flag Member State and shall be in accordance with the format set out in Annex V.

#### TITLE III

#### CONTROL OF FISHERIES

##### CHAPTER I

##### **Fishing logbook, transhipment declaration and landing declaration in paper format**

##### Section 1

##### **Completion and submission of a fishing logbook, landing declaration and transhipment declaration in paper format**

#### Article 29

##### **EU fishing vessels subject to the completion and submission of a fishing logbook and transhipment/landing declaration in paper format**

1. Without prejudice to specific provisions contained in multi-annual plans, the master of a EU fishing vessel of 10 metres length overall or more that is not subject to the electronic completion and transmission of fishing logbook data, transhipment declarations and landing declarations, shall complete and submit the fishing logbook data, transhipment declarations and landing declarations referred to in Articles 14, 21 and 23 of the Control Regulation in paper format. These transhipment declarations and landing declarations may also be completed and submitted by the representative of the master on his behalf.

2. The requirement to complete and submit the fishing logbook data, transshipment declarations and landing declarations in paper format shall also apply to EU fishing vessels whose length overall is less than 10 metres when they are required by their flag Member State to keep a fishing logbook and submit transshipment and/or landing declarations in accordance with Articles 16(3) and 25(3) of the Control Regulation.

#### Article 30

##### **Models for fishing logbooks, transshipment declarations and landing declarations in paper format**

1. For all fishing areas, except NAFO sub area 1 and ICES divisions V(a) and XIV, the fishing logbook, transshipment declaration and landing declaration in paper format shall be completed and submitted by masters of EU fishing vessels in accordance with the model shown in Annex VI. However, the model shown in Annex VII may be used for fisheries operations carried out exclusively in the Mediterranean by masters of EU fishing vessels which are not subject to the obligation to transmit fishing logbook, transshipment declaration and landing declaration data electronically, and which make daily fishing trips in a single fishing zone.

2. For NAFO sub area 1 and ICES divisions V(a) and XIV, the format shown in Annex VIII shall be used for the paper fishing logbook and the format shown in Annex IX for paper transshipment declarations and landing declarations.

3. The fishing logbook, transshipment declaration and landing declaration in paper format shown in Annexes VI and VII shall also be kept in accordance with paragraph 1 and Article 31 of this Regulation when such EU fishing vessels are carrying out fishing activities in the waters of a third country, in waters regulated by a Regional Fisheries Management Organisation or in waters outside EU waters not regulated by a Regional Fisheries Management Organisation, unless the third country or the rules of the Regional Fisheries Management Organisation concerned specifically require a different kind of fishing logbook, transshipment declaration or landing declaration to be completed and submitted. If the third country does not specify a particular fishing logbook, but does require data elements different from those required by the European Union, such data elements shall be recorded.

4. Member States may continue to use paper fishing logbook formats in conformity with Regulation (EEC) No 2807/83 for EU fishing vessels not subject to the electronic completion and transmission of fishing logbook data in accordance with Article 15 of the Control Regulation until stocks of paper fishing logbook formats have been used up.

#### Article 31

##### **Instructions for the completion and submission of fishing logbooks, transshipment declarations and landing declarations in paper format**

1. The fishing logbook, transshipment declaration and landing declaration in paper format shall be completed and submitted in accordance with the instructions set out in Annex X.

2. Where the instructions set out in Annex X state that the application of a rule is optional, the flag Member State may make it mandatory.

3. All entries in the fishing logbook, transshipment declaration or landing declaration shall be legible and indelible. No entry shall be erased or altered. If a mistake is made the incorrect entry shall be crossed out with a single line and the new correct entry shall be written and initialled by the master. Each line shall be initialled by the master.

4. The master of the EU fishing vessel or, for transshipment declarations and landing declarations, his representative shall certify with his initials or signature that the entries in the fishing logbook, transshipment declaration and landing declaration are correct.

#### Article 32

##### **Deadlines for the submission of a fishing logbook, transshipment declaration and a landing declaration in paper format**

1. When a EU fishing vessel has made a landing in a port or a transshipment in a port or in a place close to the shore of its flag Member State, its master shall submit the original(s) of the fishing logbook, transshipment declaration and landing declaration as soon as possible and not later than 48 hours after completion of transshipment or landing to the competent authorities of the Member State concerned. The original(s) of such a transshipment declaration and landing declaration may also be submitted by the representative of the master on his behalf.

2. When no catches are landed after a fishing trip, the master shall submit the original(s) of the fishing logbook and transshipment declaration as soon as possible and not later than 48 hours after arrival in port. The original(s) of such a transshipment declaration may also be submitted by the representative of the master on his behalf.

3. When a EU fishing vessel has made a transshipment in a port or in a place close to the shore or a landing in a port of a Member State other than its flag Member State, it shall submit the first copy (copies) of the fishing logbook, transshipment declaration and landing declaration as soon as possible and not later than 48 hours after transshipment or landing to the competent authorities of the Member State in which the transshipment or landing takes place. The original(s) of the fishing logbook, transshipment declaration and landing declaration shall be dispatched as soon as possible and not later than 48 hours after transshipment or landing to the competent authorities of the flag Member State.

4. When a EU fishing vessel has made a transhipment in a port or in the waters of a third country or on the high seas or a landing in a port of a third country, it shall dispatch the original(s) of the fishing logbook, transhipment declaration and landing declaration as soon as possible and not later than 48 hours after the transhipment or landing to the competent authorities of the flag Member State.

5. When a third country or the rules of a Regional Fisheries Management Organisation require a different kind of fishing logbook, transhipment declaration or landing declaration from the one in Annex VI the master of the EU fishing vessel shall submit a copy of that document to his competent authorities as soon as possible and not later than 48 hours after transhipment or landing.

#### Section 2

### Specific rules for the fishing logbook in paper format

#### Article 33

#### Completion of fishing logbook in paper format

1. The paper fishing logbook shall be completed with all obligatory information even when there are no catches:

- (a) daily by not later than 24.00 and before entering the port;
- (b) at the time of any inspection at sea;
- (c) at the time of events defined in the Community legislation or by the flag Member State.

2. A new line in the paper fishing logbook shall be filled in:

- (a) for each day at sea;
- (b) when fishing in a new ICES Division or another fishing zone the same day;
- (c) when entering fishing effort data.

3. A new page in the paper fishing logbook shall be filled in:

- (a) when using different gear, or a net of a different mesh size range, to that of the previous gear used;
- (b) for any fishing done after a transhipment or an intermediate landing;
- (c) if the number of columns is insufficient;
- (d) on departure from a port when no landing has taken place.

4. On departure from a port, or following completion of a transhipment operation, and when catches remain on board, the

quantities of each species shall be indicated on a new fishing logbook page.

5. The codes given in Annex XI shall apply to indicate, under the appropriate headings of the paper format fishing logbook, the fishing gear used.

#### Section 3

### Specific rules for the transhipment declaration and landing declaration in paper format

#### Article 34

#### Handing over of a transhipment declaration in paper format

1. In the case of a transhipment operation between two EU fishing vessels on completion of a transhipment operation the master of the transshipping fishing vessel or his representative shall hand over a copy of his vessel's paper transhipment declaration to the master of the receiving vessel or his representative. The master of the receiving vessel or his representative on completion of transhipment operation shall also hand over a copy of his vessel's paper transhipment declaration to the master of the transshipping vessel or his representative.

2. The copies referred to in paragraph 1 shall be presented for the purposes of control and inspection at the request of an official.

#### Article 35

#### Signing of the landing declaration

Each page of the landing declaration shall be signed prior to submission by the master or his representative.

#### CHAPTER II

### Fishing logbook, landing declaration and transhipment declaration in electronic format

#### Section 1

### Completion and transmission of a fishing logbook, landing declaration and transhipment declaration data in electronic format

#### Article 36

#### Requirement of electronic recording and reporting system on EU fishing vessels

1. Without prejudice to Article 39(4) of this Regulation an EU fishing vessel subject to electronic completion and transmission of fishing logbook, transhipment declaration and landing declaration in accordance with Articles 15, 21 and 24 of the Control Regulation shall not be allowed to leave port without a fully operational electronic recording and reporting system installed on board.

2. This Chapter shall not apply to EU fishing vessels used exclusively for the exploitation of aquaculture.

#### Article 37

##### **Format for transmission of data from an EU fishing vessel to the competent authority of its flag State**

Member States shall determine the format to be used between EU fishing vessels flying their flags and their competent authorities for the completion and transmission of fishing logbook, transshipment declaration and landing declaration data as referred to in Articles 15, 21 and 24 of the Control Regulation.

#### Article 38

##### **Return messages**

1. Return messages shall be issued to the EU fishing vessels for each transmission of fishing logbook, transshipment, prior notification and landing data. The return message shall contain an acknowledgement of receipt.

2. The master of an EU fishing vessel shall retain the return message until the end of the fishing trip.

#### Article 39

##### **Provisions in the event of technical failure or non-functioning of electronic recording and reporting systems**

1. In the event of a technical failure or non-functioning of the electronic recording and reporting system fitted on board a EU fishing vessel, the master of the fishing vessel or his representative shall, starting from the time that the event was detected or from the time that he was informed in accordance with Article 40(1) of this Regulation, communicate fishing logbook, transshipment declaration and landing declaration data to the competent authorities of the flag Member State by appropriate telecommunications means on a daily basis and no later than 24.00 even when there are no catches. Member States shall decide on the telecommunication means to be used and indicate them on the website referred to in Article 115 of the Control Regulation.

2. In the event of a technical failure or non-functioning of the electronic recording and reporting system fishing logbook and transshipment declaration data shall also be sent:

- (a) at the request of the competent authority of the flag State;
- (b) immediately after the last fishing operation or after the transshipment has been completed;
- (c) before entering into port;
- (d) at the time of any inspection at sea;

(e) at the time of events defined in Community legislation or by the flag State.

Prior notification and landing declaration data shall also be sent in the cases referred to in (a) and (e).

3. The competent authorities of the flag Member State shall enter the data referred to in paragraph 1 into the electronic data base without delay on their receipt.

4. Following a technical failure or non-functioning of its electronic recording and reporting system, a EU fishing vessel may only leave port once the recording and reporting system fitted on board is fully functioning to the satisfaction of the competent authorities of the flag Member State or is otherwise authorised to leave by the competent authorities of the flag Member State. The flag Member State shall immediately notify the coastal Member State when it has authorised one of its fishing vessels to leave a port in the coastal Member State with a non-functioning electronic recording and reporting system.

5. The removal of the electronic recording and reporting system for repair or replacement shall be subject to the approval of the competent authorities of the flag Member State.

#### Article 40

##### **Non-receipt of data**

1. When the competent authorities of a flag Member State have not received data transmissions in accordance with Articles 15, 22 and 24 of the Control Regulation they shall notify the master or the operator of the EU fishing vessel or their representative(s) thereof as soon as possible. If, in respect of a particular EU fishing vessel, that situation occurs more than three times within a period of calendar year, the flag Member State shall ensure that the electronic recording and reporting system of the fishing vessel is thoroughly checked. The flag Member State shall investigate the matter in order to establish why data have not been received and shall take appropriate measures.

2. When the competent authorities of a flag Member State have not received data transmissions in accordance with Articles 15, 22 and 24 of the Control Regulation and the last position received through the Vessel Monitoring System was from within the waters of a coastal Member State they shall notify the competent authorities of that coastal Member State thereof as soon as possible.

3. The master or the operator of the EU fishing vessel or their representative shall send all data which have not yet been transmitted and for which a notification was received in accordance with paragraph 1 to the competent authorities of the flag Member State immediately on receipt of the notification.

*Article 41***Data access failure**

1. When the competent authorities of a coastal Member State observe an EU fishing vessel of another Member State in their waters and cannot access fishing logbook or transshipment data in accordance with Article 44 of this Regulation they shall request the competent authorities of the flag Member State to ensure access to those data.

2. If the access referred to in paragraph 1 is not ensured within 4 hours of the request, the coastal Member State shall notify the flag Member State. On receipt of the notification the flag Member State shall immediately send the data to the coastal Member State by any available electronic means.

3. If the coastal Member State does not receive the data referred to in paragraph 2, the master or operator of the EU fishing vessel or their representative shall send the data and a copy of the return message referred to in Article 38 of this Regulation to the competent authorities of the coastal Member State on request and by any available, if possible electronic, means. Member States shall decide on the means to be used and shall indicate them on the website referred to in Article 115 of the Control Regulation.

4. If the master or the operator of the EU fishing vessel or their representative can not provide the competent authorities of the coastal Member State with a copy of the return message referred to in Article 38 of this Regulation, fishing activities in the waters of the coastal Member State by the fishing vessel concerned shall be prohibited until the master, the operator of the fishing vessel or his representative can provide a copy of the return message or information referred to in Article 14(1) of the Control Regulation to the said authorities.

*Article 42***Data on the functioning of the electronic recording and reporting system**

1. Member States shall maintain databases on the functioning of their electronic recording and reporting system. Those databases shall contain at least and be capable to generate automatically the following information:

- (a) the list of their fishing vessels whose electronic recording and reporting systems have experienced technical failure or have failed to function;
- (b) the number of vessels that have not made daily electronic fishing logbook transmissions and the average number of electronic fishing logbook transmissions received per fishing vessel, broken down by flag Member State;
- (c) the number of transshipment declaration, landing declaration, takeover declaration and sales note transmissions received, broken down by flag Member State.

2. Summaries of information generated according to paragraph 1 shall be sent to the Commission at its request. Alternatively this information may also be made available on the secure website in a format and at time intervals to be decided by the Commission after consultation with Member States.

*Article 43***Format for exchange of information between Member States**

1. Information referred to in this Section shall be exchanged between Member States using the format defined in Annex XII from which extensible mark-up language (XML) shall be derived. The XML standard to be used for all electronic data exchanges between Member States, and between Member States, the Commission and the body designated by it, shall be decided by the Commission after consultation with Member States.

2. Amendments to the format referred to in paragraph 1 shall be clearly identified and marked with the date it was updated. Such amendments shall not come into effect earlier than 6 months after they have been decided.

3. When a Member State receives electronic information from another Member State it shall ensure that a return message is issued to the competent authorities of that Member State. The return message shall contain an acknowledgement of receipt.

4. Data elements in Annex XII that are mandatory for masters to record in their fishing logbook according to EU rules shall also be mandatory in exchanges between Member States.

*Article 44***Access to data**

1. A flag Member State shall ensure in real time the electronic exchange of information referred to in Article 111(1) of the Control Regulation to a coastal Member State on fishing logbook, transshipment declaration, prior notifications and landing declaration data of its fishing vessels when conducting fishing operations in the waters under the sovereignty or jurisdiction or entering a port of the coastal Member State.

2. Without prejudice to paragraph 1 a flag Member State may on request ensure in real time the electronic exchange of information referred to in Article 111(1) of the Control Regulation on fishing logbook and transshipment declaration data of its fishing vessels to a Member State carrying out, in accordance with Article 80 of the Control Regulation, inspections of fishing vessels of another Member State in EU waters outside of the waters of the requesting Member State, in international waters or in waters of third countries.



3. Data referred to in paragraphs 1 and 2 for the previous 12 months shall be made available by the flag Member State on request.

4. The data referred to in paragraph 1 shall at least include the data from the last departure from port to the time when the landing is completed. The data referred to in paragraph 2 shall at least include the data from the last departure from port to the time of the request. Data as referred to in paragraphs 1 and 2 from fishing trips for the previous 12 months shall be made available on request.

5. The master of an EU fishing vessel shall have secure access to his own electronic fishing logbook information, transshipment declaration data and landing declaration data stored in the database of the flag Member State at any time.

6. A coastal Member State shall grant online access to its database of fishing logbook, transshipment declaration, prior notification and landing declaration data to a fishery patrol vessel of another Member State via the FMC of that Member State in the context of a joint deployment plan or other agreed joint inspection activities.

#### Article 45

##### Exchange of data between Member States

1. Access to the data referred to in Article 44 of this Regulation shall be by secure Internet connection on a permanent basis.

2. Member States shall exchange the relevant technical information to ensure mutual access to and exchange of electronic fishing logbook data, transshipment declaration data and landing declaration data.

3. Member States shall:

- (a) ensure that data received according to this Chapter are recorded in computer-readable form and safely stored in computerised databases for at least 3 years;
- (b) take all necessary measures to ensure that they are only used for official purposes; and
- (c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, distribution or unauthorised consultation.

#### Article 46

##### Single authority

1. In each Member State, the single authority referred to in Article 5(5) of the Control Regulation shall be responsible for

transmitting, receiving, managing and processing all data covered by this Chapter.

2. Member States shall exchange contact details of the authorities referred to in paragraph 1 and shall inform the Commission and the body designated by it thereof within 3 months after the entry into force of this Regulation.

3. Any changes in the information referred to in paragraphs 1 and 2 shall be communicated to the Commission, the body designated by it and other Member States before they become effective.

#### Section 2

##### Specific rules for the fishing logbook in electronic format

#### Article 47

##### Frequency of transmission

1. When at sea the master of an EU fishing vessel shall transmit the electronic fishing logbook information to the competent authorities of the flag Member State at least once a day and no later than 24.00 even when there are no catches. He shall also send such data:

- (a) at the request of the competent authority of the flag Member State;
- (b) immediately after the last fishing operation has been completed;
- (c) before entering into port;
- (d) at the time of any inspection at sea;
- (e) at the time of events defined in EU legislation or by the flag State.

When the last fishing operation took place not more than 1 hour before the entry into port the transmissions referred to in (b) and (c) may be sent in a single message.

2. The master may transmit corrections to the electronic fishing logbook and transshipment declaration data up to the last transmission referred to in paragraph 1(c). Corrections shall be easily identifiable. All original electronic fishing logbook data and corrections to those data shall be stored by the competent authorities of the flag Member State.

3. The master shall keep a copy of the information referred to in paragraph 1 on board the fishing vessel for the duration of each absence from port and until the landing declaration has been submitted.

4. When a EU fishing vessel is in port, does not carry fishery products on board and the master has submitted the landing declaration for all fishing operations on the last fishing trip, transmission in accordance with paragraph 1 of this Article may be suspended subject to prior notification to the FMC of the flag Member State. Transmission shall be resumed when the EU fishing vessel leaves the port. Prior notification is not required for EU fishing vessels equipped with and transmitting data via VMS.

#### CHAPTER III

### **Common rules for fishing logbooks, transshipment declarations and landing declarations in paper or electronic format**

#### Section 1

### **Common rules for the determination of live weight**

#### Article 48

#### **Definitions**

For the purpose of this Chapter the following definitions shall apply:

- (1) 'presentation' means the form into which the fish is processed while on board of the fishing vessel and prior to landing, as described in Annex I;
- (2) 'collective presentation' means a presentation consisting of two or more parts extracted from the same fish.

#### Article 49

#### **Conversion factors**

1. For the completion and submission of fishing logbooks as referred to in Articles 14 and 15 of the Control Regulation the EU conversion factors set out in Annexes XIII, XIV and XV shall apply to convert stored or processed fish weight into live fish weight. They shall apply to fisheries products on board or transhipped or landed by EU fishing vessels.

2. By way of derogation from paragraph 1, where Regional Fisheries Management Organisations, of which the European Union is a contracting party or cooperating non-contracting party, for its regulatory area or a third country with whom the European Union has an agreement to fish, for the waters under its sovereignty or jurisdiction, have established conversion factors, those factors shall apply.

3. Where no conversion factors as referred to in paragraphs 1 and 2 exist for a given species and presentation, the conversion factor adopted by the flag Member State shall apply.

4. Without prejudice to paragraph 2 the competent authorities of Member States shall use the EU conversion

factors referred to in paragraph 1 when calculating the live weight of transhipments and landings in order to monitor the quota uptake.

#### Article 50

#### **Calculation method**

1. The fish live weight shall be obtained by multiplying the fish processed weight by the conversion factors referred to in Article 49 of this Regulation for each species and presentation.

2. In case of collective presentations, only one conversion factor corresponding to one of the parts of the collective presentation of a fish shall be used.

#### Section 2

### **Common rules for the completion and submission of the Fishing logbook**

#### Article 51

#### **General rules for fishing logbooks**

1. The margin of tolerance referred to in Article 14(3) of the Control Regulation for the estimation of quantities in kilograms live weight of each species retained on board shall be expressed as a percentage of the fishing logbook figures.
2. For catches which are to be landed unsorted the margin of tolerance may be calculated on the basis of one or more representative samples for the total quantities kept on board.
3. For the purpose of the application of Article 14 of the Control Regulation species caught for live bait shall be considered as a species caught and kept on board.
4. The master of a EU fishing vessel crossing an effort zone where it is authorised to fish shall record and report the information referred to in Article 14(5) of the Control Regulation as applicable even if he does not carry out any fishing activities in that zone.

#### Section 3

### **Common rules for the completion and submission of transshipment/landing declarations**

#### Article 52

#### **Margin of tolerance in the transshipment declaration**

The margin of tolerance referred to in Article 21(3) of the Control Regulation for the estimation of quantities in kilograms live weight of each species transhipped or received shall be expressed as a percentage of the transshipment declaration figures.

*Article 53***Difference in transhipped catches**

When a difference exists between the quantities of catches transhipped from the transshipping vessel and the quantities taken on board by the receiving vessel the higher quantity shall be considered to have been transhipped. Member States shall ensure that follow up action is taken to determine the actual weight of fishery products transhipped between the transshipping and the receiving vessel.

*Article 54***Completion of landing operation**

When, in accordance with Article 61 of the Control Regulation, the fisheries products are transported from the place of landing before they have been weighed, the landing operation shall be regarded to have been completed for the purpose of the application of Articles 23(3) and 24(1) of the Control Regulation when the fisheries products have been weighed.

*Article 55***Fishing Operations involving two or more EU fishing vessels**

Without prejudice to special rules in the case of fishing operations involving two or more EU fishing vessels:

- from different Member States, or
- from the same Member State but where the catches are landed in a Member States of which they do not fly the flag,

the landed catch shall be attributed to the EU fishing vessel landing the fisheries products.

## CHAPTER IV

**Sampling plans and collection of data on EU fishing vessels not subject to fishing logbook and landing declaration requirements***Article 56***Establishment of sampling plans**

The sampling plans referred to in Articles 16(2) and 25(2) of the Control Regulation for the monitoring of EU fishing vessels not subject to fishing logbook and landing declaration requirements shall be established by Member States in accordance with this Chapter to determine the landings of a stock or group of stocks taken by such fishing vessels and, where appropriate, their fishing effort. These data shall be used for the recording of catches and, where appropriate, fishing effort as referred to in Article 33 of the Control Regulation.

*Article 57***Sampling methodology**

1. The sampling plans referred to in Article 56 of this Regulation shall be drawn up in accordance with Annex XVI.

2. The size of the sample to be inspected shall be determined on the basis of risk as follows:

- (a) 'very low' risk: 3 % of the sample;
- (b) 'low' risk: 5 % of the sample;
- (c) 'medium' risk: 10 % of the sample;
- (d) 'high' risk: 15 % of the sample;
- (e) 'very high' risk: 20 % of the sample.

3. Catches per day of a fleet sector for a given stock shall be estimated by multiplying the total number of active EU fishing vessels of the fleet sector concerned with the average daily catch per given stock per EU fishing vessel based on the catches of the sample of the EU fishing vessels inspected.

4. Member States that collect systematically on at least a monthly basis for each of their fishing vessels not subject to fishing logbook and landing requirements data:

- (a) on all landings of catches of all species in kilogram, including zero landings;
- (b) on the statistical rectangles where these catches were taken, shall be considered to have met the requirement of a sampling plan as referred to in Article 56 of this Regulation.

## CHAPTER V

**Control of fishing effort***Article 58***Fishing effort report**

1. The fishing effort report referred to in Article 28 of the Control Regulation shall be sent in accordance with Annex XVII.

2. Where the master of an EU fishing vessel transmits a message to the competent authorities by radio in accordance with Article 28(1) of the Control Regulation, Member States shall decide on the radio stations to be used and indicate them on the website referred to in Article 115 of the Control Regulation.

## CHAPTER VI

**Corrective measures**

## Article 59

**General principles**

In order to benefit from the corrective measures referred to in Article 37 of the Control Regulation, Member States shall notify the Commission as soon as possible and in any case within 1 month of the date of the publication in the Official Journal of a closure of a fishery in accordance with Article 36 of the Control Regulation of the extent of the prejudice suffered.

## Article 60

**Allocation of available fishing opportunities**

1. When the prejudice has not been removed wholly or in part by action in accordance with Article 20(5) of Regulation (EC) No 2371/2002, the Commission shall, as soon as possible after receiving the information referred to in Article 59 of this Regulation, take the necessary measures with the aim of remedying the prejudice caused.
2. The measure referred to in paragraph 1 shall state:
  - (a) which Member States have suffered prejudice (the prejudiced Member States) and the amount of the prejudice (as reduced by any quota exchanges);
  - (b) where applicable, which Member States have exceeded their fishing opportunities (the exceeding Member States) and the amount of the excess of fishing opportunities (as reduced by any exchanges in accordance with Article 20(5) of Regulation (EC) No 2371/2002);
  - (c) where applicable, the deductions to be made from the fishing opportunities of the exceeding Member States in proportion to the exceeded fishing opportunities;
  - (d) where applicable, the additions to be made to the fishing opportunities of the prejudiced Member States in proportion to the prejudice suffered;
  - (e) where applicable the date or dates on which the additions and deductions shall take effect;
  - (f) where appropriate, any other necessary measure for remedying the prejudice suffered.

## CHAPTER VII

**Engine power**

## Article 61

**Certification of propulsion engine power**

1. The certification of the maximum continuous engine power of a new propulsion engine, a replacement propulsion engine and a propulsion engine that has been technically

modified, as referred to in Article 40(1) and (2) of the Control Regulation, shall be provided in accordance with Council Regulation (EEC) No 2930/86 <sup>(1)</sup>.

2. A propulsion engine shall be considered to have been technically modified as referred to in paragraph 1 when any of its main components (parts), including but not limited to, injection equipment, valves, turbocharger, pistons, cylinder liners, connecting rods, cylinder heads, have been modified or replaced by new parts with different technical specifications resulting in a modified power rating or when the engine adjustments, such as the injection settings, turbocharger configuration, or the valve timings have been modified. The nature of the technical modification shall be clearly explained in the certification referred to in paragraph 1.

3. The holder of a fishing licence shall inform the competent authorities before a new propulsion engine will be installed or before an existing propulsion engine will be replaced or technically modified.

4. This Article shall apply to fishing vessels subject to a fishing effort regime as from 1 January 2012. For other fishing vessels it shall apply as from 1 January 2013. It shall only apply to fishing vessels which have had new propulsion engines installed, or whose existing propulsion engines have been replaced or technically modified, after the entry into force of this Regulation.

## Article 62

**Verification and sampling plan**

1. For the purpose of verifying the engine power in accordance with Article 41 of the Control Regulation, Member States shall establish a sampling plan for the identification of those fishing vessels or groups of fishing vessels in their fleet with a risk of under-declaration of propulsion engine power. As a minimum, the sampling plan shall be based on following high risk criteria:

- (a) fishing vessels operating in fisheries that are subject to fishing effort regimes, in particular those fishing vessels to which an individual effort allocation in kW\*days has been allocated;
- (b) fishing vessels subject to limitations of vessel power resulting from national or European Union law;
- (c) fishing vessels for which the ratio of vessel power (kW) to vessel tonnage (GT) is 50 % lower than the average ratio for the same type of fishing vessel, gear type and target species. For the purpose of that analysis, Member States may divide the fleet according to one or several of the following criteria:

- (i) fleet segmentation or management units defined in national law;
- (ii) length categories;

<sup>(1)</sup> OJ L 274, 25.9.1986, p. 1.

(iii) tonnage categories;

(iv) gears used;

(v) target species.

2. Member States may consider additional risk criteria following their own assessment.

3. Member States shall draw a list of their fishing vessels which meet one or more of the risk criteria referred to in paragraph 1 and, where appropriate, the risk criteria referred to in paragraph 2.

4. From each group of fishing vessels corresponding to one of the risk criteria referred to in paragraphs 1 and 2, Member States shall take a random sample of fishing vessels. The size of the sample shall be equal to the square root rounded to the nearest whole number of fishing vessels in the group concerned.

5. For each fishing vessel included in the random sample, Member States shall verify all technical documents as referred to in Article 41(1) of the Control Regulation in their possession. Among the other documents as referred to under letter (g) of Article 41(1) of the Control Regulation, Member States shall pay special attention to the engine maker catalogue specifications, where available.

6. This Article shall apply as from 1 January 2012. Physical verifications as referred to in Article 41(2) of the Control Regulation shall prioritise trawlers operating in a fishery subject to a fishing effort regime.

#### Article 63

##### Physical verification

1. When propulsion power measurements are performed on board a fishing vessel in the framework of a physical verification of propulsion engine power as referred to in Article 41(2) of the Control Regulation, the propulsion engine power may be measured at the most accessible point between the propeller and the engine.

2. If the power of the propulsion engine is measured after the reduction gear, an appropriate correction shall be applied to the measurement in order to calculate the propulsion engine power at the engine output flange according to the definition in Article 5(1) of Regulation (EEC) No 2930/86. That correction shall take into account the power losses resulting from the gearbox on the basis of the official technical data provided by the gearbox manufacturer.

#### CHAPTER VIII

##### Control of recreational fisheries

##### Article 64

##### Establishment of sampling plans

1. Without prejudice to the use of data as referred to in paragraph 5, sampling plans to be established by Member States in accordance with Article 55(3) of the Control Regulation for the purpose of monitoring catches of stocks subject to recovery plans practised from vessels engaged in recreational fisheries shall provide for the collection of biennial data.

2. The methods used in the sampling plans shall be established clearly and shall be, as far as possible:

(a) stable over time;

(b) standardised within regions;

(c) in accordance with the quality standards established by relevant international scientific bodies and, where appropriate, by the relevant Regional Fisheries Management Organisations to which the European Union is contracting party or observer.

3. The sampling plan shall include a sampling design for the estimation of catches of stocks subject to recovery plans, the gear used and the relevant geographical area of the recovery plan concerned where these catches were taken;

4. Member States shall estimate systematically the accuracy and precision of the collected data.

5. For the purpose of the sampling plans referred to in paragraph 1 Member States may use the data collected according to the multiannual Community programme as laid down in Council Regulation (EC) No 199/2008 <sup>(1)</sup> to the extent that such data are available.

6. This provision shall not apply when a Member State has prohibited recreational fisheries of stocks subject to a recovery plan.

#### Article 65

##### Notification and evaluation of sampling plans

1. Member States shall notify their sampling plans to the Commission 12 months after the entry into force of a recovery plan. For recovery plans which are already in force at the time of entry into force of this Regulation, the sampling plan shall be notified within 12 months after entry into force of this Regulation. Amendments of the sampling plan shall be notified before they become effective.

<sup>(1)</sup> OJ L 60, 5.3.2008, p. 1.

2. In addition to the evaluation requested in Article 55(4) of the Control Regulation, the Scientific, Technical and Economic Committee for Fisheries shall also evaluate:

- (a) after the notification referred to in paragraph 1 and every 5 years thereafter the conformity of the notified sampling plans with the criteria and requirements mentioned in Article 64(2) and (3) of this Regulation;
- (b) the conformity of any amendments to a sampling plan referred to in paragraph 1 with the criteria and requirements mentioned in Article 64(2) and (3) of this Regulation.

3. The Scientific, Technical and Economic Committee for Fisheries shall make recommendations, where appropriate, for improving the sampling plan.

#### TITLE IV

### CONTROL OF MARKETING

#### CHAPTER I

#### *Traceability*

##### Article 66

#### **Definition**

For the purpose of this Chapter, the following definition shall apply:

'Fisheries and aquaculture products' mean any products which fall under Chapter 03 and Tariff headings 1604 and 1605 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>.

##### Article 67

#### **Information on lots**

1. Operators shall provide the information on fisheries and aquaculture products referred to in Article 58(5) of the Control Regulation at the moment when the fisheries and aquaculture products are put into lots and no later than the first sale.

2. In addition to paragraph 1, operators shall update the relevant information referred to in Article 58(5) of the Control Regulation which ensues from the merging or splitting of the lots of fisheries and aquaculture products after first sale, at the stage when it becomes available.

3. In case where, as a result of the merging or splitting of the lots after first sale, fisheries and aquaculture products from several fishing vessels or aquaculture production units are mixed, operators shall be able to identify each lot of origin at least by means of their identification number referred to in

Article 58(5)(a) of the Control Regulation and make possible to trace them back to catching or harvesting stage, in accordance with Article 58(3) of the Control Regulation.

4. Systems and procedures referred to in Article 58(4) of the Control Regulation shall allow operators to identify the immediate supplier(s) and, except when they are final consumers, the immediate buyer(s) of the fisheries and aquaculture products.

5. The information on fisheries and aquaculture products referred to in Article 58(5) of the Control Regulation shall be provided by means of the labelling or packaging of the lot, or by means of a commercial document physically accompanying the lot. It may be affixed to the lot by way of an identification tool such as a code, barcode, electronic chip or a similar device or marking system. The information on the lot shall remain available at all stages of production, processing and distribution in such a way that the competent authorities of Member States have access to it at any time.

6. Operators shall affix the information on fisheries and aquaculture products referred to in Article 58(5) of the Control Regulation by way of an identification tool such as a code, barcode, electronic chip or a similar device or marking system:

- (a) as from 1 January 2013, to fisheries subject to a multi-annual plan;
- (b) as from 1 January 2015, to other fisheries and aquaculture products.

7. Where the information referred to in Article 58(5) of the Control Regulation is provided by means of a commercial document physically accompanying the lot, at least the identification number shall be affixed to the corresponding lot.

8. Member States shall cooperate with each other to ensure that the information affixed to the lot and/or accompanying physically the lot can be accessed by the competent authorities of another Member State than the one where the fisheries or aquaculture products have been put into the lot, in particular when the information is affixed to the lot by way of an identification tool such as a code, barcode, an electronic chip or a similar device. Operators using such tools shall ensure that they are developed on the basis of internationally recognised standards and specifications.

9. The information on the date of catches referred to in Article 58(5) point (d) of the Control Regulation may include several calendar days or one period of time corresponding to several dates of catches.

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

10. The information on the suppliers referred to in Article 58(5) point (f) of the Control Regulation shall be the immediate supplier(s) of the operator referred in paragraph 4 of this Article. This information may be provided, where applicable, by way of the identification mark referred to in Annex II, Section I, of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup>.

11. The information listed in points (a) to (f) of Article 58(5) of the Control Regulation shall not apply to:

- (a) imported fisheries and aquaculture products which are excluded from the scope of implementation of the catch certificate in accordance with Article 12(5) of Council Regulation (EC) No 1005/2008 <sup>(2)</sup>;
- (b) fisheries and aquaculture products caught or farmed in freshwater; and
- (c) ornamental fish, crustaceans and molluscs.

12. The information listed in points (a) to (h) of Article 58(5) of the Control Regulation shall not apply to fisheries and aquaculture products falling under Tariff headings 1604 and 1605 of the Combined Nomenclature.

13. For the purposes of Article 58 of the Control Regulation, the information on the relevant geographical area shall be:

- (a) the relevant geographical area, as defined in Article 4(30) of the Control Regulation, for catches of stocks or group of stocks subject to a quota and/or a minimum size in EU legislation; or
- (b) the catch area in accordance with Article 5 of Commission Regulation (EC) No 2065/2001 <sup>(3)</sup>, for other stocks or group of stocks.

14. The value of small quantities of fisheries and aquaculture products referred to in Article 58(8) of the Control Regulation shall be applicable to direct sales by a fishing vessel, per calendar day and per final consumer.

#### Article 68

##### Information to the consumer

1. Member States shall ensure that the information referred to in Article 58(6) of the Control Regulation concerning the commercial designation, the scientific name of the species, the catch area referred to in Article 5 of Regulation (EC) No 2065/2001 and the production method is indicated on the

label or appropriate mark of the fisheries and aquaculture products offered for retail sale, including imported products.

2. By derogation from paragraph 1, the scientific name of the species may be provided to the consumers at retail level by means of commercial information such as bill boards or posters.

3. Where a fisheries or aquaculture product has been previously frozen, the word 'defrosted' shall also be indicated on the label or appropriate mark referred to in paragraph 1. The absence of this wording at retail level shall be considered as meaning that the fisheries and aquaculture products have not been frozen beforehand and later defrosted.

4. By derogation from paragraph 3, the word 'defrosted' shall not have to appear on:

- (a) fisheries and aquaculture products previously frozen for health safety purposes, in accordance with Annex III, Section VIII, of Regulation (EC) No 853/2004; and
- (b) fisheries and aquaculture products which have been defrosted before the process of smoking, salting, cooking, pickling, drying or a combination of those processes.

5. This Article shall not apply to fisheries and aquaculture products falling under Tariff headings 1604 and 1605 of the Combined Nomenclature.

6. Fisheries and aquaculture products and packages labelled or marked prior to the date of entry into force of this Article which do not comply with Article 58(5) point (g) on the scientific name and point (h) of the Control Regulation and with paragraphs (1), (2) and (3) of this Article may be marketed until such stocks have been used up.

## CHAPTER II

### Weighting of fisheries products

#### Section 1

### General rules on weighting

#### Article 69

##### Scope

Without prejudice to Articles 78 - 89 of this Regulation the provisions contained in this chapter shall apply to landings from EU fishing vessels taking place in a Member State and transshipments involving EU fishing vessels taking place in ports or places close to the shore of a Member State as well as to the weighting of fisheries products on board EU fishing vessels in EU waters.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(2)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(3)</sup> OJ L 278, 23.10.2001, p. 6.

*Article 70***Weighing records**

1. Registered buyers, registered auctions or other bodies or persons that are responsible for the first marketing or storage before first marketing of fisheries products, or where appropriate the master of the EU fishing vessel, shall record weighing carried out in accordance Articles 60 and 61 of the Control Regulation by indicating the following information:

- (a) the FAO alpha-3 codes of the species weighed;
- (b) result of weighing for each quantity of each species in kilograms product weight;
- (c) the external identification number and the name of the fishing vessel from which the weighed quantity originates;
- (d) presentation of the fisheries products weighed;
- (e) date of weighing (YYYY-MM-DD).

2. Registered buyers, registered auctions or other bodies or persons that are responsible for the first marketing, or storage before first marketing of fisheries products or where appropriate the master of an EU fishing vessel, shall keep the records referred to in paragraph 1 for a period of 3 years.

*Article 71***Timing of weighing**

1. Where fisheries products are transhipped between EU fishing vessels and the first landing of the transhipped fisheries products is to take place in a port outside of the European Union, the fisheries products shall be weighed before being transported away from the port or place of transhipment.

2. When the fisheries products are weighed on board an EU fishing vessel in accordance with Article 60(3) of the Control Regulation and they are weighed again on land after landing the figure resulting from the weighing on land shall be used for the purpose of Article 60(5) of the Control Regulation.

3. Without prejudice to special provisions for EU fishing vessels not subject to the electronic completion and transmission of fishing logbook data as referred to in Article 15 of the Control Regulation the Member State may require the master to hand over a copy of the log sheet to the competent authorities of the Member State of landing prior to weighing.

*Article 72***Weighing systems**

1. All weighing systems shall be calibrated and sealed in accordance with national systems by the competent authorities of the Member State.

2. The natural or legal person responsible for the weighing system shall maintain a record of calibration.

3. Where the weighing is carried out on a conveyor belt system a visible counter shall be fitted that records the cumulative total of the weight. The reading of the counter at the start of the weighing operation as well as the cumulative total shall be recorded. All use of the system shall be recorded by the natural or legal person responsible for the weighing in the weighing logbook.

*Article 73***Weighing of frozen fisheries products**

1. Without prejudice to special provisions and in particular Articles 70 and 74 of this Regulation when landed quantities of frozen fisheries products are weighed, the weight of frozen fisheries products landed in boxes or blocks may be determined per species and, where appropriate, presentation by multiplying the total number of boxes or blocks by a net average weight for a box or block calculated according to the methodology set down in Annex XVIII.

2. The natural or legal persons weighing the fisheries products shall keep a record per landing, indicating:

- (a) the name and external registration letters and numbers of the vessel from which the fishery products have been landed;
- (b) the species and, where appropriate, presentation of fish landed;
- (c) the size of the lot and sample of pallets per species and, where appropriate, presentation in accordance with the provisions of point 1 of Annex XVIII;
- (d) the weight of each pallet in the sample and the average weight of the pallets;
- (e) the number of boxes or blocks on each pallet in the sample;
- (f) the tare weight per box, if different from the tare weight specified in point 4 of Annex XVIII;
- (g) the average weight of an empty pallet in accordance with the provisions of point 3(b) of Annex XVIII;
- (h) the average weight per box or block of fisheries per species and, where appropriate, presentation.



*Article 74***Ice and water**

1. Before weighing the registered buyer, registered auction or other bodies or persons responsible for the first marketing of fisheries products shall ensure that the fisheries products be cleaned of ice as is reasonable without causing spoilage and reducing quality.

2. Without prejudice to special rules for pelagic species referred to in Articles 78 – 89 of this Regulation which are landed in bulk for transfer to the point of first marketing, storage or processing, the deduction of water and ice from the total weight shall not exceed 2%. In all cases the percentage for deduction of water and ice shall be recorded on the weighing slip with the entry for weight. For non-pelagic species there shall be no deduction of water or ice.

*Article 75***Access by competent authorities**

The competent authorities shall have full access at all times to the weighing systems, the weighing records, written declarations and all premises where the fisheries products are stored or processed.

*Article 76***Sampling plans**

1. The sampling plan referred to in Article 60(1) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XIX.

2. The sampling plan referred to in Article 60(3) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XX. If catches are weighed on board, the margin of tolerance as referred to in Articles 14(3) and 21(3) of the Control Regulation shall not apply when the figure resulting from weighing after landing is greater than the corresponding figure resulting from weighing on board.

3. When Member States are intending to adopt sampling plans as referred to in Article 60(1) and (3) of the Control Regulation, they shall preferably submit a single sampling plan covering all weighing procedures concerned for a period of 3 years within 6 months after the entry into force of this Regulation. This sampling plan may consist of different parts for different fisheries.

4. Any new sampling plans to be adopted after the date referred to in paragraph 3 or any modifications to such plans

shall be submitted for approval 3 months before the end of the year concerned.

*Article 77***Control plans and programmes for the weighing of fisheries products after transport from the place of landing**

1. The control plan referred to in Article 61(1) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XXI.

2. When Member States are intending to adopt control plans referred to in Article 61(1) of the Control Regulation they shall submit a single control plan per Member State covering all transports of fisheries products to be weighed after transport. Such a control plan shall be submitted within 6 months after the entry into force of this Regulation. This single control plan may consist of different parts for different fisheries.

3. The common control programme referred to in Article 61(2) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XXII.

4. When Member States are intending to adopt common control programmes referred to in Article 61(2) of the Control Regulation, they shall submit them within 6 months after the entry into force of this Regulation.

5. Any new control plan as referred to in paragraph 2 or common control programmes as referred to in paragraph 4 to be adopted after the date referred to in paragraphs 2 and 4 or any modifications to such plans or programmes shall be submitted 3 months before the end of the year preceding the date of entry into force of that plan or programme.

*Section 2***Special rules for weighing of certain pelagic species***Article 78***Scope of weighing procedures for catches of herring, mackerel and horse mackerel**

The rules set out in this Section shall apply to the weighing of catches landed in the European Union or by EU fishing vessels in third countries, of herring (*Clupea harengus*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus* spp.) or a combination thereof, taken in:

(a) for herring in ICES zones: I, II, IIIa, IV, Vb, VI and VII;

(b) for mackerel in ICES zones: IIa, IIIa, IV, Vb, VI, VII, VIII, IX, XII, XIV and EU waters of CECAF;

(c) for horse mackerel: ICES zones IIa, IV, Vb, VI, VII, VIII, IX, X, XII, XIV and EU waters of CECAF,

when the quantities per landing exceed 10 tonnes.

#### Article 79

#### Ports of weighing catches of herring, mackerel and horse mackerel

1. Catches of species referred to in Article 78 of this Regulation shall be weighed immediately on landing. However, catches of these species may be weighed after transport where:

— for a destination within a Member State the Member State concerned has adopted a control plan as referred to in Article 61(1) of the Control Regulation in accordance with the risk-based methodology described in Annex XXI,

— for a destination in another Member State the Member States concerned have adopted a common control programme as referred to in Article 61(2) of the Control Regulation in accordance with the risk-based methodology described in Annex XXII,

and where this control plan or common control programme has been approved by the Commission

2. Each Member State concerned shall establish at which of its ports the weighing of species referred to in Article 78 of this Regulation shall be carried out and shall ensure that all landings of such species are carried out in those ports. Such ports shall have:

(a) established landing and transhipment times;

(b) established landing and transhipment places;

(c) established inspection and surveillance procedures.

3. The Member States concerned shall communicate to the Commission the list of such ports and the inspection and surveillance procedures applicable in those ports, including the terms and conditions for recording and transmitting the quantities of any such species within each landing.

4. Any changes to the lists of ports and to the inspection and surveillance procedures referred to in paragraph 3 shall be transmitted to the Commission, at least 15 days before they enter into force.

5. Member States shall ensure that all landings of species referred to in Article 78 of this Regulation by their vessels outside the European Union are carried out in ports expressly chosen for the purpose of weighing by third countries which have concluded agreements with the European Union concerning such species.

6. The Commission shall transmit the information referred to in paragraphs 3 and 4 as well as the list of ports chosen by third countries to all Member States concerned.

7. The Commission and the Member States concerned shall publish the list of ports and changes thereto on their official websites.

#### Article 80

#### Entry into a port of a Member State

1. For the purpose of weighing, the master of a fishing vessel or his representative shall inform the competent authorities of the Member State in which the landing is to be made, at least 4 hours in advance of entry to port of landing concerned of the following:

(a) the port he intends to enter, the name of the vessel and its external registration letters and numbers;

(b) the estimated time of arrival at that port;

(c) the quantities in kilograms live weight of herring, mackerel and horse mackerel retained on board;

(d) relevance geographical area(s) where the catch was taken; the zone shall refer to the sub-area and division or sub-division in which catch limits apply pursuant to Union law.

2. The master of an EU fishing vessel which is under the obligation to record fishing logbook data electronically shall send the information referred to in paragraph 1 electronically to his flag Member State. The Member States shall transmit this information without delay to the Member State where the landing is to be made. The electronic fishing logbook data referred to in Article 15 of the Control Regulation and the information referred to in paragraph 1 may be sent in a single electronic transmission.

3. Member States may provide for a shorter notification period than laid down in paragraph 1. In such a case the Member States concerned shall inform the Commission 15 days before the entry into force of the shorter notification period. The Commission and the Member States concerned shall put this information on their websites.

*Article 81***Discharge**

The competent authorities of the Member State concerned shall require that the discharge of any catches referred to in Article 78 of this Regulation does not commence until it is expressly authorised. If the discharge is interrupted, permission shall be required before the discharge can recommence.

*Article 82***Fishing logbook**

1. Immediately upon arrival in port and before the discharge commences, the master of a fishing vessel which is not under the obligation to record fishing logbook data electronically shall present the completed relevant page or pages of the fishing logbook for inspection by the competent authority of the Member State at the port of landing.

2. The quantities of herring, mackerel and horse mackerel retained on board, notified prior to landing as referred to in Article 80(1)(c) of this Regulation, shall be equal to the quantities recorded in the fishing logbook after its completion.

*Article 83***Publicly operated weighing facilities for fresh herring, mackerel and horse mackerel**

Without prejudice to the provisions of Article 72 of this Regulation, where publicly operated weighing facilities are used, the natural or legal persons weighing catches referred to in Article 78 of this Regulation shall issue to the buyer a weighing slip indicating the date and time of the weighing and the identity number of the tanker. A copy of the weighing slip shall be attached to the sales note or takeover declaration.

*Article 84***Privately operated weighing facilities for fresh fish**

1. In addition to the provisions of Article 72 of this Regulation, the use of privately operated weighing facilities shall also be subject to the requirements of this Article.

2. The natural or legal persons weighing any catches referred to in Article 78 of this Regulation shall for each weighing system keep a bound, paginated record. This shall be completed immediately after the completion of weighing of an individual landing, and at the latest by 23.59 local time of the day of completion of weighing. This record shall indicate:

- (a) the name and external registration letters and numbers of the vessel from which any catches referred to in Article 78 of this Regulation have been landed;
- (b) the unique identity number of the tankers and its load in cases where any catches referred to in Article 78 of this Regulation have been transported from the port of landing

before weighing in accordance with Article 79 of this Regulation. Each tanker load shall be weighed and recorded separately. However the total weight of all the tanker loads from the same vessel may be recorded as a whole in case these tanker loads are weighed consecutively and without interruption;

- (c) the species of fish;
- (d) the weight of each landing;
- (e) the date and time of the beginning and end of the weighing.

3. Without prejudice to Article 72(3) of this Regulation, where the weighing is carried out on a conveyor belt system all use of the system shall be recorded in the bound, paginated record of weighing.

*Article 85***Weighing of frozen fish**

When landed quantities of frozen herring, mackerel and horse mackerel are weighed, the weight of frozen fish landed in boxes shall be determined per species in accordance with Article 73 of this Regulation.

*Article 86***Keeping of weighing records**

All records of weighing provided for in Article 84(3) and Article 85 of this Regulation and the copies of any transport documents as part of a control plan or a common control programme referred to in Article 79(1) of this Regulation shall be kept for 6 years.

*Article 87***Sales note and takeover declaration**

The natural or legal persons responsible for the submission of sales notes and takeover declarations shall submit such declarations in respect of species referred to in Article 78 of this Regulation to the competent authorities of the Member State concerned on demand.

*Article 88***Cross-checks**

Until the establishment of a computerised database in accordance with Article 109 of the Control Regulation the competent authorities shall carry out administrative cross-checks on all landings between the following:

- (a) quantities by species of herring, mackerel and horse mackerel indicated in the prior notification of landing, as referred to in Article 80(1)(c) of this Regulation, and the quantities recorded in the fishing logbook;

- (b) quantities by species of herring, mackerel and horse mackerel recorded in the fishing logbook and the quantities recorded in the landing declaration;
- (c) quantities by species of herring, mackerel and horse mackerel recorded on the landing declaration and the quantities recorded in the takeover declaration or the sales note;
- (d) catch area recorded in the vessel's fishing logbook and the VMS data for the vessel concerned.

#### Article 89

#### Monitoring of weighing

1. The weighing of catches of herring, mackerel and horse mackerel from the vessel shall be monitored by species. In the case of vessels pumping catch ashore the weighing of the entire discharge shall be monitored. In the case of landings of frozen herring, mackerel and horse mackerel, all boxes shall be counted and the methodology for calculating the average net weight of boxes provided for in Annex XVIII shall be monitored.
2. The following data shall be cross-checked in addition to those referred to in Article 88 of this Regulation:
  - (a) quantities by species of herring, mackerel and horse mackerel recorded in the records of weighing at public or private facilities and the quantities by species recorded in the takeover declaration or the sales note;
  - (b) quantities by species of herring, mackerel and horse mackerel recorded in any transport documents as part of a control plan or a common control programme referred to in Article 79(1) of this Regulation;
  - (c) unique identity numbers of tankers entered into the record in accordance with Article 84(2)(b) of this Regulation.
3. It shall be verified that the vessel is empty of all fish, once the discharge has been completed.
4. All monitoring activities covered by this Article and Article 107 of this Regulation shall be documented. Such documentation shall be kept for 6 years.

#### CHAPTER III

#### Sales notes

#### Article 90

#### General rules

1. In the sales note the number of individuals as referred to in Article 64(1)(f) of the Control Regulation shall be indicated if the relevant quota is managed on the basis of individuals.

2. The type of presentation referred to in Article 64(1)(g) of the Control Regulation shall include the state of presentation as set out in Annex I.

3. The price referred to in Article 64(1)(l) of the Control Regulation shall be indicated in the currency applicable in the Member State where the sale takes place.

#### Article 91

#### Formats of sales notes

1. Member States shall determine the format to be used for the electronic completion and transmission of sales notes as referred in Article 63 of the Control Regulation.
2. Information referred to in this Chapter shall be exchanged between Member States using the format defined in Annex XII from which extensible mark-up language (XML) shall be derived. The XML standard to be used for all electronic data exchanges between Member States, and between Member States, the Commission and the body designated by it, shall be decided by the Commission after consultation with Member States.
3. Amendments to the format referred to in paragraph 1 shall be clearly identified and marked with the date it was updated. Such amendments shall not come into effect earlier than 6 months after they have been decided.
4. When a Member State receives electronic information from another Member State it shall ensure that a return message is issued to the competent authorities of that Member State. The return message shall contain an acknowledgement of receipt.
5. Data elements in Annex XII that are mandatory for registered buyers, registered auctions or other bodies or persons authorised by Member States to record in their sales notes according to EU rules shall also be mandatory in exchanges between Member States.
6. Member States shall:
  - (a) ensure that data received according to this Chapter are recorded in computer-readable form and safely stored in computerised databases for at least 3 years;
  - (b) take all necessary measures to ensure that they are only used for official purposes; and
  - (c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, distribution or unauthorised consultation.

7. In each Member State, the single authority referred to in Article 5(5) of the Control Regulation shall be responsible for transmitting, receiving, managing and processing all data covered by this Chapter.

8. Member States shall exchange contact details of the authorities referred to in paragraph 7 and shall inform the Commission and the body designated by it thereof within 3 months after the entry into force of this Regulation.

9. Any changes in the information referred to in paragraphs 7 and 8 shall be communicated to the Commission, the body designated by it and other Member States before they become effective.

10. The format of sales notes not subject to electronic completion and transmission shall be decided by Member States. Those sales notes shall contain as a minimum the information set down in Article 64(1) of the Control Regulation.

## TITLE V

### SURVEILLANCE

#### CHAPTER I

#### **Surveillance reports**

##### *Article 92*

#### **Information to be recorded in the surveillance report**

1. The surveillance reports referred to in Article 71(3) and (4) of the Control Regulation shall be established in accordance with Annex XXIII to this Regulation.

2. Member States shall upload the data contained in their surveillance reports into the electronic database referred to in Article 78 of the Control Regulation and provide for the functionalities referred to in Annex XXIV No 2 to this Regulation. The minimum information recorded in this database shall be that indicated in Annex XXIII. Paper surveillance reports may also additionally be scanned into the database.

3. The data from the reports shall be kept available in the database for at least 3 years.

4. Upon receipt of a surveillance report as referred to in paragraph 1 the flag Member State shall, as soon as possible, initiate an investigation on the activities of its fishing vessels to which the surveillance report refers.

5. Paragraph 1 shall apply without prejudice to the rules adopted by Regional Fisheries Management Organisations to which the European Union is a contracting party.

## CHAPTER II

### **Control observers**

#### *Article 93*

#### **General rules concerning control observers**

1. Without prejudice to special rules established by a Regional Fisheries Management Organisation or agreed with a third country, EU fishing vessels identified for the application of a control observer scheme shall carry at least one control observer on board during the time fixed by the scheme.

2. Member States shall designate control observers and ensure they are able to carry out their tasks. Member States shall ensure in particular the deployment of control observers to and from the EU fishing vessel concerned.

3. Control observers shall not perform other tasks than those established Article 73 of the Control Regulation and in Article 95 of this Regulation unless other tasks are to be performed pursuant to the EU control observer scheme or as a part of an observer programme under the scope of a Regional Fisheries Management Organisation or established in the framework of a bilateral agreement with a third country.

4. The competent authorities shall ensure that for the purposes of their mission control observers have means of communication independent from the communication system of the fishing vessel.

5. These rules do not affect the powers of the master of the fishing vessel as being in sole charge of the operations of the vessel.

#### *Article 94*

#### **Independence of control observers**

In order to be independent from the owner, the operator, the master of the EU fishing vessel and any crew member, as prescribed by Article 73(2) of the Control Regulation, control observers shall not be:

- a relative or an employee of the master of the EU fishing vessel or any other crew member, the representative of the master or the owner or the operator of the EU fishing vessel to which he is assigned,

- an employee of a company controlled by the master, a crew member, the representative of the master or the owner or the operator of the EU fishing vessel to which he is assigned.

*Article 95***Duties of control observers**

1. Control observers shall verify the relevant documents and record the fishing activities of the EU fishing vessel in which they are embarked as are listed in Annex XXV.

2. Control observers on board an EU fishing vessel shall, where appropriate, brief the officials who are about to proceed to an inspection of that fishing vessel upon arrival on board. If the facilities on board the EU fishing vessel so allow and where appropriate the brief shall take place in a closed meeting.

3. Control observers shall draw up the report referred to in Article 73(5) of the Control Regulation using the format established in Annex XXVI. They shall forward that report without delay and in any case within 30 days following completion of an assignment to his authorities and to the competent authorities of the flag Member State. Their competent authorities shall make the report available, on request, to the coastal Member State, the Commission or the body designated by it. Copies of reports made available to other Member States may not include the locations where the catches were taken in respect of start and finish positions of each fishing operation, but may include daily totals of catch in kilograms live weight equivalent by species and ICES division or other zone as appropriate.

*Article 96***Pilot projects**

The Union may provide financial assistance for carrying out pilot projects involving the deployment of control observers in accordance with Article 8(a)(iii) of Regulation (EC) No 861/2006.

## TITLE VI

## INSPECTION

## CHAPTER I

**Conduct of inspections**

## Section 1

**General provisions***Article 97***Officials authorised to conduct inspections at sea or on land**

1. Officials responsible for carrying out inspections, as referred to in Article 74 of the Control Regulation shall be authorised by the competent authorities of the Member States. To this end, Member States shall provide their officials with a service card stating their identity and the capacity under which they operate. Each official on duty shall carry that service card and present it during an inspection at the earliest opportunity.

2. Member States shall confer adequate powers on their officials as necessary for the fulfilment of control, inspection

and enforcement in accordance with this Regulation, and to ensure compliance with the rules of the Common Fisheries Policy.

*Article 98***General principles**

1. Without prejudice to provisions contained in multi-annual plans, competent authorities of Member States shall adopt a risk based approach for the selection of targets for inspection, using all available information. In accordance with this approach, officials shall carry out inspections in accordance with rules laid down in this Chapter.

2. Without prejudice to provisions contained in multi-annual plans, Member States shall coordinate their control, inspection and enforcement activities. To this end, they shall adopt and execute national control action programmes as referred to in Article 46 of the Control Regulation and common control programmes as referred to in Article 94 of the Control Regulation covering both activities at sea and on land as necessary to ensure compliance with the rules of the Common Fisheries Policy.

3. Subject to a risk based control and enforcement strategy each Member State shall carry out the necessary inspection activities in an objective way in order to prevent the retention on board, transshipment, landing, transfer to cages and farms, processing, transport, storage, marketing and stocking of fishery products originating from activities that are not in compliance with the rules of the Common Fisheries Policy.

4. Inspections shall be carried out in a manner as to prevent to the extent possible any negative impact on the hygiene and quality of the fisheries products inspected.

5. Member States shall ensure that national fisheries related information systems allow for the direct electronic exchange of information on port state inspections between themselves, other Member States, the Commission and the body designated by it as appropriate, in accordance with Article 111 of the Control Regulation.

*Article 99***Duties of officials during the pre-inspection phase**

During the pre-inspection phase officials shall, where possible, collect all appropriate information, including:

- (a) fishing licences and fishing authorisations;
- (b) VMS information corresponding to the current fishing trip;
- (c) aerial surveillance, and other sightings;
- (d) previous inspection records and available information on the secure part of the website of the flag Member State on the EU fishing vessel concerned.

*Article 100***Duties of officials authorised to conduct inspections**

1. Officials authorised to conduct inspections shall verify and note the relevant items defined in the appropriate inspection module of the inspection report in Annex XXVII. For this purpose they may take pictures, video and audio recordings in accordance with national law, and, where appropriate, samples.
2. Officials shall not interfere with the right of any operator to communicate with the competent flag state authorities during inspection operations.
3. Officials shall take into account any information provided in accordance with Article 95(2) of this Regulation by a control observer on board the fishing vessel to be inspected.
4. On completion of an inspection officials shall debrief operators as appropriate on fisheries regulations relevant to the prevailing circumstances.
5. Officials shall leave as soon as possible the fishing vessel or the inspected premise following the completion of the inspection if no evidence of an apparent infringement is detected.

*Article 101***Obligations of Member States, the Commission and European Fisheries Control Agency**

1. The competent authorities of Member States, and, where appropriate, the Commission and the European Fisheries Control Agency, shall ensure that their officials, whilst being courteous and sensitive, conduct inspections professionally and to a high standard.
2. The competent authorities of each Member State shall establish procedures to ensure that any complaint made by operators regarding the conduct of inspections carried out by their officials is investigated in a fair and thorough manner in accordance with national law.
3. Coastal Member States may, subject to appropriate arrangements with the flag Member State of a fishing vessel, invite officials of the competent authorities of that Member State to participate in inspections of fishing vessels of that Member State, whilst those vessels are operating in waters of the coastal Member State or landing in its ports.

*Section 2***Inspections at sea***Article 102***General provisions on inspections at sea**

1. Any vessel used for control purposes including surveillance shall display so as to be clearly visible, a pennant or a symbol as shown in Annex XXVIII.
2. A boarding craft used to facilitate the transfer of officials carrying out inspections shall fly a similar flag or pennant of a size appropriate to that of the boarding craft to indicate that it is engaged in fishery inspection duties.
3. Persons in charge of inspection vessels shall have due regard to the rules of seamanship and manoeuvre at a safe distance from the fishing vessel in accordance with the international rules for the prevention of collisions at sea.

*Article 103***Boarding fishing vessels at sea**

1. Officials responsible for the conduct of the inspection shall ensure that no action is taken that may compromise the safety of the fishing vessel and its crew.
2. Officials shall not require the master of a fishing vessel that is being boarded or disembarked to stop or manoeuvre during fishing, or to stop the shooting or hauling of fishing gear. Officials may, however, require the interruption or delay of the shooting of gear to permit safe boarding or disembarkation until they have boarded or disembarked the fishing vessel. In the case of boarding this delay shall not exceed 30 minutes after officials have boarded the fishing vessel unless an infringement has been detected. This provision does not affect the possibility of officials to require the gear to be hauled for inspection.

*Article 104***On board activities**

1. When carrying out their inspection, officials shall verify and note all appropriate items provided for in the appropriate inspection report module set out in Annex XXVII to this Regulation.
2. Officials may require the master to haul a fishing gear for inspection.
3. Inspection teams shall normally be comprised of two officials. Additional officials may supplement inspections teams when necessary.
4. The duration of an inspection shall not exceed 4 hours, or until the net is hauled in, and the net and catches are inspected, whichever is longer. It shall not apply in the case that an apparent infringement is detected or where the officials need further information.

5. In the case of an apparent infringement being detected, identification marks and seals may be affixed securely to any part of the fishing gear or the fishing vessel, including containers of fisheries products and the compartment(s) in which they may be stowed, and the official(s) may remain on board for the time necessary for the completion of appropriate measures to ensure security and continuity of all the evidence of the apparent infringement.

### Section 3

#### Inspections in port

##### Article 105

#### Preparation of inspection

1. Without prejudice to benchmarks defined in specific control and inspection programmes and in Article 9 of Regulation (EC) No 1005/2008, an inspection of a fishing vessel shall take place in port or on landing, on the following occasions:

- (a) routinely subject to a sampling methodology based on a risk-based management; or
- (b) where it is suspected of failing to comply with the rules of the Common Fisheries Policy.

2. In cases referred to in paragraph 1(b) and without prejudice to the last sentence of Article 106(2) of this Regulation the competent authorities of the Member States shall ensure that the fishing vessel to be inspected in port is met by their officials on arrival.

3. Paragraph 1 does not exclude the possibility for Member States to undertake random inspections.

##### Article 106

#### Inspections in port

1. When carrying out inspections officials shall verify and note all appropriate items listed in the corresponding inspection report module set out in Annex XXVII to this Regulation. Officials shall have due regard to any specific requirements which apply to the inspected fishing vessel, in particular to relevant provisions in multi-annual plans.

2. When carrying out an inspection of a landing officials shall monitor the whole landing process from the beginning to the end of the respective operation. A cross-check shall be carried out between the quantities by species recorded in the prior notification of arrival to land fishery products, the quantities by species recorded in the fishing logbook and the quantities by species landed or transhipped whichever is applicable. This provision shall not exclude the possibility of an inspection taking place after the start of the landing.

3. Member States shall ensure the effective inspection and control of premises used in connection with fishing activities and subsequent processing of fisheries products.

##### Article 107

#### Inspection of certain pelagic landings

For landings of herring, mackerel and horse mackerel as referred to in Title IV, Chapter II, Section 2 of this Regulation the competent authorities of a Member State shall ensure that at least 15 % of the quantities of this fish landed and at least 10 % of the landings of this fish are inspected.

### Section 4

#### Transport inspections

##### Article 108

#### General principles

1. Without prejudice to provisions contained in multi-annual plans, transport inspections may take place anywhere and at anytime from the point of landing to the arrival of the fisheries products at the place of sale or processing. In carrying out inspections, the necessary measures shall be taken as to ensure the maintenance of the cold chain of the fisheries products inspected.

2. Without prejudice to provisions contained in multi-annual plans and national control programmes or specific control and inspection programmes, transport inspections shall include, wherever possible, a physical examination of the products transported.

3. The physical examination of the transported fishery products shall involve the taking of a sample representative of the different sections of the lot or lots transported.

4. When carrying out a transport, inspection officials shall verify and note all items referred to in Article 68(5) of the Control Regulation and all appropriate items in the report module set out in Annex XXVII to this Regulation. This shall include verification that the quantities of fisheries products transported correspond to the details entered on the transport document.

##### Article 109

#### Transport vehicles sealed

1. When a vehicle or a container has been sealed to avoid manipulation of the cargo, competent authorities of Member States shall ensure that serial numbers of seals are noted on the transport document. Officials shall inspect that the seals are intact and that the serial numbers correspond with the details on the transport document.



2. Where seals are removed to facilitate inspection of the cargo before the cargo arrives at the final destination, officials shall replace the original seal with a fresh seal, recording the seal details in the transport document and the reasons for the removal of the original seal.

## Section 5

### Market inspections

#### Article 110

##### General principles

Officials shall verify and note all appropriate items listed in the corresponding inspection module in Annex XXVII to this Regulation when visiting cold stores, gross and retail markets, restaurants or any other premises where fish is stored and/or sold after landing has taken place.

#### Article 111

##### Additional methodologies and technologies

In addition to the items listed in Annex XXVII, Member States may make use of available methodologies and technologies for the identification and validation of fisheries products, their source or origin and the suppliers and catching vessels or production units.

#### Article 112

##### Control of fisheries products withdrawn from the market

Officials shall verify that fisheries products withdrawn from sale in accordance with Article 17 of Council Regulation (EC) No 104/2000 <sup>(1)</sup> are disposed of in accordance with the provisions of Commission Regulation (EC) No 2493/2001 <sup>(2)</sup>.

## CHAPTER II

### Duties of operators

#### Article 113

##### General obligations of operators

1. All operators acting under the jurisdiction of a Member State may be subject to an inspection regarding their obligations under rules of the Common Fishery Policy.

2. All operators subject to an inspection shall:

- (a) facilitate and provide officials on request with the necessary information and documents, including, where possible, copies thereof, or access to relevant databases, regarding fishing activities as required to be completed and held in electronic or paper format in accordance with the rules of the Common Fisheries Policy;

- (b) facilitate access to all parts of vessels, premises and any transport means, including aircraft and hovercraft used in connection or associated with fishing and processing activities;

- (c) ensure at any moment the safety of officials, and actively assist and cooperate with the officials in the performance of their inspection duties;

- (d) not obstruct, intimidate or interfere, not cause any other person to obstruct, intimidate or interfere, and prevent any other person to obstruct, intimidate or interfere with officials carrying out the inspection;

- (e) provide, where possible, a meeting facility in isolation for a briefing of officials by a control observer as referred to in Article 95(2) of this Regulation.

#### Article 114

##### Obligations of the master during inspections

1. The master of a fishing vessel which is being inspected or his representative shall:

- (a) facilitate safe and effective boarding of officials in accordance with good seamanship when the appropriate signal of the International Code of Signals is given or when the intention to board is established through radio communication by a vessel or helicopter carrying an official;

- (b) provide a boarding ladder meeting the requirements of Annex XXIX to facilitate safe and convenient access to any vessel which requires a climb of 1,5 metres or more;

- (c) facilitate the officials to perform their inspection duties, providing such assistance as is requested and is reasonable;

- (d) permit the official(s) to communicate with the authorities of the flag State, the coastal State and the inspecting State;

- (e) alert officials to particular safety hazards on board fishing vessels;

- (f) provide access by officials to all areas of the vessel, all processed or unprocessed catches, all fishing gears and all relevant information and documents;

- (g) facilitate safe disembarkation by officials on completion of the inspection.

2. Masters shall not be required to reveal commercially sensitive information over open radio channels.

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> OJ L 337, 20.12.2001, p. 20.

## CHAPTER III

**Inspection report**

## Article 115

**Common rules concerning inspection reports**

1. Without prejudice to special rules in the framework of Regional Fisheries Management Organisations, inspection reports as referred to in Article 76 of the Control Regulation shall include the relevant information contained in the appropriate module established in Annex XXVII. The reports shall be completed by officials during the inspection or as soon as possible after the completion of the inspection.

2. When an apparent infringement is detected in the course of an inspection, the legal and material elements together with any other information relevant to the infringement shall be included in the inspection report. When several infringements are detected in the course of an inspection, relevant elements of each infringement shall be noted in the inspection report.

3. Officials shall communicate their findings to the natural person in charge of the fishing vessel, vehicle, aircraft, hovercraft or premises being inspected (operator) at the end of the inspection. The operator shall have the possibility to comment on the inspection and its findings. Comments by the operator shall be noted in the inspection report. In case where officials do not speak the same language as the inspected operator, they shall take appropriate measures to make understandable their findings.

4. If required, the operator shall have the right to contact his representative or the competent authorities of his flag State, if serious difficulties arise regarding comprehension of the outcomes of the inspection and of the ensuing report.

5. The format for electronic transmission referred to in Article 76(1) of the Control Regulation shall be decided after consultation between the Member States and the Commission.

## Article 116

**Completion of inspection reports**

1. When the inspection report is established manually on a paper format, it shall be legible, indelible and clearly recorded. No entry in the report shall be erased or altered. If a mistake is made in a manually established report, the incorrect entry shall be struck out neatly and shall be initialled by the official concerned.

2. The official responsible for the inspection shall sign the report. The operator shall be invited to sign the report. Without prejudice to national law his/her signature shall constitute an acknowledgement of the report and shall not be regarded as an acceptance of the contents therein.

3. Officials may establish inspection reports referred to in Article 115 of this Regulation by electronic means.

## Article 117

**Copy of the inspection report**

A copy of the inspection report referred to in Article 116 of this Regulation shall be sent to the operator no later than 15 working days after the completion of the inspection and in accordance with the national law of the Member State having sovereignty or jurisdiction at the place of inspection. If an infringement is detected, disclosure of the report shall be subject to the laws on disclosure of information in the Member State concerned.

## CHAPTER IV

**Electronic database**

## Article 118

**Electronic database**

1. Member States shall include in their national control programmes procedures on the recording by their officials of inspection reports in a paper or an electronic format. These reports shall be entered into the electronic database referred to in Article 78 of the Control Regulation and provide for the functionalities referred to in Annex XXIV No. 2 to this Regulation. The minimum information contained in the electronic database shall be those items noted in accordance with Article 115(1) of this Regulation and indicated as compulsory in Annex XXVII. Paper inspection reports shall also be scanned into the database.

2. The database shall be accessible for the Commission and the body designated by it, in accordance with the procedures described in Articles 114, 115 and 116 of the Control Regulation. The relevant data in the database shall also be accessible to other Member States in the context of a joint deployment plan.

3. The data from the inspection reports shall be kept available in the database for at least 3 years.

## CHAPTER V

**Union inspectors**

## Article 119

**Notification of Union inspectors**

1. Member States and the European Fisheries Control Agency shall notify the Commission electronically within 3 months after the entry into force of this Regulation of the names of their officials to be included in the list of Union inspectors referred to in Article 79 of the Control Regulation.

2. Officials to be included in the list shall:
- (a) have a thorough experience in the field of fisheries control and inspection;
  - (b) have an in-depth knowledge of fisheries legislation of the European Union;
  - (c) have a thorough knowledge of one of the official languages of the European Union and a satisfactory knowledge of a second;
  - (d) be physically fit to perform their duties;
  - (e) have, where appropriate, received the necessary training with regard the safety at sea.

#### Article 120

##### List of Union inspectors

1. On the basis of the notifications of Member States and the European Fisheries Control Agency the Commission shall adopt a list of Union inspectors 6 months after the entry into force of this Regulation.
2. After the establishment of the initial list, Member States and the European Fisheries Control Agency shall notify to the Commission by October each year any amendment to the list which they wish to introduce for the following calendar year. The Commission shall amend the list accordingly by 31 December each year.
3. The list and amendment thereto shall be published on the official website of the European Fisheries Control Agency.

#### Article 121

##### Communication of Union inspectors to Regional Fisheries Management Organisations

The body designated by the Commission shall communicate to the secretariat of a Regional Fisheries Management Organisation the list of Union inspectors who are to carry out inspections in the framework of that Organisation.

#### Article 122

##### Powers and duties of Union inspectors

1. In the accomplishment of their tasks Union inspectors shall comply with the law of the European Union and, as far as applicable, the national law of the Member State where the inspection takes place or, where the inspection is carried out outside EU waters, of the flag Member State of the inspected fishing vessel and relevant international rules.

2. Union inspectors shall present a service card stating their identity and the capacity under which they operate. For this purpose they shall be provided with an identification document issued by the Commission or the European Fisheries Control Agency stating their identity and capacity.

3. Member States shall facilitate the execution of duties by Union inspectors and shall afford them such assistance as they need to fulfil their tasks.

4. Competent authorities of Member States may permit Union inspectors to assist national inspectors in the execution of their duties.

5. Articles 113 and 114 of this Regulation shall apply in a corresponding manner.

#### Article 123

##### Reports

1. Union inspectors shall submit a daily summary on their inspection activities, including the name and identification number of each fishing vessel or craft inspected and the type of inspection carried out, to the competent authorities of the Member State in whose waters the inspection took place or, where the inspection was carried outside EU waters, to the flag Member State of the inspected EU fishing vessel, and the European Fisheries Control Agency.

2. If Union inspectors detect an infringement in the course of an inspection, they shall without delay submit a summarised inspection report to the competent authorities of the coastal Member State or, where the inspection was carried outside EU waters, to competent authorities of the flag State of the inspected fishing vessel and the European Fisheries Control Agency. Such summarised inspection report shall specify at least the date and place of the inspection, identification of the inspection platform, identification of the inspected target and type of infringement detected.

3. Union inspectors shall submit a copy of the full inspection report noting the relevant items in the appropriate inspection module of the inspection report in Annex XXVII to the competent authorities of the flag State of the inspected fishing vessel or craft and of the Member State in whose waters the inspection took place, within 7 days from the date of inspection. If the Union inspectors have detected an infringement, a copy of the full inspection report shall also be sent to the European Fisheries Control Agency.

4. Daily reports and inspection reports referred to in this Article shall be transmitted, upon request, to the Commission.

*Article 124***Follow-up of reports**

1. Member States shall act on reports submitted by the Union inspectors in accordance with Article 123 of this Regulation in the same way as they act on reports from their own officials.

2. The Member State that nominated the Union inspector or, where appropriate, the Commission or the European Fisheries Control Agency shall cooperate with the Member State acting on a report submitted by the Union inspector in order to facilitate judicial and administrative proceedings.

3. On request, a Union inspector shall assist and give evidence in infringement proceedings undertaken by any Member State.

## TITLE VII

## ENFORCEMENT

## POINT SYSTEM FOR SERIOUS INFRINGEMENTS

*Article 125***Setting up and operation of a point system for serious infringements**

Each Member State shall designate the competent national authorities which shall be responsible for:

- (a) setting up the system for the attribution of points for serious infringements, as referred to in Article 92(1) of the Control Regulation;
- (b) assigning the appropriate numbers of points to the holder of a fishing licence;
- (c) transferring assigned points to any future holder of a fishing licence for the fishing vessel concerned where the latter is sold, transferred or otherwise changes ownership; and
- (d) keeping relevant records of the points assigned or transferred to the holder for each fishing licence.

*Article 126***Assignment of points**

1. The number of points for serious infringements shall be assigned in accordance with Annex XXX to the holder of the fishing licence for the fishing vessel concerned by the competent authority of the flag Member State.

2. When two or more serious infringements by the same natural or legal person holding the licence are detected in the course of one inspection, points in respect of each serious infringement concerned shall be assigned to the holder of the fishing licence referred to in paragraph 1 up to a maximum of 12 points.

3. The holder of the fishing licence shall be informed that points have been assigned to him.

4. The points are assigned to the holder of the licence on the date set in the decision assigning them. Member States shall ensure that the application of national rules concerning the suspensory effects of review proceedings do not render the point system ineffective.

5. Where the serious infringement is detected in a Member State other than the flag Member State, the points shall be assigned by the competent authorities of the flag Member State referred to in Article 125 of this Regulation upon notification pursuant to Article 89(4) of the Control Regulation.

*Article 127***Notification of decisions**

If the authority designated in accordance with Article 125 of this Regulation is not the same as the single authority referred to in Article 5(5) of the Control Regulation, the latter shall be informed of any decision taken pursuant to this Title.

*Article 128***Transfer of ownership**

When the fishing vessel is offered for sale or for other type of transfer of ownership, the holder of the fishing licence shall inform any potential future licence holder of the number of points which are still assigned to him by means of a certified copy obtained from the competent authorities.

*Article 129***Suspension and permanent withdrawal of a fishing licence**

1. The accumulation of 18, 36, 54, 72 points by the holder of a fishing licence shall automatically trigger the first, second, third and fourth suspension of the fishing licence respectively for the relevant periods referred to in Article 92(3) of the Control Regulation.

2. The accumulation of 90 points by the holder of a fishing licence shall trigger automatically the permanent withdrawal of the fishing licence.

*Article 130***Follow-up of suspension and permanent withdrawal of fishing licence**

1. If a fishing licence is suspended or permanently withdrawn in accordance with Article 129 of this Regulation, the competent authority of the flag Member State shall inform the holder of the fishing licence immediately of this suspension or permanent withdrawal.

2. Upon receiving the information referred to in paragraph 1 the holder of the fishing licence shall ensure that the fishing activity of the vessel concerned ceases immediately. He shall ensure that it proceeds immediately to its home port or a port indicated by the competent authorities of the flag Member State. During the voyage the fishing gear shall be lashed and stowed in accordance with Article 47 of the Control Regulation. The holder of the fishing licence shall ensure that any catch on board the fishing vessel is dealt with in accordance with the instructions of the competent authorities of the flag Member State.

*Article 131***Deletion of fishing licences from relevant lists**

1. If the fishing licence is suspended or withdrawn permanently in accordance with Article 129(1) or (2) of this Regulation, the fishing vessel to which the suspended or permanently withdrawn fishing licence relates shall be identified as being without fishing licence in the national register referred to in Article 15(1) of Regulation (EC) No 2371/2002. This fishing vessel shall also be identified in this way in the EU fishing fleet register referred to in Article 15(3) of Regulation (EC) No 2371/2002.

2. The permanent withdrawal of a fishing licence in accordance with Article 129(2) of this Regulation shall not affect the reference levels of the Member State issuing the licence as referred to in Article 12 of Regulation (EC) No 2371/2002.

3. The competent authorities of Member States shall immediately update the list referred to in Article 116(1)(d) of the Control Regulation with an indication of all points assigned and resulting suspensions and permanent withdrawals of fishing licences, including the date on which they became applicable and their duration.

*Article 132***Illegal fishing during the suspension period or after the permanent withdrawal of a fishing licence**

1. If a fishing vessel, the fishing licence of which is suspended or has been permanently withdrawn in accordance

with Article 129 of this Regulation, carries out fishing activities during the suspension period or after the permanent withdrawal of the fishing licence, the competent authorities shall take immediate enforcement measures in accordance with Article 91 of the Control Regulation.

2. The fishing vessel referred to in paragraph 1 may, where appropriate, be included the EU IUU vessel list in accordance with Article 27 of Regulation (EC) No 1005/2008.

*Article 133***Deletion of points**

1. If a fishing licence has been suspended in accordance with Article 129 of this Regulation, the points on the basis of which the fishing licence has been suspended shall not be deleted. Any new points assigned to the holder of the fishing licence shall be added to existing points for the purpose of Article 129 of this Regulation.

2. For the application of Article 92(3) of the Control Regulation, if points have been deleted in accordance with Article 92(4) of the Control Regulation the holder of fishing licence shall be considered as if his fishing licence had not been suspended in accordance with Article 129 of this Regulation.

3. Two points shall be deleted provided that the total amount of points assigned to the holder of the fishing licence for the fishing vessel concerned exceeds two, if:

- (a) the fishing vessel which has been used in committing the infringement for which points were assigned uses thereafter VMS or records and transmits thereafter fishing logbook, transshipment and landing declaration data electronically without being legally subject to these technologies; or
- (b) the holder of the fishing licence volunteers after the assignation of points to take part in a scientific campaign for the improvement of the selectivity of the fishing gear; or
- (c) the holder of the fishing licence is a member of a producer organisation and the holder of the fishing licence accepts a fishing plan adopted by the producer organisation in the year following the assignation of the points involving a reduction of 10 % of the fishing opportunities for the holder of the fishing licence; or
- (d) the holder of the fishing licence joins a fishery covered by an eco-labelling scheme that is designed to certify and promote labels for products from well-managed marine capture fisheries and focus on issues related to the sustainable use of fisheries resources.

For each 3-year period since the date of the last serious infringement, the holder of a fishing licence can avail himself of one of the options under (a), (b), (c) or (d), to reduce the amount of points assigned only once, and provided that such reduction does not lead to the deletion of all points on the fishing licence.

4. If the points were deleted in accordance with paragraph 3 the holder of the fishing licence shall be informed of that deletion. The holder of the fishing licence shall also be informed of the number of points that still remain.

#### Article 134

### Point system for masters of fishing vessels

Member States shall inform the Commission 6 months after the date of application of this Title of their national point systems for masters as referred to in Article 92(6) of the Control Regulation.

#### TITLE VIII

### MEASURES TO ENSURE COMPLIANCE BY THE MEMBER STATES OF COMMON FISHERIES POLICY OBJECTIVES

#### CHAPTER I

### *Suspension and cancellation of Union financial assistance*

#### Article 135

#### Definition

For the purpose of this Chapter the following definitions shall apply:

- (1) 'payment' means any financial contribution to be paid out by the Commission following a payment request submitted by a Member State during or at the end of the implementation of an operational programme under Regulation (EC) No 1198/2006 or of a project covered by Article 8(a) of Regulation (EC) No 861/2006;
- (2) 'interruption' means disrupting the running of the payment's deadline;
- (3) 'suspension' means suspension of the payments pursuant to specific payment requests as referred to in Article 103(1) of the Control Regulation;
- (4) 'cancellation' means annulling all or part of the suspended Union contribution to an operational programme under Regulation (EC) No 1198/2006 or to a specific project covered by Article 8(a) of Regulation (EC) No 861/2006.

#### Article 136

### Interruption of the payment deadline

1. The deadline for a payment may be interrupted by the authorising officer by delegation as defined in Council

Regulation (EC, Euratom) No 1605/2002 <sup>(1)</sup> for a maximum period of 6 months if:

- (a) there are findings of non-compliance with CFP rules; or
- (b) the authorising officer by delegation has to carry out additional verifications following findings indicating that there are failures in the control system of a Member State and/or non-compliance with CFP rules of fishery and fishery-related activities.

2. The concerned Member State shall be informed in writing as referred to in Article 103(3) of the Control Regulation of the reasons for the interruption of the payment deadline. It shall be asked to communicate to the Commission within 1 month of receipt of that letter the remedial actions taken and/or information concerning the financial assistance granted to the fisheries related activities subject matter of the non-compliance as set out in Annex XXXI to this Regulation.

3. Where the Member State concerned does not respond to the Commission's request within the period mentioned in paragraph 2, or where it provides an unsatisfactory response, the Commission may send a reminder allowing an additional period of maximum 15 days.

4. The interruption shall be ended where the Member State demonstrates in its reply that it has taken remedial actions to ensure compliance with CFP rules or that the findings indicating that there are failures in its control system and/or non-compliance with CFP rules of fishery and fishery-related activities were unfounded.

#### Article 137

### Suspension of payments

1. 1. Where the Member State concerned does not respond to the Commission's request within the period mentioned in Article 136 of this Regulation, or where it provides an unsatisfactory response, the Commission may adopt on the basis of the information available at that time a decision to suspend all or part of payments of the Union financial assistance to that Member State (hereinafter referred to as 'suspension decision') as referred to in Article 103(1) of the Control Regulation.

2. The suspension decision shall summarise the relevant issues of fact and law, shall include the assessment of the Commission with regard to the conditions referred to in Article 103(1) and (6) of the Control Regulation and shall set the part of the payment that is suspended. The suspension decision shall call upon the Member State concerned to take remedial actions within a prescribed period which shall not exceed 6 months.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

3. The amount of payments to be suspended shall be decided by applying a rate which shall be determined taking into account the criteria set in Article 103(5) of the Control Regulation.

#### Article 138

##### **Cancellation of financial assistance**

1. Where, during the suspension period, the Member State still fails to demonstrate that it has corrected the situation which led to the suspension decision, as referred to in Article 103(2) of the Control Regulation, the Commission may inform it of its intention to adopt a cancellation decision. Article 136(2) and (3) of this Regulation shall apply in a corresponding manner.

2. Where the Member State concerned does not respond to the Commission's request referred to in paragraph 1, or where it provides an unsatisfactory response, the Commission may adopt on the basis of the information available at that time a decision to cancel all or part of suspended payments to that Member State.

3. The cancellation decision referred to in paragraph 2 may include the recovery of part of or all of the advance, if any, on the financial contribution already paid for in relation to the projects covered by Article 8(a) of Regulation (EC) No 861/2006 for which payments were suspended.

4. The amount of the suspended payments to be cancelled shall be decided by applying a rate which shall be determined taking into account the criteria set in Article 103(5) of the Control Regulation.

5. The amount of the advance on the financial contribution to be recovered on projects for which payments were suspended shall be repaid to the Commission by a recovery procedure as set in Article 28(2) of Regulation (EC) No 861/2006 and Article 72 of Regulation (EC, Euratom) No 1605/2002.

#### CHAPTER II

##### **Deduction of fishing opportunities**

#### Article 139

##### **General rules for the deduction of fishing opportunities for excess of utilisation**

1. The size of the excess of utilisation of fishing opportunities with respect to available quotas and fishing

effort established for a given period, as referred to in Articles 105(1) and 106(1) of the Control Regulation, shall be determined on the basis of the figures available on the 15th day of the second month after the expiration of the regulated period.

2. The size of the excess of utilisation of fishing opportunities shall be determined with respect to the fishing opportunities available at the end of each given period to the Member State concerned taking into account exchanges of fishing opportunities in accordance with Article 20(5) of Regulation (EC) No 2371/2002, quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96 <sup>(1)</sup>, reallocation of available fishing opportunities in accordance with Article 37 of the Control Regulation, and deduction of fishing opportunities in accordance with Articles 105, 106 and 107 of the Control Regulation.

3. The exchange of fishing opportunities in accordance with Article 20(5) of Regulation (EC) No 2371/2002 for a given period shall not be allowed after the last day of the first month after the expiration of that period.

#### Article 140

##### **Consultation on the deduction of fishing opportunities**

For deductions of fishing opportunities in accordance with Article 105(4) and (5) and Article 106(3) of the Control Regulation, the Commission shall consult the Member State concerned on suggested measures. The Member State concerned shall respond within 10 working days to this consultation by the Commission.

#### CHAPTER III

##### **Deduction of quotas for failure to comply with the rules of the common fisheries policy**

#### Article 141

##### **Rules for deduction of quotas for failure to comply with the objectives of the Common Fisheries Policy**

1. The deadline for the Member State to demonstrate that the fisheries can be safely exploited, referred to in Article 107(2) of the Control Regulation, shall apply from the date of the Commission's letter to the Member State.

2. Member States shall include, in their reply pursuant to Article 107(2) of the Control Regulation, material evidence that is capable of demonstrating to the Commission that the fishery can be safely exploited.

<sup>(1)</sup> OJ L 115, 9.5.1996, p. 3.

*Article 142***Determination of the quantities to be deducted**

1. Any deduction of quotas in accordance with Article 107 of the Control Regulation shall be proportionate to the extent and the nature of non-compliance with rules on stocks subject to multi-annual plans and gravity of the threat to the conservation of these stocks. It shall take into account the damage caused to these stocks by the non-compliance with rules on stocks subject to multi-annual plans.

2. If a deduction according to paragraph 1 cannot be operated on the quota, allocation or share of a stock or group of stocks to which the non-compliance refers because a quota, allocation or share of a stock or group of stocks in question is not or not sufficiently available to the Member State concerned, the Commission, after consultation of the Member State concerned, may deduct in the following year or years quotas for other stocks or groups of stocks available to that Member States in the same geographical area, or with the same commercial value in accordance with paragraph 1.

## TITLE IX

## DATA AND INFORMATION

## CHAPTER I

**Analysis and audit of data***Article 143***Subject matter**

The computerised validation system referred to in Article 109(1) of the Control Regulation shall comprise in particular:

- (a) a database or databases storing all data to be validated by this system, as referred to in Article 144 of this Regulation;
- (b) validation procedures including data quality checks, analysis and cross-checks of all these data, as referred to in Article 145 of this Regulation;
- (c) procedures for the access to all these data by the Commission or a body designated by it, as referred to in Article 146 of this Regulation.

*Article 144***Data to be validated**

1. For the purpose of the computerised validation system, Member States shall ensure that all data referred to in Article 109(2) of the Control Regulation, are stored in a computerised database or databases. The minimum elements to be included are the items listed in Annex XXIII, those

indicated as compulsory in Annex XXVII, the items in Annex XII and the items in Annex XXXII. The validation system may also take into account any other data deemed necessary for the purpose of the validation procedures.

2. The data in the databases referred to in paragraph 1 shall be accessible for the validation system on a continuous basis and in real-time. The validation system shall have direct access to all these databases without any human intervention. To this end all databases or systems in a Member State containing the data referred to in paragraph 1 shall be linked with each other.

3. If the data referred to in paragraph 1 are not stored automatically in a database, Member States shall foresee the manual entry or digitising into the databases, without delay and by respecting the deadlines set in the relevant legislation. The date of data receipt and data entry shall be correctly recorded in the database.

*Article 145***Validation procedures**

1. The computerised validation system shall validate each dataset referred to in Article 144(1) of this Regulation on the basis of automated computerised algorithms and procedures in a continuous, systematic and thorough manner. The validation shall contain procedures to control the basic data quality, to check the data format and the minimal data requirements, as well as more advanced verification by analysing several records of a dataset into detail, using statistical methods, or cross-checking data from different sources.

2. For each validation procedure, there shall be a business rule or a set of business rules that defines which validations are executed by the procedure, as well as where the results of these validations are stored. Where applicable, the relevant reference to the legislation whose application is being verified shall be indicated. The Commission may define after consultation with Member States a standard set of business rules to be used.

3. All results of the computerised validation system, both positive and negative, shall be stored in a database. It shall be possible to identify immediately any inconsistency and non-compliance issue detected by the validation procedures, as well as the follow-up of these inconsistencies. It shall also be possible to retrieve the identification of fishing vessels, vessel masters or operators for which inconsistencies and possible non-compliance issues were detected repeatedly in the course of the past 3 years.

4. The follow-up of the inconsistencies detected by the validation system shall be linked with the validation results, indicating the date of validation and follow-up.



If the detected inconsistency is identified as the result of a wrong data entry, that data entry shall be corrected in the database, clearly marking the data as being corrected, as well as reporting the original value or entry and the reason for correcting the data.

If the detected inconsistency leads to a follow-up, the validation result shall contain a link to the inspection report, where appropriate, and the follow-up of it.

#### Article 146

##### Access by the Commission

1. Member States shall ensure that the Commission or the body designated by it have at any time real-time access to:

- (a) all the data referred in Article 144(1) of this Regulation;
- (b) all business rules defined for the validation system, containing the definition, the relevant legislation and the place where the validation results are stored;
- (c) all validation results and follow-up measures, with a marker if the data item has been corrected, and with a link to infringement procedures if applicable.

2. Member States shall ensure that the data referred to in paragraph 1(a), (b) and (c) can be accessed by the automated exchange of data via secure web services, as defined in Article 147 of this Regulation.

3. The data shall be made available for download according to the data exchange format and all data elements as defined in Annex XII and in the XML format. Other data items that shall be accessible and are not defined in Annex XII shall be available in the format as defined in Annex XXXII.

4. The Commission or the body designated by it shall be given the possibility to download the data referred to in paragraph 1 for any period and any geographical area for an individual fishing vessel or list of fishing vessels.

5. At the reasoned request of the Commission the Member State concerned shall correct without delay data for which the Commission has identified inconsistencies. The Member State concerned shall inform other relevant Member States about this correction without delay.

#### CHAPTER II

##### Websites of Member States

#### Article 147

##### Operation of websites and web services

1. For the purpose of the official websites referred to in Articles 115 and 116 of the Control Regulation Member States shall create web services. These web services shall generate real-time and dynamic content for the official websites and they shall provide automated access to the data. If necessary, Member States shall adapt their existing databases or create new databases in order to provide the required content of the web services.

2. This web services shall enable the Commission and the body designated by it to pull all available data referred to in Articles 148 and 149 of this Regulation at any time. That automated pulling mechanism shall be based on the electronic information exchange protocol and format referred to Annex XII. Web services shall be created according to international standards.

3. Every subpage of the official website referred to in paragraph 1 shall contain a menu at the left side where hyperlinks to all other subpages are listed. It shall also contain the definition of the related web service at the bottom of the subpage.

4. Web services and websites shall be deployed in a centralised manner, providing only one unique access point per Member State.

5. The Commission may lay down common standards, technical specifications and procedures for the website's interface, technically compatible computerised systems and web services among Member States, the Commission and the body designated by it. The Commission shall coordinate the process to create those specifications and procedures after consultation with the Member States.

#### Article 148

##### Publicly accessible website and web services

1. The publicly accessible part of the website shall contain an overview page and different subpages. The public overview page shall list hyperlinks containing the references in Article 115(a) to (g) of the Control Regulation and referring to subpages providing the information referred to in that Article.

2. Each public subpage shall contain at least one of the information items listed in Article 115(a) to (g) of the Control Regulation. Subpages, as well as the related web services, shall contain at least the information set out in Annex XXXIII.

*Article 149***Secured website and web services**

1. The secure part of the website shall contain an overview page and different subpages. The secure overview page shall list hyperlinks containing the references in Article 116(1)(a) to (h) of the Control Regulation and referring to subpages providing the information referred to in that Article.

2. Each secure subpage shall contain at least one of the information items listed in Article 116(1)(a) to (h) of the Control Regulation. Subpages, as well as the related web services, shall contain at least the information set out in Annex XXIV.

3. Both the secure website as the secure web services shall make use of electronic certificates referred to in Article 116(3) of the Control Regulation.

## TITLE X

**IMPLEMENTATION**

## CHAPTER I

**Mutual assistance**

## Section 1

**General provisions***Article 150***Scope**

1. This Chapter lays down the conditions under which the Member States shall administratively cooperate with each other, with third countries, with the Commission and with the body designated by it in order to ensure the effective application of the Control Regulation and of this Regulation. It does not prevent Member States to establish other forms of administrative cooperation.

2. This Chapter shall not bind Member States to grant each other assistance where that would be likely to be injurious to their national legal system, public policy, security or other fundamental interests. Before denying a request for assistance, the requested Member State shall consult the applicant Member State to determine whether assistance may be given in part, subject to specific terms and conditions. Where a request for assistance cannot be complied with the applicant Member State and the Commission or the body designated by it shall promptly be notified of that fact and reasons shall be stated.

3. This Chapter shall not affect the application in the Member States of rules on criminal procedure and mutual assistance in criminal matters, including those on secrecy of judicial inquiries.

*Article 151***Costs**

Member States shall bear their own costs of executing a request for assistance and shall waive all claims for the reimbursement of expenses incurred in applying this Title.

*Article 152***Single authority**

The single authority referred to in Article 5(5) of the Control Regulation shall act as a single liaison office responsible for the application of this Chapter.

*Article 153***Follow up measures**

1. Where national authorities decide, in response to a request for assistance based on this Chapter or following a spontaneous exchange of information, to take measures which may be implemented only with the authorisation or at the demand of a judicial authority, they shall communicate to the Member State concerned and the Commission or the body designated by it any information on those measures which is related to non-compliance with rules of the Common Fisheries Policy.

2. Any such communication must have the prior authorisation of the judicial authority if such authorisation is required by national law.

## Section 2

**Information without prior request***Article 154***Information without prior request**

1. When a Member State becomes aware of any potential non-compliance with the rules of the Common Fisheries Policy, in particular serious infringement referred to in Article 90(1) of the Control Regulation or reasonably suspects that such an infringement may occur, it shall notify the other Member States concerned and the Commission or the body designated by it, without delay. That notification shall supply all necessary information and shall be made via the single authority as referred to in Article 152 of this Regulation.

2. When a Member State takes enforcement measures in relation to a non-compliance or an infringement referred to in paragraph 1, it shall notify the other Member States concerned and the Commission or the body designated by it via the single authority as referred to in Article 152 of this Regulation.

3. All notifications according to this Article shall be made in writing.

## Section 3

**Requests for assistance***Article 155***Definition**

For the purpose of this Section 'request for assistance' means a request addressed by one Member State to another Member State or by the Commission or the body designated by it to a Member State for:

- (a) information including information according to Article 93(2) and (3) of the Control Regulation;
- (b) enforcement measures; or
- (c) administrative notification.

*Article 156***General requirements**

1. The applicant Member State shall ensure that all requests for assistance contain sufficient information to enable a requested Member State to fulfil the request, including any necessary evidence obtainable in the territory of the applicant Member State.
2. Requests for assistance shall be limited to substantiated cases where there is reasonable cause to believe that non-compliance with rules of the Common Fisheries Policy, in particular serious infringements referred to in Article 90(1) of the Control Regulation have occurred and where the applicant Member State is not able to obtain the requested information or to take the requested measures by its own means.

*Article 157***Transmission of requests and replies**

1. Requests shall only be sent by the single authority of the applicant Member State, by the Commission or the body designated by it to the single authority of the requested Member State. All replies to a request shall be communicated in the same way.
2. Requests for mutual assistance and the respective replies shall be made in writing.
3. The languages used for requests and replies shall be agreed by the single authorities concerned before requests are made. If no agreement can be reached, requests shall be communicated in the official language(s) of the applicant Member State and replies in the official language(s) of the requested Member State.

*Article 158***Requests for information**

1. A Member State shall, at the request of an applicant Member State, of the Commission or the body designated by

it, supply any relevant information required to establish whether non-compliance with the rules of the Common Fisheries Policy, in particular serious infringements as referred to in Article 90(1) of the Control Regulation, have occurred or to establish whether there is a reasonable suspicion it may occur. That information shall be supplied via the single authority as referred to in Article 152 of this Regulation.

2. The requested Member State shall, at the request of the applicant Member State, of the Commission or the body designated by it, carry out the appropriate administrative enquiries concerning operations which constitute or appear to the applicant to constitute non-compliance with the rules of the Common Fisheries Policy, in particular serious infringements referred to in Article 90(1) of the Control Regulation. The requested Member State shall communicate the results of such administrative enquiries to the applicant Member State and to the Commission or the body designated by it.

3. At the request of the applicant Member State, of the Commission or the body designated by it, the requested Member State may permit a competent official of the applicant Member State to accompany the officials of the requested Member State, the Commission or the body designated by it, in the course of administrative enquiries referred to in paragraph 2. In so far as national provisions on criminal proceedings restrict certain acts to officials specifically designated by national law, the officials of the applicant Member State shall not take part in such acts. In no event, shall they participate in searches of premises or the formal questioning of persons under criminal law. The officials of the applicant Member States present in the requested Member State must at all time be able to present written authority stating their identity and their official functions.

4. At the request of the applicant Member State, the requested Member State shall supply it with any document or certified true copies in its possession which relates to non-compliance with the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation.

5. The standard form for the exchange of information on request is set out in Annex XXXIV.

*Article 159***Requests for enforcement measures**

1. A requested Member State shall, based on the evidence referred to in Article 156 of this Regulation, at the request of an applicant Member State, of the Commission or the body designated by it, take all necessary enforcement measures to bring about the cessation, within its territory or within maritime waters under its sovereignty or jurisdiction, of any non-compliance with the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation without delay.

2. The requested Member State may consult the applicant Member State, the Commission or the body designated by it in the course of taking the enforcement measures referred to in paragraph 1.

3. The requested Member State shall report the measures taken and their effect to the applicant Member State, the other Member States concerned, the Commission or the body designated by it, via the single authority as referred to in Article 152 of this Regulation.

#### Article 160

##### **Deadline for replies to requests for information and enforcement measures**

1. The requested Member State shall provide the information referred to in Articles 158(1) and 159(3) of this Regulation as quickly as possible, but not later than 4 weeks following the date of receipt of the request. Different time limits may be agreed between the requested and the applicant Member State, the Commission or the body designated by it.

2. Where the requested Member State is unable to respond to the request by the deadline, it shall inform the applicant Member State, the Commission or the body designated by it in writing of the reason for its failure to do so, and indicate when it considers it will be able to respond.

#### Article 161

##### **Requests for administrative notification**

1. A requested Member State shall, at the request of an applicant Member State and in accordance with its national rules governing the notification of similar instruments and decisions, notify the addressee of all instruments and decisions taken in the field covered by the Common Fisheries Policy, in particular on issues regulated under the Control Regulation or this Regulation which emanate from the administrative authorities of the applicant Member State and are to be served in the territory of the requested Member State.

2. Requests for notification shall be made using the standard form attached to this Regulation in Annex XXXV.

3. The requested Member State shall transmit its reply to the applicant Member State immediately after the notification via the single authority referred to in Article 152 of this Regulation. The reply shall be made using the standard form set out in Annex XXXVI.

#### Section 4

##### **Relations with the Commission or the body designated by it**

#### Article 162

##### **Communication between the Member States and the Commission or the body designated by it**

1. Each Member State shall communicate to the Commission or the body designated by it as soon as it is available to it any information it considers relevant concerning methods, practices or revealed tendencies used or suspected of having been used in cases of non-compliance with the rules of the Common Fisheries Policy, in particular in serious infringements as referred to in Article 90(1) of the Control Regulation.

2. The Commission or the body designated by it shall communicate to the Member States, as soon as it becomes available to it, any information that would help them in the enforcement of the Control Regulation or of this Regulation.

#### Article 163

##### **Coordination by the Commission or the body designated by it**

1. Where a Member State becomes aware of operations which constitute, or appear to constitute, non-compliance with the rules of the Common Fisheries Policy, in particular serious infringements referred to in Article 90(1) of the Control Regulation, and which are of particular relevance at Union level, it shall communicate to the Commission or the body designated by it as soon as possible any relevant information needed to determine the facts. The Commission or the body designated by it shall convey that information to the other Member States concerned.

2. For the purposes of paragraph 1, operations which constitute non-compliance with the rules of the Common Fisheries Policy, in particular serious infringements as referred to in Article 90(1) of the Control Regulation shall be deemed to be of particular relevance at the level of the European Union especially where:

- (a) they have, or might have, connections in one or more Member States; or
- (b) it appears likely to the Member State that similar operations have also been carried out in other Member States.

3. Where the Commission or the body designated by it considers that operations which constitute non-compliance with the rules of the Common Fisheries Policy, in particular serious infringements as referred to in Article 90(1) of the Control Regulation have taken place in one or more Member States, it shall inform the Member States concerned thereof which shall as soon as possible carry out enquiries. The Member States concerned shall, as soon as possible, communicate to the Commission or the body designated by it the findings of those enquiries.

## Section 5

**Relations with third countries***Article 164***Information exchange with third countries**

1. When a Member State receives information from a third country or a Regional Fisheries Management Organisation which is relevant for the effective application of the Control Regulation and this Regulation, it shall communicate that information via the single authority to the other Member States concerned, to the Commission or the body designated by it, in so far as it is permitted to do so by bilateral agreements with that third country or the rules of that Regional Fisheries Management Organisation.

2. Information received under this Chapter may be communicated to a third country or a Regional Fisheries Management Organisation by a Member State via its single authority under a bilateral agreement with that third country or in accordance with the rules of that Regional Fisheries Management Organisation. That communication shall take place after consultation of the Member State that originally communicated the information and in accordance with EU and national legislation regarding the protection of individuals with regard to the processing of personal data.

3. The Commission or the body designated by it may, in the framework of fisheries agreements concluded between the Union and third countries or in the framework of Regional Fisheries Management Organisations or similar arrangements to which the Union is a Contracting Party or a non-contracting Cooperating Party, communicate relevant information concerning non-compliance with of the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation to other parties to those agreements, organisations or arrangements, subject to the consent of the Member State that supplied the information.

## CHAPTER II

**Reporting obligations***Article 165***Format and deadlines for reports**

1. For the 5 years-report as referred to in Article 118(1) of the Control Regulation Member States shall use the data defined in Annex XXXVII.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 April 2011.

2. The report stating the rules that have been used for producing reports on basic data as referred to in Article 118(4) of the Control Regulation shall be sent 6 months after the entry into force of this Regulation. Member States shall send a new report when these rules are modified.

## TITLE XI

**FINAL PROVISIONS***Article 166***Repeals**

1. Regulations (EEC) No 2807/83, (EEC) No 3561/85, (EEC) No 493/87, (EEC) No 1381/87, (EEC) No 1382/87, (EEC) No 2943/95, (EC) No 1449/98, (EC) No 2244/2003, (EC) No 1281/2005, (EC) No 1042/2006, (EC) No 1542/2007, (EC) No 1077/2008 and (EC) No 409/2009 shall be repealed.

2. Regulation (EC) No 356/2005 shall be repealed with effect from 1 January 2012.

3. References to the repealed Regulations shall be construed as references to this Regulation.

*Article 167***Entry into force**

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*, except Title VII, which shall enter into force on 1 July 2011.

However, Title II, Chapter III and Title IV, Chapter 1 shall apply as from 1 January 2012. In accordance with Article 124(c) of the Control Regulation and the previous paragraph Title VII shall apply as from 1 January 2012.

For the Commission  
The President  
José Manuel BARROSO

## ANNEX I

Table 1

**Product presentation alpha-3 codes**

3-Alpha product presentation code	Presentation	Description
CBF	Cod butterfly (escalado)	HEA with skin on, spine on, tail on
CLA	Claws	Claws only
DWT	ICCAT code	Gilled, gutted, part of head off, fins off
FIL	Filleted	HEA+GUT+TLD+bones off, each fish originates two fillets not joined by any part
FIS	Filleted and skinned fillets	FIL+SKI Each fish originates two fillets not joined by any part
FSB	Filleted with skin and bones	Filleted with skin and bones on
FSP	Filleted skinned with pinbone on	Filleted with skin removed and pinbone on
GHT	Gutted headed and tailed	GUH+TLD
GUG	Gutted and gilled	Guts and gills removed
GUH	Gutted and headed	Guts and head removed
GUL	Gutted liver in	GUT without removing liver parts
GUS	Gutted headed and skinned	GUH+SKI
GUT	Gutted	All guts removed
HEA	Headed	Heads off
JAP	Japanese cut	Transversal cut removing all parts from head to belly
JAT	Tailed Japanese cut	Japanese cut with tail removed
LAP	Lappen	Double fillet, HEA, skin+tails+fins ON
LVR	Liver	Liver only, In case of collective presentation use code LVR-C
OTH	Other	Any other presentation <sup>(1)</sup>
ROE	Roe (s)	Roe(s) only in case of collective presentation use code ROE-C
SAD	Salted dry	Headed with skin on, spine on, tail on and salted directly
SAL	Salted wet light	CBF+salted
SGH	Salted, gutted and headed	GUH+salted
SGT	Salted gutted	GUT+salted
SKI	Skinned	Skin off
SUR	Surimi	Surimi
TAL	Tail	Tails only
TLD	Tailed	Tail off

3-Alpha product presentation code	Presentation	Description
TNG	Tongue	Tongue only. In case of collective presentation use code TNG-C
TUB	Tube only	Tube only (Squid)
WHL	Whole	No processing
WNG	Wings	Wings only

(1) When masters of fishing vessels use in the landing declaration or transhipment declaration the presentation code 'OTH' (Other), they shall describe exactly what the presentation 'OTH' refers to.

Table 2

**State of processing**

CODE	STATE
ALI	Alive
BOI	Boiled
DRI	Dried
FRE	Fresh
FRO	Frozen
SAL	salted

## ANNEX II

**MINIMUM INFORMATION FOR THE FISHING LICENCES**1. FISHING VESSEL DETAILS <sup>(1)</sup>Union fleet register number <sup>(2)</sup>Name of fishing vessel <sup>(3)</sup>Flag state/Country of registration <sup>(3)</sup>Port of registration (Name and national code <sup>(3)</sup>)External marking <sup>(3)</sup>International radio call sign (IRCS <sup>(4)</sup>)2. LICENCE HOLDER / FISHING VESSEL OWNER <sup>(2)</sup> / FISHING VESSEL AGENT <sup>(2)</sup>

Name and address of natural or legal person

## 3. CHARACTERISTICS OF FISHING CAPACITY

Engine power (kW) <sup>(5)</sup>Tonnage (GT) <sup>(6)</sup>Length overall <sup>(6)</sup>Main fishing gear <sup>(7)</sup>Subsidiary fishing gears <sup>(7)</sup>

OTHER NATIONAL MEASURES AS APPLICABLE

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<sup>(1)</sup> This information shall be indicated on the fishing licence only at the moment when the vessel is registered in the Union fishing fleet register in accordance with the provisions of Commission Regulation (EC) No 26/2004 (OJ L 5, 9.1.2004, p. 25).

<sup>(2)</sup> In accordance with Regulation (EC) No 26/2004.

<sup>(3)</sup> For vessels having a name.

<sup>(4)</sup> In accordance with Regulation (EC) No 26/2004 for vessels requested to have an IRCS.

<sup>(5)</sup> In accordance with Regulation (EC) No 2930/86.

<sup>(6)</sup> In accordance with Regulation (EC) No 2930/86. This information shall be indicated on the fishing licence only at the moment when the vessel is registered in the Union fishing fleet register in accordance with the provisions of Regulation (EC) No 26/2004.

<sup>(7)</sup> In accordance with the International Standard Statistical Classification of Fishing Gear (ISSCFEG).



## ANNEX III

## MINIMUM INFORMATION FOR FISHING AUTHORISATIONS

## A. IDENTIFICATION

1. Union fleet register number <sup>(1)</sup>
2. Name of fishing vessel <sup>(2)</sup>
3. External registration letters and number <sup>(1)</sup>

## B. FISHING CONDITIONS

1. Date of issue:
2. Period of validity:
3. Conditions of authorisation including, where appropriate, species, zone and fishing gear:

.....

.....

.....

	From ..../.. To ..../..	From ..../.. To ..../..	From ..../.. To ..../..	From ..../.. To ..../..	From ..../.. To ..../..	From ..../.. To ..../..
Zones						
Species						
Fishing gear						
Other conditions						

Any other requirement arising from an application for a fishing authorisation.

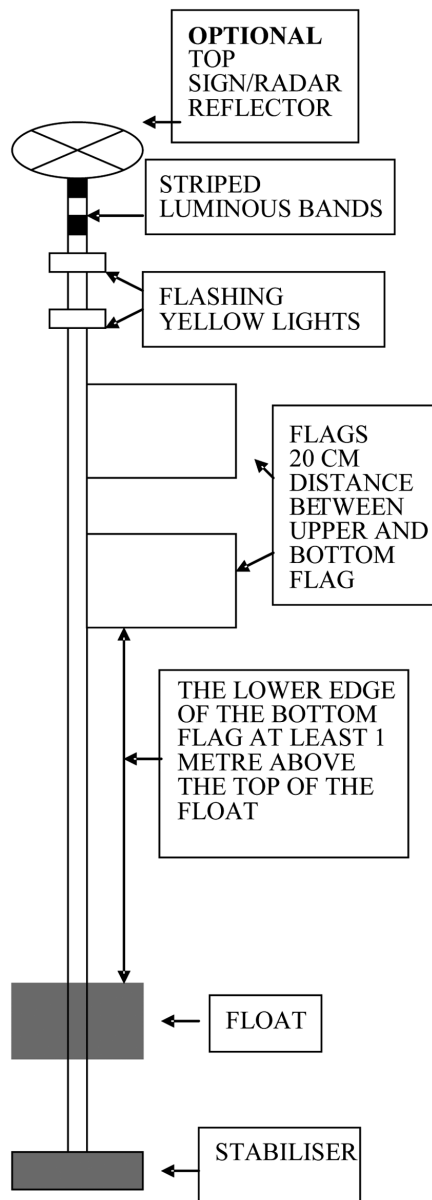
\_\_\_\_\_

<sup>(1)</sup> In accordance with Regulation (EC) No 26/2004.

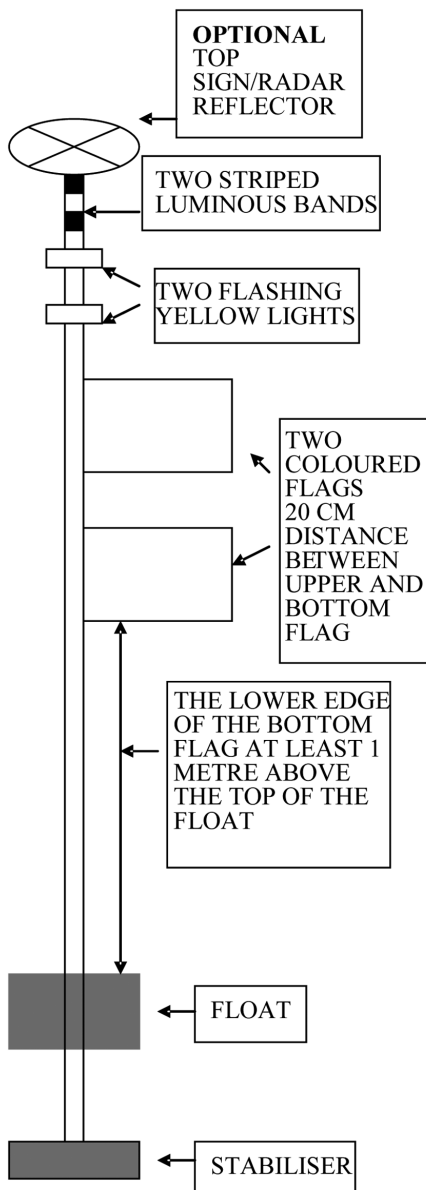
<sup>(2)</sup> For vessels having a name.

ANNEX IV

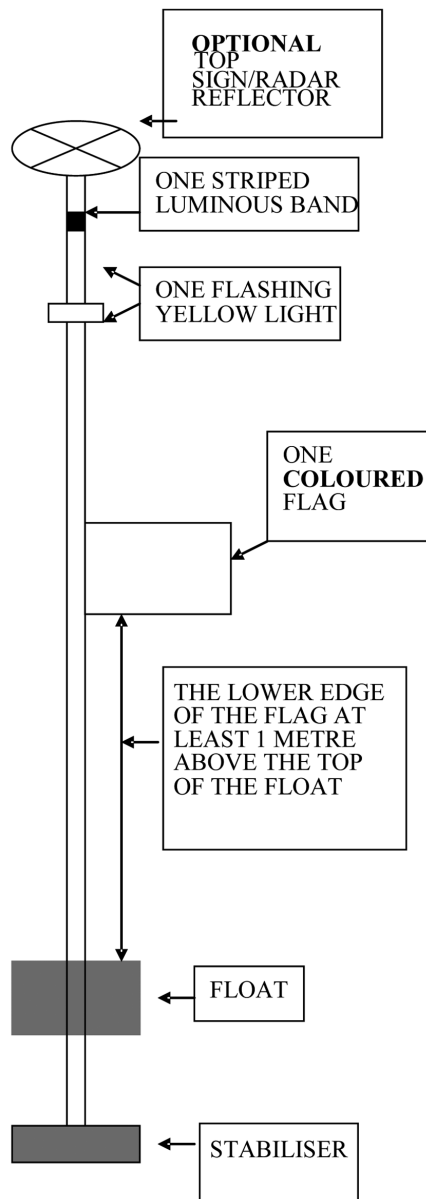
CHARACTERISTICS OF MARKER BUOYS



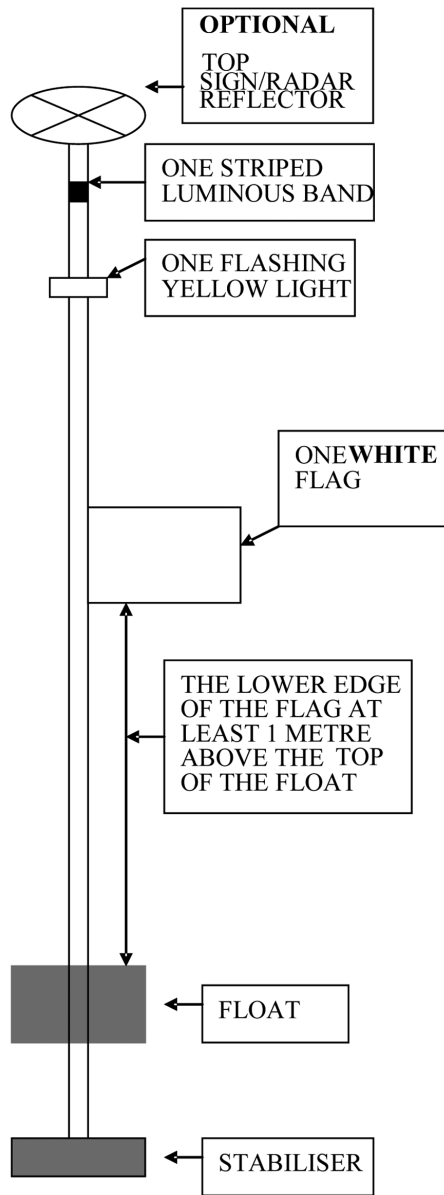
WESTERN END MARKER BUOYS



EASTERN END MARKER BUOYS



INTERMEDIARY MARKER BUOYS



## ANNEX V

## ELECTRONIC DATA TRANSMISSION FORMAT OF THE VMS DATA FROM THE FLAG TO THE COASTAL MEMBER STATE

## A. Content of position report and definition of the data elements

Category	Data element	Field code	Type	Contents	Mandatory (M) / Optional (O)	Definitions
System details	Start record	SR			M	Indicates start of the record
	End record	ER			M	Indicates end of the record
Message details	Address destination	AD	Char (*)3	ISO 3166-1 alpha-3	M	Address of the Coastal Member State receiving the message. ISO alpha-3 country code
	From	FR	Char (*)3	ISO 3166-1 alpha-3	M	ISO alpha-3 country code of the Flag Member State transmitting the message
	Type of message	TM	Char (*)3	Code	M	First three letters of the message type (POS – for position report)
	Date	DA	Num (*)8	YYYYMMDD	M	Year, month and date of transmission
	Time	TI	Num (*)4	HHMM	M	Time of transmission (in UTC)
Fishing vessel registration details	EU Fleet Register number	IR	Char (*)12	ISO 3166-1 alpha-3 +Char (*)9	O (!)	European Union Fleet Register number composed of the Member state code (ISO alpha-3 country code) and a unique fishing vessel code
	Flag State	FS	Char (*)3	ISO 3166-1 alpha-3	M	ISO alpha-3 country code of the Flag State of the vessel
	Radio call sign	RC	Char (*)7	IRCS Code	M	International radio call sign of the fishing vessel
	Fishing vessel name	NA	Char (*)30	ISO 8859-1	O	Name of the fishing vessel
	External registration	XR	Char (*)14	ISO 8859-1	O	The side number of the fishing vessel
Activity details	Latitude (decimal)	LT	Char (*)7	+/-DD.ddd	M	Latitude of fishing vessel at the time of transmission in decimal degrees using WGS84 geographical coordinate system (?)
	Longitude (decimal)	LG	Char (*)8	+/-DDD.ddd	M	Longitude at the time of transmission in decimal degrees using WGS84 geographical coordinate system. Accuracy shall be 3 decimals. Positions on western hemisphere shall be negative (?).

Category	Data element	Field code	Type	Contents	Mandatory (M) / Optional (O)	Definitions
	Speed	SP	Num (*)3	Knots (*) 10	M	Fishing vessel speed in tenths of knots e.g.//SP/105 = 10,5 knots
	Course	CO	Num (*)3	360 degree scale	M	Fishing vessel course 360° scale e.g.//CO/270 = 270°
	Trip No	TN	Num (*)3	001-999	O	Fishing trip serial number in the current year

(<sup>1</sup>) Mandatory for European Union Fishing vessels.

(<sup>2</sup>) The plus sign (+) does not need to be transmitted, leading zeros can be omitted.

(\*) ISO 3 alpha codes for international organizations are the following:

XEU European Commission

XFA CFCA

XNW NAFO

XNE NEAFC

XIC ICCAT

XCA CCAMLR.

## B. Structure of the position report

Each data transmission is structured as follows:

- double slash (//) and the characters 'SR' indicate the start of a message,
- a double slash (//) and field code indicate the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by space,
- the characters 'ER' and a double slash (//) indicate the end of a record.





## ANNEX VII

**MODEL OF FISHING LOGBOOK AND LANDING/TRANSHIPMENT DECLARATION OF THE EUROPEAN UNION  
(MEDITERRANEAN SEA)**

No	Internal fleet register No			Fishing logbook No	Year:	Trip No:		
(1)(7) Name of vessel(s)	(1)(7) Radio call sign	(2)(7) External identification	(3) Name of master		(4)(5)(6)(7)(11) Day	(4)(5)(6)(7)(11) Month	(4)(5)(6)(7)(11) Hour	(4)(5)(6) Port
				(4) Departure				
Pair trawler			Address	(5)(6)(7) Arrival				
(7) Transhipment				(5)(6)(7) Landing				

(15) Catches by species retained on board and landed/transhipped in kg live-weight equivalent													
							(17) Species in kilograms						
(8) Gear	(10) Dimensions	Number	(9) Mesh size	(12) No of fishing operations	(13) Trawling/soaking time	(14)(22) Fishing area							
							(16) Discards						
							Presentation of fish						

Observations	Signature
	I, the undersigned, hereby certify that all records are complete, true and accurate.
	Date: (20)(21) Signature

ANNEX VIII

EUROPEAN UNION FISHING LOGBOOK FOR NAFO SUB AREA 1 AND ICES DIVISIONS V(a) AND XIV

Fishing vessel name/ External Identification / IRCS

Date			NAFO/ICES division
Day	Month	Year	

Time tow began (GMT)	Time tow finished (GMT)	Hours fished	Position at start of tow			Type of gear	Number of nets or lines used	Mesh size	Catch by species (kilograms – live weight)									
			Latitude	Longitude	NAFO/ICES division				Kept	Cod (101)	Redfish (103)	Greenland halibut (118)	Halibut (120)	Catfish (340)	Capellin (340)	Prawn (639)		
									Kept									
									Discarded									
									Kept									
									Discarded									
									Kept									
									Discarded									
									Kept									
									Discarded									
									Kept									
									Discarded									
									Kept									
									Discarded									
									Kept									
									Discarded									
			Sub-total for day						Kept									
									Discarded									
			Total for voyage						Kept									
									Discarded									
Round weight (kilograms – live weight) processed today for human consumption																		
Round weight (kilograms – live weight) processed today for reduction																		
Total																		

Remarks
---------

Master's signature
--------------------

ANNEX IX

EUROPEAN UNION LANDING/TRANSHIPMENT (\*) DECLARATION FOR NAFO SUB AREA 1 AND ICES DIVISIONS V(a) AND XIV

Fishing vessel name / External identification number (1) IRCS (2) (3) In case of transhipment  
 Name and/or call sign, external  
 Identification and nationality of recipient fishing vessel:

Day Month Hour Year 2.0 ..... Agent's name: Master's name:  
 Departure (4) from  
 Return (5) to  
 Landing (6) Signature: Signature:

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: kilograms (18) (19)

Species	ICES/NAFO (*)	Fishing zone non-member countries	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)	Presentation (17)
			Whole	Gutted	Head off	Filleted						

(\*) Delete whichever does not apply.

## ANNEX X

**INSTRUCTIONS TO MASTERS OF EUROPEAN UNION FISHING VESSELS REQUIRED TO COMPLETE AND SUBMIT A FISHING LOGBOOK AND TO COMPLETE AND SUBMIT A LANDING AND OR TRANSHIPMENT DECLARATION IN PAPER FORMATS**

**1. Fishing logbook information for the fishing vessel using the models in Annexes VI, VII and VIII**

1.1 *The following general information on the vessel or vessels, as the case may be, shall be recorded (against the corresponding numbers) in the fishing logbook:*

Information concerning the fishing vessel(s) and trip dates		
Fishing logbook Reference Number	Name of the data element (M=Mandatory) (O=Optional)	Description and/or timing to be recorded
(1)	Name of fishing vessel (s), radio call signal (M)	Shall be entered on the first line. In case of pair fishing operations, the name of the second fishing vessel, the name of its master, its nationality and its external identification shall be entered below those of the vessel in respect of which the fishing logbook is being kept.
(2)	External identification (M)	External registration letters and numbers as displayed on the hull.
(3)	Name and address of the master (M)	Name, first name and address of master (street name, number, city, Member State) shall be given.  The master(s) of the other fishing vessel(s) shall also keep a fishing logbook indicating the quantities caught and kept on board in such a way that there is no double counting of catches.
(4)	Day, month, hour (Local) and port of departure (M)	Shall be entered before fishing vessel leaves the port.
(5)	Day, month, hour (Local) and port of return (M)	Shall be entered before entering port.
(6)	Date and port of landing if different from (5) (M)	Shall be entered before entering port of landing.
(7)	Date, name, radio call sign, nationality and external identification (registration number) of recipient fishing vessel (M)	Shall be filled in the case of transshipment.
<b>Information on the gear</b>		
(8)	Fishing gear (M)	The type of gear shall be indicated using the code in column 1 of Annex XI.
(9)	Mesh size (M)	Shall be given in millimetres.
(10)	Dimensions (O)	Gear size and dimensions shall be given according to the specifications in column 2 of Annex XI.
<b>Information on fishing operations</b>		
(11)	Date (M)	Date for each day at sea shall be recorded in a new line and shall correspond to each day at sea.
(12)	Number of fishing operations (M)	Number of fishing operations shall be given in accordance with the specifications in column 3 of Annex XI (M).

Information concerning the fishing vessel(s) and trip dates		
Fishing logbook Reference Number	Name of the data element (M=Mandatory) (O=Optional)	Description and/or timing to be recorded
(13)	Fishing time (O)	Total time spent searching (e.g. using sonar) or fishing shall be given and equals the number of hours spent at sea minus the time spent in transit to, between and returning from the fishing grounds, dodging, inactive or waiting for repair.
(14)	Position (M)	<p>The relevant geographical area of capture shall be represented by the statistical rectangle in which the majority of the catch was taken, followed by reference to the relevant ICES division or sub division, CECAF, GFCM or NAFO sub area. (M)</p> <p>Examples:</p> <p>ICES Division, CECAF, GFCM or NAFO Sub Area, NEAFC Division: refer to the maps inside the cover of the fishing logbook and indicate the code of each division for the relevant statistical rectangle used, e.g. IVa, VIb, VIIId.</p> <p>'Statistical rectangle': refer to the ICES statistical rectangle on the charts inside the cover of the fishing logbook. These rectangles are bounded by latitudes and longitudes corresponding to whole figures of degree or whole figures of degree plus 30' for the latitudes and whole figures of degree for the longitudes. Using a combination of figures and a letter indicate the statistical rectangle in which most of the catches were made (e.g. the area between 56° and 56° 30' latitude North and between 6° and 7° longitude East = ICES code 41/F6).</p> <p>(M)</p> <p>However, optional entries may be made in respect of all the statistical rectangles in which the fishing vessel has operated during the day.</p> <p>(O)</p> <p>'Third country fishing zone': indicate the fishing zone(s) of non Member States or the waters outside the sovereignty or jurisdiction of any State using ISO-3166 3-alpha Country Codes</p> <p>e.g. NOR = Norway            FRO = Faeroe Islands            CAN = Canada            ISL = Iceland            INT = High Seas</p> <p>(M)</p>
(15)	Quantities caught and retained on board (M)	<p>Once amounts of each species kept on board <u>exceeds 50 kg</u> live weight equivalent, they shall be recorded in the fishing logbook. These amounts shall include quantities set aside for consumption by the crew of the vessel. FAO 3-alpha species codes shall be used.</p> <p>The catch of each species shall be recorded in kilograms live weight equivalent.</p> <p>(O) Where such catches are held in baskets, boxes, bins, cartons, sacks, bags, blocks or other containers, the net weight of the unit used shall be recorded in kilograms live weight, and the precise number of such units used shall be recorded. Alternatively the catch kept on board in such units may be recorded in kilograms live weight.</p> <p><u>If the number of columns is insufficient, a new page shall be used.</u></p>

Information concerning the fishing vessel(s) and trip dates		
Fishing logbook Reference Number	Name of the data element (M=Mandatory) (O=Optional)	Description and/or timing to be recorded
(16)	Estimates of discards (M)	Discards of quantities of each species above 50 kg live weight equivalent shall be recorded. Discards of species taken for live bait purposes and which are recorded in the fishing logbook at section 15, shall also be recorded.

## 2. Instructions concerning the landing/transhipment declaration

2.1. *The models as shown in Annexes VI and IX (for landings or transhipments in NAFO 1 and ICES Va)*

2.2. *Information to be provided*

Where fisheries products that have been landed or transhipped, and if they have been weighed using systems approved by the competent authorities of Member States, on either the donor or receiving fishing vessel, then in such circumstances the actual weight of quantities landed or transhipped shall be indicated in kilograms product weight on the landing or transhipment declaration by species showing:

- (a) presentation of fish (reference No in fishing logbook (17));
- (b) measurement unit for landed quantities (reference No in fishing logbook (18); give the weight of the unit in kilograms product weight. This unit may be different from that entered in the fishing logbook;
- (c) total weight by species landed or transhipped (reference No in fishing logbook (19); give the weight of quantities actually landed or transhipped for all species;
- (d) the weight shall correspond to the product weight of fish as landed, i.e. after any processing on board. Conversion factors shall be applied subsequently by the competent authorities in Member States to calculate the equivalent live weight;
- (e) Signature of the Master (20);
- (f) Signature and name and address of the agent where applicable (21);
- (g) ICES division/ NAFO/CECAF/GFCM/Black Sea Sub area / French Guyana zone (FAO Area 31) or management area and third country fishing zone (reference No in fishing logbook: (22)). This shall be applied in the same way as for reference (14) above.

## 3. Additional instructions for Masters of European Union fishing vessels of 10 metres overall length or more which are not subject to either the provisions of Article 9 of the Control Regulation, vessel monitoring system, or of the electronic completion and transmission of fishing logbook data in accordance with Article 15 of the Control Regulation, and that are required to record fishing effort in a fishing logbook

These instructions are applicable to masters of European Union fishing vessels who are required by European Union rules to record time spent in fisheries that are subject to fishing effort regimes:

- (a) all information required under this section shall be recorded in the fishing logbook between the fishing logbook references No (15) and (16);
- (b) time shall be recorded as co-ordinated universal time (UTC);
- (c) species shall be recorded using the 3-alpha FAO fish species codes.

3.1. *Information concerning fishing effort*

(a) *Crossing an effort zone*

Where an authorized fishing vessel crosses an effort zone without carrying out fishing activities in that zone, an additional line shall be completed in the fishing logbook. The following information is to be entered in that line:

- the date,
- the effort zone,
- the dates and times of each entry/exit,

- position of each entry and exit in latitude and longitude,
- catches retained on board by species at the time of entry,
- the word 'Crossing'.

(b) **Entry into an effort zone**

Where the fishing vessel enters an effort zone in which it is likely to carry out fishing activities, an additional line shall be completed in the fishing logbook. The following information is to be entered in that line:

- the date,
- the word 'entry',
- the effort zone,
- position in latitude and longitude,
- the time of entry,
- catches retained on board by species at the time of entry, and
- the target species.

(c) **Exit from an effort zone**

Where the vessel leaves an effort zone in which it has carried out fishing activities and where the vessel enters another effort zone in which it intends to carry out fishing activities, an additional line shall be completed in the fishing logbook. The following information is to be entered in that line:

- the date,
- the word 'entry',
- position in latitude and longitude,
- the new effort zone,
- the time of exit/entry,
- catches retained on board by species at the time of exit/entry, and
- the target species.

Where the fishing vessel leaves an effort zone in which it has carried out fishing activities and will not carry out further fishing activities in that effort zone, an additional line must be completed. The following information is to be inserted in that line:

- the date,
- the word 'exit',
- position in latitude and longitude,
- the effort zone,
- the time of departure,
- catches retained on board by species at the time of exit, and
- the target species.

**Trans-zonal fishing** where the vessel carries out trans-zonal fishing activities <sup>(1)</sup>.

Where the fishing vessel carries out trans-zonal fishing activities, an additional line must be completed. The following information is to be inserted in that line:

- the date,
- the word 'trans-zonal',
- the time of first exit and effort zone,
- position of first entry in latitude and longitude,

<sup>(1)</sup> Vessels remaining within an effort zone not exceeding 5 nautical miles either side of the line separating two effort zones must record their first entry and last exit during a period of 24 hours.

- the time of last entry and effort zone,
- position of last exit in latitude and longitude,
- catches retained on board by species at the time of exit/entry, and
- the target species.

(d) In addition for those fishing vessels operating passive gears:

When the fishing vessel sets or resets passive gear the following information shall be entered in that line:

- the date,
- the effort zone,
- the position in latitude and longitude,
- the words 'setting' or 'resetting',
- the time.

When the fishing vessel completes static gear operations:

- the date,
- the effort zone,
- the position in latitude and longitude,
- the word 'finish',
- the time.

### 3.2. Information concerning the communication of vessel movements

Where a fishing vessel carrying out fishing activities is required to communicate a fishing effort report to the competent authorities in accordance with Article 28 of the Control Regulation, the following information shall be recorded in addition to that referred to in paragraph 3.1:

- (a) the date and time of the communication;
  - (b) the geographical position of the fishing vessel in latitude and longitude;
  - (c) the means of communication and, where applicable, the radio station used; and
  - (d) the destination(s) of the communication.
-



## ANNEX XI

## GEARS AND FISHING OPERATIONS CODES

Type of gear	Column 1 Code	Column 2 Size/number (metres) (optional)	Column 3 Number of shoots each day (mandatory)
Bottom otter trawl	OTB	Model of trawl (specify model or perimeter of opening)	Number of times gear is shot
Nephrops trawls	TBN		
Shrimp trawls	TBS		
Bottom trawls (not specified)	TB		
Beam trawl	TBB	Beam length x number of beams	Number of times gear is shot
Otter twin trawls	OTT	Model of trawl (specify model or perimeter of opening) x numbers of trawls	Number of times gear is shot
Bottom pair trawl	PTB	Model of trawl (specify model or perimeter of opening)	
Mid-water otter trawl	OTM	Model of trawl	
Mid-water pair trawl	PTM	Model of trawl	
<b>SEINES</b>			
Danish anchor seine	SDN	Overall length of seine lines	Number of times gear is shot
Scottish seine (fly dragging)	SSC		
Scottish pair seine (fly dragging)	SPR		
Seine nets (not specified)	SX		
Boat or vessel seine	SV		
<b>SURROUNDING NETS</b>			
Purse seine	PS	Length, height	Number of times gear is shot
One boat operated purse seine	PS1	Length, height	
Two boat operated purse seine	PS2		
Without purse lines (lampara)	LA		
<b>DREDGES</b>			
Dredge	DRB	Width x number of dredges	Number of times gear is shot
<b>GILLNETS AND ENTANGLING NETS</b>			
Gillnets (not specified)	GN	Length, height	Number of times nets shot during the day
Gillnets anchored (set)	GNS		
Gillnets (drift)	GND		
Gillnets (circling)	GNC		
Combined gillnets-trammel nets	GTN		
Trammel net	GTR		
<b>TRAPS</b>			
Pots	FPO	Number of pots shot each day	
Traps (not specified)	FIX	Not specified	

Type of gear	Column 1 Code	Column 2 Size/number (metres) (optional)	Column 3 Number of shoots each day (mandatory)
<b>HOOKS AND LINES</b>			
Handlines and pole lines (hand operated)	LHP	Total number of hooks/lines shot during the day	
Handlines and pole lines (mechanised)	LHM		
Set longlines	LLS	Number of hooks and lines shot each day	
Drifting longlines	LLD		
Longlines not specified	LL		
Trolling lines	LTL		
Hooks and lines (not specified)	LX		
<b>HARVESTING MACHINES</b>			
Mechanised dredges	HMD		
Miscellaneous gear	MIS		
Recreational gear	RG		
Gear not known or not specified	NK		

## ANNEX XII

## ELECTRONIC INFORMATION RECORDING AND INFORMATION EXCHANGE FORMAT (VERSION 3.0)

## Operations table view

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
1	OPS ELEMENT	OPS	Operations element: this is the top level envelope of all operations sent to the web service operation. OPS element must contain one of the sub-elements DAT, RET, DEL, COR, QUE, RSP	
2	Country of destination	AD	Destination for the message (ISO alpha-3 country code)	C
3	Sending country	FR	Country sending the data (ISO alpha-3 country code)	C
4	Operation No	ON	Unique ID (AAAYYYMMDD999999) generated by sender.	C
5	Operation Date	OD	Date of transmission of the message (YYYY-MM-DD in UTC)	C
6	Operation Time	OT	Time of sending the message (HH:MM in UTC)	C
7	Test flag	TS	Free text.	O
8	Data operation	DAT	<i>(See details of sub-elements and attributes of DAT)</i>	CIF
9	Acknowledgement message	RET	<i>(See details of sub-elements and attributes of RET)</i>	CIF
10	Delete operation	DEL	<i>(See details of sub-elements and attributes of DEL)</i>	CIF
11	Correction operation	COR	<i>(See details of sub-elements and attributes of COR)</i>	CIF
12	Query operation	QUE	<i>(See details of sub-elements and attributes of QUE)</i>	CIF
13	Response operation	RSP	<i>(See details of sub-elements and attributes of RSP)</i>	CIF
14				
15	Data Operation	DAT	Data operation to push log book or sales note information to another MS	
16	ERS message	ERS	Includes all relevant ERS data, i.e. the whole message	C
17	Message type	TM	Type of message (current (CU) or delayed (DE))	C
18				
19	Delete Operation	DEL	Delete operation to ask receiving MS to delete previously sent data	
20	Record No.	RN	Record No to be deleted. (AAAYYYMMDD999999)	C
21	Reason for Rejection	RE	Free text or code list giving an explanation for the rejection	O

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
22				
23	Correction operation	COR	Correction operation to ask another MS to correct previously sent data.	
24	Original Message number	RN	Record number of the message being corrected (format AAAYYYMMDD999999)	C
25	Reason for Correction	RE	Free text or code list (****)	O
26	New corrected data	ERS	Includes all relevant ERS data, i.e. the whole message	C
27				
28	Acknowledgement operation	RET	Acknowledgement operation to reply to DAT, DEL or COR operation	
29	Sent Message number	ON	Operation no.(AAAYYYMMDD999999) that is being acknowledged.	C
30	Return status	RS	Indicates the status of the received message/ report (****)	C
31	Reason for Rejection	RE	Free text or code list (****) giving an explanation for the rejection	O
32				
33	Query operation	QUE	Query operation to pull fishing logbook information from another MS	
34	Commands to execute	CD	Get LOG data (full 12 months unless specified by SD and ED below up to maximum of 12 months). The current and latest data available shall always be included.	C
35	Vessel identifier type	ID	Shall be at least one of the following: RC/IR/XR/NA	C
36	Vessel identifier Value	IV	If given, must comply with the formatting mentioned in vessel identifier type.	C
37	Start Date	SD	Start Date of requested period (oldest date in query), if query (YYYY-MM-DD)	O
38	End Date	ED	End Date of requested period (most recent date in query), if query (YYYY-MM-DD)	O
39				
40	Response operation	RSP	Response operation to answer a QUE operation	
41	ERS message	ERS	Includes all relevant ERS data, dependant on the vessel identifier type used in the query i.e. the whole message	O

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
42	Return Status	RS	Indicates the status of the received message/ report (****)	C
43	Operation No.	ON	The operation no.(AAAYYYMMDD999999) of the query to which this response refers to.	C
44	Reason for Rejection	RE	If response is negative, reason for not replying with data. Free text or code list (****) giving an expla- nation for the rejection	O
45	Response parts	RP	Responses with different schema definitions	C
46				

**Table view for Fishing logbook, Sales note and Transport document**

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
47	ERS message	ERS	Tag with the ERS message. The ERS message contains a LOG, SAL or TRN declaration.	
48	Message (record) number	RN	Serial number of the message (format AAAYYYMMDD999999)	C
49	Message (record) date	RD	Date of transmission of the message (YYYY-MM-DD in UTC)	C
50	Message (record) time	RT	Time of transmission of the message (HH:MM:SS in UTC)	C
51				
52	Fishing logbook declaration	LOG	Fishing logbook declaration contains one or more of the following declarations DEP, FAR, RLC, TRA, COE, COX, CRO, TRZ, INS, DIS, PNO, EOF, RTP, LAN, PNT.	
53	European Union Fleet Register number (CFR number)	IR	With format AAAXXXXXXXXXX where A is an uppercase letter being the country of first regis- tration within the EU and X being a letter or a number	C
54	IRCS	RC	International radio call sign	C
55	Vessel's external identi- fication	XR	Side (hull) registration number and letters of the vessel	CIF FAR, PNO
56	Name of vessel	NA	Name of the vessel	CIF FAR, PNO, and under BFT rules
57	Name of the master	MA	Name of the master (any change during trip to be sent in next LOG transmission).	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
58	Master address	MD	Address of master (any change during trip to be sent in next LOG transmission)	C
59	Country of registration	FS	Flag state of vessel registration. ISO alpha-3 country code.	C
60	Vessel ICCAT number	IN	Vessel number on ICCAT registry.	CIF under BFT rules
61	Vessel IMO number	IM	IMO number, under BFT rules.	CIF under BFT rules and if available
62				
63	Departure declaration	DEP	Departure from port declaration. Required on every departure from port, to be sent in next message	
64	Date	DA	Date of departure (YYYY-MM-DD in UTC)	C
65	Time	TI	Time of departure (HH:MM in UTC). Full time required in effort regimes. If only the hour is required, then it is allowed to set the minutes to 30.	C
66	Port name	PO	Port code (ISO alpha-2 country code + 3 letter port code). Port code list (CCPPP) (****)	C
67	Anticipated activity	AA	Code list (****)	O
68	Gear on board	GEA	<i>(See details of sub-elements and attributes of GEA)</i>	C
69	Catch on board sub-declaration (list of species SPE sub-declarations)	SPE	<i>(see details of sub-elements and attributes of SPE)</i>	CIF catch on board the vessel
70				
71	Fishing Activity Report declaration	FAR	Required by midnight on each day at sea or in response to request from the flag state	
72	Last report marker	LR	Marker that indicates that this is the last FAR report that will be sent (LR=1). Every day that a vessel is at sea, it needs to send a FAR. No further FAR can be sent after a FAR with LR = 1, before entering port.	CIF last message
73	Inspection marker	IS	Marker that indicates this fishing activity report was received just prior to an inspection carried out onboard the vessel. (IS=1). Occurs when the inspector asks the fisherman to update his fishing logbook prior to verification.	CIF inspection occurring
74	Date	DA	Date for which fishing activities being reported whilst vessel at sea (YYYY-MM-DD in UTC)	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
75	Time	TI	Start time of fishing activity (HH:MM in UTC).	O
76	Pair fishing partner vessel(s)	PPF	Specified if there are other vessel(s) in a pair fishing operation. Required to effectively monitor pair fishing. There may be more than one partner vessel. Each participating partner submits a FAR declaration mentioning all the other partners. If pair fishing takes place without relocation, then the vessel taking all the catch will declare the SPE elements, and the other vessels will fill out only the RAS element. If relocation takes place, the RLC declarations shall in addition be submitted. (See details of sub-elements and attributes of PPF).	CIF pair fishing partner vessel(s) exist and not under BFT rules
77	Relevant area sub-declaration	RAS	Specified if no catch was made (for effort purposes) (****) (See details of sub-elements and attributes of RAS).	CIF when no SPE to record (and under effort regimes)
78	Position sub-declaration	POS	Position at noon if no catch was made (See details of sub-elements and attributes of POS)	CIF under BFT rules
79	Gear sub-declaration	GEA	(See details of sub-elements and attributes of GEA). At most one GEA per FAR.	CIF any undertaken
80	Gear loss sub-declaration	GLS	(See details of sub-elements and attributes of GLS)	CIF required by the rules (***)
81	Catch sub-declaration (list of species SPE sub-declarations)	SPE	Catch for this fishing activity on board of this vessel. (See details of sub-elements and attributes of SPE) In case of joint fishing operation under BFT rules, fill out the total and allocated SPE under CVT, CVO, and JCI instead.	CIF any fish caught and not if JFO under BFT rules.
82	Catching Vessel Transferring the fish sub-declaration	CVT	(See details of sub-elements and attributes of CVT). In case of joint fishing operation under BFT rules, the information on the 'catching vessel transferring the fish' has to be reported by every vessel participating in the JFO.	CIF JFO under BFT rules
83	Other Catching Vessel(s) sub-declaration(s)	CVO	(See details of sub-elements and attributes of CVO). In case of joint fishing operation under BFT rules, the information on every 'other catching vessel involved in the JFO' has to be reported by every vessel participating in the JFO.	CIF JFO under BFT rules
84	Catch info sub-declaration	JCI	(See details of sub-elements and attributes of JCI). In case of joint fishing operation under BFT rules, the information on the total JFO catch has to be reported by every vessel participating in the JFO.	CIF JFO under BFT rules
85	ICCAT JFO number	JF	ICCAT JFO number, optional under BFT rules.	O
86				

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
87	Relocation declaration	RLC	Used when catch (all or parts thereof) is transferred or moved from shared fishing gear to a vessel or from a vessel's hold or its fishing gear to a keep net, container or cage (outside the vessel) in which the live catch is kept until landing	
88	Date	DA	Date of catch relocation whilst vessel at sea (YYYY-MM-DD in UTC)	C
89	Time	TI	Time of relocation (HH:MM in UTC)	CIF under BFT rules
90	Receiving vessel	REC	Receiving vessel identification (See details of sub-elements and attributes of REC). For transfer under BFT rules, fill out BTI instead.	CIF relocation and not under BFT rules
91	Donor Vessel(s)	DON	Donor vessel(s) identification (See details of sub-elements and attributes of DON). For transfer under BFT rules, fill out BTI instead.	CIF relocation and not under BFT rules
91	Relocated to	RT	3 letter code for relocation destination (***)	CIF required, in particular under BFT rules
92	Position sub-declaration	POS	Location of transfer (See details of sub-elements and attributes of POS).	C
93	Catch sub-declaration (list of species SPE sub-declarations)	SPE	Amount of fish relocated (See details of sub-elements and attributes of SPE) Under BFT rules, fill out BTI instead.	CIF relocation and not under BFT rules
94	BFT transfer info sub-declaration	BTI	(See details of sub-elements and attributes of BTI). Under BFT rules, fill out the BTI instead of DON, REC, and SPE.	CIF under BFT rules
95				
96	Transshipment declaration	TRA	For every transshipment of catch, declaration required from both donor and recipient	
97	Date	DA	Start of TRA (YYYY-MM-DD in UTC)	C
98	Time	TI	Start of TRA (HH:MM in UTC).	O
99	Relevant area sub-declaration	RAS	The geographical area in which the transshipment took place (***) (See details of sub-elements and attributes of RAS).	CIF took place at sea
100	Port name	PO	Port code (ISO alpha-2 country code + 3 letter port code). Port code list (CCPPP) (***)	CIF took place in port
101	Receiving vessel's CFR number	IR	With format AAXXXXXXXXXX where A is an uppercase letter being the country of registration within the EU and X being a letter or a number	CIF European Union fishing vessel
102	Transshipment: receiving vessel	TT	International radio call sign of the receiving vessel	C



No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
103	Transshipment: flag state of receiving vessel	TC	Flag state of vessel receiving the transshipment (ISO alpha-3 country code)	C
104	Donor Vessel's CFR number	RF	With format AAXXXXXXXXX where A is an uppercase letter being the country of first registration within the EU and X being a letter or a number	CIF European Union fishing vessel
105	Transshipment: (donor) vessel	TF	International radio call sign of the donor vessel	C
106	Transshipment: flag state of donor vessel	FC	Flag state of the donor vessel (ISO alpha-3 country code)	C
107	Position sub-declaration	POS	<i>(See details of sub-elements and attributes of POS)</i>	CIF required (***) (NEAFC, NAFO waters or BFT rules)
108	Catch transhipped (list of species SPE sub-declarations)	SPE	<i>(See details of sub-elements and attributes of SPE)</i>	C
109				
110	COE: entry in zone effort declaration	COE	Declaration on entry into the effort zone. If fishing in area subject to fishing effort regime	CIF required
111	Date	DA	Date of entry (YYYY-MM-DD in UTC)	C
112	Time	TI	Time of entry (HH:MM in UTC)	C
113	Target specie(s)	TS	Species to be targeted whilst in zone (****)	CIF conducting fishing activities under effort regime, and not crossing zones
114	Relevant area sub-declaration	RAS	Geographical location of the vessel (****). <i>(See details of sub-elements and attributes of RAS).</i>	CIF conducting fishing activities under effort regime, and not crossing zones
115	Position sub-declaration	POS	Position of entry <i>(see details of sub-elements and attributes of POS)</i>	C
116	Catch on board sub-declaration (list of species SPE sub-declarations)	SPE	<i>(See details of sub-elements and attributes of SPE)</i>	O
117				
118	Exit from zone effort declaration	COX	Declaration on exit of the effort zone. If fishing in area subject to fishing effort regime	CIF required
119	Date	DA	Date of exit (YYYY-MM-DD in UTC)	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) / Optional (O) (***)
120	Time	TI	Time of exit (HH:MM in UTC)	C
121	Target specie(s)	TS	Species to be targeted whilst in zone (****)	CIF conducting fishing activities under effort regime, and not crossing zones
122	Relevant area sub-declaration	RAS	Geographical location of the vessel (****). (See details of sub-elements and attributes of RAS).	CIF conducting fishing activities under effort regime, and not crossing zones
123	Position sub-declaration	POS	Position of exit (see details of sub-elements and attributes of POS)	C
124	Catch taken sub-declaration	SPE	Catch taken whilst in zone (see details of sub-elements and attributes of SPE)	O
125				
126	Crossing of Zone effort declaration	CRO	Declaration on crossing the effort zone (no fishing operation). If crossing the zone subject to fishing effort regime	CIF required
127	Entry in zone declaration	COE	(See details of sub-elements and attributes of COE) Only DA TI POS needs to be specified	CIF
128	Exit from zone declaration	COX	(See details of sub-elements and attributes of COX) Only DA TI POS needs to be specified	CIF
129				
130	Trans-Zonal fishing effort declaration	TRZ	Tag indicating Trans-Zonal fishing when fishing subject to fishing effort regime	CIF required
131	Entry declaration	COE	First entry (see details of sub-elements and attributes of COE)	C
132	Exit declaration	COX	Last exit (see details of sub-elements and attributes of COX)	C
133				
134	INS: inspection declaration	INS	Tag indicating start of an inspection sub-declaration. To be provided by the authorities, but not the master	O
135	Country of inspection	IC	ISO alpha-3 country code of the Coastal state where inspection takes place	C
136	Assigned inspector	IA	Text field with name of inspector, or, if applicable, a 4 digit number identifying their inspector	O
137	Country of inspector	SC	ISO alpha-3 country code of the inspector	O

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
138	Date	DA	Date of inspection (YYYY-MM-DD)	C
139	Time	TI	Time of inspection (HH:MM in UTC)	C
140	Port name	PO	Port code (ISO alpha-2 country code + 3 letter port code). Port code list (CCPPP) (****)	CIF no position declaration
141	Position sub-declaration	POS	Position of inspection (see details of sub-elements and attributes of POS)	CIF no port code
142				
143	Discard declaration	DIS	Tag containing details of fish discarded	CIF required (***)
144	Date	DA	Date of discard (YYYY-MM-DD)	C
145	Time	TI	Time of discard (HH:MM in UTC)	C
146	Position sub-declaration	POS	Position when discarded (see details of sub-elements and attributes of POS)	CIF required
147	Discarded fish sub-declaration	SPE	Discarded fish (see details of sub-elements and attributes of SPE)	C
148				
149	Prior Notification of return declaration	PNO	Tag including the Prior Notification declaration. To be transmitted prior to return to port or if required by Community rules	CIF required (*) (**)
150	Predicted date of arrival to port	PD	Intended Date of arrival/crossing (YYYY-MM-DD)	C
151	Predicted time of arrival to port	PT	Intended Time of arrival/crossing (HH:MM in UTC)	C
152	Port name	PO	Port code (ISO alpha-2 country code + 3 letter port code). Port code list (CCPPP) (****)	C
153	Relevant area sub-declaration	RAS	Fishing area to be used for prior notification of cod. List of codes for fishing and effort/conservation areas (****). (See details of sub-elements and attributes of RAS).	CIF in the Baltic sea
154	Predicted date of landing	DA	Intended Date of landing (YYYY-MM-DD) in the Baltic for exiting area	O
155	Predicted time of landing	TI	Intended Time of landing (HH:MM in UTC) in the Baltic for exiting area	O
156	Catch on Board sub-declarations (list of species SPE sub-declarations)	SPE	Catch on board (if pelagic need ICES zone). (see details of the sub-declaration SPE).	CIF catch on board
157	Position sub-declaration	POS	Position for entering/leaving area/zone. (See details of sub-elements and attributes of POS).	CIF

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
158	Purpose of call	PC	LAN for landing, TRA for transshipment, ACS for access to servicing, OTH for other.	C
159	Date fishing trip started	DS	Date trip started (YYYY-MM-DD UTC)	C
160				
161	Prior Notification of transfer declaration	PNT	Tag including the Prior Notification of transfer declaration. To be used under BFT rules.	CIF under BFT rules
162	Estimated date	DA	Estimated Date of transfer to cage (YYYY-MM-DD)	C
163	Estimated time	TI	Estimated Time of transfer to cage (HH:MM in UTC)	C
164	Estimated quantity sub-declaration	SPE	Estimated quantity of BFT to be transferred, both specifying quantities alive and taken on board (See details of sub-elements and attributes of SPE)	C
165	Position sub-declaration	POS	Position where the transfer will take place. (See details of sub-elements and attributes of POS).	C
166	Tug boat name	NA	Name of the tug or towing vessel	C
167	Tug boat ICCAT number	IN	Tug boat vessel number on ICCAT vessel register	C
168	Number of cages towed	CT	Number of cages towed by the tug boat	C
169				
170	End Of Fishing declaration	EOF	Tag indicating completion of fishing operations prior to return to port. To be transmitted after last fishing operation and before returning to port.	
171	Date	DA	Date end of fishing (YYYY-MM-DD in UTC)	C
172	Time	TI	Time end of fishing (HH:MM in UTC)	C
173				
174	Return To Port declaration	RTP	Tag indicating the return to the harbour. To be transmitted on entry into port, after any PNO declaration.	
175	Date	DA	Date of return (YYYY-MM-DD in UTC)	C
176	Time	TI	Time of return (HH:MM in UTC)	C
177	Port name	PO	Port code (ISO alpha-2 country code + 3 letter port code). Port code list (CCPPP) (****)	C
178	Reason for return	RE	Reason for returning to por (****)	CIF

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
179	Gear onboard	GEA	<i>(See details of sub-elements and attributes of GEA).</i>	O
180				
181	Landing declaration	LAN	Tag with the details of the landing. To be transmitted after landing of catch. LAN can be used in place of transport declaration	
182	Date	DA	(YYYY-MM-DD UTC) – date landing is completed	C
183	Time	TI	Time of landing. Format HH:MM in UTC.	O
184	Sender type	TS	3 letter code (MAS: master, REP: his representative, AGE: agent)	C
185	Port name	PO	Port code (ISO alpha-2 country code + 3 letter port code). Port code list (CCPPP) (***)	C
186	Catch landed sub-declaration (list of SPE with PRO sub-declarations)	SPE	Species, fishing areas, landed weights, related gears and presentations <i>(see details of sub-elements and attributes of SPE)</i>	C
187	Transport declaration	TRN	LAN can be used in place of transport declaration. By including a TRN, the transporter can be exempted from filing a separate TRN. In that case the TRN's SPE does not need to be filled, as this would be redundant with the catch landed sub-declaration.	O
188				
189	Position sub-declaration	POS	Sub-declaration containing coordinates of the geographical position	
190	Latitude (decimal)	LT	Latitude expressed in accordance with the WGS84 format used for VMS	C
191	Longitude (decimal)	LG	Longitude expressed in accordance with the WGS84 format used for VMS	C
192				
193	GEA: gear deployment sub-declaration	GEA	Sub-declaration containing information on gear deployment	
194	Gear type	GE	Gear code based on the FAO's 'International Standard Statistical Classification of the Fishing Gear' (***)	C
195	Mesh Size	ME	Size of mesh (in millimetres)	CIF gear has mesh subject to size requirement
196	Gear Dimensions	GC	Gear Dimensions as per Annex XI (column 2). Textual information.	O

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
197	Fishing operations	FO	Number of fishing operations	C
198	Fishing time	DU	Duration of fishing activity in minutes - defined as fishing time equals the number of hours spent at sea, minus the time spent in transit to, between and returning from the fishing grounds, dodging, inactive or waiting for repair	C (merged with line 74: FAR/DU element)
199	Gear shot sub-declaration	GES	Gear shot sub-declaration (see details of sub-elements and attributes of GES)	CIF required (***) (vessel uses static or fixed gear)
200	Gear retrieved sub-declaration	GER	Gear retrieved sub-declaration (see details of sub-elements and attributes of GER)	CIF required (***) (vessel uses static or fixed gear)
201	Gillnet deployment sub-declaration	GIL	Gillnet deployment sub-declaration (see details of sub-elements and attributes of GIL)	CIF vessel has permits for ICES Zones IIIa, IVa, IVb, Vb, VIa, VIb, VIIb, c, j, k and XII
202	Fishing depths	FD	A distance from water surface to the lowest part of the fishing gear (in metres). Applies to vessels using towed gear, long lines and fixed nets	CIF deep sea fishing and in Norwegian waters
203	Average number of hooks used on long lines	NH	The average number of hooks used on the long lines	CIF deep sea fishing and in Norwegian waters
204	The average length of the nets	GL	The average length of nets when using fixed nets (in metres)	CIF deep sea fishing and in Norwegian waters
205	The average height of the nets	GD	The average height of nets when using fixed nets (in metres)	CIF deep sea fishing and in Norwegian waters
206	Quantity of gear	QG	Total quantity of nets on board – notified on departure if carrying gill nets	CIF carrying gill nets
207	Total length of gear	TL	Total length of gear carried on board – notified on departure if carrying gill nets	CIF carrying gill nets
208				
209	GES: gear shot sub-declaration	GES	Sub-declaration containing gear shot info	CIF required by the rules (***)
210	Date	DA	Date gear shot (YYYY-MM-DD in UTC)	C
211	Time	TI	Time gear shot (HH:MM in UTC)	C
212	Position sub-declaration	POS	Position where gear shot (see details of sub-elements and attributes of POS)	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
213	Gear Shot Identifier	GS	Date gear shot operation was completed and day sequence number (MMDDXX) (The daily sequence number shall start with 01 for the first set of gear shot. For example the second set of gear shot on December 20 would be 122002)	O
214				
215	Gear retrieved sub-declaration	GER	Sub-declaration containing gear retrieved info	CIF required by the rules (***)
216	Date	DA	Date gear retrieved (YYYY-MM-DD in UTC)	C
217	Time	TI	Time gear retrieved (HH:MM in UTC)	C
218	Position sub-declaration	POS	Position where gear retrieved (see details of sub-elements and attributes of POS)	C
219	Gear Shot Identifier	GS	Date gear shot operation was completed and day sequence number (MMDDXX)	O
220				
221	Gillnet deployment sub-declaration	GIL	Sub-declaration on gillnet deployment	CIF vessel has permits for ICES Zones IIIa, IVa, IVb, Vb, VIa, VIb, VIIb, c, j, k and XII
222	Nominal length of one net	NL	Information required to be recorded during each fishing trip (in metres)	C
223	Number of nets	NN	Number of nets in a fleet	C
224	Number of fleets	FL	Number of fleets deployed	C
225	Position sub-declaration	POS	Position of each fleet deployment (see details of sub-elements and attributes of POS)	C
226	Depth of each fleet deployed	FD	Depth for each fleet deployed (a distance from water surface to the lowest part of the fishing gear)	C
227	Soak time of each fleet deployed	ST	Soak time for each fleet deployed (hours)	C
228	Gear Shot Identifier	GS	Date gear shot operation was completed and day sequence number (MMDDXX)	O
229				
230	Gear Loss sub-declaration	GLS	Sub-declaration on fixed gear lost	CIF required by the rules (***)
231	Date gear lost	DA	Date gear lost (YYYY-MM-DD in UTC)	C
232	Time gear lost	TI	Time gear lost (HH:MM in UTC)	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
233	Number of units	NN	Number of gears lost	C
234	POS sub-declaration	POS	Last known position of gear (see details of sub-elements and attributes of POS)	C
235	Measures to retrieve gear	MG	Free Text	C
236				
237	RAS: Relevant area sub-declaration	RAS	Relevant area depending on the relevant reporting requirement – at least one field should be filled in. List of codes will be placed at the EC website with a location to be specified.	CIF
238	FAO area	FA	FAO area (e.g. 27)	CIF relevant area of type FAO
239	FAO sub-area	SA	FAO sub-area (e.g. 3)	CIF relevant area of type FAO
240	FAO division	ID	FAO division (e.g. d)	CIF relevant area of type FAO
241	FAO sub- division	SD	FAO sub-division (e.g. 28) (Meaning together with the above 27.3.d.28)	CIF relevant area of type FAO
242	FAO unit	UI	FAO unit (e.g. 1) (Meaning together with the above 27.3.d.28.1)	CIF relevant area of type FAO
243	Economic zone	EZ	Economic zone	CIF outside the EU waters
244	Statistical rectangle	SR	Statistical rectangle (e.g. 49E6)	CIF relevant area of type statistical rectangle
245	Fishing effort zone	FE	List of fishing effort codes (****).	CIF relevant area of type effort zone
246				
247	Species sub-declaration	SPE	Sub-declaration containing details of fish caught by species	
248	Species name	SN	Name of the species (FAO alpha-3 code)	C
249	Weight of fish	WT	Depending on context this item to be either 1. Total weight of fish (in kilograms) in catch period 2. Total weight of fish (in kilograms) on board (aggregate) or 3. Total weight of fish (in kilograms) landed 4. Total weight of fish discarded or used as a live bait	CIF species not counted; under BFT rules
250	Number of fish	NF	Number of fish (when catch have to be registered in numbers of fish i.e. salmon, tuna)	CIF salmon; BFT rules



No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
251	Weight of fish to be landed	WL	Total weight of fish to be landed or transhipped ( in kilograms)	CIF (if required by PNO)
252	Number of fish to be landed	FL	Total number of fish to be landed or transhipped	CIF (if required by PNO)
253	Quantity held in nets	NQ	Estimate of quantity of live fish held in nets i.e. not in hold	CIF live BFT
254	Number held in nets	NB	Estimate of number of live fish held in nets i.e. not in hold	CIF live BFT
255	Size distribution sub-declaration	SIZ	Size composition if fish caught under the normal minimum size (See details of sub-elements and attributes of SIZ)	CIF small fish under BFT rules
256	Relevant area sub-declaration	RAS	The geographical area in which the majority of the catch was taken (****). (See details of sub-elements and attributes of RAS).	C
257	Gear type	GE	Letter code based on the FAO's 'International Standard Statistical Classification of the Fishing Gear' (****)	CIF landing declaration for certain species and catch areas only
258	Processing sub-declaration	PRO	(See details of sub-elements and attributes of PRO)	CIF for landing (transhipment) declaration
259	Means of weight measuring	MM	means of weight measuring: estimation (EST), weighing on board (WGH)	CIF under BFT rules
260				
261	Processing sub-declaration	PRO	Processing/presentation details for each species landed	
262	Fish freshness category	FF	Fish freshness category (****)	CIF required by sales note
263	State of preservation	PS	Letter code for the state of the fish (****)	CIF sales notes
264	Presentation of fish	PR	Letter code for the product presentation (reflects manner of processing) (****)	C
265	Processing's type of packaging	TY	3 letter code (****)	CIF (LAN or TRA; and fish not been weighed previously)
266	Number of packing units	NN	Number of packing units: cartons, boxes, bags, containers, blocks etc	CIF (for LAN or TRA and fish not been weighed previously)

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
267	Av weight per unit of packing	AW	Product weight (kg)	CIF (for LAN or TRA and fish not been weighed previously)
268	Conversion factor	CF	A numerical factor that is applied to convert fish processed weight into fish live weight	CIF there is no regional or EU conversion factor for this SPE and presentation combination.
269				
270	CVT sub-declaration	CVT	Sub-declaration containing the details of the BFT Catching Vessel 'Transferring' the fish caught in a JFO into cages.	
271	Name of the fishing vessel	NA	Name of the fishing vessel	C
272	ICCAT number	IN	Vessel number on ICCAT vessel register	C
273	IMO number	IM	IMO number.	CIF available
274	Vessel's Community fleet register (CFR) number	IR	With format AAXXXXXXXXX where A is an uppercase letter being the country of first registration within the EU and X being a letter or a number (only if EU vessel).	CIF EU vessel
275	Vessel's IRCS	RC	International Radio call sign of the fishing vessel	C
276	Catch against quota sub-declaration	SPE	Amount of JFO catches counted against the individual quota of this vessel, taking into account the JFO allocation keys (See details of sub-elements and attributes of SPE).	CIF used under FAR declaration
277				
278	CVO sub-declaration	CVO	Sub-declaration containing the details of the Other BFT Catching Vessel(s) involved in a JFO, but not in the transfer of the fish. One CVO sub-declaration per Other Catching Vessel involved in the JFO. By filling out its CVO, the vessel certifies that it has taken no catch on board or transferred into cages.	
279	Name of the fishing vessel	NA	Name of the fishing vessel.	C
280	ICCAT number	IN	Vessel number on ICCAT vessel register	C
281	IMO number	IM	IMO number.	CIF available
282	Vessel's Community fleet register (CFR) number	IR	With format AAXXXXXXXXX where A is an uppercase letter being the country of first registration within the EU and X being a letter or a number (only if EU vessel).	CIF EU vessel

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
283	Vessel's IRCS	RC	International Radio call sign of the fishing vessel	C
284	Catch against quota sub-declaration	SPE	Amount of JFO catches counted against the individual quota of this vessel, taking into account the JFO allocation keys (See details of sub-elements and attributes of SPE).	C
285				
286	JCI sub-declaration	JCI	JFO Catch Information sub-declaration. Contains information about the catch and total quantity caught in the JFO operation (according to BFT rules).	
287	Catch date	DA	Catch date	C
288	Catch Time	TI	Catch Time	C
289	Catch Location sub-declaration	POS	Location of the catch (See details of sub-elements and attributes of POS)	C
290	Total JFO Catch sub-declaration	SPE	Total quantity of BFT caught, both specifying quantities in the cage and taken on board (See details of sub-elements and attributes of SPE)	CIF any catch
291				
292	BTI sub-declaration	BTI	BFT Transfer Information sub-declaration. Information about the transfer and transfer vessel related to the BFT transfer operation.	
293	Catching Vessel Transferring the fish sub-declaration	CVT	Identification of the Catching Vessel Transferring the fish (Under CVT, SPE does not need to be filled in). (See details of sub-elements and attributes of CVT).	C
294	Transfer position sub-declaration	POS	Transfer position (See details of sub-elements and attributes of POS)	C
295	Catch transferred sub-declaration	SPE	Total quantity of BFT transferred into the cage (See details of sub-elements and attributes of SPE)	CIF any catch
296	Tug boat name	NA	Name of the tug or towing vessel	C
297	Tug boat ICCAT number	IN	Tug boat vessel number on ICCAT vessel register	C
298	Farm of destination name	FN	Name of the farm	C
299	ICCAT farm number	FI	ICCAT farm register number	C
300				
301	Size distribution sub-declaration	SIZ	Size composition if fish caught smaller than minimum size	
302	Quantity greater than 6,4 kg	S6	Quantity of BFT greater than 6,4 kg or 70 cm and smaller than 8 kg or 75 cm	CIF

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
303	Quantity greater than 8 kg	S8	Quantity of BFT greater than 8 kg or 75 cm and smaller than 30 kg or 115 cm	CIF
304				
305	Receiving vessel sub-declaration	REC	Element containing one PFP partner vessel sub-element declaration.	
306	Partner Vessel	PFP	Pair fishing partner vessel identification.	C
307				
308	Donor vessel sub-declaration	DON	Element containing one or more PFP partner vessel sub-element declarations. There may be several PFP to indicate several vessels collectively donating catch in a single relocation operation.	
309	Partner Vessel(s)	PFP	One or more pair fishing partner vessel identifications.	C
310				
311	PFP sub-declaration	PFP	PFP Pair fishing Partner vessels to be transmitted for vessel(s) involved in pair fishing activities, with or without relocation.	
312	Partner Vessel CFR numbers	IR	With format AAXXXXXXXXXX where A is an uppercase letter being the country of first registration within the EU and X being a letter or a number	O
313	Partner vessel IRCS	RC	International radio call sign of the partner vessel	C
314	Partner vessel's external identification	XR	Side (hull) registration number of the vessel.	C
315	Flag state of partner vessel	FS	Flag state of the partner vessel (ISO alpha-3 country code).	C
316	Partner vessel name	NA	Name of the fishing vessel.	C
317	Partner vessel's master name	MA	Name of the master (any change during trip to be sent in next LOG transmission).	C
318				
319	Sales note declaration	SAL	Sales note record.	
320	European Union Fleet Register number (CFR number)	IR	With format AAXXXXXXXXXX where A is an uppercase letter being the country of first registration within the EU and X being a letter or a number	C
321	IRCS	RC	International radio call sign	CIF CFR not up to date
322	Vessel's external identification	XR	Side (hull) number of registration of the vessel that landed the fish	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
323	Country of registration	FS	ISO alpha-3 country code of vessel.	C
324	Name of vessel	NA	Name of the vessel that landed the fish.	C
325	SLI declaration	SLI	<i>(See details of sub-elements and attributes of SLI)</i>	CIF sale
326	TLI declaration	TLI	<i>(See details of sub-elements and attributes of TLI)</i>	CIF take-over
327	Invoice reference number	NR	An invoice reference number as defined by the Member State	CIF where possible
328	Invoice date	ND	Date of the invoice (YYY-MM-DD)	CIF where possible
329	Take over contract reference number	CN	Take-over contract reference number.	CIF if take-over took place
330	Transport Document reference number	TR	Transport document reference number, identifying transport document, see TRN.	CIF where applicable
331				
332	Sales Line declaration	SLI	Declaration containing details of a consignment sale	
333	Date	DA	Date of the sale (YYYY-MM-DD).	C
334	Sale country	SC	Country where the sale took place (ISO alpha-3 country code)	C
335	Sale location	SL	Port code list (CCPPP) (****)	C
336	Name of seller	NS	Name of auction centre, other body or person selling the fish	C
337	Name of buyer	NB	Name of body or person buying the fish	C
338	Identification number of buyer	VN	VAT number of the buyer (ISO alpha-2 country code followed by maximum 12 characters or digits) or tax identification number or other unique identifier.	C
339	Sales contract reference number	CN	Sales contract reference number	CIF where appropriate
340	Source document sub-declaration	SRC	<i>(See details of sub-declaration and attributes of SRC)</i>	C
341	Consignment sold sub-declaration	CSS	<i>(See details of sub-declaration and attributes of CSS)</i>	C
342	BCD number	BC	Reference to BCD number (Bluefin tuna Catch Document)	O under BFT rules
343				

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
344	Source sub-declaration	SRC	Sub-declaration containing details of the source document for the consignment sold. Flag state authorities shall trace back the source document based on the vessel's fishing logbook and landing data	
345	Date of landing	DL	Date of landing (YYYY-MM-DD).	C
346	Country and Port name	PO	Country and Port name for place of landing. Port code list (CCPPP) may be used to exchange data (****)	C
347				
348	Consignment Sold sub-declaration	CSS	Sub-declaration containing details of the item sold	
349	Fish price	FP	Price per kg.	C
350	Total price	TP	Total price for this CSS item sold. To be given if total price cannot be inferred from price per kg. CR Art 64 1 (l).	CIF
351	Currency of sale	CR	Currency code of price of sale (****)	C
352	Fish size category	SF	Size of fish (1-8; one size or kg, g, cm, mm or number of fish per kg as appropriate). (****)	CIF
353	Product destination (purpose)	PP	Product destination codes (****)	CIF
354	Withdrawn	WD	Withdrawn through a Producers Organisation (Y=yes, N=no, T – temporarily).	C
355	P.O. Use code	OP	List of Producer's organisation codes (****)	O
356	Species in the consignment	SPE	(See details of sub-elements and attributes of SPE)	C
357				
358	Take-over declaration	TLI	Declaration with details of take-over event	
359	Date	DA	Date of the take-over (YYYY-MM-DD).	C
360	Take-over country	SC	Country where the Take-over took place (ISO alpha-3 country code).	C
361	Take-over location	SL	UN LOCODE location code (if not in port) where the take-over took place. If in port – EC port code list to be used (****)	C
362	Name of take-over organisation	NT	Name of the organisation that took-over the fish	C
363	Name of storage facility	NF	Name of facilities where the products are stored.	C

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
364	Address of storage facility	AF	Address of facilities where the products are stored	C
365	Transport Document reference number	TR	Transport document reference number, identifying transport document, see TRN.	CIF where applicable
366	Source sub-declaration	SRC	<i>(See details of sub-elements and attributes of SRC)</i>	C
367	Consignment taken over sub-declaration	CST	<i>(See details of sub-elements and attributes of CST)</i>	C
368				
369	Consignment taken over sub-declaration	CST	Sub-declaration containing detail line for each species taken over	
370	Fish size category	SF	Size of fish (1-8; one size or kg, g, cm, mm or number of fish per kg as appropriate) According to the Annex II of Regulation (EC) No 2406/96	O
371	Species in the consignment	SPE	<i>(See details of sub-elements and attributes of SPE)</i>	C
372				
373	Transport sub-declaration	TRN	Transport document may be transmitted electronically before the transport of fish begins.	
374	Place of destination of consignment	DC	UN LOCODE location code (if not in port) where the fish is transported. If in port – EC port code list to be used (****)	C
375	Registration number of a vehicle	LP	Numeric or alphanumeric code that uniquely identifies the vehicle within the issuing country's database and appears on the car's registration plate	C
376	External identification number of fishing vessel	XR	External identification number of the fishing vessel	C
377	Name of the fishing vessel	NA	Name of the fishing vessel	C
378	List of species	SPE	List of species present in the consignment and caught by the above fishing vessel (also contains RAS and PRO info). Because transport declaration can be replaced by landing declaration, the immediate parent node of this TRN sub-element can be a LAN, instead of being an ERS element.	CIF this TRN is not part of a LAN

No	Element or attribute name	Code	Description and content	Compulsory (C)/ Compulsory if (CIF) (**) Optional (O) (***)
379	Place of loading	PL	UN LOCODE location code (if not in port) where the fish is loaded. If in port – EC port code list to be used (****)	C
380	Date of loading	DL	Date of loading the transport (YYYY-MM-DD in UTC)	C
381	Name of consignee(s)	NC	Name of the company that consigned the fish after transporting	C
382	Address of consignee(s)	AC	Address of the company that consigned the fish after transporting.	C
383	Transport document reference number	TR	Transport document reference number, enabling this transport document to be referenced. When given then it must uniquely identify the transport document. The MS sending the TRN is to assign this number.	CIF if transport electronic document used.
384				

## NOTES:

(\*) The present Annex replaces in full the Annex to the Commission Regulation (EC) No 1077/2008 laying down rules for the implementation of Council Regulation (EC) No 1966/2006 on electronic recording and reporting of fishing activities and on means of remote sensing and repealing Regulation (EC) No 1566/2007 as amended by Regulation (EU) No 599/2010 (OJ L 295, 4.11.2008, p. 3).

(\*\*) Compulsory if required by European Union rules, international or bilateral agreements

(\*\*\*) When CIF does not apply then attribute is optional

(\*\*\*\*) All Codes (or appropriate references) are listed on the Commission Fisheries website.

(1) Character set definitions used for ERS should be: Western character set (UTF-8).

(2) All 3 character codes are XML elements (3 character code), all 2 character codes are XML attributes.

(3) The XML sample files, as well as the most recent reference XSD definition and table version of the above Annex will be placed on the Commission Fisheries website.

(4) All the weights in the table are expressed in kilograms and, if needed with up to 2 decimals of precision.



## ANNEX XIII

## EUROPEAN UNION CONVERSION FACTORS FOR FRESH FISH

<b>Species:</b> Albacore <i>Thunnus alalunga</i>	<b>ALB</b>
WHL	1,00
GUT	1,11
<b>Species:</b> Alfonsinos <i>Beryx</i> spp.	<b>ALF</b>
WHL	1,00
<b>Species:</b> Anchovy <i>Engraulis encrasicolus</i>	<b>ANE</b>
WHL	1,00
<b>Species:</b> Anglerfish <i>Lophiidae</i>	<b>ANF</b>
WHL	1,00
GUT	1,22
GUH	3,04
TAL	3,00
<b>Species:</b> Mackarel icefish <i>Champsocephalus gunnari</i>	<b>ANI</b>
WHL	1,00
<b>Species:</b> Greater silver smelt <i>Argentina silus</i>	<b>ARU</b>
WHL	1,00
<b>Species:</b> Bigeye tuna <i>Thunnus obesus</i>	<b>BET</b>
WHL	1,00
GUH	1,10
GUH	1,29
<b>Species:</b> Blue ling <i>Molva dypterygia</i>	<b>BLI</b>
WHL	1,00
GUT	1,17

<b>Species:</b> Brill <i>Scophthalmus rhombus</i>	<b>BLL</b>
WHL	1,00
GUT	1,09
<b>Species:</b> Black scabbardfish <i>Aphanopus carbo</i>	<b>BSF</b>
WHL	1,00
GUT	1,24
HEA	1,40
<b>Species:</b> Atlantic blue marlin <i>Makaira nigricans</i>	<b>BUM</b>
WHL	1,00
<b>Species:</b> Capelin <i>Mallotus villosus</i>	<b>CAP</b>
WHL	1,00
<b>Species:</b> Cod <i>Gadus morhua</i>	<b>COD</b>
WHL	1,00
GUT	1,17
GUH	1,70
HEA	1,38
FIL	2,60
FIS	2,60
<b>Species:</b> Common Dab <i>Limanda limanda</i>	<b>DAB</b>
WHL	1,00
GUT	1,11
GUH	1,39
<b>Species:</b> Picked dogfish <i>Squalus acanthias</i>	<b>DGS</b>
WHL	1,00
GUT	1,35
GUS	2,52
<b>Species:</b> European flounder <i>Platichthys flesus</i>	<b>FLE</b>
WHL	1,00
GUT	1,08
GUS	1,39

<b>Species:</b> Greater forkbeard <i>Phycis blennoides</i>	<b>GFB</b>
WHL	1,00
GUT	1,11
GUH	1,40

<b>Species:</b> Greenland halibut <i>Reinhardtius hippoglossoides</i>	<b>GHL</b>
WHL	1,00
GUT	1,08

<b>Species:</b> Haddock <i>Melanogrammus aeglefinus</i>	<b>HAD</b>
WHL	1,00
GUT	1,17
GUH	1,46

<b>Species:</b> Atlantic halibut <i>Hippoglossus hippoglossus</i>	<b>HAL</b>
WHL	1,00

<b>Species:</b> Herring <i>Clupea harengus</i>	<b>HER</b>
WHL	1,00
GUT	1,12
GUH	1,19

<b>Species:</b> European hake <i>Merluccius merluccius</i>	<b>HKE</b>
WHL	1,00
GUT	1,11
GUH	1,40

<b>Species:</b> White hake <i>Urophycis tenuis</i>	<b>HKW</b>
WHL	1,00

<b>Species:</b> Horse mackerel <i>Trachurus</i> spp.	<b>JAX</b>
WHL	1,00
GUT	1,08

<b>Species:</b> Antarctic krill <i>Euphausia superba</i>	<b>KRI</b>
WHL	1,00

<b>Species:</b> Lemon sole <i>Microstomus kitt</i>	<b>LEM</b>
WHL	1,00
GUT	1,05
<b>Species:</b> Megrims <i>Lepidorhombus spp.</i>	<b>LEZ</b>
WHL	1,00
GUT	1,06
FIL	2,50
<b>Species:</b> Unicorn icefish <i>Channichthys rhinoceratus</i>	<b>LIC</b>
WHL	1,00
<b>Species:</b> Ling <i>Molva molva</i>	<b>LIN</b>
WHL	1,00
GUT	1,14
GUH	1,32
FIL	2,64
<b>Species:</b> Atlantic mackerel <i>Scomber scombrus</i>	<b>MAC</b>
WHL	1,00
GUT	1,09
<b>Species:</b> Norway lobster <i>Nephrops norvegicus</i>	<b>NEP</b>
WHL	1,00
TAL	3,00
<b>Species:</b> Humped rockcod <i>Notothenia gibberifrons</i>	<b>NOG</b>
WHL	1,00
<b>Species:</b> Norway pout <i>Trisopterus esmarkii</i>	<b>NOP</b>
WHL	1,00
<b>Species:</b> Marbled rockcod <i>Notothenia rossii</i>	<b>NOR</b>
WHL	1,00

<b>Species:</b> Orange roughy <i>Hoplostethus atlanticus</i>	<b>ORY</b>
WHL	1,00
<b>Species:</b> Pacific snow crab <i>Chionoecetes</i> spp.	<b>PCR</b>
WHL	1,00
<b>Species:</b> White shrimps <i>Penaeus</i> spp.	<b>PEN</b>
WHL	1,00
<b>Species:</b> European plaice <i>Pleuronectes platessa</i>	<b>PLE</b>
WHL	1,00
GUT	1,07
GUH	1,39
FIL	2,40
<b>Species:</b> Saithe <i>Pollachius virens</i>	<b>POK</b>
WHL	1,00
GUT	1,19
<b>Species:</b> Pollack <i>Pollachius pollachius</i>	<b>POL</b>
WHL	1,00
GUT	1,17
<b>Species:</b> Northern prawn <i>Pandalus borealis</i>	<b>PRA</b>
WHL	1,00
<b>Species:</b> Atlantic redfishes <i>Sebastes</i> spp.	<b>RED</b>
WHL	1,00
GUT	1,19
<b>Species:</b> Rough-head grenadier <i>Macrourus berglax</i>	<b>RHG</b>
WHL	1,00

<b>Species:</b> Roundnose grenadier <i>Coryphaenoides rupestris</i>	<b>RNG</b>
WHL	1,00
GUT	1,11
GUH	1,92
GHT	3,20
<b>Species:</b> Sandeels <i>Ammodytes</i> spp.	<b>SAN</b>
WHL	1,00
<b>Species:</b> Blackspot seabream <i>Pagellus bogaraveo</i>	<b>SBR</b>
WHL	1,00
GUT	1,11
<b>Species:</b> Rough longnose dogfish <i>Deania histricosa</i>	<b>SDH</b>
WHL	1,00
<b>Species:</b> Arrowhead dogfish <i>Deania profundorum</i>	<b>SDU</b>
WHL	1,00
<b>Species:</b> South Georgia icefish <i>Pseudochaenichthys georgianus</i>	<b>SGI</b>
WHL	1,00
<b>Species:</b> Common sole <i>Solea solea</i>	<b>SOL</b>
WHL	1,00
GUT	1,04
<b>Species:</b> European sprat <i>Sprattus sprattus</i>	<b>SPR</b>
WHL	1,00
<b>Species:</b> Northern squid <i>Illex illecebrosus</i>	<b>SQI</b>
WHL	1,00
<b>Species:</b> Squid <i>Martialia hyadesi</i>	<b>SQS</b>
WHL	1,00

<b>Species:</b> Skates <i>Rajidae</i>	<b>SRX</b>
WHL	1,00
GUT	1,13
WNG	2,09
<b>Species:</b> Swordfish <i>Xiphias gladius</i>	<b>SWO</b>
WHL	1,00
GUT	1,11
GUH	1,31
<b>Species:</b> Patagonian toothfish <i>Dissostichus eleginoides</i>	<b>TOP</b>
WHL	1,00
<b>Species:</b> Turbot <i>Psetta maxima</i>	<b>TUR</b>
WHL	1,00
GUT	1,09
<b>Species:</b> Tusk <i>Brosme brosme</i>	<b>USK</b>
WHL	1,00
GUT	1,14
<b>Species:</b> Blue whiting <i>Micromesistius poutassou</i>	<b>WHB</b>
WHL	1,00
GUT	1,15
<b>Species:</b> Whiting <i>Merlangius merlangus</i>	<b>WHG</b>
WHL	1,00
GUT	1,18
<b>Species:</b> Atlantic white marlin <i>Tetrapturus albidus</i>	<b>WHM</b>
WHL	1,00

<b>Species:</b> Witch flounder <i>Glyptocephalus cynoglossus</i>	<b>WIT</b>
WHL	1,00
GUT	1,06

<b>Species:</b> Yellowtail flounder <i>Limanda ferruginea</i>	<b>YEL</b>
WHL	1,00



## ANNEX XIV

## EUROPEAN UNION CONVERSION FACTORS FOR FRESH SALTED FISH

<b>Species:</b> Ling <i>Molva molva</i>	LIN
WHL	2,80

## ANNEX XV

## EUROPEAN UNION CONVERSION FACTORS FOR FROZEN FISH

<b>Species:</b> Albacore <i>Thunnus alalunga</i>	<b>ALB</b>
WHL	1,00
GUT	1,23
<b>Species:</b> Alfonsinos <i>Beryx</i> spp.	<b>ALF</b>
WHL	1,00
<b>Species:</b> Anchovy <i>Engraulis encrasicolus</i>	<b>ANE</b>
WHL	1,00
<b>Species:</b> Anglerfish <i>Lophiidae</i>	<b>ANF</b>
WHL	1,00
GUT	1,22
GUH	3,04
TAL	3,00
FIS	5,60
<b>Species:</b> Mackarel icefish <i>Champscephalus gunnari</i>	<b>ANI</b>
WHL	1,00
<b>Species:</b> Greater silver smelt <i>Argentina silus</i>	<b>ARU</b>
WHL	1,00
<b>Species:</b> Bigeye tuna <i>Thunnus obesus</i>	<b>BET</b>
WHL	1,00
GUH	1,29
HEA	1,25
<b>Species:</b> Blue ling <i>Molva dypterygia</i>	<b>BLI</b>
WHL	1,00
GUT	1,17
GUH	1,40

<b>Species:</b> Brill <i>Scophthalmus rhombus</i>	<b>BLL</b>
WHL	1,00
<b>Species:</b> Black scabbardfish <i>Aphanopus carbo</i>	<b>BSF</b>
WHL	1,00
GUT	1,48
<b>Species:</b> Atlantic blue marlin <i>Makaira nigricans</i>	<b>BUM</b>
WHL	1,00
<b>Species:</b> Capelin <i>Mallotus villosus</i>	<b>CAP</b>
WHL	1,00
<b>Species:</b> Cod <i>Gadus morhua</i>	<b>COD</b>
WHL	1,00
GUT	1,17
GUH	1,70
FIL	2,60
FIS	2,60
FSP	2,95
SAD	1,63
<b>Species:</b> Common Dab <i>Limanda limanda</i>	<b>DAB</b>
WHL	1,00
<b>Species:</b> Picked dogfish <i>Squalus acanthias</i>	<b>DGS</b>
WHL	1,00
GUS	2,52
<b>Species:</b> European flounder <i>Platichthys flesus</i>	<b>FLE</b>
WHL	1,00
<b>Species:</b> Greater forkbeard <i>Phycis blennoides</i>	<b>GFB</b>
WHL	1,00
GUT	1,12
GUH	1,40

<b>Species:</b> Greenland halibut <i>Reinhardtius hippoglossoides</i>	<b>GHL</b>
WHL	1,00
GUT	1,08
GUH	1,39

<b>Species:</b> Haddock <i>Melanogrammus aeglefinus</i>	<b>HAD</b>
WHL	1,00
GUT	1,17
GUH	1,46
FIL	2,60
FIS	2,60
FSB	2,70
FSP	3,00

<b>Species:</b> Atlantic halibut <i>Hippoglossus hippoglossus</i>	<b>HAL</b>
WHL	1,00

<b>Species:</b> Hering <i>Clupea harengus</i>	<b>HER</b>
WHL	1,00

<b>Species:</b> European hake <i>Merluccius merluccius</i>	<b>HKE</b>
WHL	1,00
GUT	1,34
GUH	1,67

<b>Species:</b> White hake <i>Urophycis tenuis</i>	<b>HKW</b>
WHL	1,00

<b>Species:</b> Horse mackerel <i>Trachurus</i> spp.	<b>JAX</b>
WHL	1,00
GUT	1,08

<b>Species:</b> Antarctic krill <i>Euphausia superba</i>	<b>KRI</b>
WHL	1,00

<b>Species:</b> Lemon sole <i>Microstomus kitt</i>	<b>LEM</b>
WHL	1,00
GUT	1,05
<b>Species:</b> Megrims <i>Lepidorhombus spp.</i>	<b>LEZ</b>
WHL	1,00
GUT	1,06
<b>Species:</b> Unicorn icefish <i>Channichthys rhinoceratus</i>	<b>LIC</b>
WHL	1,00
<b>Species:</b> Ling <i>Molva molva</i>	<b>LIN</b>
WHL	1,00
GUT	1,14
GUH	1,33
FIL	2,80
FSP	2,30
<b>Species:</b> Atlantic mackerel <i>Scomber scombrus</i>	<b>MAC</b>
WHL	1,00
GUT	1,11
<b>Species:</b> Norway lobster <i>Nephrops norvegicus</i>	<b>NEP</b>
WHL	1,00
TAL	3,00
<b>Species:</b> Humped rockcod <i>Notothenia gibberifrons</i>	<b>NOG</b>
WHL	1,00
<b>Species:</b> Norway pout <i>Trisopterus esmarkii</i>	<b>NOP</b>
WHL	1,00
<b>Species:</b> Marbled rockcod <i>Notothenia rossii</i>	<b>NOR</b>
WHL	1,00

<b>Species:</b> Orange roughy <i>Hoplostethus atlanticus</i>	<b>ORY</b>
WHL	1,00
<b>Species:</b> Pacific snow crab <i>Chionoecetes</i> spp.	<b>PCR</b>
WHL	1,00
<b>Species:</b> White shrimps <i>Penaeus</i> spp.	<b>PEN</b>
WHL	1,00
<b>Species:</b> European plaice <i>Pleuronectes platessa</i>	<b>PLE</b>
WHL	1,00
GUT	1,07
<b>Species:</b> Saithe <i>Pollachius virens</i>	<b>POK</b>
WHL	1,00
GUT	1,19
GUH	1,44
FIS	2,78
FSB	2,12
FSP	2,43
<b>Species:</b> Pollack <i>Pollachius pollachius</i>	<b>POL</b>
WHL	1,00
GUT	1,17
<b>Species:</b> Northern prawn <i>Pandalus borealis</i>	<b>PRA</b>
WHL	1,00
<b>Species:</b> Atlantic redfishes <i>Sebastes</i> spp.	<b>RED</b>
WHL	1,00
GUT	1,19
GUH	1,88
FIS	3,37
FSP	3,00
JAT	1,90

<b>Species:</b> Rough-head grenadier <i>Macrourus berglax</i>	<b>RHG</b>
WHL	1,00
<b>Species:</b> Roundnose grenadier <i>Coryphaenoides rupestris</i>	<b>RNG</b>
WHL	1,00
GUT	1,11
GUH	1,92
<b>Species:</b> Sandeels <i>Ammodytes</i> spp.	<b>SAN</b>
WHL	1,00
<b>Species:</b> Blackspot seabream <i>Pagellus bogaraveo</i>	<b>SBR</b>
WHL	1,00
GUT	1,11
<b>Species:</b> Rough longnose dogfish <i>Deania histricosa</i>	<b>SDH</b>
WHL	1,00
<b>Species:</b> Arrowhead dogfish <i>Deania profundorum</i>	<b>SDU</b>
WHL	1,00
<b>Species:</b> South Georgia icefish <i>Pseudochaenichthys georgianus</i>	<b>SGI</b>
WHL	1,00
<b>Species:</b> Common sole <i>Solea solea</i>	<b>SOL</b>
WHL	1,00
<b>Species:</b> European sprat <i>Sprattus sprattus</i>	<b>SPR</b>
WHL	1,00
<b>Species:</b> Northern squid <i>Illex illecebrosus</i>	<b>SQI</b>
WHL	1,00
<b>Species:</b> Squid <i>Martialia hyadesi</i>	<b>SQS</b>
WHL	1,00

<b>Species:</b> Skates <i>Rajidae</i>	<b>SRX</b>
WHL	1,00
GUT	1,13
WNG	2,09

<b>Species:</b> Swordfish <i>Xiphias gladius</i>	<b>SWO</b>
WHL	1,00
GUT	1,12
GUH	1,31
HEA	1,33
GHT	1,33

<b>Species:</b> Patagonian toothfish <i>Dissostichus eleginoides</i>	<b>TOP</b>
WHL	1,00

<b>Species:</b> Turbot <i>Psetta maxima</i>	<b>TUR</b>
WHL	1,00
GUT	1,09

<b>Species:</b> Tusk <i>Brosme brosme</i>	<b>USK</b>
WHL	1,00

<b>Species:</b> Blue whiting <i>Micromesistius poutassou</i>	<b>WHB</b>
WHL	1,00
GUT	1,15
FIS	2,65
SUR	2,97

<b>Species:</b> Whiting <i>Merlangius merlangus</i>	<b>WHG</b>
WHL	1,00
GUT	1,18

<b>Species:</b> Atlantic white marlin <i>Tetrapturus albidus</i>	<b>WHM</b>
WHL	1,00



<b>Species:</b> Witch flounder <i>Glyptocephalus cynoglossus</i>	<b>WIT</b>
WHL	1,00

<b>Species:</b> Yellowtail flounder <i>Limanda ferruginea</i>	<b>YEL</b>
WHL	1,00

## ANNEX XVI

**METHODOLOGY FOR ESTABLISHING THE SAMPLING PLANS REFERRED TO IN ARTICLES 16(1) AND 25(1) OF THE CONTROL REGULATION**

This Annex lays down the methodology on the basis of which Member States shall establish the sampling plans referred to in Articles 16(1) and 25(1) of the Control Regulation for vessels not subject to fishing logbook requirements and landing declaration requirements.

1. For the purpose of this Annex the following definitions shall apply:
  - (a) **Active vessels:** vessels referred to in Articles 16 and 25 of the Control Regulation that have been engaged in any fishing operation (more than 0 days) during a calendar year. A vessel that has not been engaged in fishing operations during a year shall be considered 'inactive'.
  - (b) **Metier:** A group of fishing operations targeting a similar (assemblage of) species, using similar gear, during the same period of the year, and/or within the same area and which are characterised by similar exploitation patterns. The allocation to a metier is determined by the fishing activity in the previous year. If one vessel has been active in one metier more than 50 % of the year it is allocated to that metier. If the fishing activity is below 50 % for any metier the vessel should be allocated to a metier named polyvalent metier.
  - (c) **Target population:** landings of fisheries products from active vessels using different metiers.
2. The aim of the sampling plan shall be to monitor the activities of the vessels referred to in Articles 16 and 25 of the Control Regulation and to estimate their overall catch for any given stock and by metier during the period of sampling.
3. The sampling unit shall in principle be the metier. Each vessel concerned should be assigned to one metier only.
4. The target population shall comprise landings by metier from active vessels of length of less than 10 metres.
5. The size of the sample shall be determined on the basis of the risk of non-compliance with the rules of the Common Fisheries Policy for the metier in the Member State where the landing(s) take place. The size of the sample shall be representative of the metier concerned.
6. Member States shall define risk at the following levels: 'very low', 'low', 'medium', 'high' and 'very high'.
7. In establishing the level of risk of non compliance with the rules of the Common Fisheries Policy, Member States shall take account of all relevant criteria. These shall include, but not be limited to:
  - levels of landings by the target population, involving all regulated stocks, distributed by metiers,
  - level of previously detected infringements for the vessel concerned,
  - total number of inspections carried out by metier,
  - availability of quota to those vessels of the target population, by metier,
  - use of standardized boxes.If appropriate:
  - fluctuation of market price levels for the landed fisheries products,
  - background, and/or potential danger, of fraud link to port/location/region, and metier.
8. When drawing up the sampling plans, Member States shall take into account, the levels of metier activity during the sampling period.

9. Sampling intensity shall take into account the variability of the landings by the metier.
10. Where fisheries products are landed in standardized boxes, the minimum number boxes to be sampled shall be proportionate to the risk levels identified by Member States and as set out in the example below:

Number of boxes landed by species	Number of boxes to be weighed subject to risk level				
	Very Low	Low	Medium	High	Very High
0-25	1	1	1	1	2
25-50	1	2	3	4	5
50-100	1	3	4	5	6
Every additional 100	1	1	2	3	4

11. Precision/confidence levels shall apply as are set out in Levels 2 and 3 in Point 4, Part B of Chapter II of Commission Decision 2010/93/EU <sup>(1)</sup>.
12. The sampling plan shall also include information on how the overall catch for any given stock and by metier during the period of sampling will be estimated.

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<sup>(1)</sup> OJ L 41, 16.2.2010, p. 8.

## ANNEX XVII

**FISHING EFFORT REPORTING FORMATS**

1. For the purposes of this Regulation in a fishing effort report:
  - (a) the geographical location of a fishing vessel shall be expressed in degrees and minutes of longitude and latitude;
  - (b) the area shall be one in which fisheries are subject to a Union regime of fishing effort;
  - (c) the time shall be expressed as co-ordinated universal time (UTC);
  - (d) where the catch retained on board is mentioned, all species which have been recorded in the fishing logbook in accordance with Article 14 of the Control Regulation shall be communicated individually in kilograms live weight equivalent; the reported quantities shall be the total quantities of each species retained on board at the time of communication of the effort report.

The species which are communicated are identified by the FAO 3-alpha code

2. Masters of Union fishing vessels shall communicate the following information in the form of an 'effort report' not earlier than 12 hours and at least 1 hour before an entry into an area and shall contain the following information:
    - (a) the heading 'EFFORT REPORT – ENTRY';
    - (b) the name, external identification and international radio call sign of the fishing vessel;
    - (c) the name of the master of the fishing vessel;
    - (d) the geographical location of the fishing vessel to which the communication refers;
    - (e) the area into which the fishing vessel will enter;
    - (f) the expected date and time of each entry into that area;
    - (g) the catch retained on board by species in kilograms live weight.
  3. Masters of Union fishing vessels shall communicate the following information in the form of an 'effort report' not earlier than 12 hours and at least 1 hour before an exit from an area, and shall contain the following information:
    - (a) the heading 'EFFORT REPORT – EXIT';
    - (b) the name, external identification and international radio call sign of the fishing vessel;
    - (c) the name of the master of the fishing vessel;
    - (d) the geographical location in latitude and longitude of the fishing vessel to which the communication refers;
    - (e) the area from which the fishing vessel will exit;
    - (f) the expected date and time of each exit from that area;
    - (g) the catch retained on board by species in kilograms live weight.
  4. Notwithstanding paragraph 3, where masters of Union fishing vessels conduct trans-zonal fisheries which cross the line separating areas more than once during a period of 24 hours, provided that they remain within a delimited zone of 5 nautical miles either side of the line between areas, shall communicate their first entry and last exit within that 24 hour period;
  5. Member States shall ensure that Masters of fishing vessels flying their flag comply with the reporting obligations.
-

## ANNEX XVIII

**METHODOLOGY FOR CALCULATING THE AVERAGE NET WEIGHT OF BOXES OR BLOCKS OF FROZEN FISHERIES PRODUCTS****Sampling Plan**

Lot size (number of boxes)	Sample size (number of pallets × 52 boxes)
5 000 or less	3
5 001-10 000	4
10 001-15 000	5
15 001-20 000	6
20 001-30 000	7
30 001-50 000	8
More than 50 000	9

1. The average weight per box or block shall be determined per species using the sampling plan in the table below and, where appropriate, by presentation. The sample shall be selected randomly.
2. Each pallet of boxes or blocks shall be weighed. The total gross weight of all pallets in the sample shall be divided by the total number of pallets in the sample to arrive at the average gross weight per pallet per species and, where appropriate, by presentation.
3. In order to arrive at the net weight per box or block per species and, where appropriate, by presentation the following deductions shall be made from the average gross weight of the pallets of the sample referred to in point 2:
  - (a) the average tare weight per box or block equal to the weight of ice and cardboard, plastic or other packaging material multiplied by the number of boxes or blocks on the pallet;
  - (b) the average weight of empty pallets from the sample as used in the landing.

The resulting net weight per pallet per species and, where appropriate, by presentation shall then be divided by the number of boxes on the pallet.
4. The tare weight per box or block referred to in point 3(a) shall be 1,5 kg. Member States may use a different tare weight per box or block provided that they submit their sampling methodology and any changes thereto to the Commission for approval.

## ANNEX XIX

**METHODOLOGY FOR ESTABLISHING THE SAMPLING PLANS FOR WEIGHING OF LANDINGS OF FISHERIES PRODUCTS IN MEMBER STATES REFERRED TO IN ARTICLE 60(1) OF THE CONTROL REGULATION**

This Annex lays down the methodology for Member States to establish sampling plans in accordance with Article 60(1) of the Control Regulation.

1. The aim of the sampling plan shall be to ensure accurate weighing of fisheries products on landing.
2. The size of the sample to be weighed shall be determined on the basis of the risk of non compliance with the rules of the Common Fisheries Policy for the port/location/region in the Member State where the landing(s) take place.
3. Member States shall establish risk at the following levels 'very low', 'low', 'medium', 'high' and 'very high'.
4. In establishing the level of risk of non compliance with the rules of the Common Fisheries Policy, Member States shall take account of all relevant criteria. These shall include, but not be limited to:
  - levels of landings at the port/location/region involving all regulated stocks,
  - level of previously detected infringements linked to landings at the port/location/region,
  - total number of inspections carried out at the port/location/region,
  - availability of quota to those vessels landing at the port/location/region,
  - use of standardized boxes.

As appropriate:

  - fluctuation of market price levels for the landed fisheries products,
  - risk of fraud at port/location/region.
5. The sampling shall be representative and at least as efficient as Simple Random Sampling.
6. Where fisheries products are landed in standardized boxes, the minimum number boxes to be sample weighed shall be proportionate to the risk levels identified by Member States. Preferably, Member States shall indicate the number of boxes to be weighed by means of tables for the different risk levels, as in the example below:

Number of boxes landed by species	Number of boxes to be weighed subject to risk level				
	Very Low	Low	Medium	High	Very High
0-25	1	1	1	1	2
25-50	1	2	3	4	5
50-100	1	3	4	5	6
100-200	2	4	5	6	7
Every additional 100	1	1	2	3	4

7. The sampling plan shall also include information on measures taken in order to ensure that:
  - operators comply with established sampling levels,

- the results of weighing determined from sampling plans are used for the purposes mentioned in Article 60(5) of the Control Regulation,
  - a selected number of landings of fisheries products, to be determined by each Member State on the basis of its risk analysis, are weighed in the presence of officials of the competent authorities.
8. Any risk analysis, data assessment, validation procedure, audit procedure, or other documents supporting the establishment, and further amendments, of the sampling plan shall be documented and made available for audits and inspection.
-

## ANNEX XX

**METHODOLOGY FOR ESTABLISHING THE SAMPLING PLANS REFERRED TO IN ARTICLE 60(3) OF THE CONTROL REGULATION**

This Annex lays down the methodology for Member States to establish sampling plans for fisheries products landed from fishing vessels permitted to weigh on board in accordance with Article 60(3) of the Control Regulation.

1. The aim of the sampling plans shall be to verify the accuracy of weighing when fisheries products are permitted to be weighed on board.
  2. Member States shall ensure that sampling is carried out at the time of landing of the fisheries products from the fishing vessel on which they were weighed.
  3. The size of the sample shall be determined on the basis of the risk of non-compliance with the rules of the Common Fisheries Policy (CFP) by those fishing vessels permitted to weigh fisheries products on board.
  4. Member States shall establish risk at the following levels: 'very low', 'low', 'medium', 'high' and 'very high'.
  5. In establishing the level of risk of non compliance with the rules of the Common Fisheries Policy, Member States shall take account of all relevant criteria. These shall include, but not be limited to:
    - levels of landings from fishing vessels permitted to weigh catches of fisheries products on board at a port, or other location, or within a region,
    - levels of previously detected infringements associated with fishing vessels permitted to weigh catches of fisheries products on board,
    - levels of inspection activity at a port, or other location, or within a region where fisheries products are landed from fishing vessels permitted to weigh on board,
    - availability of quota for fishing vessels permitted to weigh fisheries products on board.
- As appropriate:
- fluctuation of market price levels for the landed fisheries products,
  - risk of fraud at port/location/region.
6. Sampling of landings of fisheries products shall be at least as effective as simple random sampling and proportionate to the level of risk.
  7. The sampling plan shall include measures to ensure that the weighing of the sample shall be carried out.
  8. The number of boxes sample weighed shall be proportionate to the assessed risk level. Preferably, Member States shall indicate the number of boxes to be weighed by means of tables for the different risk levels, as in the example below:

Number of boxes landed by species	Number of boxes to be weighed subject to risk level				
	Very Low	Low	Medium	High	Very High
0-25	1	1	1	1	2
25-50	1	2	3	4	5
50-100	1	3	4	5	6
100-200	2	4	5	6	7
Every additional 100	1	1	2	3	4



9. When fisheries products from such vessels are weighed before first marketing and the weighing takes place immediately following the landing of the lots of fisheries products, the results of weighing may be used for the purposes of the sampling plan.
10. The sampling plan shall also include measures to ensure that:
- operators comply with established sampling levels,
  - without prejudice to Article 71(2) of this Regulation the results of weighing determined from sampling plans are used for the purposes mentioned in Article 60(5) of the Control Regulation,
  - a selected number of landings of fisheries products, to be determined by each Member State on the basis of its risk analysis, are weighed in the presence of officials of the competent authorities.
11. Any risk analysis, data assessment, validation procedure, audit procedure, or other documents supporting the establishment, and further amendments, of the sampling plan shall be documented and made available for audits and inspection.
-

## ANNEX XXI

**METHODOLOGY FOR ESTABLISHING THE CONTROL PLANS REFERRED TO IN ARTICLE 61(1) OF THE CONTROL REGULATION**

This Annex lays down the methodology for Member States to establish the control plans to be applied when they permit fisheries products to be weighed after transport from the place of landing to a destination on the territory of that Member State, in accordance with Article 61(1) of the Control Regulation.

1. The aim of the control plan shall be to minimise the risk of non-compliance with the rules of the Common Fisheries Policy, when a Member State permits fisheries products to be weighed after transport from the place of landing to a destination on the territory of that Member State.
  2. The size of the sample shall be determined on the basis of the risk of non-compliance with the rules of the Common Fisheries Policy (CFP) associated with the permitted weighing of fisheries products after transport.
  3. Member States shall define risk at the following levels 'very low', 'low', 'medium', 'high' and 'very high'.
  4. In establishing the level of risk of non compliance with the rules of the Common Fisheries Policy, Member States shall take account of all relevant criteria. These shall include, but not be limited to:
    - the levels of landings of fisheries products which are weighed after transport from the place of landing,
    - levels of previously detected infringements associated with landings of fisheries products weighed after transport from the place of landing,
    - known levels of transport controls,
    - availability of quota for those fishing vessels making landings which are weighed after transport from the place of landing,
    - use of standardized boxes by the vessels which are the provenance of the fisheries products.
- As appropriate:
- fluctuation of market price levels for the landed fisheries products,
  - risk of fraud at port/location/region.
5. Control plans shall include, but not be limited to.
    - A programme of inspections of fisheries products where they are transported from the places of landing for weighing at other destinations on the territory of the Member State.
    - Provisions regarding the availability of transport documents in accordance with Article 68 of the Control Regulation.
    - Provisions regarding the verification of details of fisheries products transported with respect to data of the prior notification submitted in accordance with Article 17 of the Control Regulation, by the master of the fishing vessel landing the fisheries products.
    - Provisions regarding the integrity and details of seals placed on vehicles or containers used to transport such fisheries products in accordance with Article 109 of this Regulation.
    - Provisions for cross checking the fishing logbook and transport document data against the records of weighing at the destination where they are weighed.
    - Sample weighing of the fisheries products, in the presence of officials of the competent authorities at the destination where weighing prior to first marketing takes place. Sample sizes shall be proportionate to the assessed levels of risk. Where appropriate, Member States may incorporate the use of standardized boxes into the sample weighing procedures.

6. Where fisheries products are held in standardized boxes, a number of boxes shall be sample weighed in the presence of officials of the competent authorities of the Member State. The number of boxes sample weighed shall be proportionate to the assessed risk level. Preferably, Member States shall indicate the number of boxes to be weighed by means of tables for the different risk levels, as in the example below:

Number of boxes landed by species	Number of boxes to be weighed subject to risk level				
	Very Low	Low	Medium	High	Very High
0-25	1	1	1	1	2
25-50	1	2	3	4	5
50-100	1	3	4	5	6
100-200	2	4	5	6	7
Every additional 100	1	1	2	3	4

7. The control plan shall include measures to ensure that the sample weighing is carried out.
8. Any risk analysis, data assessment, validation procedure, audit procedure, or other documents supporting the establishment and further amendments of the control plan shall be documented and made available for audits and inspection.
-

## ANNEX XXII

**METHODOLOGY FOR ESTABLISHING THE COMMON CONTROL PROGRAMME REFERRED TO IN ARTICLE 61(2) OF THE CONTROL REGULATION**

This Annex lays down the methodology for Member States to establish the common control programme to be applied when the Member State in which the fisheries products are landed, permit their transport before weighing to registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fisheries products in another Member State, in accordance with Article 61(2) of the Control Regulation.

1. The aim of the common control programme shall be to minimise the risk of non-compliance with the rules of the Common Fisheries Policy when Member States in which the fisheries products are landed permit their transport before weighing to registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fisheries products in another Member State.
2. The size of the sample shall be determined on the basis of the risk of non-compliance with the rules of the Common Fisheries Policy (CFP) associated with the transport before weighing in another Member State.
3. Member States shall define risk at the following levels 'very low', 'low', 'medium', 'high' and 'very high'.
4. In establishing the level of risk of non compliance with the rules of the Common Fisheries Policy, Member States shall take account of all relevant criteria. These shall include, but not be limited to:
  - the levels of landings of fisheries products which are weighed after transport from the place of landing,
  - levels of previously detected infringements associated with landings of fisheries products weighed after transport from the place of landing,
  - known levels of transport controls in the Member State of landing, transit and destination,
  - availability of quota for those fishing vessels making landings which are weighed after transport from the place of landing,
  - use of standardized boxes by the vessels which are the provenance of the fisheries products.As appropriate:
  - fluctuation of market price levels for the landed fisheries products,
  - risk of fraud at port/location/region,
  - fluctuations in the market price of those fisheries products which are weighed after transport from the place of landing,
  - risk of fraud at a port, or other location, or within a region where landings and/or weighing of such products take place.
5. Common control programmes shall include, but not be limited to.
  - A programme of inspections of fisheries products where they are transported from the places of landing for weighing at other destinations on the territory of another Member State.
  - Provisions regarding the availability of transport documents in accordance with Article 68 of the Control Regulation.
  - Provisions regarding the verification of details of fisheries products transported and which were submitted in accordance with Article 17 of the Control Regulation, by the master of the fishing vessel landing the fisheries products.
  - Provisions regarding the integrity and details of seals placed on vehicles or containers used to transport such fisheries products in accordance with Article 109 of this Regulation.
  - Provisions for cross checking the fishing logbook and transport document data against the records of weighing at the destination where they are weighed.

— Sample weighing of the fisheries products, in the presence of officials of the competent authorities at the destination where weighing prior to first marketing takes place. Sample sizes shall be proportionate to the assessed levels of risk. Where appropriate, Member States may incorporate the use of standardized boxes into the sample weighing procedures.

6. Where fisheries products are held in standardized boxes, a number of boxes shall be sample weighed in the presence of officials of the competent authorities of the Member State. The number of boxes sample weighed shall be proportionate to the risk level assessed. Preferably, Member States shall indicate the number of boxes to be weighed by means of tables for the different risk levels, as in the example below:

Number of boxes landed by species	Number of boxes to be weighed subject to risk level				
	Very Low	Low	Medium	High	Very High
0-25	1	1	1	1	2
25-50	1	2	3	4	5
50-100	1	3	4	5	6
100-200	2	4	5	6	7
Every additional 100	1	1	2	3	4

7. The common control programme shall include measures to ensure that the sample weighing is carried out.
8. Any risk analysis, data assessment, validation procedure, audit procedure, or other documents supporting the establishment and further amendments of the common control programme shall be documented and made available for audits and inspection.

## ANNEX XXIII

**LIST OF INFORMATION REQUIRED FOR COMPLETION OF SURVEILLANCE REPORTS REGARDING SIGHTINGS AND DETECTIONS OF FISHING VESSELS**

## GENERAL INFORMATION

Date of sighting

Originating Member State and name of single authority

## DETAILS OF FISHING VESSEL

Flag State

Name

External identification

International radio call sign

Lloyds IMO (\*) Number if applicable

Description of vessel if observed visually

Type

Position in latitude and minutes, longitude and minutes

Fishing area, sub area, division

Details of how sighting or detection was made

Visual VMS Radar Radio traffic Other (as applicable)

State if radio contact was made with vessel

Details of person communicated with

Time and activity of sighting or detection of vessel

Date....Time....Activity....Position Course Speed

Record of sightings made

Photograph....Video....Audio Written

Attach photograph or sketch of vessel if applicable

Reporting Official

## NOTES ON INFORMATION FOR SURVEILLANCE REPORT:

1. Submit as comprehensive information as possible.
2. Vessel name, call sign, flag and if possible registration and Lloyd IMO (\*) number are to be obtained from what is seen/detected of, or regarding, the vessel or from radio contact with the vessels (the source of the information must be reported).
- 3 Distinguishing markings as applicable: State whether the name and port of registration of the vessel was visible or not. Record hull and superstructure colours, number of masts, and position of bridge and funnel length, etc.

(\*) 'IMO' means 'International Maritime Organisation'.

4. Type of vessel as applicable: Describe the type of vessel and gear sighted (e.g. longliner, trawler, factory ship, carrier ship).
  5. Position: Record the initial sighting of the vessel, including fishing area/subarea/division.
  6. Activity of the sighted/detected vessel as applicable: Record the time of the sighting, activity of the vessel at that time and heading (degrees). Record whether the vessel was fishing, setting fishing gear, hauling or other activities.
  7. Record of sighting/detection: Indicate if the sighting/detection of the vessel was recorded on video or with photographs.
  8. Comments: indicate the course and speed of the vessel. Summarise any radio conversation that took place with indication of the name, nationality, position given by the person(s) contacted on board of the sighted/detected vessel.
  9. Diagram of the vessel as applicable: draw the profile of the vessel, indicating any distinguishing markings that could be used for identification.
-

## ANNEX XXIV

**INFORMATION WHICH SHALL BE LISTED ON THE SECURE SUBPAGES OF SECURE WEBSITES**

1. List of officials in charge of inspection (Article 116(1)(a) of the Control Regulation) with:
  - (a) first name;
  - (b) last name;
  - (c) rank;
  - (d) abbreviated name of the service they belong to;
  - (e) a list of services in charge of, or involved in fisheries inspections. For each organisation the list shall include:
    - full service name
    - abbreviation name
    - complete postal address
    - street address (if different from postal address)
    - phone number
    - fax number
    - e-mail address
    - website URL.
2. The data from the inspection and surveillance database referred to in Article 78 of the Control Regulation (Article 116(1)(b) of the Control Regulation):
  - (a) all data elements defined in Articles 92 and 118 of this Regulation shall be accessible;
  - (b) the website interface shall contain functionalities to list, sort, filter, browse and derive statistics from the inspection and surveillance reports.
3. The data of the VMS referred to in Article 19 of this Regulation (Article 116(1)(c) of the Control Regulation). The minimal accessible data elements for every VMS position shall be:
  - (a) flag state;
  - (b) Union fleet register number;
  - (c) international radio call sign (optional);
  - (d) external registration letters and numbers (optional);
  - (e) name of fishing vessel (optional);
  - (f) date;
  - (g) time;
  - (h) latitude;
  - (i) longitude;
  - (j) course;
  - (k) speed;
  - (l) trip number (if available);
  - (m) relevant alarms;
  - (n) indication if the position was sent automatically or entered manually into the system.

The website interface shall contain functionalities to download data or visualize it on a map, filtered by fishing vessel, list of fishing vessels, fishing vessel type, period in time or geographical area



4. The data with the fishing licences and authorisations issued and managed in accordance with Articles 3, 4 and 5 of this Regulation, with a clear indication of the conditions set out and the information on all suspensions and withdrawals (Article 116(1)(d) of the Control Regulation).

5. All data elements defined in Annexes II and III to this Regulation, defining the elements of fishing licences and authorisations shall be accessible.

These data shall be pulled from EU fleet register. The interface shall contain functionalities to list, sort, filter and browse the licences and authorisations.

6. The way of measuring the continuous period of 24 hours for the control of fishing effort (Article 116(1)(e) of the Control Regulation):

The time from which the continuous period of a day present in the area is measured (formatted hh:mm in UTC).

7. The data on fishing opportunities referred to in Article 33 of the Control Regulation (Article 116(1)(f) of the Control Regulation):

All data elements on recording of catches and fishing effort shall be accessible.

8. National control action programmes (Article 116(1)(g) of the Control Regulation). A hyperlink to every national control action programme, containing the legal reference of the applicable multi-annual plan;

The definition of the web services (parameters and URL) that allow pulling all data from the electronic database for the purpose of the verification of the completeness and the quality of the data collected defined in Article 109 of the Control Regulation (Article 116(1)(h) of the Control Regulation).

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## ANNEX XXV

**TASKS OF CONTROL OBSERVERS**

1. Control observers shall note all fishing activities whilst embarked in the fishing vessel, including particularly the following:
    - (a) the date and time and geographical positions of the start and finish of each fishing operation
    - (b) observations of the depth at the start and finish of the fishing operation
    - (c) the type of gear used in each operation and its dimensions, including mesh sizes where applicable and attachments used
    - (d) observations of the estimated catch in order to identify target species, by catches and discards for compliance with catch composition and discard rules
    - (e) observations of the size of different species in the catch, with specific reference to undersize specimens.
  2. Control observers shall note any interference with the satellite tracking system.
-

## ANNEX XXVI

**FORMAT OF CONTROL OBSERVER REPORT**  
**CONTROL OBSERVER REPORT**

OBSERVER DETAILS	
Name	
Designated by (competent authority)	
Deployed by (employing authority)	
Start date	
End date	

FISHING VESSEL DETAILS	
Type	
Flag state	
Name	
Community fleet register number	
External identifier	
IRCS	
IMO Number	
Engine propulsion power	
Length overall	

GEAR TYPES CARRIED	
1.	
2.	
3.	
GEAR OBSERVED USED DURING TRIP	
1.	
2.	
3.	

DETAILS OF FISHING OPERATIONS	
Fishing operation reference number (if applicable)	
Date	
Gear type used	
Dimensions	
Mesh size	
Attachments fitted	
Time of start of operation Finish time of operation	
Position of start of operation	
Depth at start	
Depth at end of operation	
Position at end of operation	

CATCH	Species	Retained	Discarded
Estimated quantities of each species in kg live weight equivalent			
Estimated quantities of target species in kg live weight equivalent			
Estimated quantities of target species in kg live weight equivalent			
Estimated total kg live weight equivalent of catch			

OBSERVATIONS OF NON COMPLIANCE

END OF TRIP SUMMARY

OBSERVER SIGNATURE

DATE

## ANNEX XXVII

**INSPECTION REPORTS****MINIMUM INFORMATION REQUIRED FOR COMPLETION OF INSPECTION REPORTS****MODULE 1: INSPECTION OF A FISHING VESSEL AT SEA (INFORMATION TO BE ENTERED AS APPLICABLE)**

1. INSPECTING AUTHORITY AND MEMBER STATE (\*)
2. INSPECTION VESSEL (\*)
3. DATE (\*)
4. TIME START INSPECTION (\*)
5. TIME FINISH INSPECTION (\*)
6. LOCATION (\*) BY ICES DIVISION AND STATISTICAL RECTANGLE/CECAF/GFCM/NEAFC/NAFO SUB AREA
7. POSITION OF INSPECTION VESSEL IN LATITUDE AND LONGITUDE (\*)
8. INSPECTOR IN CHARGE (\*)
9. NATIONALITY
10. INSPECTOR 2 (\*)
11. NATIONALITY
12. IRCS (\*) (#)
13. IMO No
14. TARGET FISHING VESSEL, EXTERNAL IDENTIFICATION, NAME AND NATIONALITY (\*)
15. POSITION IN LATITUDE AND LONGITUDE (IF DIFFERENT FROM PATROL VESSEL) (\*)
16. TYPE (\*)
17. CERT. OF REGISTRY ID (\*)
18. IRCS
19. OWNER NAME AND ADDRESS (\*)
20. CHARTERER NAME AND ADDRESS (\*)
21. FISHING VESSEL AGENT AND ADDRESS (\*)
22. MASTER NAME AND ADDRESS AND DATE OF BIRTH (\*)
23. RADIO CALL PRE BOARDING
24. VESSEL FISHING LOGBOOK COMPLETED BEFORE INSPECTION (\*)
25. BOARDING LADDER (\*)
26. IDENTIFICATION FOR INSPECTORS
27. **INFRINGEMENTS OR OBSERVATIONS (\*)**
28. **INSPECTION OF DOCUMENTS AND AUTHORISATIONS (\*)**
29. CERTIFICATE OF REGISTRY
30. ENGINE PROPULSION POWER CHECK
31. FISHING LICENCE DETAILS (\*)
32. FISHING AUTHORISATION DETAILS (\*)
33. VMS OPERATING CORRECTLY (\*)

34. NUMBER OF FISHING LOGSHEET (S) IN PAPER FORMAT (\*)
35. E-FISHING LOGBOOK REFERENCE (\*)
36. PRIOR NOTIFICATION REFERENCE (\*)
37. PURPOSE OF NOTIFICATION (\*)
38. FISH ROOM CERTIFICATE
39. STOWAGE PLAN
40. ULLAGE TABLES FOR REFRIGERATED SEA WATER TANKS
41. CERTIFICATE FOR ON BOARD WEIGHING SYSTEMS
42. MEMBERSHIP OF A PRODUCER ORGANISATION
43. PORT AND STATE AND DATE OF LAST PORT CALL (\*)
44. **INFRINGEMENTS OR OBSERVATIONS (\*)**
45. **CATCH INSPECTION (\*)**
46. SPECIES (FAO 3 ALPHA) AND QUANTITY IN KG LIVE WEIGHT EQUIVALENT (\*)
47. SEPARATE STOWAGE FOR MULTI ANNUAL STOCKS (\*)
48. WHETHER CHECK WEIGHING/BOX COUNT
49. **INFRINGEMENTS OR OBSERVATIONS (\*)**
50. **GEAR INSPECTION (\*)**
51. NET /TYPE/TWINE DETAILS/MESH SIZE (\*)
52. ATTACHMENTS/TWINE DETAILS/MESH SIZE (\*)
53. TWINE THICKNESS MEASUREMENTS (\*)
54. **INFRINGEMENTS OR OBSERVATIONS (\*)**
55. **INSPECTORS COMMENTS (\*)**
56. **MASTER'S COMMENTS (\*)**
57. **ACTION TAKEN (\*)**
58. **INSPECTORS SIGNATURE (\*)**
59. **MASTER'S SIGNATURE (\*)**

**MODULE 2: INSPECTION OF A FISHING VESSEL TRANSHIPMENT (INFORMATION TO BE ENTERED AS APPLICABLE)**

1. **INSPECTION REPORT REFERENCE**
2. **INSPECTING AUTHORITY AND MEMBER STATE (\*)**
3. DATE (\*)
4. TIME START (\*)
5. TIME FINISH (\*)
6. LOCATION (\*\*) ORT, ICES DIVISION AND STATISTICAL RECTANGLE/CECAF, GFCM OR NEAFC/NAFO SUB AREA
7. POSITION IN LATITUDE AND LONGITUDE (\*)
8. DESIGNATED PORT (\*)
9. **INSPECTOR IN CHARGE (\*)**
10. NATIONALITY

11. INSPECTOR 2 (\*)
12. NATIONALITY
13. FLAG STATE OF INSPECTION VESSEL (\*)
14. IRCS (\*)
15. **DONOR FISHING VESSEL EXTERNAL IDENTIFICATION, NAME AND FLAG STATE (\*)**
16. TYPE OF FISHING VESSEL (\*)
17. **INSPECTION OF DOCUMENTS AND AUTHORISATIONS (\*)**
18. DONOR FISHING VESSEL FISHING LICENCE DETAILS (\*)
19. DONOR FISHING VESSEL FISHING AUTHORISATION (\*)
20. CERT. OF REGISTRY ID (\*)
21. IRCS (\*)
22. IMO DETAILS (\*)
23. OWNER NAME AND ADDRESS (\*)
24. FISHING VESSEL AGENT NAME AND ADDRESS (\*)
25. NAME AND ADDRESS OF CHARTERER (\*)
26. MASTER NAME AND ADDRESS AND DATE OF BIRTH (\*)
27. VMS CHECK PRE BOARDING
28. VMS OPERATING CORRECTLY
29. PRIOR NOTIFICATION (\*)
30. PURPOSE OF NOTIFICATION (\*)
31. PORT AND STATE AND DATE OF LAST PORT CALL (\*\*)
32. FISHING LOGBOOK OF DONOR VESSEL COMPLETED BEFORE TRANSHIPPING (\*)
33. FISHING LOGBOOK OF DONOR VESSEL DETAILS (\*)
34. E-FISHING LOGBOOK OF DONOR VESSEL COMPLETED
35. DONOR VESSEL E-FISHING LOGBOOK REFERENCE (\*)
36. **INFRINGEMENTS OR OBSERVATIONS (\*)**
37. **CATCH INSPECTION (\*)**
38. SPECIES (FAO 3 ALPHA)/QUANTITY/PRODUCT WEIGHT/PRESENTATION/CATCH AREA
39. QUANTITY DECLARED IN FISHING LOGBOOK(QD)
40. MARGIN OF TOLERANCE PER SPECIES (\*)
41. **INFRINGEMENTS OR OBSERVATIONS (\*)**
42. **RECEIVING VESSEL EXTERNAL IDENTIFICATION, NAME AND FLAG STATE (\*)**
43. CERT. OF REGISTRY ID (\*)
44. IRCS (\*)
45. IMO DETAILS (\*)
46. PORT AND STATE AND DATE OF LAST PORT CALL (\*)
47. OWNER NAME AND ADDRESS (\*)
48. FISHING VESSEL AGENT NAME AND ADDRESS (\*)

49. VMS CHECK PRE BOARDING
50. PORT AND STATE AND DATE OF LAST PORT CALL (\*\*)
51. RECEIVING VESSEL E-FISHING LOGBOOK REFERENCE
52. DECLARED SPECIES ON BOARD PRE TRANSHIPMENT (FAO 3 ALPHA/PRODUCT WEIGHT/CATCH AREA) (\*)
53. FISHING LOGBOOK OF RECEIVING VESSEL COMPLETED BEFORE TRANSHIPPING (\*)
54. FISHING LOGBOOK OF RECEIVING VESSEL DETAILS (\*)
55. E-FISHING LOGBOOK OF RECEIVING VESSEL COMPLETED
56. **INFRINGEMENTS OR OBSERVATIONS (\*)**
57. **ACTION TAKEN (\*)**
58. **INSPECTORS COMMENTS AND SIGNATURE (\*)**
59. **MASTER'S COMMENTS AND SIGNATURE (\*)**

**MODULE 3. INSPECTION OF A FISHING VESSEL IN PORT OR ON LANDING AND BEFORE FIRST SALE  
(INFORMATION TO BE ENTERED AS APPLICABLE)**

1. **INSPECTION REPORT REFERENCE**
2. **INSPECTING AUTHORITY AND MEMBER STATE (\*\*) (\*)**
3. DATE (\*\*) (\*)
4. TIME START (\*\*) (\*)
5. TIME FINISH (\*\*) (\*)
6. LOCATION BY PORT, ICES DIVISION AND ICES STATISTICAL RECTANGLE/CECAF/GFCM/NEAFC/NAFO SUB AREA (\*\*) (\*)
7. DESIGNATED PORT (\*)
8. INSPECTOR IN CHARGE (\*) NAME AND NATIONALITY
9. INSPECTOR 2 (\*) NAME AND NATIONALITY
10. TARGET FISHING VESSEL (\*\*) (\*)
11. TARGET FISHING VESSEL EXTERNAL IDENTIFICATION AND FLAG STATE (\*\*) (\*)
12. TYPE OF FISHING VESSEL (\*\*) (\*)
13. CERT. OF REGISTRY ID (\*\*) (\*)
14. IRCS (\*\*) (\*)
15. IMO (\*\*) (\*)
16. OWNER NAME AND ADDRESS (\*\*) (\*)
17. BENEFICIAL OWNER NAME AND ADDRESS IF KNOWN (\*\*) (\*)
18. FISHING VESSEL AGENT NAME AND ADDRESS (\*)
19. CHARTERER NAME AND ADDRESS (\*)
20. MASTER NAME ADDRESS AND DATE OF BIRTH (\*)
21. MEMBER OF PRODUCER ORGANISATION
22. VMS CHECK PRE ARRIVAL TO LAND [TYPE AND WHETHER NATIONAL OR RFMO (\*\*) (\*)
23. PRIOR NOTIFICATION (\*\*) (\*)
24. PURPOSE OF PRIOR NOTIFICATION (\*\*) (\*)
25. PORT AND STATE AND DATE OF LAST PORT CALL (\*\*) (\*)



26. **INFRINGEMENTS OR OBSERVATIONS (\*\*) (\*)**
27. **INSPECTION OF DOCUMENTS AND AUTHORISATIONS (\*\*) (\*)**
28. FISHING LICENCE DETAILS (\*)
29. FISHING AUTHORISATION [IDENTIFIER/ISSUER/VALIDITY OF TRANSHIPMENT (\*\*) (\*)
30. AUTHORISATIONS DETAILS (\*\*) (\*)
31. PAPER LOGSHEET NUMBER (\*)
32. E-FISHING LOGBOOK REFERENCE (\*)
33. **INFRINGEMENTS OR OBSERVATIONS (\*\*) (\*)**
34. **CATCH INSPECTION (\*\*) (\*)**
35. SPECIES (FAO 3 ALPHA)/QUANTITIES PRODUCT WEIGHT/PRESENTATION/CATCH AREA (\*\*) (\*)
36. QUANTITY DECLARED IN FISHING LOGBOOK (\*\*) (\*)
37. MARGIN OF TOLERANCE PER SPECIES (\*)
38. QUANTITY OFFLOADED (\*\*) (\*)
39. FISHROOM CERTIFICATE
40. STOWAGE PLAN
41. ULLAGE TABLES FOR REFRIGERATED SEA WATER TANKS
42. CERTIFICATE FOR ON BOARD WEIGHING SYSTEMS
43. BOX/CONTAINER COUNT ON DISCHARGE BY SPECIES
44. HOLD CHECKED AFTER DISCHARGE
45. CATCH WEIGHED ON LANDING
46. MINIMUM SIZE CHECKED
47. LABELLING
48. **INFRINGEMENTS OR OBSERVATIONS**
49. **TRANSHIPMENT INFORMATION FOR CATCHES RECEIVED FROM OTHER FISHING VESSELS (\*\*) (\*) (if applicable)**
50. NAME/EXTERNAL IDENTIFICATION/FLAG STATE (\*\*) (\*)
51. TRANSHIPMENT DECLARATION DETAILS (\*\*) (\*)
52. SPECIES (FAO 3 ALPHA)/QUANTITIES PRODUCT WEIGHT/PRESENTATION/CATCH AREA (\*\*) (\*)
53. **INFRINGEMENTS OR OBSERVATIONS (\*\*) (\*)**
54. **CATCH RETAINED ON BOARD (\*\*) (\*)**
55. SPECIES (FAO 3 ALPHA)/QUANTITIES PRODUCT WEIGHT/PRESENTATION/CATCH AREA (\*\*) (\*)
56. OTHER CATCH DOCUMENTATION (CATCH CERTIFICATES) (\*\*) (\*)
57. **INFRINGEMENTS OR OBSERVATIONS**
58. GEAR INSPECTION (\*\*) (\*)
59. NET /TYPE/TWINE DETAILS/MESH SIZE (\*\*) (\*)
60. ATTACHMENTS/TWINE DETAILS/MESH SIZE (\*\*) (\*)
61. TWINE THICKNESS MEASUREMENTS (\*\*) (\*)
62. **INFRINGEMENTS OR OBSERVATIONS (\*\*) (\*)**

63. **STATUS IN RFMO AREAS WHERE FISHING OR FISHING RELATED ACTIVITIES HAVE BEEN UNDERTAKEN, INCLUDING ANY IUU FISHING VESSEL LISTING (\*\*) (\*)**

64. **INSPECTORS COMMENTS (\*)**

65. **MASTERS COMMENTS (\*\*) (\*)**

66. **ACTION TAKEN (\*\*) (\*)**

67. **MASTERS' SIGNATURE (\*\*) (\*)**

68. **INSPECTOR'S SIGNATURE (\*\*) (\*)**

**MODULE 4. MARKET/PREMISES INSPECTION ( INFORMATION TO BE ENTERED AS APPLICABLE)**

1. **INSPECTION REPORT REFERENCE (\*)**

2. DATE (\*)

3. TIME START (\*)

4. TIME FINISH (\*)

5. LOCATION (\*) PORT

6. DESIGNATED PORT (\*)

7. **INSPECTOR IN CHARGE NAME AND NATIONALITY (\*)**

8. INSPECTOR 2 NAME AND NATIONALITY (AS APPROPRIATE)

9. **MARKET/PREMISES INSPECTION (\*)**

10. NAME OF MARKET/PREMISES (\*)

11. ADDRESS

12. OWNER NAME AND ADDRESS (\*)

13. NAME AND ADDRESS OF OWNER'S REPRESENTATIVE

14. **DETAILS OF FISHERY PRODUCTS INSPECTED (\*)**

15. SPECIES (FAO 3 ALPHA)/QUANTITIES PRODUCT WEIGHT/PRESENTATION/CATCH AREA

16. WEIGHED BEFORE SALE

17. NAME AND ADDRESS OF REGISTERED BUYER REGISTERED AUCTION OR OTHER BODIES OR PERSONS RESPONSIBLE FOR FIRST MARKETING OF FISHERIES PRODUCTS (\*)

18. MINIMUM SIZE CHECKED

19. SPECIES (FAO 3 ALPHA)/QUANTITIES PRODUCT WEIGHT/PRESENTATION UNDERSIZE FISH ON PREMISES

20. **LABELLING OF FISHERIES PRODUCTS**

21. **INFRINGEMENTS OR OBSERVATIONS**

22. INSPECTION OF DOCUMENTS RELATED TO FISHERIES PRODUCTS INSPECTED (\*)

23. LANDING DECLARATIONS DETAILS

24. TAKE OVER DECLARATIONS DETAILS

25. TAKE OVER DECLARATION

26. SUPPLIER INVOICES AND SALES NOTES

27. TRANSPORT DOCUMENTS DETAILS

28. IUU CATCH CERTIFICATE DETAILS

29. **IMPORTER NAME AND ADDRESS**

30. **INFRINGEMENTS OR OBSERVATIONS**

31. COMMON MARKETING STANDARDS REQUIREMENTS
32. SIZE CATEGORIES
33. FRESHNESS CATEGORIES
34. FISHERIES PRODUCTS WITHDRAWN FROM SALE INSPECTED
35. **INTERVENTION FORM VERIFIED**
36. **INSPECTORS COMMENTS (\*)**
37. **OWNER'S OR REPRESENTATIVE'S COMMENTS**
38. **ACTION TAKEN**
39. **INSPECTOR SIGNATURE**
40. **OWNER'S SIGNATURE**

**MODULE 5. INSPECTION OF TRANSPORT VEHICLES (INFORMATION TO BE ENTERED AS APPLICABLE)**

1. **INSPECTION REPORT REFERENCE**
2. **INSPECTING AUTHORITY AND FLAG STATE (\*)**
3. DATE (\*)
4. TIME START (\*)
5. TIME FINISH (\*)
6. ADDRESS OF LOCATION WHERE TRANSPORT INSPECTION CARRIED OUT (\*)
7. DESIGNATED PORT (\*)
8. **INSPECTOR IN CHARGE NAME AND NATIONALITY (\*)**
9. INSPECTOR 2 NAME AND NATIONALITY
10. **TARGET VEHICLES**
11. **TRANSPORT IDENTIFICATION (\*)**
12. TRACTOR IDENTIFICATION (\*)
13. TRAILER IDENTIFICATION (\*)
14. OWNER NAME AND ADDRESS (\*)
15. DRIVER NAME AND ADDRESS (\*)
16. **INSPECTION OF DOCUMENTS AND AUTHORISATIONS (\*)**
17. **FISHERIES PRODUCTS WEIGHED BEFORE TRANSPORT (\*)**
18. VESSEL OF PROVENANCE/EXTERNAL IDENTIFICATION AND FLAG STATE /SPECIES (FAO 3 ALPHA)/  
QUANTITIES PRODUCT/NUMBER OF BOXES OR CONTAINERS/PRODUCT WEIGHT OF FISHERIES PRODUCTS/  
PRESENTATION/CATCH AREA
19. TRANSPORT DOCUMENT ACCOMPANIED BY OTHER CATCH DOCUMENTATION SUCH AS IUU CATCH  
CERTIFICATE
20. FISHERIES PRODUCTS LABELLED FOR TRACEABILITY
21. DETAILS OF LANDING DECLARATION IF PRESENT AND COMPLETED FOR RECOVERY SPECIES
22. FISHING LOGBOOK MARGIN OF TOLERANCE CHECKED
23. DETAILS OF TAKEOVER DECLARATION IF COMPLETED IF DESTINED FOR STORAGE
24. TAKEOVER DECLARATION CHECKED AGAINST LANDING DECLARATION
25. DETAILS OF TRANSPORT DOCUMENT TRANSMITTED ELECTRONICALLY TO DESTINATION MEMBER STATE  
COMPETENT AUTHORITIES

26. DETAILS OF TRANSPORT DOCUMENT RECEIVED BY MEMBER STATE COMPETENT AUTHORITIES
27. VEHICLE/CONTAINER SEALED
28. SEAL DETAILS NOTED ON TRANSPORT DOCUMENT
29. SAMPLE WEIGHING
30. WEIGHING SYSTEMS CALIBRATED AND SEALED
31. SEAL DETAILS NOTED ON TRANSPORT DOCUMENT
32. DESTINATION
33. INSPECTION AUTHORITY (\*)
34. STATUS OF SEALS
35. SAMPLE WEIGHING OF BOXES/CONTAINERS
36. **INFRINGEMENTS OR OBSERVATIONS**
37. **FISHERIES PRODUCTS TRANSPORTED BEFORE WEIGHING (\*)**
38. MEMBER STATE OF DESTINATION (\*)
39. TRANSPORT DOCUMENT DRAWN UP SHOWING VESSEL OF PROVENANCE/EXTERNAL IDENTIFICATION AND FLAG STATE /SPECIES (FAO 3 ALPHA)/QUANTITIES OF FISHERIES PRODUCTS/NUMBER OF BOXES OR CONTAINERS/PRODUCT FISHING LOGBOOK WEIGHT OF FISHERIES PRODUCTS/PRESENTATION/CATCH AREA
40. TRANSPORT DOCUMENT TRANSMITTED ELECTRONICALLY TO MEMBER STATE COMPETENT AUTHORITIES
41. FISHING LOGBOOK OF VESSEL OF PROVENANCE ACCOMPANYING TRANSPORT
42. FISHING LOGBOOK OF VESSEL OF PROVENANCE TRANSMITTED ELECTRONICALLY TO MEMBER STATE COMPETENT AUTHORITIES
43. WEIGHING OF FISHERIES PRODUCTS OBSERVED BY MEMBER STATE COMPETENT AUTHORITIES ON ARRIVAL AT DESTINATION
44. NAME AND ADDRESS OF REGISTERED BUYER, REGISTERED AUCTION OR OTHER BODIES OR PERSONS RESPONSIBLE FOR FIRST MARKETING OF FISHERIES PRODUCTS
45. FISHING LOGBOOK MARGIN OF TOLERANCE CHECKED
46. DETAILS OF LANDING DECLARATION IF PRESENT AND COMPLETED FOR RECOVERY SPECIES
47. VEHICLE/CONTAINER BEEN SEALED AND SEAL DETAILS NOTED ON TRANSPORT DOCUMENT
48. INSPECTION AUTHORITY (\*)
49. STATUS OF SEALS (\*)
50. TRANSPORT DOCUMENT RECEIVED BY DESTINATION COMPETENT AUTHORITIES BEFORE ARRIVAL
51. **INFRINGEMENTS OR OBSERVATIONS**
52. **INSPECTORS COMMENTS (\*)**
53. **TRANSPORTER'S COMMENTS (\*)**
54. **ACTION TAKEN**
55. **INSPECTOR'S SIGNATURE**
56. **TRANSPORTER'S SIGNATURE**

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(\*) Compulsory information required by Article 118 of this Regulation.

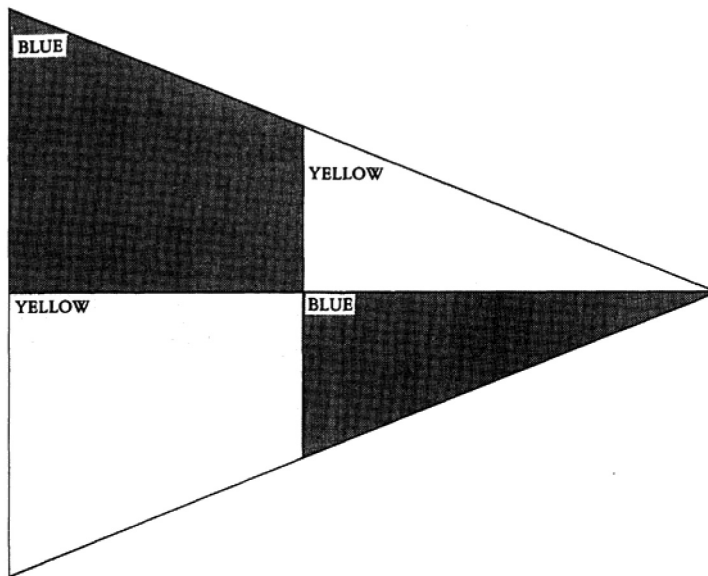
(#) 'IRCS' means International Radio Call Sign.

(\*\*) Additional for port state control inspection.

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## ANNEX XXVIII

## MARKING OF FISHERY INSPECTION MEANS



## INSPECTION PENNANT OR SYMBOL

All vessels used for fisheries control inspection and enforcement shall carry the inspection pennant or symbol clearly displayed on the sides of the unit used in such a way to be clearly visible. Vessels engaged in these duties shall fly the inspection pennant as to be clearly visible at all times.

The words 'FISHERY INSPECTION' may also be affixed on the sides of units.

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## ANNEX XXIX

**CONSTRUCTION AND USE OF BOARDING LADDERS**

1. The provisions of this Annex shall apply to safe and convenient access to fishing vessels which require a climb of 1,5 metres or more.
2. A boarding ladder shall be provided which shall be efficient for the purpose of enabling inspectors to embark and disembark safely at sea. The boarding ladder shall be kept clean and in good order.
3. The ladder shall be positioned and secured so that:
  - (a) it is clear of any possible discharges from the fishing vessel;
  - (b) it is clear of the finer lines and as far as practicable in the middle length of the fishing vessel;
  - (c) each step rests firmly against the fishing vessel's side.
4. The steps of the boarding ladder shall:
  - (a) be of hardwood or other material of equivalent properties, made in one piece free of knots; the four lowest steps may be made of rubber of sufficient strength and stiffness, or of other suitable material of equivalent characteristics;
  - (b) have an efficient non-slip surface;
  - (c) be not less than 480 mm long, 115 mm wide, and 23 mm in thickness, excluding any non-slip device or grooving;
  - (d) be equally spaced not less than 300 mm or more than 380 mm apart;
  - (e) be secured in such a manner that they will remain horizontal.
5. No boarding ladder shall have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder and any steps so secured shall be replaced, as soon as reasonably practicable, by steps secured in position by the method used in the original construction of the ladder.

When any replacement step is secured to the side ropes of the boarding ladder by means of grooves in the side of the step, such grooves shall be in the longer sides of the steps.

6. The side ropes of the ladder shall consist of two uncovered manila or equivalent ropes not less than 60 mm in circumference on each side; each rope shall be left uncovered by any other material and be continuous with no joints below the top step; two main ropes, properly secured to the fishing vessel and not less than 65 mm in circumference, and a safety line shall be kept at hand ready for use if required.
7. Battens made of hardwood, or other material of equivalent properties, in one piece, free of knots and between 1,8 and 2 m long, shall be provided at such intervals as will prevent the boarding ladder from twisting. The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed nine steps.
8. Means shall be provided to ensure safe and convenient passage for inspectors embarking on or disembarking from the vessel between the head of the boarding ladder or of any accommodation ladder or other appliance provided, and the ship's deck. Where such passage is by means of a gateway in the rails or bulwark, adequate handholds shall be provided.
9. Where such passage is by means of a bulwark ladder, such ladder shall be securely attached to the bulwark rail or platform and two handhold stanchions shall be fitted at the point of boarding or leaving the vessel not less than 0,70 m or more than 0,80 m apart. Each stanchion shall be rigidly secured to the vessel's structure at or near its base and also at a higher point, shall be not less than 40 mm in diameter, and shall extend not less than 1,20 m above the top of the bulwark.
10. Lighting shall be provided at night so that both the boarding ladder over the side and also the position where the inspector boards the fishing vessel shall be adequately lit. A lifebuoy equipped with a self-igniting light shall be kept at hand ready for use. A heaving line shall be kept at hand ready for use if required.

11. Means shall be provided to enable the boarding ladder to be used on either side of the fishing vessel. The inspector in charge may indicate which side he would like the boarding ladder to be positioned.
  12. The rigging of the ladder and the embarkation and disembarkation of an inspector shall be supervised by a responsible officer of the fishing vessel.
  13. Where on any fishing vessel constructional features such as rubbing bands would prevent the implementation of any of these provisions, special arrangements shall be made to ensure that inspectors are able to embark and disembark safely.
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## ANNEX XXX

## POINTS TO BE ASSIGNED FOR SERIOUS INFRINGEMENTS

No.	Serious infringement	Points
1	<p><b>Not fulfilling of obligations to record and report catch or catch related data, including data to be transmitted by satellite vessel monitoring system</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(b) of Regulation (EC) No 1005/2008)</p>	3
2	<p><b>Use of prohibited or non-compliant gear according to EU legislation</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(e) of Regulation (EC) No 1005/2008)</p>	4
3	<p><b>Falsification or concealing of markings, identity or registration</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(f) of regulation (EC) No 1005/2008)</p>	5
4	<p><b>Concealing, tampering or disposal of evidence relating to an investigation</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(g) of Regulation (EC) No 1005/2008)</p>	5
5	<p><b>Taking on board, transshipping or landing of undersized fish in contravention of the legislation in force</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(i) of regulation (EC) No 1005/2008)</p>	5
6	<p><b>Carrying out of fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(k) of Regulation (EC) No 1005/2008)</p>	5
7	<p><b>Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(a) of Regulation (EC) No 1005/2008)</p>	7
8	<p><b>Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(c) of regulation (EC) No 1005/2008)</p>	6
9	<p><b>Directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(d) of Regulation (EC) No 1005/2008)</p>	7
10	<p><b>Obstruction of work of officials in the exercise of their duties in inspecting for compliance with the applicable conservation and management measures or the work of observers in the exercise of their duties of observing compliance with the applicable Union rules</b></p> <p>(Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(h) of Regulation (EC) No 1005/2008)</p>	7



No.	Serious infringement	Points
11	<b>Transhipping to or participating in joint fishing operations with, support or re-supply of fishing vessels identified as having engaged in IUU fishing under Regulation (EC) No 1005/2008, in particular those included in the Union IUU vessel list or in the IUU vessel list of a regional fisheries management organisation</b>  (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(j) of regulation (EC) No 1005/2008)	7
12	<b>Use of a fishing vessel with not nationality and that is therefore a stateless vessel in accordance with international law</b>  (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42 paragraph 1(a) and Article 3 paragraph 1(l) of regulation (EC) No 1005/2008)	7

## ANNEX XXXI

**LIST OF DATA TO BE COMMUNICATED ON REQUEST TO THE COMMISSION**

At the written request of the Commission as specified in Article 136(2) of this Regulation, the Member State shall provide the Commission with the appropriate information according to the model below. The Commission may require the information at the level of the operations, measures, priority axes or operational programmes under Regulation (EC) No 1198/2006 or at the level of projects covered by Article 8(a) of Regulation (EC) No 861/2006.

**I-A Regulation (EC) No 1198/2006****Member State**

Short description of the operation using data listed here after, where appropriate

C.C.I. (common identification code) for programme:

Commission Decision approving the financial assistance ... No ... of .../.../20...

**Information on individual operations**

*Financial data expressed in EUR*

*Wording of columns: see hereafter.*

(1)	(2)	(3)	...	...	...	...	...	...	(11)	(12)	(13)
-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------

Name, status and signature of representative of competent authority:

Date: dd/mm/yyyy

**Wording of table columns**

(Information to be provided for each operation)

**Columns 1 to 6: Administrative details of operation**

- (1) Operation identification number (number allocated by managing authority when administrative decision granting public aid is taken — 20 characters maximum).
- (2) Community Fleet Register number (CFR) for the vessels concerned.
- (3) The place where the operation is carried out.
- (4) NUTS III code for the place where the operation is carried out.
- (5) Beneficiary (business name).
- (6) Gender (Male, Female).

**Columns 7 to 10: Expenditure forecasts under operation in accordance with administrative decision granting public aid taken by managing authority**

- (7) Total cost taken into account in decision granting public aid (EUR).
- (8) Total public cost taken into account in decision granting public aid (EUR).
- (9) EFF aid granted to operation (EUR).
- (10) Date of administrative decision granting public aid (dd/mm/yyyy).

**Columns 11 to 13: Information concerning financial implementation of operation — statement of eligible expenditure and corresponding public aid**

- (11) Eligible expenditure certified and actually paid by beneficiaries (EUR).
- (12) National contribution (EUR): aids paid to beneficiaries by the Member State, including subsidies and other public aids, at national, regional or local level, within the limits set in the Operational programme.
- (13) EFF aid paid to beneficiaries (EUR).

**I-B Regulation (EC) No 861/2006****Member State**

Commission Decision No 20xx/xxx/EU of .../.../20... approving the financial contribution to Member States:

Project reference under this financing decision:

**Information on projects (one sheet by project)**

*Wording of columns: see hereafter.*

(1)	(2)	(3)	(4)	(5)	(6)	(7)
-----	-----	-----	-----	-----	-----	-----

Name, status and signature of representative of competent authority:

Date: dd/mm/yyyy

**Wording of table columns**

(Information to be provided for each project)

**Columns 1 to 3: Administrative details of the project**

- (1) Project reference under the Commission financing.
- (2) Annex concerned of the Decision.
- (3) Short project description (50 characters maximum).

**Columns 4 to 6: Eligible expenditure under project concerned in accordance with the financial decision**

- (4) Total planned expenditure for the project (EUR, without VAT).
- (5) Total eligible expenditure for the project (EUR, without VAT).
- (6) Maximum contribution granted to the project (EUR, without VAT).

**Column 7: Information concerning financial implementation of the project — statement of payments already done under the project**

- (7) Amount of each payment already done by the Commission to the Member State for the project concerned (EUR, without VAT).

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## ANNEX XXXII

## ADDITIONAL DATA FOR THE PURPOSE OF THE VALIDATION SYSTEM

	Data element	Code	Content	Compulsory/ Optional
1.	Business rules	BUS	Business rules that define which validations are executed in the validation system	
2.	Business rule ID	BR	Unique code for every type of check, validation, control etc.	C
3.	Primary dataset	D1	Indicates which dataset is being validated	C
4.	Secondary dataset	D2	Indicates with which dataset(s) the primary dataset is validated	C
5.	EU legislation reference	LE	Reference to which regulation and articles apply	C
6.	Legal requirement	RQ	Short summary of what is the legal requirement	C
7.	Validation specification	VS	Detailed specification of what is being validated	C
8.	Inconsistencies of validation	INC	Inconsistencies detected as a result of the validation procedures	
9.	Record No of the inconsistency	RN	Unique identifier or record number of the inconsistency	C
10.	Business rule ID	BR	Unique code for every type of check, validation, control etc.	C
11.	Record No of the validated record	RV	Unique identifier or record number of the validated record from the primary dataset	C
12.	Inconsistency Type	IY	Type of inconsistency detected	C
13.	Inconsistency Value	IV	Value/difference/size of detected inconsistency (if relevant)	CIF
14.	Original value	OR	Original value before correction	C
15.	Follow-up	FU	Explanation of why data is inconsistent and follow-up	O
16.	Results of follow-up	FR	Corrected value for this inconsistency	CIF
17.	Follow-up completed	FX	Indication if follow-up is completed or still in process	CIF
18.	Date follow-up completion	FD	The date on which the issue has been fully resolved or the result of the infringement procedure is known	CIF
19.	Infringement procedure	IP	Reference to related infringement procedure or legal action taken by the authorities, if applicable	CIF
20.	Validation information	VAL	The validation information on a particular element and business rule. To be used as subelement of the validated element.	
21.	Date of validation	VD	Date of validation	C
22.	Reference to inconsistency	RI	Unique identifier or record number of the inconsistency	CIF

	Data element	Code	Content	Compulsory/ Optional
23.	VMS data	VMS	Position data coming from the Vessel Monitoring System	
24.	Country of registration	FS	Flag State of vessel registration. ISO alpha-3 country code	C
25.	Vessel's Community fleet register (CFR) number	IR	With format AAAXXXXXXXXXX where A is an uppercase letter being the country of first registration within the EU and X being a letter or a number	C
26.	International Radio Call Sign	RC	International Radio Call Sign, if CFR not up to date or not existing	CIF
27.	Name of vessel	NA	Name of the vessel	O
28.	Trip No	TN	Fishing trip serial number	C
29.	Record No	RN	Unique sequential record number assigned to every record	C
30.	Date and Time	DT	Date and time of transmission	C
31.	Position sub-declaration	POS	Position when discarded (see details of sub-elements and attributes of POS)	C
32.	Speed	SP	Vessel speed in knots (nn,n)	C
33.	Course	CO	Vessel course in degrees (0-360)	C
34.	Date and Time received by authority	DR	Date and time of registration at authority	C
35.	Manual	MA	Indicates if data is received electronically or manually entered (Y/N)	C
36.	Date and time manual data entry	DM	Date and time of manual data entry into the database, in case of manually entered	CIF

## ANNEX XXXIII

**INFORMATION WHICH SHALL BE LISTED ON THE PUBLIC SUBPAGES OF PUBLICLY ACCESSIBLE WEBSITES**

1. The responsible authorities for issuing fishing licences and authorisations (Article 115(a) of the Control Regulation):
  - (a) authority name;
  - (b) complete postal address;
  - (c) street address (if different from postal address);
  - (d) phone number;
  - (e) fax number;
  - (f) e-mail address;
  - (g) website URL.
  
2. List of designated ports for the purpose of transhipment (Article 115(b) of the Control Regulation) containing:
  - (a) port name;
  - (b) port code according to the UN/LOCODE system;
  - (c) coordinate with the location of the port;
  - (d) operating hours;
  - (e) address or description of transhipment places.
  
3. List of designated ports defined in a multiannual plan (Article 115(c) of the Control Regulation) containing:
  - (a) port name;
  - (b) port code according to the UN/LOCODE system;
  - (c) coordinate with the location of the port;
  - (d) operating hours;
  - (e) address or description of landing or transhipment places;
  - (f) the associated conditions for recording and reporting the quantities of the species under the multiannual plan for each landing.
  
4. Real-time closures by Member States (Article 115(d) of the Control Regulation):
  - (a) the national legal reference to the decision establishing the real-time closure;
  - (b) a list of coordinates defining the contours of the closure;
  - (c) the start date and time;
  - (d) the end date and time;
  - (e) conditions governing fisheries in that area during the closure;
  - (f) a map indicating the delimitation of the closure.

5. Contact point details for the transmission or submission of fishing logbooks, prior notifications, transshipment declarations, landing declarations, sales notes, take-over declarations and transport documents (Article 115(e) of the Control Regulation):
- (a) contact point name;
  - (b) complete postal address;
  - (c) street address;
  - (d) phone number;
  - (e) fax number;
  - (f) e-mail address;
  - (g) website URL (if applicable).
6. Real-time closures by the Commission (Article 115(f) of the Control Regulation):
- a) a list of coordinates defining the contours of the closure in the waters of the Member State concerned;
  - (b) the start date and time;
  - (c) the end date and time;
  - (d) conditions governing fisheries in that area during the closure;
  - (e) a map indicating the delimitation of the closure.
7. Decision to close a fishery (Article 115(g) of the Control Regulation):
- (a) the national legal reference;
  - (b) the concerned stock or group of stocks subject to a quota deemed to be exhausted or the maximum allowable fishing effort deemed to have been reached;
  - (c) the fishing area code;
  - (d) the start date;
  - (e) the fishery or gear type (where appropriate).
-

## ANNEX XXXIV

## STANDARD FORM FOR THE EXCHANGE OF INFORMATION ON REQUEST ACCORDING TO ARTICLE 158 OF THIS REGULATION

## I. Request for information

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	<i>Provide all information available</i>
<b>Reference number applicant authority</b>	<i>Provide all information available</i>
<b>No. of attachments to this request</b>	<i>Provide all information available</i>
<b>Details on the natural or legal person and/or fishing vessel subject to the request</b>	<i>Provide all information available for the identification of concerned fishing vessels, masters, holders of fishing licences and/or fishing authorisations, owner, etc</i>
<b>Information requested on</b>	
<input type="checkbox"/> <b>possible non-compliance with the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation</b>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<input type="checkbox"/> <b>possible infringements of the Control Regulation or this Regulation</b>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<b>Request for the supply of documents or certified true copies in the possession of the requested authority in accordance with Article 158(4) of this Regulation</b>	<i>Provide detailed questions and necessary background information and justification for the request</i>
<b>Any other general information or question</b>	



## II. Reply

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>Date of transmission of the reply</b>	
<b>Reference number requested authority</b>	
<b>No. of attachments to this reply</b>	
<b>Information requested on</b>	
<input type="checkbox"/> <b>possible non-compliance with the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation</b>	<i>Provide all relevant information available or gathered in the context of the request</i>
<input type="checkbox"/> <b>possible infringement of the Control Regulation or this Regulation</b>	<i>Provide all relevant information available or gathered in the context of the request</i>
<input type="checkbox"/> <b>Request to carry out administrative enquiries</b>	<i>Provide details and results of the administrative enquiries carried out</i>
<input type="checkbox"/> <b>Request for the supply of documents or certified true copies in the possession of the requested authority in accordance with Article 158(4) of this Regulation</b>	<i>List the documents provided and attach as annex to this reply form</i>
<b>Any other information</b>	

## ANNEX XXXV

STANDARD FORM FOR THE REQUEST FOR ADMINISTRATIVE NOTIFICATION ACCORDING TO  
ARTICLE 161(2) OF THIS REGULATION

## I. Request for administrative notification

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>No. of attachments to this request</b>	
<b>Details on the natural or legal person subject to the request</b>	<i>Provide all information available for the identification of the addressee of the administrative notification</i>
<b>Information on the subject of the instrument or decision to be notified</b>	<i>Provide all possible information on the subject of the instrument or decision to be notified</i>

## ANNEX XXXVI

STANDARD FORM FOR THE REPLY FOR ADMINISTRATIVE NOTIFICATION ACCORDING TO  
ARTICLE 161(3) OF THIS REGULATION

<b>Applicant authority</b> — Member State — name — address — contact details of the official in charge	
<b>Requested authority</b> — Member State — name — address — contact details of the official in charge	
<b>Date of transmission of the request</b>	
<b>Reference number applicant authority</b>	
<b>Date of transmission of the reply</b>	
<b>Reference number requested authority</b>	
<b>No. of attachments to this reply</b>	
<b>Requested notification</b>	
<b>Information on the requested notification:</b> — Date of notification to the addressee — failure of notification	<i>Indicate date in case of successful notification</i> <i>Indicate reasons in case of failed notification</i>
<b>Other information</b>	

## ANNEX XXXVII

**LIST OF MINIMUM INFORMATION TO FORM THE BASIS FOR 5 YEARLY REPORT ON THE APPLICATION OF THE CONTROL REGULATION****1. GENERAL PRINCIPLES****SUMMARY****Articles 5 to 7 of the Control Regulation****2. GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES****SUMMARY****2.1 Article 6 of the Control Regulation****FISHING LICENCES:**

- Number of fishing licences issued
- Number of fishing licences temporarily suspended
- Number of fishing licences permanently withdrawn
- Number of fishing licensing infringements detected

**2.2 Article 7 of the Control Regulation****FISHING AUTHORISATION:**

- Specific national schemes notified to the commission
- Number of fishing authorisations issued
- Number of fishing authorisations suspended
- Number of fishing authorisations permanently withdrawn
- Number of fishing authorisation infringements detected

**2.3 Article 8 of the Control Regulation****MARKING OF THE FISHING GEAR:**

- Number of infringements detected

**2.4 Article 9 of the Control Regulation****FISHING VESSEL MONITORING SYSTEMS**

- Number of fishing vessels <12 and >15 metre length overall with operational VMS installed
- Number of fishing vessels 15 metres length overall and above with operational VMS installed
- Number of fishing auxiliary vessels fitted with operational VMS
- Number of fishing vessels less than 15 metres exempted from VMS
- Number of VMS infringements detected concerning EU fishing vessels
- Details of competent authority responsible for FMC

**2.5 Article 10 of the Control Regulation****AUTOMATIC IDENTIFICATION SYSTEM (AIS)**

- Number of fishing vessels fitted with AIS
- Number of FMCs AIS capable

- 2.6 **Article 11 of the Control Regulation**  
**VESSEL DETECTION SYSTEMS (VDS)**  
— Number of FMCs VDS capable
- 2.7 **Article 13 of the Control Regulation**  
**NEW TECHNOLOGIES**  
— Pilot projects implemented
3. **CONTROL OF FISHERIES**  
**SUMMARY**  
**CONTROL OF THE USE OF FISHING OPPORTUNITIES**
- 3.1 **Articles 14, 15 and 16 of the Control Regulation**  
**COMPLETION AND SUBMISSION OF FISHING LOGBOOKS AND LANDING DECLARATIONS**  
— Number of fishing vessels using the electronic fishing logbook  
— Number of fishing vessels using paper format fishing logbook  
— Number of under 10 metre fishing vessels using paper fishing logbook  
— Number of vessel fishing logbook and landing declaration infringements detected
- 3.2 **Articles 16 and 25 of the Control Regulation**  
**FISHING VESSELS NOT SUBJECT TO VESSEL FISHING LOGBOOK AND LANDING DECLARATION REQUIREMENTS**  
— Number of fishing vessels subject to sampling plans  
— Number of fishing vessels subject to monitoring by sales notes  
— Number of infringements detected
- 3.3 **Article 17 of the Control Regulation**  
**PRIOR NOTIFICATION**  
— Number of prior notification messages received by FMC  
— Number of infringements detected
- 3.4 **Article 18 of the Control Regulation**  
**PRIOR NOTIFICATION OF LANDING IN ANOTHER MEMBER STATE**  
— Number of prior notification messages received by FMC of coastal state  
— Number of infringements detected
- 3.5 **Article 20 of the Control Regulation**  
**TRANSHIPMENT OPERATIONS IN PORTS OR PLACES**  
— Number of transshipments approved by member state  
— Number of infringements detected
- 3.6 **Articles 21 and 22 of the Control Regulation**  
**TRANSHIPMENT OPERATIONS IN PORTS OR PLACES**  
— Number of exempted fishing vessels
- 3.7 **Article 26 of the Control Regulation**  
**MONITORING OF FISHING EFFORT**  
— Number of infringements detected involving fishing effort reports  
— Number of vessels excluded from fishing effort regimes by areas  
— Number of infringements detected where gear not notified

- 3.8 **Articles 33 and 34 of the Control Regulation**  
**RECORDING OF CATCHES AND FISHING EFFORT**  
— Implementation of Article 33 of the Control Regulation  
— Details of fisheries closure notifications made each year
- 3.9 **Article 35 of the Control Regulation**  
**CLOSURE OF FISHERIES**  
— Implementation of Article 35 of the Control Regulation
4. **CONTROL OF FLEET MANAGEMENT**
- 4.1 **Article 38 of the Control Regulation**  
**FISHING CAPACITY**  
— Compliance with Article 38(1) of the Control Regulation  
— Number of engine power verifications in accordance with Article 41  
— Number of infringements detected
- 4.2 **Article 42 of the Control Regulation**  
**TRANSHIPMENT IN PORT**  
— Number of pelagic transhipments approved
- 4.3 **Article 43 of the Control Regulation**  
**DESIGNATED PORTS**  
— Number of infringements detected
- 4.4 **Article 44 of the Control Regulation**  
**SEPARATE STOWAGE OF DEMERSAL CATCHES SUBJECT TO MULTI ANNUAL PLANS**  
— Number of infringements detected
- 4.5 **Article 46 of the Control Regulation**  
**NATIONAL CONTROL ACTIONS PROGRAMMES**  
— Details of programmes defined by Member States  
— Number of infringements detected
5. **CONTROL OF TECHNICAL MEASURES**  
**SUMMARY**
- 5.1 **Article 47 of the Control Regulation**  
— Number of stowage of gear infringements detected
- 5.2 **Article 48 of the Control Regulation**  
**RETRIEVAL OF LOST GEAR**  
— Number of infringements detected
- 5.3 **Article 49 of the Control Regulation**  
**CATCH COMPOSITION**  
— Number of infringements detected
6. **CONTROL OF FISHING RESTRICTED AREAS**  
**SUMMARY**
- 6.1 **Article 50 of the Control Regulation**  
— Number of infringements detected for EU and third country vessels

7. **REAL TIME CLOSURE OF FISHERIES**  
**SUMMARY**
- 7.1 **Article 53 of the Control Regulation**  
— Details of real time closures initiated  
— Number of infringements detected
8. **CONTROL OF RECREATIONAL FISHERIES**  
**SUMMARY**
- 8.1 **Article 55 of the Control Regulation**  
— Number of infringements detected of illegal marketing detected
9. **CONTROL OF MARKETING**  
**SUMMARY**
- 9.1 **Article 56 of the Control Regulation**  
**PRINCIPLES FOR THE CONTROL OF MARKETING**  
— Details of state of implementation
- 9.2 **Article 57 of the Control Regulation**  
**COMMON MARKETING STANDARDS**  
— Number of infringements detected
- 9.3 **Article 58 of the Control Regulation**  
**TRACEABILITY**  
— State of implementation  
— Number of infringements detected
- 9.4 **Article 59 of the Control Regulation**  
**FIRST SALE**  
— Number of registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fisheries products  
— Number of infringements detected
- 9.5 **Article 60 of the Control Regulation**  
**WEIGHING**  
— Number of sampling plans for weighing on landing  
— Number of fishing vessels permitted to weigh at sea  
— Number of infringements
- 9.6 **Article 61 of the Control Regulation**  
**WEIGHING AFTER TRANSPORT**  
— Number of control plans to weigh after transport  
— Number of Common Control Programmes with other member States for transporting before weighing  
— Number of infringements detected
- 9.7 **Article 62 of the Control Regulation**  
**COMPLETION AND SUBMISSION OF SALES NOTES**  
— Number of above submitted electronic sales notes  
— Number of exemptions granted from sales notes requirements  
— Number of infringements detected

- 9.8 **Article 66 of the Control Regulation**  
**TAKE OVER DECLARATIONS**
- Number of infringements detected
- 9.9 **Article 68 of the Control Regulation**  
**COMPLETION AND SUBMISSION OF TRANSPORT DOCUMENTS**
- State of implementation
  - Number of infringements detected
10. **PRODUCER ORGANISATIONS AND PRICE AND INTERVENTION**  
**SUMMARY**
- 10.1 **Article 69 of the Control Regulation**  
**MONITORING OF PRODUCER ORGANISATIONS**
- Number of checks accomplished
  - Number of infringements regarding Regulation (EC) No 104/2000 detected
- 10.2 **Article 70 of the Control Regulation**  
**MONITORING OF PRICE AND INTERVENTION ARRANGEMENTS**
- Number of price and intervention checks accomplished
  - Number infringements detected
11. **SURVEILLANCE**  
**SUMMARY**
- 11.1 **Article 71 of the Control Regulation**  
**SIGHTINGS AND DETECTION AT SEA**
- Number of reports created
  - Number of reports received
  - Number of infringements detected
- 11.2 **Article 73 of the Control Regulation**  
**CONTROL OBSERVERS**
- Number of control observer schemes implemented
  - Number of control observer reports received
  - Number of infringements reported
12. **INSPECTION AND ENFORCEMENT**  
**SUMMARY**
- 12.1 **Articles 74 and 76 of the Control Regulation**  
**CONDUCT OF INSPECTIONS**
- Number of full/part time fisheries inspectors
  - Percentage of working time of full/part time fisheries inspectors spent on fisheries control and inspection
  - Number of inspections by type by full/ part time inspectors
  - Number of infringements detected by full/ part time inspectors



**12.2 INSPECTION RESOURCE: VESSELS**

- Number of EU co-financed dedicated inspection vessels and total annual patrol days at sea
- Number of non EU co-financed dedicated inspection vessels and total annual patrol days at sea
- Percentage of total operational time spent on fisheries control by EU co-financed dedicated inspection vessels
- Percentage of total operational time spent on fisheries control by non EU co-financed dedicated inspection vessels
- Percentage of total operational time spent on fisheries control by all dedicated inspection vessels
- Percentage of total working time spent on fisheries control by dedicated inspection vessels co financed by the EU
- Number of non dedicated inspection vessels and total annual patrol days at sea
- Percentage of time spent on fisheries control
- Total days at sea all vessels

**12.3 INSPECTIONS ACTIVITY: AT SEA**

- Number of inspections at sea of all fishing vessels of each Member State
- Number of infringements detected at sea by Member State
- Number of inspections at sea on third country fishing vessels (indicate third country)
- Number of infringements detected auxiliary fishing vessels

**12.4 INSPECTION RESOURCE: SURVEILLANCE AIRCRAFT**

- Number of surveillance aircraft dedicated to fisheries control and total hours on fisheries control and surveillance
- Percentage of operational hours spent on fisheries control and surveillance
- Number of infringements detected

**12.5 FOLLOW UP OF INSPECTIONS AND INFRINGEMENTS DETECTED**

- Number of surveillance reports input to fisheries control and surveillance database
- Number of inspection reports input to fisheries control and surveillance database
- Number of occasions penalty points awarded
- Number of proceedings transferred to another member state
- Number of infringements detected by community inspectors within Member State jurisdiction

**12.6 Article 75 of the Control Regulation****DUTIES OF THE OPERATOR**

- Number of infringements detected

**12.7 Article 79****UNION INSPECTORS**

- Number of Joint Deployment Plans (JDP) within Member States jurisdiction
- Number of infringements detected during JDPs

**12.8 Articles 80, 81, 82, 83 and 84 of the Control Regulation****INSPECTIONS OF FISHING VESSELS OUTSIDE THE WATERS OF THE INSPECTING MEMBER STATE**

- Number of inspections
- Number of infringements detected

**12.9 Articles 85 and 86 of the Control Regulation****PROCEEDINGS OF INFRINGEMENTS DETECTED IN THE COURSE OF INSPECTIONS**

- Number of inspections
- Number of infringements
- Number of proceedings transferred to flag state
- Number of inspections by Union inspectors

**13. ENFORCEMENT****SUMMARY****Articles 89, 90 and 91 of the Control Regulation****MEASURES TO ENSURE COMPLIANCE**

- State of implementation

**13.1 Article 92 of the Control Regulation****PENALTY POINTS SYSTEM**

- Number of serious infringements detected
- Number of occasions when points awarded to licence holder
- State of implementation for points system for masters of fishing vessels

**13.2 Article 93 of the Control Regulation****NATIONAL REGISTER OF INFRINGEMENTS**

- State of implementation

**14. CONTROL PROGRAMMES****14.1 Article 94 of the Control Regulation****COMMON CONTROL PROGRAMMES**

- Number of Common control programmes implemented

**14.2 Article 95 of the Control Regulation****SPECIFIC CONTROL AND INSPECTION PROGRAMMES**

- Number of specific control and inspection programmes implemented

**15. DATA AND INFORMATION****ANALYSIS AND AUDIT OF DATA****15.1 Articles 109 to 116 of the Control Regulation**

- Summary of state of implementation

**16. IMPLEMENTATION****16.1 Articles 117 and 118 of the Control Regulation****ADMINISTRATIVE AND MUTUAL CO-OPERATION**

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**EU28**  
**IMPORT OF**  
**SOUTHERN BLUEFIN TUNAS ("Thunnus maccoyii")**  
**FROM EXTRA-EU28**  
Period : 2007 - 2015 (Jan-May)

**1. IMPORT FROM EXTRA-EU28 IN 000 kgs**

	2007	2008	2009	2010	2011	2012	2013	2014	2015 (Jan-May)
<b>0301 95 Live</b>									
<i>Subtotal</i>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>0302 36 Fresh, chilled, whole</b>									
<i>Morocco</i>	0.0	0.0	0.9	0.0	0.0	0.0	0.0	0.0	0.0
<i>Tunisia</i>	0.0	0.0	8.8	0.0	0.0	0.0	0.0	0.0	0.0
<i>United States</i>	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0
<i>Peru</i>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0
<i>Australia</i>	0.0	9.8	11.6	9.6	1.7	1.8	1.1	0.0	0.0
<i>Subtotal</i>	0.0	9.8	21.3	9.8	1.7	1.8	1.1	0.1	0.0
<b>0303 46 Frozen, whole</b>									
<i>Panama</i>	2.7	0.0	0.0	14.3	0.0	0.0	0.0	0.0	0.0
<i>Peru</i>	0.2	24.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<i>Uruguay</i>	1.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<i>Indonesia</i>	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0
<i>Australia</i>	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<i>Subtotal</i>	4.0	24.6	0.0	14.3	1.0	0.0	0.0	0.0	0.0
<b>Grandtotal</b>	<b>4.0</b>	<b>34.4</b>	<b>21.3</b>	<b>24.1</b>	<b>2.7</b>	<b>1.8</b>	<b>1.1</b>	<b>0.1</b>	<b>0.0</b>

**2. IMPORT FROM EXTRA-EU28 IN 000 €**

	2007	2008	2009	2010	2011	2012	2013	2014	2015 (Jan-May)
<b>0301 95 Live</b>									
<i>Subtotal</i>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>0302 36 Fresh, chilled, whole</b>									
<i>Morocco</i>	0.00	0.00	3.59	0.00	0.00	0.00	0.00	0.00	0.00
<i>Tunisia</i>	0.00	0.00	54.27	0.00	0.00	0.00	0.00	0.00	0.00
<i>United States</i>	0.00	0.00	0.00	1.39	0.00	0.00	0.00	0.00	0.00
<i>Peru</i>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.77	0.00
<i>Australia</i>	0.00	160.65	140.72	143.91	29.85	36.52	22.55	0.00	0.00
<i>Subtotal</i>	0.00	160.65	198.58	145.30	29.85	36.52	22.55	0.77	0.00
<b>0303 46 Frozen, whole</b>									
<i>Panama</i>	3.62	0.00	0.00	24.52	0.00	0.00	0.00	0.00	0.00
<i>Peru</i>	6.32	66.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Uruguay</i>	0.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Indonesia</i>	0.00	0.00	0.00	0.00	3.12	0.00	0.00	0.00	0.00
<i>Australia</i>	0.00	0.00	0.29	0.00	0.00	0.00	0.00	0.00	0.00
<i>Subtotal</i>	10.58	66.47	0.29	24.52	3.12	0.00	0.00	0.00	0.00
<b>Grandtotal</b>	<b>10.58</b>	<b>227.12</b>	<b>198.87</b>	<b>169.82</b>	<b>32.97</b>	<b>36.52</b>	<b>22.55</b>	<b>0.77</b>	<b>0.00</b>





<i>Subtotal</i>	0.00	3.38	13.63	0.00	1.96	0.00	0.00	16.70	0.38
<b>0303 46 Frozen, whole</b>									
<i>Ceuta</i>	0.00	0.00	3.41	0.00	0.00	0.00	0.00	0.00	0.00
<i>Japan</i>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00	0.00
<i>Subtotal</i>	0.00	0.00	3.41	0.00	0.00	0.00	0.00	400.00	0.00
<b>Grandtotal</b>	<b>0.00</b>	<b>3.38</b>	<b>17.04</b>	<b>1.56</b>	<b>6.74</b>	<b>16.09</b>	<b>184.60</b>	<b>428.87</b>	<b>0.38</b>

Source : EUROSTAT COMEXT 28.04.2014 & 23.07.2015

Tab. Ref. : SOUTHERN BLUEFIN TUNAimp2014 (sheet "EXPORT")