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COUNCIL REGULATION (EEC) No 2847/93

of 12 October 1993

establishing a control system applicable to the common fisheries policy

(OJ L 261, 20.10.1993, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EC) No 2870/95 of 8 December 1995	L 301	1	14.12.1995
► <u>M2</u>	Council Decision 95/528/EC of 5 December 1995	L 301	35	14.12.1995
► <u>M3</u>	Council Regulation (EC) No 2489/96 of 20 December 1996	L 338	12	28.12.1996
► <u>M4</u>	Council Regulation (EC) No 686/97 of 14 April 1997	L 102	1	19.4.1997
► <u>M5</u>	Council Regulation (EC) No 2205/97 of 30 October 1997	L 304	1	7.11.1997
► <u>M6</u>	Council Regulation (EC) No 2635/97 of 18 December 1997	L 356	14	31.12.1997
► <u>M7</u>	Council Regulation (EC) No 2846/98 of 17 December 1998	L 358	5	31.12.1998
► <u>M8</u>	Council Regulation (EC) No 806/2003 of 14 April 2003	L 122	1	16.5.2003
► <u>M9</u>	Council Regulation (EC) No 1954/2003 of 4 November 2003	L 289	1	7.11.2003
► <u>M10</u>	Council Regulation (EC) No 768/2005 of 26 April 2005	L 128	1	21.5.2005
► <u>M11</u>	Council Regulation (EC) No 1967/2006 of 21 December 2006	L 409	11	30.12.2006
► <u>M12</u>	Council Regulation (EC) No 1098/2007 of 18 September 2007	L 248	1	22.9.2007
► <u>M13</u>	Council Regulation (EC) No 1005/2008 of 29 September 2008	L 286	1	29.10.2008
► <u>M14</u>	Council Regulation (EC) No 1006/2008 of 29 September 2008	L 286	33	29.10.2008
► <u>M15</u>	Council Regulation (EC) No 1224/2009 of 20 November 2009	L 343	1	22.12.2009

Corrected by:

- **C1** Corrigendum, OJ L 302, 15.12.1995, p. 45 (528/95)
- **C2** Corrigendum, OJ L 105, 22.4.1999, p. 32 (2846/98)
- **C3** Corrigendum, OJ L 36, 8.2.2007, p. 6 (1967/2006)

▼B**COUNCIL REGULATION (EEC) No 2847/93****of 12 October 1993****establishing a control system applicable to the common fisheries policy**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the European Parliament ⁽²⁾,Having regard to the opinion of the Economic and Social Committee ⁽³⁾,Whereas, pursuant to Article 12 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽⁴⁾, the Council is to introduce a Community control system;

Whereas the success of the common fisheries policy involves implementing an effective system of control covering all aspects of the policy;

Whereas, to achieve this aim, it is necessary to include rules for the monitoring of conservation and resource management measures, structural measures and measures on the common organization of the market, and certain provisions to deal with failure to carry out these measures, which must apply to the entire fisheries sector from the producer to the consumer;

Whereas this system can only achieve the desired result if the industry recognizes that it is justified;

Whereas control is first and foremost the responsibility of the Member States; whereas the Commission should also seek to ensure that the Member States monitor and prevent infringements in an equitable manner; whereas, therefore, the Commission should be provided with the financial, legal and legislative means to carry out this task as effectively as possible;

⁽¹⁾ OJ No C 280, 29.10.1992, p. 5.

⁽²⁾ OJ No C 21, 25.1.1993, p. 55.

⁽³⁾ OJ No C 108, 19.4.1993, p. 36.

⁽⁴⁾ OJ No L 389, 31.12.1992, p. 1.

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Whereas experience gained in the application of Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾ has shown that there is a need to strengthen control of the application of the rules governing conservation of fishery resources;

Whereas compliance with measures for the conservation and management of fishery resources requires an increased sense of responsibility on the part of all operators in the fishing industry;

Whereas policy on the management of fishery resources, which is based in particular on total allowable catches (TACs) and quotas and technical measures, is to be supplemented by management of the fishing effort, which involves monitoring fishing activities and capacities;

Whereas, to ensure that all catches and landings are kept under surveillance, Member States must monitor in all maritime waters the activities of Community vessels and all related activities allowing verification of the implementation of the rules concerning the common fisheries policy;

Whereas it is vital that Member States cooperate at the operational level during inspections at sea of fishing activities, in order to permit effective and financially justifiable inspections, particularly of operations carried out in waters outside the jurisdiction or sovereignty of a Member State;

Whereas implementation of the common fisheries policy necessitates measures to monitor vessels flying the flag of a third country present in Community waters, and in particular a system for communicating their movements and the species held on board, without prejudice to the right of innocent passage in the territorial sea and freedom of navigation in the 200-mile fishing zone;

Whereas the implementation of pilot projects applicable to certain categories of vessels by the Member States in cooperation with the Commission will make it possible for the Council to decide, before 1 January 1996, whether a satellite surveillance system or an alternative system should be implemented;

Whereas the management of fisheries by the fixing of TACs requires detailed knowledge of the composition of catches, such knowledge being equally necessary for the other procedures provided for in Regulation (EEC) No 3760/92; whereas this requires the keeping of a logbook by each master of a fishing vessel;

Whereas it is necessary for the Member State of landing to be able to monitor landings on its territory, and to this end it is appropriate for fishing vessels registered in other Member States to notify the Member State of landing of their intention to land on its territory;

Whereas it is essential to clarify and confirm at the time of landing the information contained in the logbooks; whereas, to this end, it is necessary that those involved in the landing and marketing of catches should declare the quantities landed, transshipped, offered for sale of purchased;

⁽¹⁾ OJ No L 207, 29.7.1987, p. 1. Regulation as last amended by Regulation (EEC) No 3483/88 (OJ No L 306, 11.11.1988, p. 2).

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Whereas, in order to provide exemptions from the obligation to keep a logbook or complete a landing declaration by small fishing vessels for which such an obligation would constitute a disproportionate burden in relation to their fishing capacity, it is necessary for each Member State to monitor the activities of such vessels by the implementation of a sampling plan;

Whereas, in order to ensure the respect of Community conservation and trade measures, all fishery products landed in or imported into the Community should be accompanied, up to the point of first sale, by a transport document identifying their origin;

Whereas limitations on catches must be managed at both Member State and Community level; whereas Member States should register landings and notify them to the Commission by computer transmission; whereas therefore it is necessary to provide for exceptions from this obligation for small quantities landed, the computer transmission of which would constitute a disproportionate administrative and financial burden for the authorities of the Member States;

Whereas, in order to ensure the conservation and management of all the resources used, the provisions relating to the logbook, the landing and sales declarations and the information concerning transshipments and registration of catches may be extended to stocks which are not subject to a TAC or quota;

Whereas the Member States must be informed of the results of the activities of their vessels in waters under the jurisdiction of third countries or in international waters; whereas the masters of these vessels should accordingly be subject to the obligations relating to the logbook and the landing and transshipment declarations; whereas the information gathered by the Member States should be sent to the Commission;

Whereas the management of the collection and treatment of data requires the creation of computerised data bases enabling, in particular, cross checking of data; whereas therefore the Commission and its agents must have access to these data bases by computer transmission to carry out verification of the data;

Whereas compliance with the provisions relating to the use of fishing gear cannot be adequately ensured where nets of different mesh sizes are carried on board, unless they are subject to additional control measures; whereas for specific fisheries it may be appropriate to establish specific rules such as the one-net rule;

Whereas it is necessary that, when the quota of a Member State is exhausted or when the TAC itself is exhausted, fishing should be prohibited by a Commission decision;

Whereas it is necessary to repair the prejudice suffered by a Member State which has not exhausted its quota, its allocation of part of a stock or group of stocks when the fishery has been closed following the exhaustion of a TAC; whereas to this end a system of compensation should be provided for;

Whereas, in cases where this Regulation has not been respected by those responsible for fishing vessels should be made subject to additional control measures for conservation purposes;

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Whereas it is necessary, in order to guarantee efficient management of the measures adopted, to provide for declaration mechanisms in conformity with the management objectives and strategies as laid down in Article 8 of Regulation (EEC) No 3760/92, applicable to a Member State which has overfished its quota;

Whereas one of the main aims of the common fisheries policy is to adjust fishing capacities to available resources; whereas Article 11 of Regulation (EEC) No 3760/92 stipulates that it is the task of the Council to set the objectives and strategies for the restructuring of fishing effort; whereas it is also necessary that compliance with the measures on the common organization of the market be assured, in particular by persons to whom these measures apply; whereas, therefore, it is vital that each Member State carry out, in addition to the financial checks already provided for in Community rules, technical checks to ensure that the provisions set by the Council are complied with;

Whereas it is necessary to establish general rules to allow Community inspectors appointed by the Commission to ensure the uniform application of Community rules and to verify the control carried out by the competent authorities of Member States;

Whereas, in order to safeguard the objectivity of verifications, it is important that Community inspectors may, in certain conditions, effect missions without prior notice and in an independent way, so as to verify the control operations carried out by the competent authorities of Member States; whereas such missions will in no circumstances imply control of private persons;

Whereas the action taken following infringements may differ from one Member State to another; causing fishermen to feel unfairly treated; whereas the absence of dissuasive sanctions in certain Member States reduced the effectiveness of controls and whereas, in the light of these observations, Member States should take all the necessary non-discriminatory measures to guard against and prosecute irregularities, particularly by establishing a roster of sanctions which effectively deprive the wrong-doers of the commercial gain resulting from their infringements;

Whereas the possibility for the flag Member State to ensure that the rules of the conservation and management of fishery resources are observed is reduced in cases where the Member State of landing does not effectively prosecute irregularities; whereas provision must therefore be made to count catches made illegally against the quota of the Member State of landing if that State has not brought effective proceedings;

Whereas Member States should report regularly to the Commission on their inspections activities and on the measures taken following infringements of Community measures;

Whereas for certain measures laid down by this Regulation it is appropriate to provide for detailed rules of implementation;

Whereas the confidentiality of the data collected in the framework of this Regulation should be guaranteed;

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Whereas this Regulation should not affect the national provisions on monitoring, which, while coming within its scope, go beyond its minimum provisions, provided however that such national provisions are in conformity with Community law;

Whereas Regulation (EEC) No 2241/87 should be repealed, exception being made, however, for Article 5 which should remain in force, pending the adoption of the lists referred to in Article 6 (2) of this Regulation;

Whereas it is necessary to provide a transitional period for the implementation of specific provisions contained in certain Articles in order to allow the competent authorities of the Member States to establish and adapt their procedures to the requirements of the new Regulation;

Whereas the provisions of certain Articles, insofar as they concern fisheries operations in the Mediterranean Sea, where the common fisheries policy has not yet been integrally applied, should enter into force on 1 January 1989,

HAS ADOPTED THIS REGULATION:

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TITLE II

Monitoring of catches*Article 6*

1. The masters of Community fishing vessels fishing for a stock or group of stocks shall keep a logbook of their operations, indicating particularly the quantities of each species caught and kept on board, the date and location (ICES statistical rectangle) of such catches and the type of gear used.

▼M7

2. From 1 January 2000 any amount greater than 50 kg of live-weight equivalent of any species retained on board, must be recorded in the logbook in areas other than the Mediterranean. ►M11 ►C3 For the fisheries operations in the Mediterranean Sea any amount greater than 15 kg of live-weight equivalent retained on board of any species indicated on a list adopted in conformity with paragraph 8 must be recorded in the logbook. ◀ ◀

▼M11**▼C3**

However, for highly migratory species and small pelagic species any amount greater than 50 kg of live-weight equivalent must be recorded in the logbook.

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3. The masters of Community fishing vessels shall enter in their logbook the quantities caught at sea, the date and location of these catches and the species referred to in paragraph 2. The quantities discarded at sea may be recorded for evaluation purposes.

4. Masters of Community fishing vessels shall be exempt from the requirements of paragraphs 1 and 3 if the overall length of the vessels is less than 10 metres.

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5. The Council may decide by a qualified majority, on a proposal from the Commission, exemptions other than the one mentioned in paragraph 4.

6. Each Member State shall carry out, on the basis of sampling, monitoring of the activities of fishing vessels which are exempt from the requirements specified by paragraphs 4 and 5 in order to ensure respect by these vessels of the Community rules in force.

To this end, each Member State shall establish a sampling plan and transmit it to the Commission. The results of monitoring executed shall be communicated regularly to the Commission.

7. The masters of Community fishing vessels shall register the information required by paragraphs 1 and 3 either in computer-readable form or on paper.

▼M7

8. Detailed rules for the implementation of this Article shall be adopted in accordance with the procedure laid down in Article 36, including:

- another geographical basis other than the ICES statistical rectangle, in certain specific cases, and
- recording of catches taken with small meshed gear and kept on board unsorted,
- the list referred to in paragraph 2.

▼M15**▼B***Article 8*

1. The master of each Community fishing vessel having on overall length equal to, or more than, 10 metres, or his representative, shall after each trip and within 48 hours of landing submit a declaration to the competent authorities of the Member State where the landing takes place. The master shall be responsible for the accuracy of the declaration, which shall indicate, as a minimum, the quantities landed of each species stipulated in Article 6 (2) and the area where they were caught.

2. The Council may decide, acting by a qualified majority on a proposal from the Commission, to extend the obligation set out in paragraph 1 to vessels having on overall length of less than 10 metres. The Council may also decide, acting by a qualified majority on a proposal from the Commission, exemptions from the obligation set out in paragraph 1 for certain categories of vessels having an overall length equal to, or more than, 10 metres and pursuing specific fishing activities.

3. Each Member State shall carry out, on the basis of sampling, monitoring of the activities of fishing vessels which are exempt from the requirements specified by paragraph 1 in order to ensure respect by these vessels of the Community rules in force.

To this end, each Member State shall establish a sampling plan and transmit it to the Commission. The results of monitoring executed shall be communicated regularly to the Commission.

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4. Detailed rules for implementation of this Article shall be adopted in accordance with the procedure laid down in Article 36.

▼ M15**▼ M7***Article 11*

1. Transhipments and fishing operations involving joint action by two or more vessels taking place in maritime waters subject to the sovereignty or jurisdiction of a Member State, as well as transhipment taking place in a Member State's ports may be authorised by this Member State. The Masters of the vessels concerned shall comply with the procedures laid down in accordance with paragraph 2, particularly as regards:

- the definition of authorised places,
- inspection and surveillance procedures,
- the terms and conditions for recording and notifying the transhipment operation and the quantities transhipped.

This provision shall not apply to pair trawling activities by Community vessels.

2. Detailed rules for the application of this Article shall be adopted, taking account of the comments of the Member States concerned, in accordance with the procedure laid down in Article 36.

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