

Commission Regulation (EU) No 202/2011 of 1 March 2011 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations

COMMISSION REGULATION (EU) No 202/2011

of 1 March 2011

amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 9(1), 12(5), 13(1) and 52 thereof,

Whereas:

- (1) Regulation (EC) No 1005/2008 applies to fishery products as defined in Article 2 thereof. Annex I to that Regulation lists the products excluded from the definition of fishery products. The list of excluded products may be reviewed each year and should be amended on the basis of new information gathered under the administrative cooperation with third countries provided for in Article 20(4) of Regulation (EC) No 1005/2008.
- (2) Products excluded from the definition of fisheries products are equally listed in Annex XIII to Commission Regulation (EC) No 1010/2009<sup>(2)</sup> laying down detailed rules for the implementation of Regulation (EC) No 1005/2008. In order to avoid unnecessary duplications, excluded products should be listed only in Annex I to Regulation (EC) No 1005/2008 and Annex XIII to Regulation (EC) No 1010/2009 should thus be deleted.
- (3) Title I of Regulation (EC) No 1010/2009 lays down provisions on the inspection of third country fishing vessels to be carried out in Member States ports. It is necessary to align those provisions with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, concluded in the framework of the Food and Agriculture Organisation of the United Nations (FAO). Such alignment implies the inclusion of specific information in the template to be used for prior notification of port arrivals and the addition of specific criteria to the benchmarks set out for port inspections.
- (4) Annex V to Regulation (EC) No 1010/2009 lays down a list of catch documentation schemes adopted by regional fisheries management organisations which are recognised as complying with the requirements of Regulation (EC) No 1005/2008. That Annex

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should refer to the ICCAT catch documentation programme for bluefin tuna as set out in Regulation (EU) No 640/2010 of the European Parliament and of the Council<sup>(3)</sup>.

- (5) Regulations (EC) No 1005/2008 and (EC) No 1010/2009 should be amended accordingly.
- (6) 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:

*Article 1*

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

In Regulation (EC) No 1005/2008, Annex I is replaced by the text in Annex I to this Regulation.

*Article 2*

**Amendments to Regulation (EC) No 1010/2009**

Regulation (EC) No 1010/2009 is amended as follows:

1. in Article 4, first paragraph, the following point (u) is added:
  - (u) the fishing vessel has been denied entry or use of port in accordance with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, concluded in the framework of the Food and Agriculture Organisation of the United Nations (FAO);
2. Annexes IIA and IIB are replaced by the text in Annex II to this Regulation;
3. in Annex V, Part I, the second indent is replaced by the following:
  - ICCAT Bluefin tuna Catch Documentation Programme as set out in Regulation (EU) No 640/2010 of the European Parliament and of the Council<sup>(4)</sup>
4. Annex XIII is deleted.

*Article 3*

**Entry into force**

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

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

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Done at Brussels, 1 March 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX I

‘ANNEX I List of products excluded from the definition of “fishery products” set out in point 8 of Article 2 (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).’

Chapter 3ex 1604ex 1605 Aquaculture products obtained from fry or larvaex Chapter 3ex 1604 Livers, roes, tongues, cheeks, heads and wings 0301 10 Ornamental fish, liveex 0301 91 Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*), live, caught in freshwaterex 0301 92 00 Eels (*Anguilla* spp.), live, caught in freshwater 0301 93 00 Carp, liveex 0301 99 11 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*), live, caught in freshwater 0301 99 19 Other freshwater fish, liveex 0302 11 Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0302 12 00 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*), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0302 19 00 Other Salmonidae, fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0302 66 00 Eels (*Anguilla* spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater 0302 69 11 Carp, fresh or chilled, excluding fish fillets and other fish meat of heading 0304 0302 69 15 Tilapia (*Oreochromis* spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304 0302 69 18 Other freshwater fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304ex 0303 11 00 Sockeye salmon (red salmon) (*Oncorhynchus nerka*), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 19 00 Other Pacific salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 21 Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 22 00 Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 29 00 Other salmonidae, excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 76 00 Eels (*Anguilla* spp.), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater 0303 79 11 Carp, frozen, excluding fish fillets and other fish meat of heading 0304 0303 79 19 Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 0304 0304 19 01 Fish fillets, fresh or chilled, of Nile perch (*Lates niloticus*) 0304 19 03 Fish fillets, fresh or chilled, of pangasius (*Pangasius* spp.)ex 0304 19 13 Fish fillets, fresh or chilled, 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*), caught in freshwaterex 0304 19 15 Fish fillets, fresh or chilled, of the species

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Oncorhynchus mykiss weighing more than 400 g each, caught in freshwater  
0304 19 17Fish fillets, fresh or chilled, of trout of the species *Salmo trutta*,  
Oncorhynchus mykiss (weighing 400 g or less), Oncorhynchus clarki, Oncorhynchus  
aguabonita and Oncorhynchus gilae, caught in freshwater  
0304 19 18Fish fillets, fresh or chilled, of other freshwater fish  
0304 19 91Other fish meat (whether or not minced), fresh or chilled, of freshwater fish  
0304 29 01Frozen fillets of Nile perch (*Lates niloticus*)  
0304 29 03Frozen fillets of pangasius (*Pangasius* spp.)  
0304 29 05Frozen fillets of Tilapia (*Oreochromis* spp.)  
ex 0304 29 13Frozen fillets of Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorboscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*), caught in freshwater  
ex 0304 29 15Frozen fillets of *Oncorhynchus mykiss* weighing more than 400 g each, caught in freshwater  
ex 0304 29 17Frozen fillets of trout of the species *Salmo trutta*, *Oncorhynchus mykiss* (weighing 400 g or less), *Oncorhynchus clarki*, *Oncorhynchus aguabonita* and *Oncorhynchus gilae*, caught in freshwater  
0304 29 18Frozen fillets of other freshwater fish  
0304 99 21Other fish meat (whether or not minced), frozen, of freshwater fish  
0305 10 00Flours, meals and pellets of fish, fit for human consumption  
ex 0305 30 30Fish fillets, salted or in brine, of Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorboscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*), caught in freshwater  
ex 0305 30 90Fish fillets, dried, salted or in brine, but not smoked, of other freshwater fish  
ex 0305 41 00Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorboscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*), smoked, including fillets, caught in freshwater  
ex 0305 49 45Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*), smoked, including fillets, caught in freshwater  
ex 0305 49 50Eels (*Anguilla* spp.), smoked, including fillets, caught in freshwater  
ex 0305 49 80Other freshwater fish, smoked, including fillets  
ex 0305 59 80Other freshwater fish, dried, whether or not salted, but not smoked  
ex 0305 69 50Pacific salmon (*Oncorhynchus nerka*, *Oncorhynchus gorboscha*, *Oncorhynchus keta*, *Oncorhynchus tshawytscha*, *Oncorhynchus kisutch*, *Oncorhynchus masou* and *Oncorhynchus rhodurus*), Atlantic salmon (*Salmo salar*) and Danube salmon (*Hucho hucho*), in brine or salted but not dried or smoked, caught in freshwater  
ex 0305 69 80Other freshwater fish, in brine or salted but not dried or smoked  
0306 19 10Freshwater crayfish, frozen  
ex 0306 19 90Flours, meals and pellets of crustaceans, frozen, fit for human consumption  
ex 0306 21 00Rock lobster and other sea crawfish (*Palinurus* spp., *Panulirus* spp., *Jasus* spp.), ornamental  
ex 0306 22 10Lobsters (*Homarus* spp.), ornamental, live  
ex 0306 23 10Shrimps and prawns of the family *Pandalidae*, ornamental, live  
ex 0306 23 31Shrimps of the genus *Crangon*, ornamental, live  
ex 0306 23 90Other shrimps and prawns, ornamental, live  
ex 0306 24Crabs, ornamental, live  
0306 29 10Freshwater crayfish, live, fresh, chilled, dried, salted or in brine, in shell, cooked by steaming or by boiling in water, whether or not chilled, dried salted or in brine  
ex 0306 29 30Norway lobsters (*Nephrops norvegicus*), ornamental, live  
ex 0306 29 90Other ornamental crustaceans, live  
ex 0306 29 90Flours, meals and pellets of crustaceans, not frozen, fit for human consumption  
0307 10Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine  
0307 21 00Scallops, including queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*, live, fresh or chilled  
0307 29Scallops, including queen scallops, of the genera *Pecten*, *Chlamys* or *Placopecten*, other than live, fresh or chilled  
0307 31Mussels (*Mytilus* spp., *Perna* spp.), live, fresh or chilled  
0307 39Mussels (*Mytilus* spp., *Perna* spp.), other than live,

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fresh or chilledex 0307 41Cuttle fish (*Sepia officinalis*, *Rossia macrosoma*, *Sepiola* spp.) and squid (*Ommastrephes* spp., *Loligo* spp., *Nototodarus* spp., *Sepioteuthis* spp.), ornamentalex 0307 51Octopus (*Octopus* spp.), ornamental0307 60 00Snails, other than sea snails, live, fresh, chilled, frozen, dried, salted or in brineex 0307 91 00Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except *Illex* spp., cuttlefish of the species *Sepia pharaonis* and sea snails of the species *Strombus*, live (other than ornamental), fresh or chilled0307 99 13Striped venus and other species of the family *Veneridae*, frozen0307 99 15Jellyfish (*Rhopilema* spp.), frozenex 0307 99 18Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00 and 0307 99 11 to 0307 99 15, except cuttlefish of the species *Sepia pharaonis* and sea snails of the species *Strombus*, including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, frozenex 0307 99 90Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except *Illex* spp., cuttlefish of the species *Sepia pharaonis* and sea snails of the species *Strombus*, including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, dried, salted or in brineex 1604 11 00Salmon, caught in freshwater, prepared or preserved, whole or in pieces, but not mincedex 1604 19 10Salmonidae, other than salmon, caught in freshwater, prepared or preserved, whole or in pieces, but not mincedex 1604 20 10Salmon, caught in freshwater, otherwise prepared or preserved (other than whole or in pieces, but not minced)ex 1604 20 30Salmonidae, other than salmon, caught in freshwater, otherwise prepared or preserved (other than whole or in pieces, but not minced)ex 1604 19 91Fillets of freshwater fish, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen1604 30 90Caviar substitutesex 1605 40 00Freshwater crayfish, prepared or preserved1605 90Other molluscs and other aquatic invertebrates, prepared or preserved

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ANNEX II

ANNEX IIA

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

Intended port of call

12. Name of the port (ISO alpha-2 country code + 3 letter port code (\*)):

13. Purpose of the call (landing, transhipment or access to services):

14. Port and date of last port call (ISO alpha-2 country code + name of port/3-letter port code (\*))

Fishing authorisation

15. Fishing authorisation number and expiration date (also specify fishing area, species and gear):

16. Authorisation to support fishing operations/tranship fishery products and expiration date:

17. Issuing authority:

18. RFMO ID, if applicable:

Intended port of call

12. Name of the port (ISO alpha-2 country code + 3 letter port code (\*)):

13. Purpose of the call (landing, transhipment or access to services):

14. Port and date of last port call (ISO alpha-2 country code + name of port/3-letter port code (\*))

Fishing authorisation

15. Fishing authorisation number and expiration date (also specify fishing area, species and gear):

16. Authorisation to support fishing operations/tranship fishery products and expiration date:

17. Issuing authority:

18. RFMO ID, if applicable:

23. Area or port of transhipment (if transhipment has taken place elsewhere than the port of landing)	24. Name of the species (FAO species alpha-3 code)	25. Catch area (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	26. Estimated total live weight on board (in kg) or number of fish if required	27. Estimated total live weight of fish to be landed/transhipped (in kg) or number of fish if required	28. Presentation of fish and state of preservation (use letter codes (*))

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ANNEX IIB

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

complete all relevant fields before sending the prior notice:

**1 port of call and additional vessel details**

of the port (ISO alpha-2 country code + 3 letter port code (\*)):

use of the call (landing, transhipment or access to services):

and estimated time of arrival at port:

(no, yes (national), yes (RFMO)); if yes, type:

l dimensions — length: ..... beam: ..... draft:

cate of registry ID:

o ID, if applicable:

nd date of last port call (ISO alpha-2 country code + name of port/3-letter port code):

**Species of species retained on board**

10. Date of transhipment (if transhipment has taken place elsewhere than the port of landing)	11. Area or port of transhipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	12. Name of the species (FAO alpha-3 code)	13. Estimated total live weight on board (in kg) or number of fish if required	14. Estimated total live weight of fish to be landed/transhipped (in kg) or number of fish if required	15. Presentation of fish and state of preservation (use letter codes (*))

Address and address of vessel owner:

Name of master of vessel/representative and nationality:

Signature:

Date:

Log vessel fill in points 1-8, 12 plus 14 and 15

Vessel fill in points 1-15

Port vessel fill in points 1-8

Fill in points 16-19

Codes for ports, the state of the fish and the presentation: [http://ec.europa.eu/fisheries/cfp/control/technologies/ers/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/control/technologies/ers/index_en.htm)

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- (1) OJ L 286, 29.10.2008, p. 1.
- (2) OJ L 280, 27.10.2009, p. 5.
- (3) OJ L 194, 24.7.2010, p. 1.
- (4) OJ L 194, 24.7.2010, p. 1.;

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