

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

COMMISSION IMPLEMENTING REGULATION (EU) No 404/2011

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(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⁽¹⁾, 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 [^{F1}Union 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 [^{F1a}Union 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 [^{F1}Union waters] it is necessary to establish them at the level of the European Union.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (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 [F¹Union 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 [F¹Union 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.
- (8) Article 15(1) of the Control Regulation provides that masters of [F¹Union 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 [F¹Union 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.

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- (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 [F¹Union 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

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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 [^{F1}Union waters and on [^{F1}Union fishing vessels] outside Union 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 [^{F1}Union 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⁽²⁾ 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⁽³⁾ 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.

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- (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⁽⁴⁾. 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⁽⁵⁾, 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.
- (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⁽⁶⁾ laying down detailed rules for recording information on Member States' catches of fish,
 - Regulation (EEC) No 3561/85⁽⁷⁾ concerning information about inspections of fishing activities carried out by national control authorities,
 - Regulation (EEC) No 493/87⁽⁸⁾ establishing detailed rules for remedying the prejudice caused on the halting of certain fisheries,
 - Regulation (EEC) No 1381/87⁽⁹⁾ establishing detailed rules concerning the marking and documentation of fishing vessels,
 - Regulation (EEC) No 1382/87⁽¹⁰⁾ establishing detailed rules concerning the inspection of fishing vessels,

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- Regulation (EC) No 2943/95⁽¹¹⁾ 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⁽¹²⁾ laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards effort reports,
 - Regulation (EC) No 356/2005⁽¹³⁾ laying down detailed rules for the marking and identification of passive fishing gear and beam trawls,
 - Regulation (EC) No 2244/2003⁽¹⁴⁾ laying down detailed provisions regarding satellite-based Vessel Monitoring Systems,
 - Regulation (EC) No 1281/2005⁽¹⁵⁾ of the management of fishing licences and the minimal information to be contained therein,
 - Regulation (EC) No 1042/2006⁽¹⁶⁾ 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⁽¹⁷⁾ on landing and weighing procedures for herring, mackerel and horse mackerel,
 - Regulation (EC) No 1077/2008⁽¹⁸⁾ 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⁽¹⁹⁾ 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

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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) [^{F1}‘Union fishing vessel’ means a fishing vessel flying the flag of a Member State and registered in the Union;]
- (2) [^{F1}‘Union waters’ means waters defined in point (1) of Article 4(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽²⁰⁾;]
- (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;
- (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

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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⁽²¹⁾;
- (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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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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 [^{F1}Union 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.

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.

[^{F17} At any moment the total capacity corresponding to the fishing licences issued by a Member State, in Gross Tonnage (GT) or kilowatt (kW), shall not be higher than the maximum capacity levels for that Member State established in accordance with Article 22(7) of Regulation (EU) No 1380/2013.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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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 [^{F1}Union 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⁽²²⁾ 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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

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CHAPTER III

Marking and identification of [F1Union fishing vessels] and their gear

Section 1

Marking and identification of fishing vessels

Article 6

Marking of fishing vessels

[F1A][F1Union fishing vessel] shall be marked as follows:

- (a) the letter(s) of the port or district in which the [F1Union fishing vessels] 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 [F1Union 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 Union 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 [F1Union fishing vessel] shall not be removable, effaced, altered, illegible, covered or concealed.

[F2As from 1 January 2016, the International Maritime Organisation ship identification number scheme, as adopted by Resolution A.1078(28) on 4 December 2013 and as referred to in Chapter XI-1, Regulation 3 of the 1974 SOLAS Convention, shall apply to:

- (a) Union fishing vessels or fishing vessels controlled by Union operators under a chartering arrangement, of 100 tons of Gross Tonnage or 100 tons of Gross Registered Tonnage and above, or 24 metres length overall and above, operating exclusively inside Union waters;
- (b) all Union fishing vessels or fishing vessels controlled by Union operators under a chartering arrangement, of 15 metres length overall and above, operating outside Union waters;
- (c) all third country fishing vessels authorised to carry out fishing activities in Union waters.]

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Textual Amendments

- F2** Inserted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

Article 7

Documents carried on board [F1a][F1Union fishing vessel]

1 The master of a [F1Union 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 [F1Union fishing vessels] which entered into service from 1 January 1987 onwards, date of entry into service.

2 On [F1Union 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 [F1Union fishing vessels] and fish aggregating devices shall be marked with external registration letters and numbers of the [F1Union fishing vessel(s)] which use them.

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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 [F¹Union fishing vessels] fishing in all [F¹Union waters and the provisions contained in Articles 13 to 17 of this Regulation to Union waters] outside 12 nautical miles measured from the base lines of the coastal Member States.

2 It shall be prohibited in [F¹Union 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 [F¹Union 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 [F¹a][F¹Union 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 [F¹a][F¹Union 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:

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- 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 [^{F1}Union 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 [^{F1}Union 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;

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- 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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

CHAPTER IV

Vessel monitoring system

Article 18

Requirement of satellite-tracking devices on [F1Union fishing vessels]

1 Without prejudice to Article 25(3) of this Regulation [F1a][F1Union 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 [F1a][F1Union 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 [F1Union 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 [F1Union fishing vessel] is within a pre-defined geographical area of a port.

3 This Chapter shall not apply to [F1Union fishing vessels] used exclusively for the exploitation of aquaculture.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 19

Characteristics of satellite-tracking devices

1 The satellite-tracking device installed on board [F1Union 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.

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Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

Article 20

Responsibilities of the masters concerning the satellite-tracking devices

1 The masters of ^[F1]a^[F1]Union 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 ^[F1]a^[F1]Union 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.

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

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.

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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

[^{F1} The FMC of each flag Member State shall ensure the automatic transmission to the FMC of a coastal Member State of the data 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. Such data shall be forwarded to the FMC of the coastal State immediately after the receipt at the FMC of the flag Member State.]

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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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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 [F1]Union 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, [F1]a[F1]Union 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 [F1]Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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 [F1]Union 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.

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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 [^{F1}a][^{F1}Union 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.

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

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.

[^{F1}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 provided in accordance with Article 19 of this Regulation concerning a specific group of fishing vessels and during a specific time. Such data shall be forwarded to the Commission or to the body designated by it immediately after the receipt at the FMC of the flag Member State.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

Status: Point in time view as at 20/11/2015.

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TITLE III

CONTROL OF FISHERIES

CHAPTER I

Fishing logbook, transshipment declaration and landing declaration in paper format

Section 1

Completion and submission of a fishing logbook, landing declaration and transshipment declaration in paper format

Article 29

[^{F1}Union fishing vessels] subject to the completion and submission of a fishing logbook and transshipment/landing declaration in paper format

1 Without prejudice to specific provisions contained in multi-annual plans, the master of a [^{F1}Union fishing vessel] of 10 metres length overall or more that is not subject to the electronic completion and transmission of fishing logbook data, transshipment declarations and landing declarations, shall complete and submit the fishing logbook data, transshipment declarations and landing declarations referred to in Articles 14, 21 and 23 of the Control Regulation in paper format. These transshipment 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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

[^{F1}Article 30

Models for fishing log-books, transshipment declarations and landing declarations in paper format

1 In Union waters, the fishing logbook, transshipment declaration and landing declaration in paper format shall be completed and submitted by masters of Union fishing vessels in accordance with the model in Annex VI.

2 By way of the derogation from paragraph 1, for Union fishing vessels carrying out daily fishing trips in Mediterranean Sea, the fishing logbook, transshipment declaration and

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landing declaration in paper format may be completed and submitted by masters of Union fishing vessels in accordance with the model in Annex VII.

3 When Union 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 Union waters not regulated by a Regional Fisheries Management Organisation, the fishing logbook, transshipment declaration and landing declaration in paper format shall be completed and submitted by masters of Union fishing vessels in accordance with Article 31 of this Regulation and the models in Annexes VI and VII, unless the third country or the rules of the Regional Fisheries Management Organisation concerned specifically require the use of a different kind of fishing logbook, transshipment declaration or landing declaration. If the third country does not specify a particular fishing logbook, transshipment declaration or landing declaration, but does require data elements different from those required by the Union rules, such data elements shall be recorded.

4 Masters of Union fishing vessels not subject to Article 15 of the Control Regulation may continue to use until 31 December 2017, paper format for fishing logbook, transshipment declaration and landing declaration printed prior to 1 January 2016.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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Article 32

Deadlines for the submission of a fishing logbook, transhipment declaration and a landing declaration in paper format

- 1 When a [^{F1}Union fishing vessel] has made a landing in a port or a transhipment 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, transhipment declaration and landing declaration as soon as possible and not later than 48 hours after completion of transhipment or landing to the competent authorities of the Member State concerned. The original(s) of such a transhipment 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 transhipment declaration as soon as possible and not later than 48 hours after arrival in port. The original(s) of such a transhipment declaration may also be submitted by the representative of the master on his behalf.
- 3 When a [^{F1}Union fishing vessel] has made a transhipment 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, transhipment declaration and landing declaration as soon as possible and not later than 48 hours after transhipment or landing to the competent authorities of the Member State in which the transhipment or landing takes place. The original(s) of the fishing logbook, transhipment declaration and landing declaration shall be dispatched as soon as possible and not later than 48 hours after transhipment or landing to the competent authorities of the flag Member State.
- 4 When a [^{F1}Union 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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Status: Point in time view as at 20/11/2015.

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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 transshipment 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 transshipment 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 transshipment declaration and landing declaration in paper format

Article 34

Handing over of a transshipment declaration in paper format

- 1 In the case of a transshipment operation between two [^{F1}Union fishing vessels] on completion of a transshipment operation the master of the transshipping fishing vessel or his representative shall hand over a copy of his vessel's paper transshipment declaration to the master of the receiving vessel or his representative. The master of the receiving vessel or his representative on completion of transshipment operation shall also hand over a copy of his vessel's paper transshipment 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.

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Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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 transshipment declaration in electronic format

Section 1

Completion and transmission of a fishing logbook, landing declaration and transshipment declaration data in electronic format

Article 36

Requirement of electronic recording and reporting system on [F1Union fishing vessels]

1 Without prejudice to Article 39(4) of this Regulation [F1a][F1Union fishing vessel] subject to electronic completion and transmission of fishing logbook, transshipment 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 [F1Union fishing vessels] used exclusively for the exploitation of aquaculture.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Status: Point in time view as at 20/11/2015.

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Article 37

Format for transmission of data from [F1a][F1Union fishing vessel] to the competent authority of its flag State

Member States shall determine the format to be used between [F1Union 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.

[F2The fishing logbook, transshipment declaration and landing declaration in electronic format shall be completed in accordance with the instructions set out in Annex X.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.
- F2** Inserted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

Article 38

Return messages

1 Return messages shall be issued to the [F1Union 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 [F1a][F1Union fishing vessel] shall retain the return message until the end of the fishing trip.

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

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 [F1Union fishing vessel], the master of the fishing vessel or

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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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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 [^{F1}Union fishing vessel or their representative(s) thereof as soon as possible. If, in respect of a particular Union fishing vessel] or their representative, 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

Status: Point in time view as at 20/11/2015.

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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 [F1Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 41

Data access failure

1 When the competent authorities of a coastal Member State observe [F1a][F1Union 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 [F1Union 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 [F1Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 laying down detailed rules for the implementation](#)

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of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

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.

[^{F1}Article 43

Mandatory data in the exchange of information between Member States

Data elements that must be recorded by masters of Union fishing vessels in the fishing logbook, transshipment declaration, prior notification and landing declaration according to Union rules shall also be mandatory in exchanges between Member States.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

[^{F1}Article 44

Access to data

1 When a fishing vessel, flying the flag of a Member State, conducts fishing operations in the Union waters of a coastal Member State, the flag State shall immediately upon receipt forward the mandatory electronic fishing logbook data of the current fishing trip, starting with the last departure from port, to that coastal Member State.

2 As long as a fishing vessel flying the flag of a Member State is fishing in the Union waters of another coastal Member State, the flag Member State shall immediately upon receipt forward all the mandatory electronic fishing logbook data to that coastal Member State. The flag

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Member State shall also forward the corrections related to the current fishing trip as referred to in Article 47(2) of this Regulation.

3 When a landing or transshipment operation takes place in a port of another coastal Member State than the flag Member State, the flag Member State shall immediately upon receipt forward all the mandatory electronic landing or transshipment declaration data to that coastal Member State.

4 When a flag Member State is notified that a fishing vessel flying its flag intends to enter into a port of another coastal Member State, the flag Member State shall immediately upon receipt forward the electronic prior notification to that coastal Member State.

5 When, on a fishing trip, a fishing vessel flying the flag of a Member State enters into the Union waters of another coastal Member State or when any of the data referred to in paragraph 3 or 4 related to a specific fishing trip have been transmitted to a coastal Member State, the flag Member State shall allow access to all electronic fishing activity data as referred to in Article 111(1) of the Control Regulation for that fishing trip from departure to the time when the landing was completed and shall transmit data on request of that coastal Member State. The access shall remain allowed at least 36 months after the beginning of the fishing trip.

6 The flag Member State of a fishing vessel inspected by another Member State in accordance with Article 80 of the Control Regulation shall, on request by the inspecting Member State, transmit the electronic fishing activity data as referred to in Article 111(1) of the Control Regulation for the current fishing trip of the vessel from departure to the time of the request.

7 The requests referred to in paragraphs 5 and 6 shall be electronic and shall indicate whether the reply should provide the original data with corrections or only the consolidated data. The reply to the request shall be generated automatically and transmitted without delay by the requested Member State.

8 Member States shall allow access to the vessel monitoring system, fishing logbook, transshipment declaration, prior notification and landing declaration data on request by other Member States carrying out inspection activities at sea in the context of joint deployment plans or other agreed joint inspection activities.

9 Masters of Union fishing vessels shall have secure access to their own electronic fishing logbook information, transshipment declaration data, prior notification data and landing declaration data stored in the database of the flag Member State at any time.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

[^{F1}Article 45

Exchange of data between Member States

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;

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- (b) take all necessary measures to ensure that the data are only used for purposes as provided for in this Regulation; and
- (c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, distribution or unauthorised consultation.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

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 [^{F1}a][^{F1}Union 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.

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[^{F2}1a The master of a Union fishing vessel shall send an electronic departure message to the competent authorities of the flag Member State before leaving port and before starting any other electronic transmission related to the fishing trip.]

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 [^{F1}Union 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 Union fishing vessel] leaves the port. Prior notification is not required for [^{F1}Union fishing vessels] equipped with and transmitting data via VMS.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)
- F2** Inserted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

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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 [^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Section 3

Common rules for the completion and submission of transhipment/landing declarations

Article 52

Margin of tolerance in the transhipment 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 transhipment declaration figures.

Article 53

Difference in transhipped catches

When a difference exists between the quantities of catches transhipped from the transhipping 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 transhipping 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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 55

Fishing Operations involving two or more [^{F1}Union fishing vessels]

Without prejudice to special rules in the case of fishing operations involving two or more [^{F1}Union 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 [^{F1}Union fishing vessel] landing the fisheries products.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

CHAPTER IV

Sampling plans and collection of data on [^{F1}Union 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 [^{F1}Union 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;

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- 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 [^{F1}Union fishing vessels of the fleet sector concerned with the average daily catch per given stock per [^{F1}Union fishing vessel] based on the catches of the sample of the Union fishing vessels] inspected.

4 [^{X1}Member States shall be considered to have met the requirement of a sampling plan as referred to in Article 56 of this Regulation if they collect systematically on at least a monthly basis for each of their fishing vessels not subject to fishing logbook and landing declaration 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.]

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 112 of 30 April 2011\)](#).

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 [^{F1}a][^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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](#).

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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

[^{F1} When the prejudice has not been removed wholly or in part by action in accordance with Article 16(8) of Regulation (EU) No 1380/2013, 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);
 - [^{F1}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 16(8) of Regulation (EU) No 1380/2013;]
 - 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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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⁽²³⁾.

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;

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- (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

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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⁽²⁴⁾ 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.

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.

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TITLE IV

CONTROL OF MARKETING

CHAPTER I

Traceability

[^{F1}Article 66

Definition

For the purpose of this Chapter, the following definition shall apply:

‘Fisheries and aquaculture products’ means any products which fall under Chapter 3, subheading 1212 21 00 of Chapter 12 and under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87⁽²⁵⁾.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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 multiannual 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.

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⁽²⁶⁾.

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⁽²⁷⁾;
- b fisheries and aquaculture products caught or farmed in freshwater; and
- c ornamental fish, crustaceans and molluscs.

[^{F12} The information listed in Article 58(5) of the Control Regulation shall not apply to fisheries and aquaculture products falling under headings 1604 and 1605 of Chapter 16 of the Combined Nomenclature.]

[^{F13} For the purposes of Article 58(5) of the Control Regulation, the information on the area where the product was caught or farmed shall be:

- a for catches of stocks or group of stocks subject to a quota and/or a minimum size in Union legislation, the relevant geographical area, as defined in Article 4(30) of the Control Regulation;
- b for catches of other stocks or group of stocks, fishery products caught in freshwater and aquaculture products, the name of the catch or the production area in accordance with Article 38(1) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁽²⁸⁾.]

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

^{F3}Article 68

[^{F3}Information to the consumer]

Textual Amendments

- F3** Deleted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

CHAPTER II

Weighing of fisheries products

Section 1

General rules on weighing

Article 69

Scope

Without prejudice to Articles 78 - 89 of this Regulation the provisions contained in this chapter shall apply to landings from [^{F1}Union fishing vessels taking place in a Member State and transhipments involving Union fishing vessels taking place in ports or places close to the shore of a Member State as well as to the weighing of fisheries products on board Union fishing vessels] in [^{F1}Union waters].

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

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 [F1Union 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 [F1a][F1Union fishing vessel], shall keep the records referred to in paragraph 1 for a period of 3 years.

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

Article 71

Timing of weighing

1 Where fisheries products are transhipped between [F1Union 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 [F1a][F1Union 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 [F1Union 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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

[^{F12} 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. There shall be no deduction of water or ice for landings for industrial purposes or for non-pelagic species.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

[^{F1}Article 78

Scope of weighing procedures for catches of herring, mackerel, horse mackerel and blue whiting

The rules set out in this Section shall apply to the weighing of catches landed in the Union or by Union fishing vessels in third countries, of herring (*Clupea harengus*), mackerel (*Scomber scombrus*), horse mackerel (*Trachurus* spp.) and blue whiting (*Micromesistius poutassou*) 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 Union waters of CECAF;
- (c) for horse mackerel in ICES zones IIa, IV, Vb, VI, VII, VIII, IX, X, XII, XIV and Union waters of CECAF;

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- (d) for blue whiting in ICES zones IIa, IIIa, IV, Vb, VI, VII, VIII, IX, X, XII, XIV and Union waters of CECAF;

when the quantities per landing exceed 10 tonnes.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

[^{F1}Article 79]

Ports of weighing catches of herring, mackerel, horse mackerel and blue whiting

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 transshipment times;
- b established landing and transshipment 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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

7 The Commission and the Member States concerned shall publish the list of ports and changes thereto on their official websites.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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;
- [^{F1}c the quantities in kilograms live weight of herring, mackerel, horse mackerel and blue whiting 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 [^{F1}a][^{F1}Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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

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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.

[^{F12} The quantities of herring, mackerel, horse mackerel and blue whiting 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.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

[^{F1}Article 83]

Publicly operated weighing facilities for fresh herring, mackerel, horse mackerel and blue whiting

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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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

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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.

[^{F1}Article 85

Weighing of frozen fish

When landed quantities of frozen herring, mackerel, horse mackerel and blue whiting are weighed, the weight of frozen fish landed in boxes shall be determined per species in accordance with Article 73 of this Regulation.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

[^{F1}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 at least 3 years.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

[^{F1}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, horse mackerel and blue whiting 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, horse mackerel and blue whiting recorded in the fishing logbook and the quantities recorded in the landing declaration;
- (c) quantities by species of herring, mackerel, horse mackerel and blue whiting recorded in 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.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

[^{F1}Article 89

Monitoring of weighing

1 The weighing of catches of herring, mackerel, horse mackerel and blue whiting 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, horse mackerel and blue whiting, 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:

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- a quantities by species of herring, mackerel, horse mackerel and blue whiting 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, horse mackerel and blue whiting 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 subject to the special rules in this section, 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 at least 3 years.]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2015/1962 of 28 October 2015 amending Implementing Regulation (EU) No 404/2011 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.

[^{F1}CHAPTER III

Sales notes and take-over declarations]

Article 90

General rules

[^{F1} In the sales note and the take-over declaration, the number of individuals as referred to in Articles 64(1)(f) and 66(3)(e) 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.

[^{F1}Article 91

Formats of sales notes and take-over declarations

1 Member States shall determine the format to be used for the completion and transmission of sales notes and take-over declarations between registered buyers, registered auctions, or other bodies or persons authorised by Member States and the competent authorities as referred to in Articles 63 and 67 of the Control Regulation.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

2 Data elements that must be recorded by registered buyers, registered auctions, or other bodies or persons authorised by Member States, in their sales notes or take-over declarations according to Union rules shall also be mandatory in exchanges between Member States.

3 Data as referred to in Article 111(2) of the Control Regulation transmitted for operations in the previous 36 months by the Member State in whose territory the first sale or the take-over took place shall be made available by that Member State on request by the flag Member State or the Member State in whose territory the fisheries products have been landed. The reply to the request shall be generated automatically and transmitted without delay.

4 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 the data are only used for purposes as provided for in this Regulation; and
- c take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, distribution or unauthorised consultation.

5 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.

6 Member States shall exchange contact details of the authorities referred to in paragraph 5 and shall inform the Commission and the body designated by it within 3 months after the entry into force of this Regulation.

7 Any changes in the information referred to in paragraphs 5 and 6 shall be communicated to the Commission, the body designated by it and other Member States before they become effective.]

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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, [F1Union 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 [F1Union 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.

Textual Amendments

F1 Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 94

Independence of control observers

In order to be independent from the owner, the operator, the master of the [F1Union fishing vessel] and any crew member, as prescribed by Article 73(2) of the Control Regulation, control observers shall not be:

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- a relative or an employee of the master of the [F1Union fishing vessel or any other crew member, the representative of the master or the owner or the operator of the Union 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 [F1Union fishing vessel] to which he is assigned.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 95

Duties of control observers

- 1 Control observers shall verify the relevant documents and record the fishing activities of the [F1Union fishing vessel] in which they are embarked as are listed in Annex XXV.
- 2 Control observers on board [F1a][F1Union 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 Union 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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

^{F3}Article 96

[^{F3}Pilot projects]

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Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F3** Deleted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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, transhipment, 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 [F¹Union fishing vessel] concerned.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

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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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

^{F1}Article 107

Inspection of certain pelagic landings

For landings of herring, mackerel, horse mackerel and blue whiting as referred to in Article 78 of this Regulation the competent authorities of a Member State shall ensure that at least 7,5 % of the quantities landed for each species and at least 5 % of the landings are fully inspected.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

f¹ Article 112

Control of fisheries products subject to storage mechanism

Officials shall verify that fisheries products subject to the storage mechanism referred to in Article 30 of Regulation (EU) No 1379/2013 fulfil the conditions laid down in that Article 30 and in Article 67 of Regulation (EU) No 508/014 of the European Parliament and of the Council⁽²⁹⁾.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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:

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- 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.

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

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inspection takes place or, where the inspection is carried out outside [F1Union 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.

Textual Amendments

F1 Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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 [F1Union waters], to the flag Member State of the inspected [F1Union 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 [F1Union 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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

[^{F12} 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 in accordance with paragraph 1 up to a maximum of 12 points for all those infringements.]

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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

[^{F1} 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 24(1) of Regulation (EU) No 1380/2013. This fishing vessel shall also be identified in this way in the Union fishing fleet register referred to in Article 24(3) of Regulation (EU) No 1380/2013.

2 The permanent withdrawal of a fishing licence in accordance with Article 129(2) of this Regulation shall not affect the fishing capacity ceilings of the Member State issuing the licence as referred to in Article 22(7) of Regulation (EU) No 1380/2013.]

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.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 laying down detailed rules for the implementation](#)

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of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

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, transhipment 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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

^{F3}CHAPTER I

^{F3}Suspension and cancellation of Union financial assistance

^{F3}Article 135

Definition

.....

^{F3}Article 136

Interruption of the payment deadline

.....

^{F3}Article 137

Suspension of payments

.....

^{F3}Article 138

Cancellation of financial assistance]

.....

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

[^{F12} 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 16(8) of Regulation (EU) No 1380/2013, quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96⁽³⁰⁾, 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 16(8) of Regulation (EU) No 1380/2013 for a given period shall not be allowed after the last day of the first month after the expiration of that period.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

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:

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

]^{F2}CHAPTER Ia

Rules for the exchange of data

Article 146a

This Chapter lays down detailed rules for the exchange of data as referred to in Articles 111 and 116 of the Control Regulation as well as for the notification of catch data as referred to in Article 33(2) and (4) of the Control Regulation and in Article 13(2) of Council Regulation (EC) No 1006/2008⁽³¹⁾.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 146b

Definitions

For the purpose of this Chapter the following definitions shall apply:

- (a) ‘Transportation layer’ means the electronic network for fisheries data exchanges as made available by the Commission to all Member States and the body designated by it to exchange data in a standardised way;
- (b) ‘Report’ means the information recorded by electronic means;
- (c) ‘Message’ means the report in its format for transmission;
- (d) ‘Request’ means an electronic message containing a query for a set of reports.

Article 146c

General principles

1 All messages shall be exchanged based on the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) P1000 standard. Only data fields, core components, objects and well formatted Extensible Markup Language (XML) messages according to the XML Schema Definition (XSD) based on the UN/CEFACT standardisation libraries shall be used.

2 The report formats shall be based on the UN/CEFACT standards as referred to in Annex XII and shall be made available on the Master Data Register page of the European Commission Fisheries website.

3 The XSD and codes on the Master Data Register page of the European Commission Fisheries website shall be used for all messages.

4 Date and time shall be transmitted in Coordinated Universal Time (UTC).

5 All reports shall have a unique report identifier.

6 A unique human readable fishing trip identifier shall be used to link the fishing log-book data with landing declaration data, transshipment declaration data, sales note data, take-over declaration data and transport document data.

7 Reports related to Union fishing vessels shall include the identification number of the vessel as referred to in Article 10 of Commission Regulation (EC) No 26/2004⁽³²⁾.

8 Member States shall use the implementation documents available on the European Commission fisheries website to ensure exchange of messages.

Article 146d

Transmission of messages

2 Before transmitting a message, the sender shall perform an automatic check to verify that the message is correct according to the minimum set of validation and verification rules available on the Master Data Register on the European Commission Fisheries website.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

3 The receiver shall inform the sender on the reception of the message by transmitting a return message based on UN/CEFACT P1000-1: General Principles. Vessel monitoring system messages and replies to a request shall not receive a return message.

4 When a technical failure occurs on the sender side and the sender can no more exchange messages, the sender shall notify all receivers of the problem. The sender shall immediately take appropriate actions to correct the problem. All messages that have to be delivered to a receiver shall be stored until the problem is solved.

5 When a technical failure occurs on the receiver side and the receiver can no more receive messages, the receiver shall notify the all senders of the problem. The receiver shall immediately take appropriate actions to correct the problem.

6 After repair of a system failure related to a sender, the sender shall transmit unsent messages as soon as possible. A manual follow-up procedure may be applied.

7 After repair of a system failure related to the receiver, missing messages shall be accessible on request. A manual follow-up procedure may be applied.

8 All senders and receivers of messages and the Commission shall establish failover procedures for business continuity.

Article 146e

Corrections

Corrections to reports shall be recorded in the same format as the original report, indicating that the report is a correction based on the UN/CEFACT P1000-1: General Principles.

Article 146f

Exchange of vessel monitoring system data

1 The format to be used to report vessel monitoring system data between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Vessel Position Domain XML Schema Definition based on the UN/CEFACT P1000-7.

2 Flag Member State systems shall be capable of sending vessel monitoring system messages.

3 Flag Member State systems shall also be capable of replying to requests for vessel monitoring system data for fishing trips that started during the previous 36 months.

Article 146g

Exchange of fishing activity data

1 The format to be used to exchange fishing logbook data, prior notification data, transshipment declaration data, and landing declaration data, as referred to in Articles 15, 17, 22 and 24 of the Control Regulation, between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Fishing Activity Domain XML Schema Definition based on the UN/CEFACT P1000-3.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

2 Flag Member State systems shall be capable of sending fishing activity messages as well as of replying to requests for fishing activity data for fishing trips that started during the previous 36 months.

Article 146h

Exchange of sales related data

1 The format to be used to exchange sales notes data and take-over declarations data, as referred to in Articles 63 and 67 of the Control Regulation, between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Sales Domain XML Schema Definition based on the UN/CEFACT P1000-5.

2 When transport document data as referred to in Article 68 of the Control Regulation are exchanged between Member States, as well as between Member States and the Commission or the body designated by it, the format used shall also be based on the UN/CEFACT P1000-5.

3 Member State systems shall be capable of sending sales notes and take-over declarations messages as well as of replying to requests for sales notes and take-over data for operations taken place in the previous 36 months.

Article 146i

Transmission of aggregated catch data

1 Flag Member States shall use the XML Schema Definition based on the UN/CEFACT P1000-12 as format to transmit to the Commission the aggregated catch data referred to in Article 33(2) and (4) of the Control Regulation and in Article 13(2) of Council Regulation (EC) No 1006/2008.

2 The catch report data shall be aggregated per month in which the species were caught.

3 The catch report quantities shall be based on the quantities landed. When a catch report is to be provided in accordance with Article 13(2) of Regulation (EC) No 1006/2008, and before the landing takes place, an estimate catch report shall be provided, with the indication 'retained on board'. A correction with the exact weight and landing place shall be transmitted before the 15th of the month following the landing.

4 When the Union legislation requires the reporting of stocks or species in multiple catch reports at different aggregation levels, these stocks or species shall only be reported in the most detailed report required.

Article 146j

Changes to XML formats and implementation documents

1 Amendments to XML formats and implementation documents to be used for all electronic data exchanges between Member States, and between Member States, the Commission or the body designated by it, including the amendments resulting from Articles 146f, 146g and 146h, shall be decided by the Commission in concert with Member States.

2 The amendments referred to in paragraph 1 shall be clearly identified on the Master Data Register of the European Commission Fisheries website and marked with the date the

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amendment comes into effect. Such amendments shall not come into effect earlier than 6 months and no later than 18 months after they have been decided. The timing shall be decided by the Commission in concert with Member States.]

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.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

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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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

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and national legislation regarding the protection of individuals with regard to the processing of personal data.

[^{F13} The Commission or the body designated by it may, in the framework of sustainable fisheries partnership agreements or of fisheries partnership 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 the rules of the Common Fisheries Policy or serious infringements referred to in Article 42(1)(a) of Regulation (EC) No 1005/2008 and 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 and in accordance with Article 9 of Regulation (EC) No 45/2001⁽³³⁾.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

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.

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

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

Status: Point in time view as at 20/11/2015.

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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 ^a

^a 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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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
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

a 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⁽³⁴⁾

Union fleet register number⁽³⁵⁾

Name of fishing vessel⁽³⁶⁾

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Species						
Fishing gear						
Other conditions						

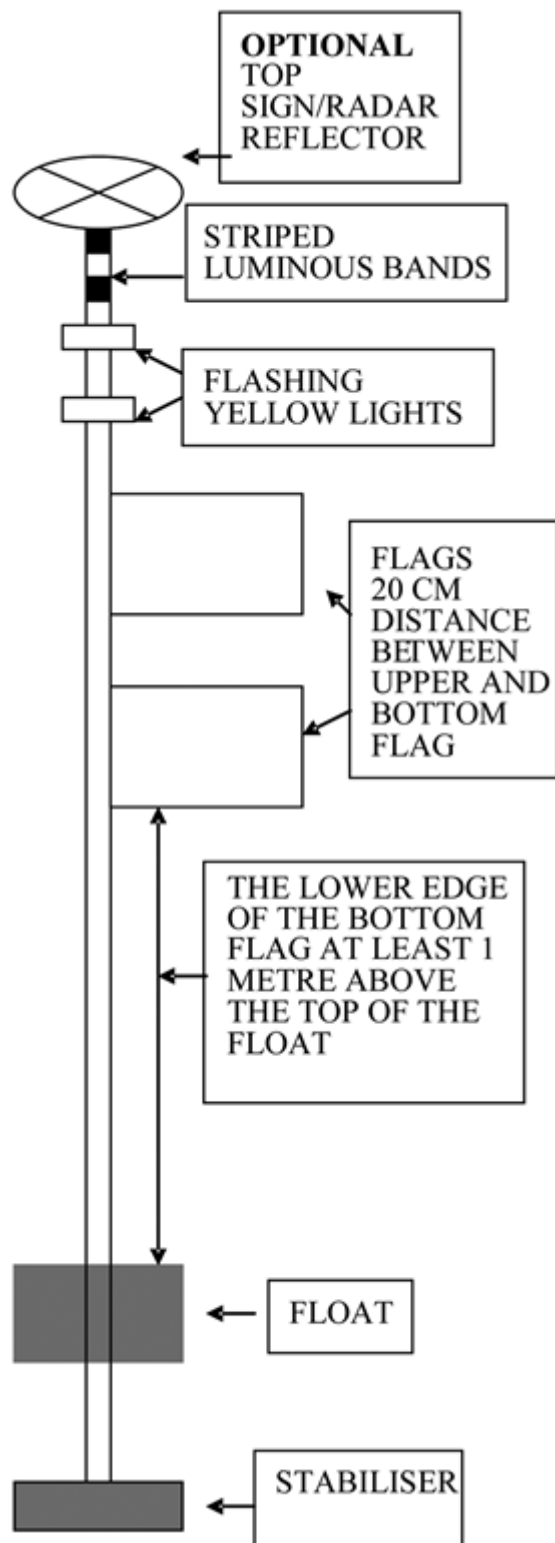
Any other requirement arising from an application for a fishing authorisation.

ANNEX IV

CHARACTERISTICS OF MARKER BUOYS

Status: Point in time view as at 20/11/2015.

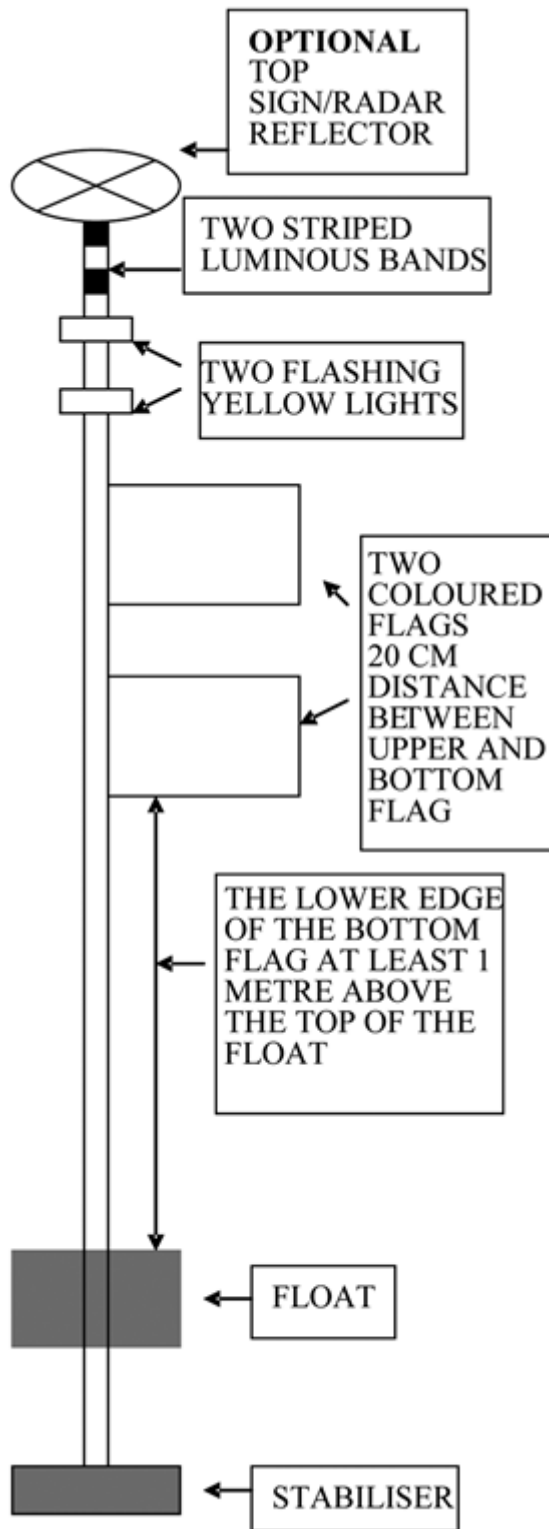
Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)



WESTERN END MARKER BUOYS

Status: Point in time view as at 20/11/2015.

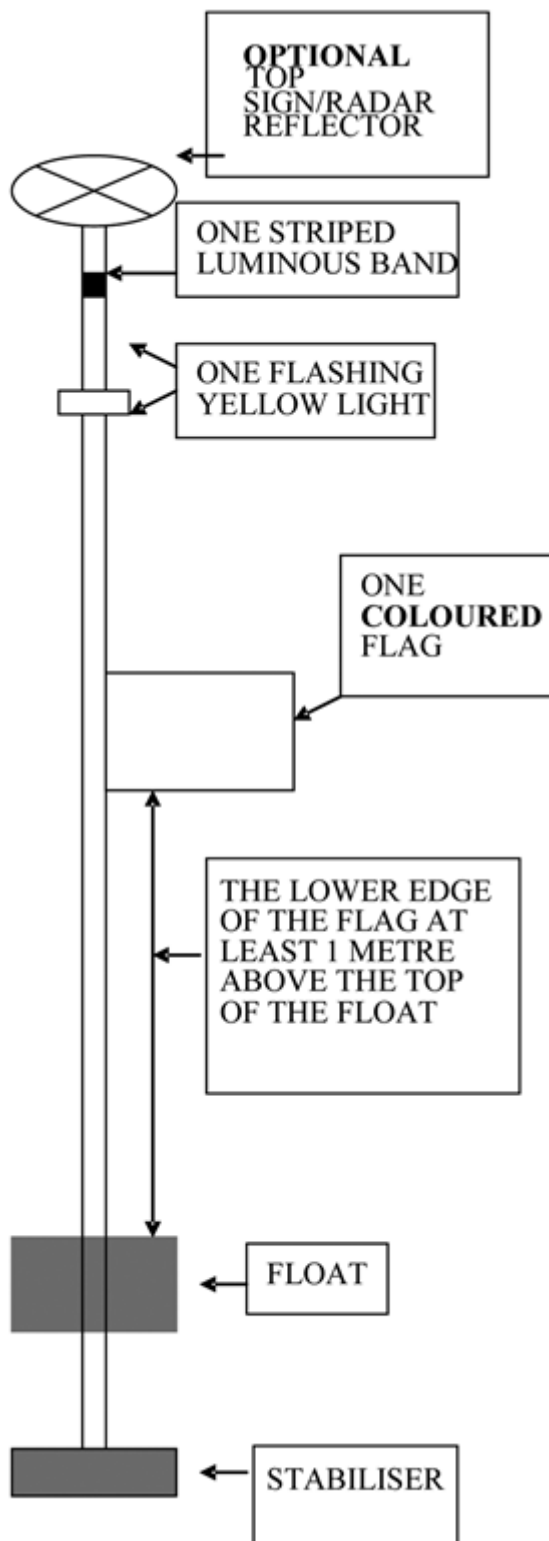
Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)



EASTERN END MARKER BUOYS

Status: Point in time view as at 20/11/2015.

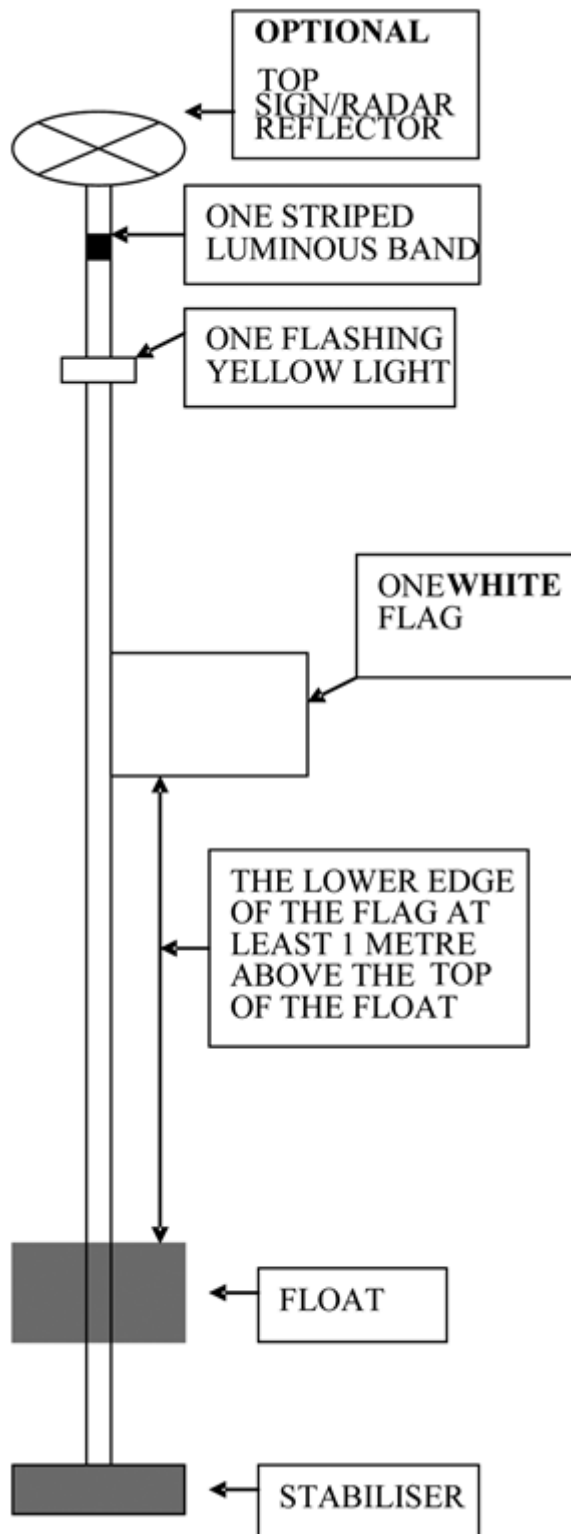
Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)



INTERMEDIARY MARKER BUOYS

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)



Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

F³ ANNEX V

[F¹ ANNEX VI

MODEL OF COMBINED UNION FISHING LOGBOOK, LANDING DECLARATION AND TRANSHIPMENT DECLARATION]

No/ISO alpha-3 country code + number of the log sheet	UNION FISHING LOG-BOOK										Day, month, year, time, port			
Name of vessel(s) (1) 1 1 1 1	External identification(s) (2) 1 1		Name of master(s) (3) 1 1		Departure (4) 1 1 1 1 at 1 1 from 1 1		Return (5) 1 1 1 1 at 1 1 to 1 1		Address(es) (5) 1 1		Landing (6) 1 1 1 1 at 1 1 Port 1 1		Transshipment (7) 1 1 1 1 at 1 1 Place 1 1	
International radio call sign(s) (1) 1 1	CFR number(s) (1) 1 1		Name of receiving vessel (7) 1 1		International radio call sign (7) 1 1 IMO/CFR number (7) 1 1		External identification (7) 1 1		Flag of receiving vessel (7) 1 1		Port and country of destination (7) 1 1		1 1	
Gear (8) 1 1	Mesh size (9) 1 1	Dimensions (10) 1 1 1 1 1 1		Catches by species kept on board, discarded or released to sea in kilograms live weight or number of units (15)(16)										
Date (11) 1 1	Nb of fishing ops (12) 1 1	Fishing time (13) Gear time set 1 Gear time haul 1 Total time 1		Fishing depth (13) 1 1	Position/fishing area (14) Position (Latitude/Longitude) Stat. rect. ICES/ GFCM/ CECAF/ FAO area Third country fishing zone/ High seas							Species	Weight of unit in live weight, or number of individuals, of species concerned	Initials of the master
											Kept on board by class size, discarded or released to sea	↓		
				Landing/transshipment (*) declaration (18) in kilograms or unit utilized: equals Kilograms										
				ICES/GFCM/CECAF/FAO zone (22)	Third country fishing zone/ High seas (22)							Species	Date:	
											Landed or transhipped by class size	I, the undersigned, hereby certify that all records are complete, true and accurate.		
Presentation of fish (17)											Signature master/agent (*) (20):			
Quantities (19)											Signature observer (*) (20):			
Presentation of fish (17)											Agent(s)-observer name and address (21)			
Quantities (19)											1 1			
											1 1			
(*) Delete whichever does not apply				Comments:										

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

[^{F1} ANNEX VII

MODEL OF COMBINED UNION FISHING LOGBOOK, LANDING DECLARATION AND TRANSHIPMENT DECLARATION (MEDITERRANEAN SEA — DAILY FISHING TRIPS)]

No ISO alpha-3 country code + number		UNION FISHING LOG-BOOK							Year:	Trip No:	
Name of master(s) (3) 1 1 1		Address(es) 1 1 1									
Name of vessel(s) (1)(7)	Radio call sign (1)(7)	External identification (2)(7)	CFR number (1)(7)	IMO number (7)	Day (4)(5)(6)(7)(11)	Month (4)(5)(6)(7)(11)	Time (4)(5)(6)(7)(11)	Port (4)(5)(6)			
Place (7) 1 1 1		Port and country of destination (7) 1 1		Catches by species kept on board, discarded or released at sea and landed or transhipped in kg live-weight equivalent (13)(16)(18)							
Day, month, year, time (7) 1 1 1	Flag (7) 1 1										
Gear type (8)	Dimensions (10)	Number (10)	Mesh size (9)	No of fishing ops (12)	Gear soaking time (13)	Fishing depth (13)	Position/fishing area (14)(22)			Species	Weight of unit in live weight, or number of individuals of species concerned
							Stat. rec.	GFCM area	Third country fishing zone/ High seas		
Presentation of fish (17)											
Comments:							Date: I, the undersigned, hereby certify that all records are complete, true and accurate. Signature master/agent (*) (20): Signature observer (*) (20): Agent's/observer name and address (21) 1 1 1				
(*) Delete whichever does not apply											

[^{F3} ANNEX VIII

[^{F3}

[^{F3} ANNEX IX

[^{F3}

[^{F1} ANNEX X

INSTRUCTIONS TO MASTERS OF FISHING VESSELS REQUIRED TO COMPLETE AND SUBMIT A FISHING LOGBOOK, A LANDING DECLARATION OR A TRANSHIPMENT DECLARATION

The following general and minimum information on the vessel or vessels fishing activities shall be recorded in the fishing logbook in accordance with Article 14, 15, 21, 22, 23 and 24 of Control Regulation and Title III, Chapters I, II and III of this Regulation, without prejudice of other specific elements or rules required by Union legislation, national authorities of a Member State or of a third country, or by a Regional Fisheries Management Organisation.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

1. INSTRUCTIONS CONCERNING THE FISHING LOGBOOK

The master(s) of all fishing vessel(s) participating to a pair fishing operation shall keep a fishing logbook indicating the quantities caught and kept on board in such a way that there is no double counting of catches.

In paper log book, during the same fishing trip, mandatory data elements shall be recorded in each page.

Information concerning the fishing vessel(s) and fishing trip dates		
Paper fishing logbookReferenceNumber	Name of the data element(M = Mandatory)(O = Optional)(CIF = Compulsory if applicable)	Description and/or timing to be recorded
(1)	Name of fishing vessel(s), (M) International radio call signal(s), (M) CFR number(s) (M) GFCM, ICCAT number(s) (CIF)	In case of pair fishing operations, the same information for the second fishing vessel, shall be as well recorded. This information shall be entered in paper logbook below those of the vessel in respect of which the fishing logbook is being kept. The Community Fleet Register (CFR) identification number of the vessel is the unique number assigned to a Union vessel by a Member State when the fishing vessel enters in the Union fleet for the first time ^a . GFCM or ICCAT register number shall be entered for fishing vessels carrying out regulated fishing activities outside Union waters (CIF).
(2)	External identification (M)	External registration letters and numbers as displayed on the side hull.
a	As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).	
b	As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular: <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

		In case of pair fishing operations, the same information for the second fishing vessel, shall be as well recorded.
(3)	Name and address of the master (M)	Name, first name and detailed address of master (street name, number, city, postal code, Member State or third country) shall be given. In case of pair fishing operations, the same information for the second fishing vessel, shall be as well recorded.
(4)	Date, time and port of departure (M)	Shall be recorded in paper logbook before fishing vessel leaves the port. Date shall be recorded in DD-MM-YYYY and time shall be recorded in HH-MM in local time. Electronic departure message shall be sent before fishing vessel leaves the port. Date and time shall be recorded in coordinated universal time (UTC). For electronic logbook, port shall be recorded using codes published in the Master Data Register page of the European Commission Fisheries website.
(5)	Date, time and port of return (M)	Shall be recorded in paper logbook before fishing vessel enters into the port. Date shall be recorded in DD-MM-YYYY and estimated time shall be recorded in HH-MM in local time. Electronic return to port message shall be sent before

a As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

b As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:

- species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy,
- species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem,
- catches falling under *de minimis* exemptions,
- fish which shows damage caused by predators.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

		<p>fishing vessel entering into the port. Date and estimated time shall be recorded in in coordinated universal time (UTC).</p> <p>For electronic logbook, port shall be recorded using codes published in the Master Data Register page of the European Commission Fisheries website.</p>
(6)	<p>Date, time and port of landing if different from (5) (M)</p>	<p>Shall be recorded in logbook before fishing vessel enters into the port of landing. Date shall be recorded in DD-MM-YYYY and estimated time shall be recorded in HH-MM in local time (paper logbook) or in coordinated universal time (UTC) for electronic logbook.</p> <p>For electronic logbook, port shall be recorded using codes published in the Master Data Register page of the European Commission Fisheries website.</p>
(7)	<p>Date, time and place of the transshipment, Name, external identification, international radio call sign, flag, CFR or IMO number and port and country of destination of the receiving fishing vessel (M)</p>	<p>Shall be filled in paper logbook in the case of transshipment before starting the operation.</p> <p>Date shall be recorded in DD-MM-YYYY and time shall be recorded in HH-MM in local time (paper logbook) or in coordinated universal time (UTC) for electronic logbook.</p> <p>For electronic logbook, port shall be recorded using codes published in the Master Data Register page of the</p>

a As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

b As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:

- species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy,
- species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem,
- catches falling under *de minimis* exemptions,
- fish which shows damage caused by predators.

Status: Point in time view as at 20/11/2015.

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		European Commission Fisheries website. Third country shall be recorded using ISO-3166 3-alpha country codes. The Community Fleet Register (CFR) number shall be recorded for Union vessels. The International Maritime Organisation (IMO) number shall be recorded for third country vessels. When a geographical position is required, latitude and longitude shall be recorded in degrees and minutes if no use of GPS and in decimal degrees and minutes using GPS (format WGS 84).
Information on the fishing gear		
(8)	Gear type (M)	The type of gear shall be indicated using the codes in column 1 of Annex XI.
(9)	Mesh size (M)	Shall be given in millimetres (mesh stretched).
(10)	Gear dimension (M)	Gear dimensions such as the size and the number shall be given according to the specifications in column 2 of Annex XI.
(11)	Date (M)	Date for each day at sea shall be recorded in a new line (paper logbook) or report (electronic logbook) and shall correspond to each day at sea. Where applicable, date for each fishing operation shall be recorded in a new line.
(12)	Number of fishing operations (M)	Number of fishing operations shall be given in accordance
a	As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).	
b	As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular: <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

Status: Point in time view as at 20/11/2015.

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		with the specifications in column 3 of Annex XI.
(13)	Fishing time (O) Gear time set and haul (CIF) Fishing depth (CIF) Total time (O)	<p>Total time spent for all activities in connection with fishing operations (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) shall be given in minutes 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. For gear time set and time haul, time shall be recorded in HH-MM in local time (paper logbook) or in coordinated universal time (UTC) for electronic logbook. Fishing depth shall be recorded as average depth and in metres.</p>
(14)	Position and fishing geographical area (M)	<p>The relevant geographical area of capture shall be represented by the area in which the majority of the catch was taken using the most detailed level when available.</p> <p><i>Examples:</i></p> <p style="padding-left: 40px;">In Northeast Atlantic waters (FAO area 27), up to ICES Division</p>
a	As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).	
b	<p>As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:</p> <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

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and statistical rectangle (e.g. IVa 41E7, VIIIb 20E8). ICES statistical rectangles provide a grid covering the area between 36° N and 85° 30' N and 44° W and 68° 30' E. Latitudinal rows, with intervals of 30', are numbered (two-digits) from 01 to 99. Longitudinal columns, with intervals of 1°, are coded according to an alphanumeric system, beginning with A0 using a different letter for each 10° block, to M8, except I. In Mediterranean and Black sea waters (FAO area 37), up to GFCM geographical sub-area and statistical rectangle (e.g. 7 M27B9). The numbers of a rectangle in the GFCM statistical grid is a 5 digits code: (i) Latitude is covered by a composed 3 digits code (one letter and two numbers). Maximum range from M00 (30° N) up to M34 (47° 30'

a As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

b As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:

- species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy,
- species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem,
- catches falling under *de minimis* exemptions,
- fish which shows damage caused by predators.

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N), (ii) Longitude is covered by a composed code of a letter and a number. The letter range is from A to J and number range per letter is from 0 to 9. Maximum range from A0 (6° W) up to J5 (42° E). In Northwest Atlantic waters including NAFO (FAO area 21) and in Eastern Central Atlantic waters including CECAF (FAO area 34), up to FAO division or subdivision (e.g. 21.3.M or 34.3.5). For the other FAO areas, up to FAO subarea when available (e.g. FAO 31 for Western Central Atlantic and FAO 51.6 for Western Indian Ocean).

However, optional entries may be made in respect of all the statistical rectangles in which the fishing vessel has operated during the day (O) In GFCM and ICCAT areas, geographical position (latitude/longitude) shall be as well recorded for each fishing operation or at noon when no fishing has been conducted during this day.

a As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

b As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:

- species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy,
- species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem,
- catches falling under *de minimis* exemptions,
- fish which shows damage caused by predators.

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		<p>When a geographical position is required, latitude and longitude shall be recorded in degrees and minutes if no GPS is used and in decimal degrees and minutes using GPS (format WGS 84). Third country fishing zone, regional fisheries management organisation area and high seas: indicate the fishing zone(s) of non-Member States or the Regional Fisheries Management Organisation area(s) or the waters outside the sovereignty or jurisdiction of any State or not regulated by a Regional Fisheries Management Organisation, using ISO-3166 3-alpha country codes and other codes published in the Master Data Register page of the European Commission Fisheries website e.g. NOR = Norway, NAFO = XNW, NEAFC = XNE and XIN for high seas.</p>
(15)(16)	<p>Catches caught and kept on board (M)</p>	<p>FAO 3-alpha species codes shall be used. The catch of each species shall be recorded in kilograms live weight equivalent. All quantities of each species caught and kept on board above 50 kg of live-weight equivalent shall be recorded. The 50 kg threshold shall apply as soon as catches of a species exceed 50 kg. These amounts shall include</p>
<p>a</p>	<p>As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).</p>	
<p>b</p>	<p>As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:</p> <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

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		<p>quantities set aside for consumption by the crew of the vessel. Legally size catches shall be recorded using the general code LSC. Below minimum conservation reference size catches shall be recorded separately from the legally sized catches using the general code BMS. Where 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 (O). In Baltic Sea (only for salmon) and in GFCM area (only for tunas, swordfish and highly migratory sharks) and, if applicable, in other areas, number of fish caught per day shall be also recorded. If the number of columns is insufficient, a new page shall be used.</p>
(15)(16)	Estimates of discards (M)	<p>FAO 3-alpha species codes shall be used. The discard of each species shall be recorded in kilograms live weight equivalent.</p>
a	As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).	
b	<p>As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:</p> <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

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		<p>Species not subject to the landing obligation:</p> <p>Discards of quantities of each species above 50 kg live weight equivalent shall be recorded following the rules set up for the recording of catches using the general code DIS. Discards of species taken for live bait purposes and which are recorded in the fishing logbook, shall also be recorded in the same way.</p> <p>Species which benefit from exemptions to the landing obligation^b:</p> <p>Discards of quantities of each species shall be fully recorded following the rules set up for the recording of catches using the general code DIS. Discards of quantities of each species to which specifically <i>de minimis</i> exemptions apply shall be fully recorded following the rules set up for the recording of catches separately from the other</p>
<p>a</p>	<p>As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).</p>	
<p>b</p>	<p>As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:</p> <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

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		discards using the general code DIM.
(15)(16)	Catches, incidental by-catches and release of other marine organisms or animals (M)	<p>In GFCM area, the following information shall be as well recorded separately for each catch or incidental by-catch:</p> <ul style="list-style-type: none"> — Daily catches of red coral including fishing activity by area and depth, — Incidental by-catch and release of seabirds, — Incidental by-catch and release of monk seals, — Incidental by-catch catch and release of sea turtles, — Incidental by-catch and release of cetaceans. <p>Where applicable, marine animals released to sea shall be recorded using the general code RET. FAO 3-alpha species codes shall be used or when unavailable, codes published in the Master Data Register page of the European Commission Fisheries website.</p>
a	As referred to in Article 10 of Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).	
b	<p>As referred to in Article 15(4) and Article 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy and as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015, in particular:</p> <ul style="list-style-type: none"> — species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy, — species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, — catches falling under <i>de minimis</i> exemptions, — fish which shows damage caused by predators. 	

2. INSTRUCTIONS CONCERNING THE LANDING/TRANSHIPMENT DECLARATION

When fisheries products have been landed or transhipped, and if they have been weighted using systems approved by the competent authorities of Member States, on either the catch vessel, donor or receiving fishing vessel, then the actual weight of quantities landed or transhipped shall be indicated in kilograms product weight on the landing or transhipment declaration by species showing:

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- (a) Presentation of fish (reference No 17 in paper fishing logbook) using the codes in table 1 of Annex I (M);
- (b) Measurement unit for landed or transhipped quantities (reference No 18 in paper fishing logbook); give the weight of the unit in kilograms product weight. This unit may be different from that entered in the fishing logbook (M);
- (c) Total weight by species landed or transhipped (reference No 19 paper in paper fishing logbook); give the weight of quantities actually landed or transhipped for all species (M);
- Legally size catches shall be recorded using the general code LSC. Below minimum conservation reference size catches shall be recorded separately from the legally sized catches using the general code BMS. FAO 3-alpha species codes shall be used.
- (d) The weight shall correspond to the product weight of fish as landed, i.e. after any processing on board. Relevant conversion factors shall be applied subsequently by the competent authorities in Member States to calculate the equivalent live weight in accordance with Article 49 of this Regulation;
- (e) Signature of the master (reference No 20 in paper fishing logbook) (M);
- (f) Signature and name and address of the agent and the observer where applicable (reference No 21 in paper fishing logbook);
- (g) Relevant geographical area of capture: FAO area, sub-area and sub-division, ICES division, NAFO, NEAFC sub-area, CECAF area, GFCM sub area or third country fishing zone (reference No 22 in paper fishing logbook). This shall be applied in the same way as for position and geographical area information as referred above (M).
3. **ADDITIONAL INSTRUCTIONS FOR RECORDING FISHING EFFORT IN THE FISHING LOGBOOK**

The following additional information shall be recorded in fishing logbook by masters of Union fishing vessels for the time spent in fisheries subject to fishing effort regimes:

- (a) All information required under this section shall be recorded in the paper fishing logbook between the fishing logbook references No (15) and (16).
- (b) Time shall be recorded as co-ordinated universal time (UTC).
- (c) Latitude and longitude shall be recorded in degrees and minutes if no GPS is used and in decimal degrees and minutes (format WGS 84) if use of GPS.
- (d) 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 paper fishing logbook or an electronic declaration shall be completed. The following information is to be entered:

- the date,
- the effort zone,
- the dates and times of each entry/exit,
- position of each entry and exit in latitude and longitude,

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- 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 paper fishing logbook or an electronic declaration shall be completed. The following information is to be entered:

- 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 paper fishing logbook or an electronic declaration shall be completed. The following information is to be entered:

- 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 shall be completed or an electronic declaration shall be completed. The following information is to be entered:

- 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.

(d) *Trans-zonal fishing activities⁽⁴³⁾.*

Where the fishing vessel carries out trans-zonal fishing activities, an additional line in the paper logbook or an electronic declaration shall be completed. The following information is to be entered:

- the date,
- the word ‘trans-zonal’,
- the time of first exit and effort zone,
- position of first entry in latitude and longitude,

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- 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.
- (e) *Additional information for fishing vessels using static gears:*
- When the fishing vessel sets or resets static gears, the following information shall be entered:
 - 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

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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	
SEINES			
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		
SURROUNDING NETS			
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		
DREDGES			
Dredge	DRB	Width x number of dredges	Number of times gear is shot
GILLNETS AND ENTANGLING NETS			
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		

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Trammel net	GTR		
TRAPS			
Pots	FPO	Number of pots shot each day	
Traps (not specified)	FIX	Not specified	
HOOKS AND LINES			
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		
HARVESTING MACHINES			
Mechanised dredges	HMD		
Miscellaneous gear	MIS		
Recreational gear	RG		
Gear not known or not specified	NK		

[^{F1}ANNEX XII

STANDARDS FOR ELECTRONIC DATA EXCHANGE

The format for electronic data exchange is based on the UN/CEFACT standard P1000. Data exchanges related to similar business activities are grouped in domains and specified in Business Requirements Specifications (BRS) documents.

Standards are available for:

- P1000 – 1; General principles
- P1000 – 3; Fishing Activity domain
- P1000 – 5; Sales domain
- P1000 – 7; Vessel Position domain
- P1000 – 12; Aggregated Catch Data Report domain

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The BRS documents and the translation in computer readable form (the XML Schema Definition) are available on the Master Data Register page of the European Commission Fisheries website. Implementation documents to be used for the exchange of data are also available on this website.]

ANNEX XIII

EUROPEAN UNION CONVERSION FACTORS FOR FRESH FISH

Species : Albacore <i>Thunnus alalunga</i>	ALB
WHL	1,0
GUT	1,11
Species : Alfonsinos <i>Beryx spp.</i>	ALF
WHL	1,0
Species : Anchovy <i>Engraulis encrasicolus</i>	ANE
WHL	1,0
Species : Anglerfish <i>Lophiidae</i>	ANF
WHL	1,0
GUT	1,22
[²¹ GUH	3,0]
TAL	3,0
Species : Mackarel icefish <i>Champscephalus gunnari</i>	ANI
WHL	1,0
Species : Greater silver smelt <i>Argentina silus</i>	ARU
WHL	1,0
Species : Bigeye tuna <i>Thunnus obesus</i>	BET
WHL	1,0
GUH	1,1
GUH	1,29
Species : Blue ling <i>Molva dypterygia</i>	BLI
WHL	1,0

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GUT	1,17
Species : Brill <i>Scophthalmus rhombus</i>	BLL
WHL	1,0
GUT	1,09
Species : Black scabbardfish <i>Aphanopus carbo</i>	BSF
WHL	1,0
GUT	1,24
HEA	1,4
Species : Atlantic blue marlin <i>Makaira nigricans</i>	BUM
WHL	1,0
Species : Capelin <i>Mallotus villosus</i>	CAP
WHL	1,0
Species : Cod <i>Gadus morhua</i>	COD
WHL	1,0
GUT	1,17
GUH	1,7
HEA	1,38
FIL	2,6
FIS	2,6
Species : Common Dab <i>Limanda limanda</i>	DAB
WHL	1,0
GUT	1,11
GUH	1,39
Species : Picked dogfish <i>Squalus acanthias</i>	DGS
WHL	1,0
GUT	1,35
GUS	2,52
Species : European flounder <i>Platichthys flesus</i>	FLE
WHL	1,0

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GUT	1,08
GUS	1,39
Species : Greater forkbeard <i>Phycis blennoides</i>	GFB
WHL	1,0
GUT	1,11
GUH	1,4
Species : Greenland halibut <i>Reinhardtius hippoglossoides</i>	GHL
WHL	1,0
GUT	1,08
Species : Haddock <i>Melanogrammus aeglefinus</i>	HAD
WHL	1,0
GUT	1,17
GUH	1,46
Species : Atlantic halibut <i>Hippoglossus hippoglossus</i>	HAL
WHL	1,0
Species : Herring <i>Clupea harengus</i>	HER
WHL	1,0
GUT	1,12
GUH	1,19
Species : European hake <i>Merluccius merluccius</i>	HKE
WHL	1,0
GUT	1,11
GUH	1,4
Species : White hake <i>Urophycis tenuis</i>	HKW
WHL	1,0
Species : Horse mackerel <i>Trachurus</i> spp.	JAX
WHL	1,0
GUT	1,08
Species : Antarctic krill	KRI

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<i>Euphausia superba</i>	
WHL	1,0
Species : Lemon sole <i>Microstomus kitt</i>	LEM
WHL	1,0
GUT	1,05
Species : Megrims <i>Lepidorhombus spp.</i>	LEZ
WHL	1,0
GUT	1,06
FIL	2,5
Species : Unicorn icefish <i>Channichthys rhinoceratus</i>	LIC
WHL	1,0
Species : Ling <i>Molva molva</i>	LIN
WHL	1,0
GUT	1,14
GUH	1,32
FIL	2,64
Species : Atlantic mackerel <i>Scomber scombrus</i>	MAC
WHL	1,0
GUT	1,09
Species : Norway lobster <i>Nephrops norvegicus</i>	NEP
WHL	1,0
TAL	3,0
Species : Humped rockcod <i>Notothenia gibberifrons</i>	NOG
WHL	1,0
Species : Norway pout <i>Trisopterus esmarkii</i>	NOP
WHL	1,0
Species : Marbled rockcod <i>Notothenia rossii</i>	NOR
WHL	1,0
Species : Orange roughy	ORY

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<i>Hoplostethus atlanticus</i>	
WHL	1,0
Species : Pacific snow crab <i>Chionoecetes</i> spp.	PCR
WHL	1,0
Species : White shrimps <i>Penaeus</i> spp.	PEN
WHL	1,0
Species : European plaice <i>Pleuronectes platessa</i>	PLE
WHL	1,0
[^{XI} GUT	1,05]
GUH	1,39
FIL	2,4
Species : Saithe <i>Pollachius virens</i>	POK
WHL	1,0
GUT	1,19
Species : Pollack <i>Pollachius pollachius</i>	POL
WHL	1,0
GUT	1,17
Species : Northern prawn <i>Pandalus borealis</i>	PRA
WHL	1,0
Species : Atlantic redfishes <i>Sebastes</i> spp.	RED
WHL	1,0
GUT	1,19
Species : Rough-head grenadier <i>Macrourus berglax</i>	RHG
WHL	1,0
Species : Roundnose grenadier <i>Coryphaenoides rupestris</i>	RNG
WHL	1,0
GUT	1,11
GUH	1,92

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

GHT		3,2
Species	: Sandeels <i>Ammodytes</i> spp.	SAN
WHL		1,0
Species	: Blackspot seabream <i>Pagellus bogaraveo</i>	SBR
WHL		1,0
GUT		1,11
Species	: Rough longnose dogfish <i>Deania histricosa</i>	SDH
WHL		1,0
Species	: Arrowhead dogfish <i>Deania profundorum</i>	SDU
WHL		1,0
Species	: South Georgia icefish <i>Pseudochaenichthys georgianus</i>	SGI
WHL		1,0
Species	: Common sole <i>Solea solea</i>	SOL
WHL		1,0
GUT		1,04
Species	: European sprat <i>Sprattus sprattus</i>	SPR
WHL		1,0
Species	: Northern squid <i>Illex illecebrosus</i>	SQI
WHL		1,0
Species	: Squid <i>Martialia hyadesi</i>	SQS
WHL		1,0
Species	: Skates <i>Rajidae</i>	SRX
WHL		1,0
GUT		1,13
WNG		2,09
Species	: Swordfish <i>Xiphias gladius</i>	SWO
WHL		1,0

Status: Point in time view as at 20/11/2015.

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GUT	1,11
GUH	1,31
Species : Patagonian toothfish <i>Dissostichus eleginoides</i>	TOP
WHL	1,0
Species : Turbot <i>Psetta maxima</i>	TUR
WHL	1,0
GUT	1,09
Species : Tusk <i>Brosme brosme</i>	USK
WHL	1,0
GUT	1,14
Species : Blue whiting <i>Micromesistius poutassou</i>	WHB
WHL	1,0
GUT	1,15
Species : Whiting <i>Merlangius merlangus</i>	WHG
WHL	1,0
GUT	1,18
Species : Atlantic white marlin <i>Tetrapturus albidus</i>	WHM
WHL	1,0
Species : Witch flounder <i>Glyptocephalus cynoglossus</i>	WIT
WHL	1,0
GUT	1,06
Species : Yellowtail flounder <i>Limanda ferruginea</i>	YEL
WHL	1,0

ANNEX XIV

EUROPEAN UNION CONVERSION FACTORS FOR FRESH SALTED FISH

Species : Ling <i>Molva molva</i>	LIN
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Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

WHL	2,8
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ANNEX XV

EUROPEAN UNION CONVERSION FACTORS FOR FROZEN FISH

Species : Albacore <i>Thunnus alalunga</i>	ALB
WHL	1,0
GUT	1,23
Species : Alfonsinos <i>Beryx spp.</i>	ALF
WHL	1,0
Species : Anchovy <i>Engraulis encrasicolus</i>	ANE
WHL	1,0
Species : Anglerfish <i>Lophiidae</i>	ANF
WHL	1,0
GUT	1,22
GUH	3,04
TAL	3,0
FIS	5,6
Species : Mackarel icefish <i>Champsocephalus gunnari</i>	ANI
WHL	1,0
Species : Greater silver smelt <i>Argentina silus</i>	ARU
WHL	1,0
Species : Bigeye tuna <i>Thunnus obesus</i>	BET
WHL	1,0
GUH	1,29
HEA	1,25
Species : Blue ling <i>Molva dypterygia</i>	BLI
WHL	1,0

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

GUT	1,17
GUH	1,4
Species : Brill <i>Scophthalmus rhombus</i>	BLL
WHL	1,0
Species : Black scabbardfish <i>Aphanopus carbo</i>	BSF
WHL	1,0
GUT	1,48
Species : Atlantic blue marlin <i>Makaira nigricans</i>	BUM
WHL	1,0
Species : Capelin <i>Mallotus villosus</i>	CAP
WHL	1,0
Species : Cod <i>Gadus morhua</i>	COD
WHL	1,0
GUT	1,17
GUH	1,7
FIL	2,6
FIS	2,6
FSP	2,95
[^{X1} CBF]	1,63
Species : Common Dab <i>Limanda limanda</i>	DAB
WHL	1,0
Species : Picked dogfish <i>Squalus acanthias</i>	DGS
WHL	1,0
GUS	2,52
Species : European flounder <i>Platichthys flesus</i>	FLE
WHL	1,0
Species : Greater forkbeard <i>Phycis blennoides</i>	GFB
WHL	1,0

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GUT	1,12
GUH	1,4
Species : Greenland halibut <i>Reinhardtius hippoglossoides</i>	GHL
WHL	1,0
GUT	1,08
GUH	1,39
Species : Haddock <i>Melanogrammus aeglefinus</i>	HAD
WHL	1,0
GUT	1,17
GUH	1,46
FIL	2,6
FIS	2,6
FSB	2,7
FSP	3,0
Species : Atlantic halibut <i>Hippoglossus hippoglossus</i>	HAL
WHL	1,0
Species : Hering <i>Clupea harengus</i>	HER
WHL	1,0
Species : European hake <i>Merluccius merluccius</i>	HKE
WHL	1,0
GUT	1,34
GUH	1,67
Species : White hake <i>Urophycis tenuis</i>	HKW
WHL	1,0
Species : Horse mackerel <i>Trachurus</i> spp.	JAX
WHL	1,0
GUT	1,08
Species : Antarctic krill <i>Euphausia superba</i>	KRI
WHL	1,0

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Species : Lemon sole <i>Microstomus kitt</i>	LEM
WHL	1,0
GUT	1,05
Species : Megrims <i>Lepidorhombus spp.</i>	LEZ
WHL	1,0
GUT	1,06
Species : Unicorn icefish <i>Channichthys rhinoceratus</i>	LIC
WHL	1,0
Species : Ling <i>Molva molva</i>	LIN
WHL	1,0
GUT	1,14
GUH	1,33
FIL	2,8
FSP	2,3
Species : Atlantic mackerel <i>Scomber scombrus</i>	MAC
WHL	1,0
GUT	1,11
Species : Norway lobster <i>Nephrops norvegicus</i>	NEP
WHL	1,0
TAL	3,0
Species : Humped rockcod <i>Notothenia gibberifrons</i>	NOG
WHL	1,0
Species : Norway pout <i>Trisopterus esmarkii</i>	NOP
WHL	1,0
Species : Marbled rockcod <i>Notothenia rossii</i>	NOR
WHL	1,0
Species : Orange roughy <i>Hoplostethus atlanticus</i>	ORY
WHL	1,0

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Species : Pacific snow crab <i>Chionoecetes</i> spp.	PCR
WHL	1,0
Species : White shrimps <i>Penaeus</i> spp.	PEN
WHL	1,0
Species : European plaice <i>Pleuronectes platessa</i>	PLE
WHL	1,0
GUT	1,07
Species : Saithe <i>Pollachius virens</i>	POK
WHL	1,0
GUT	1,19
GUH	1,44
FIS	2,78
FSB	2,12
FSP	2,43
Species : Pollack <i>Pollachius pollachius</i>	POL
WHL	1,0
GUT	1,17
Species : Northern prawn <i>Pandalus borealis</i>	PRA
WHL	1,0
Species : Atlantic redfishes <i>Sebastes</i> spp.	RED
WHL	1,0
GUT	1,19
[^{X1} GUH	1,78]
FIS	3,37
FSP	3,0
JAT	1,9
Species : Rough-head grenadier <i>Macrourus berglax</i>	RHG
WHL	1,0
Species : Roundnose grenadier	RNG

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<i>Coryphaenoides rupestris</i>	
WHL	1,0
GUT	1,11
GUH	1,92
Species : Sandeels <i>Ammodytes</i> spp.	SAN
WHL	1,0
Species : Blackspot seabream <i>Pagellus bogaraveo</i>	SBR
WHL	1,0
GUT	1,11
Species : Rough longnose dogfish <i>Deania histricosa</i>	SDH
WHL	1,0
Species : Arrowhead dogfish <i>Deania profundorum</i>	SDU
WHL	1,0
Species : South Georgia icefish <i>Pseudochaenichthys georgianus</i>	SGI
WHL	1,0
Species : Common sole <i>Solea solea</i>	SOL
WHL	1,0
Species : European sprat <i>Sprattus sprattus</i>	SPR
WHL	1,0
Species : Northern squid <i>Illex illecebrosus</i>	SQI
WHL	1,0
Species : Squid <i>Martialia hyadesi</i>	SQS
WHL	1,0
Species : Skates <i>Rajidae</i>	SRX
WHL	1,0
GUT	1,13
WNG	2,09
Species : Swordfish	SWO

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<i>Xiphias gladius</i>	
WHL	1,0
GUT	1,12
GUH	1,31
HEA	1,33
GHT	1,33
Species : Patagonian toothfish <i>Dissostichus eleginoides</i>	TOP
WHL	1,0
Species : Turbot <i>Psetta maxima</i>	TUR
WHL	1,0
GUT	1,09
Species : Tusk <i>Brosme brosme</i>	USK
WHL	1,0
Species : Blue whiting <i>Micromesistius poutassou</i>	WHB
WHL	1,0
GUT	1,15
FIS	2,65
SUR	2,97
Species : Whiting <i>Merlangius merlangus</i>	WHG
WHL	1,0
GUT	1,18
Species : Atlantic white marlin <i>Tetrapturus albidus</i>	WHM
WHL	1,0
Species : Witch flounder <i>Glyptocephalus cynoglossus</i>	WIT
WHL	1,0
Species : Yellowtail flounder <i>Limanda ferruginea</i>	YEL
WHL	1,0

Status: Point in time view as at 20/11/2015.

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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:

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- 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⁽⁴⁴⁾.
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.

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

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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

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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’.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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,

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- 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

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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,

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- 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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

[^{F1}ANNEX XXIII

LIST OF INFORMATION REQUIRED FOR COMPLETION OF SURVEILLANCE REPORTS REGARDING SIGHTINGS AND DETECTIONS OF FISHING VESSELS **General information**

1. Surveillance report reference
2. Date and time of sighting or detection (UTC)
3. Originating Member State and name of single authority
4. Type and identification of the surveillance craft
5. Position and location of the surveillance craft at the time of sighting or detection

Details of the fishing vessel

6. Flag State
7. Name
8. Registration port and external registration number
9. International radio call sign
10. International Maritime Organisation number
11. Community Fleet Register number
12. Description
13. Type
14. Initial position and location at the time of sighting or detection
15. Initial heading and speed at the time of sighting or detection
16. Activity

Other information

17. Sighting or detection mean
18. Contact with the vessel
19. Details of communication with the vessel
20. Record of sighting or detection
21. Comments
22. Attachments
23. Reporting official and signature

Instructions for completing the surveillance reports:

1. Submit as comprehensive information as possible.
2. Position in latitude and longitude and detailed location (ICES division, GFCM geographical sub-area, NAFO, NEAFC or CEECAF sub-area, FAO area, sub-area and division and at land, port).

Status: Point in time view as at 20/11/2015.

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3. Flag State, vessel name, registration port, external registration number, international radio call sign and IMO number: to be obtained from what is seen or detected of, or regarding, the vessel or from radio contact with the vessel (the source of the information must be reported).
4. Description of the vessel (if observed visually): 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.
5. Type of vessel and gears as sighted: e.g. long liner, trawler, tug, factory ship, carrier ship (FAO international standard statistical classification of fishery vessels).
6. Activity of the sighted or detected vessel as applicable: report for each activity if the vessel was fishing, setting fishing gear, hauling, transhipping, transferring, towing, transiting, anchoring or any other activities (to be detailed) including date, time, position, heading and speed of the vessel for each activity.
7. Sighting or detection mean as applicable: detail of how sighting or detection was made such as visual, VMS, radar, radio traffic or other (to be detailed)
8. Contact with vessel: state if a contact was made (YES/NO) and the communication means (radio or other, to be detailed).
9. Details of communication: summarise any communication with the vessel with indication of the name, nationality, position given by the person(s) contacted on board of the sighted/detected vessel.
10. Record of sighting or detection: indicate if the sighting or detection was made by photograph, video, audio or written report.
11. Comments: report any other comments.
12. Attachments: if available, attach photograph or sketch of the vessel (draw the profile of the vessel, indicating any distinguishing structures, profile, masts and markings that could be used for identification).

Detailed instructions to be used for completing the reports are available on the Master Data Register page of the European Commission Fisheries website.

Rules for the electronic exchange of surveillance reports:

For the electronic exchange of surveillance reports, the XML Schema Definition is available on the Master Data Register page of the European Commission Fisheries website. Implementation documents to be used for the exchange are also available on this website.]

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;

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (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.

Status: Point in time view as at 20/11/2015.

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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).

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.

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

2. Control observers shall note any interference with the satellite tracking system.

[^{F1}ANNEX XXVI

FORMAT OF 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)	

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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	

CATCHES		Species	Retained	Discarded
Estimated quantities of each species in kg live weight equivalent	Minimum conservation reference size			
	Below the minimum conservation reference size			
Estimated quantities of target species in kg live weight equivalent	Minimum conservation reference size			
	Below the minimum conservation reference size			
Estimated quantities of target species in kg live weight equivalent	Minimum conservation reference size			
	Below the minimum conservation reference size			
Estimated total kg live weight equivalent of catch	Minimum conservation reference size			
	Below the minimum conservation reference size			

OBSERVATIONS OF NON-COMPLIANCE

Status: Point in time view as at 20/11/2015.

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END OF THE FISHING TRIP SUMMARY

OBSERVER SIGNATURE

DATE]

[^{F1}ANNEX XXVII

INSPECTION REPORTS

MINIMUM INFORMATION REQUIRED FOR COMPLETION OF INSPECTION REPORTS

Instructions for completing the inspection reports:

Submit as comprehensive information as possible. Information shall be entered as applicable and available. Detailed instructions to be used for completing the reports are available on the Master Data Register page of the European Commission Fisheries website.

Rules for the electronic exchange of inspection reports:

For the electronic exchange of inspection reports, the inspection XML Schema Definition is available on the Master Data Register page of the European Commission Fisheries website. Implementation documents to be used for the exchange are also available on this website.

MODULE 1: INSPECTION OF A FISHING VESSEL AT SEA

1. **Inspection report reference**⁽⁴⁵⁾
2. **Member State and inspection authority**⁰
3. Inspection vessel (flag, name and external registration number)⁰
4. International radio call sign⁰
5. Date of the inspection (start)⁰
6. Time of the inspection (start)⁰
7. Date of the inspection (finish)⁰
8. Time of the inspection (finish)⁰
9. Position of the inspection vessel (latitude, longitude)⁰
10. Location of the inspection vessel (detailed fishing area)⁰
11. Inspector in charge⁰
12. Nationality
13. Inspector 2⁰
14. Nationality
15. **Target fishing vessel details (name, external registration number, flag)**⁰
16. Position and location of the vessel vessel if different from the inspection vessel (latitude, longitude, detailed fishing area)⁰

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

17. Type of the vessel⁰
18. Certificate of registry ID⁰
19. International radio call sign⁰
20. International Maritime Organisation number⁰
21. Community Fleet Register number⁰
22. Owner details (name, nationality and address)⁰
23. Charterer details (name, nationality and address)⁰
24. Agent details (name, nationality and address)⁰
25. Master details (name, nationality and address)⁰
26. Radio call pre boarding
27. Fishing log-book completed before inspection
28. Boarding ladder⁰
29. Identification for inspectors
30. **Infringements or observations**⁰
31. **Inspections of documents and authorisations**⁰
32. Certificate of registry ID⁰
33. Engine propulsion power check
34. Fishing licence details⁰
35. Fishing authorisation details⁰
36. VMS operational⁰
37. Remote electronic monitoring operational⁰
38. Number(s) of paper fishing log sheet(s)⁰
39. E-fishing logbook reference⁰
40. Prior notification reference⁰
41. Purpose of notification⁰
42. Fish room certificate
43. Stowage plan
44. Ullage tables for refrigerated sea water tanks
45. Certification for on board weighing systems
46. Membership of a producer organisation

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

47. Last port of call details (port, state and date)⁰
48. **Infringements or observations**⁰
49. **Catch inspection**⁰
50. Catch on board details (species, quantities in live weight equivalent including for undersized fish, catch area)⁰
51. Margin of tolerance per species⁰
52. Separate registration of undersized fish⁰
53. Separate stowage for demersal stocks under multi-annual plans⁰
54. Separate stowage for undersized fish⁰
55. Weighing check, box/container count, ullage tables or sampling
56. Registration of discard details (species, quantities)⁰
57. **Infringements or observations**⁰
58. **Gear inspection**⁰
59. Gear details (type)⁰
60. Net attachment(s) or device(s) details (type)⁰
61. Mesh size or dimension details⁰
62. Twine details (type, thickness)⁰
63. Gear marking
64. **Infringements or observations**⁰
65. **Inspectors' comments**⁰
66. **Master's comments**⁰
67. **Action(s) taken**⁰
68. **Inspectors' signature**⁰
69. **Master's signature**⁰

MODULE 2: INSPECTION OF FISHING VESSEL(S) ON TRANSHIPMENT

1. **Inspection report reference**⁽⁴⁶⁾
2. **Member State and inspection authority**⁰
3. Inspection vessel (flag, name and external registration number)⁰
4. International radio call sign⁰
5. Date of the inspection (start)⁰

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

6. Time of the inspection (start)⁰
7. Date of the inspection (finish)⁰
8. Time of the inspection (finish)⁰
9. Position of the inspection vessel (latitude, longitude)⁰
10. Location of the inspection vessel (detailed fishing area)⁰
11. Location of the port⁽⁴⁷⁾
12. Designated port⁰
13. Inspector in charge⁰
14. Nationality
15. Inspector 2⁰
16. Nationality
17. **Donor fishing vessel details (name, external registration number, flag)⁰**
18. Position and location of the vessel (latitude, longitude, detailed fishing area)⁰
19. Type of the vessel⁰
20. Certificate of registry ID⁰
21. International radio call sign⁰
22. International Maritime Organisation number⁰
23. Community Fleet Register number⁰
24. Owner details (name, nationality and address)⁰
25. Charterer details (name, nationality and address)⁰
26. Agent details (name, nationality and address)⁰
27. Master details (name, nationality and address)⁰
28. VMS check pre-boarding
29. Fishing log-book completed before transshipment⁰
30. **Infringements or observations⁰**
31. **Inspections of documents and authorisations⁰**
32. Certificate of registry ID⁰
33. Fishing licence details⁰
34. Fishing authorisation details⁰

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

35. Transshipment authorisation details⁰
36. VMS operational
37. Number(s) of paper fishing log sheet(s)⁰
38. E-fishing logbook reference⁰
39. Prior notification reference⁰
40. Purpose of prior notification (including IUU regime)⁰
41. Last port of call details (port, state and date)⁽⁴³⁾
42. **Infringements or observations**⁰
43. **Catch inspection**⁰
44. Catch on board details (before transshipment) (species, quantities in product weight including for undersized fish, presentation, catch area)⁰
45. Margin of tolerance per species⁰
46. Catch transhipped details (species, quantities in product weight including for undersized fish, presentation, catch area)⁰
47. **Infringements or observations**⁰
48. **Receiving fishing vessel details (name, external registration number, flag)**⁰
49. Position and location of the vessel (latitude, longitude, detailed fishing area)⁰
50. Type of the vessel⁰
51. Certificate of registry ID⁰
52. International radio call sign⁰
53. International Maritime Organisation number⁰
54. Community Fleet Register number⁰
55. Owner details (name, nationality and address)⁰
56. Charterer details (name, nationality and address)⁰
57. Agent details (name, nationality and address)⁰
58. Master details (name, nationality and address)⁰
59. VMS check pre-boarding
60. Fishing log-book completed before transshipment⁰
61. **Infringements or observations**⁰
62. **Inspections of documents and authorisations**⁰

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- 63. Certificate of registry ID⁰
- 64. Fishing licence details⁰
- 65. VMS operational
- 66. Number(s) of paper fishing log sheet(s)⁰
- 67. E-fishing logbook reference⁰
- 68. Prior notification reference⁰
- 69. Purpose of prior notification⁰
- 70. Last port of call details (port, state and date)⁽⁴³⁾
- 71. **Infringements or observations**⁰
- 72. **Catch inspection**⁰
- 73. Catch on board details (before transshipment) (species, quantities in product weight including for undersized fish, presentation, catch area)⁰
- 74. Catch received details (species, quantities in product weight including for undersized fish, presentation, catch area)⁰
- 75. **Infringements or observations**⁰
- 76. **Inspectors' comments**⁰
- 77. **Master(s)' comments**⁰
- 78. **Action(s) taken**⁰
- 79. **Inspectors' signature**⁰
- 80. **Master(s)' signature**⁰

MODULE 3: INSPECTION OF A FISHING VESSEL IN PORT OR ON LANDING AND BEFORE FIRST SALE

- 1. **Inspection report reference**⁽⁴⁸⁾
- 2. **Member State and inspection authority**⁽⁴⁸⁾⁽⁴⁹⁾
- 3. Date of the inspection (start of inspection)⁽⁴⁸⁾⁽⁴⁹⁾
- 4. Time of the inspection (start of inspection)⁽⁴⁸⁾⁽⁴⁹⁾
- 5. Date of the inspection (finish of inspection)⁽⁴⁸⁾⁽⁴⁹⁾
- 6. Time of the inspection (finish of inspection)⁽⁴⁸⁾⁽⁴⁹⁾
- 7. Location of the port⁽⁴⁸⁾⁽⁴⁹⁾
- 8. Designated port⁽⁴⁸⁾⁽⁴⁹⁾
- 9. Inspector in charge⁽⁴⁸⁾

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

10. Nationality
11. Inspector 2⁽⁴⁸⁾
12. Nationality
13. **Target fishing vessel details (name, external registration number, flag)**⁽⁴⁸⁾⁽⁴⁹⁾
14. Type of the vessel⁽⁴⁸⁾⁽⁴⁹⁾
15. Certificate of registry ID⁽⁴⁸⁾⁽⁴⁹⁾
16. International radio call sign⁽⁴⁸⁾⁽⁴⁹⁾
17. International Maritime Organisation number⁽⁴⁸⁾⁽⁴⁹⁾
18. Community Fleet Register number⁽⁴⁸⁾
19. Owner details (name, nationality and address)⁽⁴⁸⁾⁽⁴⁹⁾
20. Beneficial owner details (name, nationality and address)⁽⁴⁸⁾⁽⁴⁹⁾
21. Charterer details (name, nationality and address)⁽⁴⁸⁾
22. Agent details (name, nationality and address)⁽⁴⁸⁾
23. Master details (name, nationality and address)⁽⁴⁸⁾
24. VMS check pre-arrival to land⁽⁴⁸⁾⁽⁴⁹⁾
25. Fishing log-book completed before arrival
26. Identification for inspectors
27. **Infringements or observations**⁽⁴⁸⁾⁽⁴⁹⁾
28. **Inspections of documents and authorisations**⁽⁴⁸⁾⁽⁴⁹⁾
29. Certificate of registry ID⁽⁴⁸⁾
30. Fishing licence details⁽⁴⁸⁾⁽⁴⁹⁾
31. Fishing authorisation details⁽⁴⁸⁾⁽⁴⁹⁾
32. Port access and landing authorisation details⁽⁴⁸⁾⁽⁴⁹⁾
33. Number(s) of paper fishing log sheet(s)⁽⁴⁸⁾
34. E-fishing logbook reference⁽⁴⁸⁾
35. Prior notification reference⁽⁴⁸⁾⁽⁴⁹⁾
36. Purpose of prior notification (including IUU regime)⁽⁴⁸⁾⁽⁴⁹⁾
37. Fish room certificate
38. Stowage plan

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

39. Ullage tables for refrigerated sea water tanks
40. Certification for on board weighing systems
41. Membership of a producer organisation
42. Last port of call details (date, state and port)⁽⁴⁸⁾⁽⁴⁹⁾
43. **Infringements or observations**⁽⁴⁸⁾⁽⁴⁹⁾
44. **Catch inspection**⁽⁴⁸⁾⁽⁴⁹⁾
45. Catch on board details (species, quantities in product weight including for undersized fish, presentation, catch area)⁽⁴⁸⁾⁽⁴⁹⁾
46. Margin of tolerance per species⁽⁴⁸⁾
47. Separate registration of undersized fish⁽⁴⁸⁾
48. Catch offloaded details (species, quantities in product weight including for undersized fish, presentation, catch area)⁽⁴⁸⁾⁽⁴⁹⁾
49. Minimum conservation reference size checked⁽⁴⁸⁾
50. Labelling
51. Weighing check, box/container count or sampling check on discharge
52. Hold check after discharge
53. Catch weighing on landing
54. **Infringements or observations**⁽⁴⁸⁾⁽⁴⁹⁾
55. **Transshipment details for catches received from other fishing vessel(s)**⁽⁴⁸⁾⁽⁴⁹⁾
56. Donor fishing vessel(s) details (name, external registration number, international radio call sign, International Maritime Organisation number, Community Fleet Register number, flag)⁽⁴⁸⁾⁽⁴⁹⁾
57. Transshipment declaration details⁽⁴⁸⁾⁽⁴⁹⁾
58. Catch transhipped details (species, quantities in product weight including for undersized fish, presentation, catch area)⁽⁴⁸⁾⁽⁴⁹⁾
59. Other catch documentation (catch certificates)⁽⁴⁸⁾⁽⁴⁹⁾
60. **Infringements or observations**⁽⁴⁸⁾⁽⁴⁹⁾
61. **Gear inspection**⁽⁴⁸⁾⁽⁴⁹⁾
62. Gear details (type)⁽⁴⁸⁾⁽⁴⁹⁾
63. Net attachment(s) or device(s) details (type)⁽⁴⁸⁾⁽⁴⁹⁾
64. Mesh size or dimension details⁽⁴⁸⁾⁽⁴⁹⁾
65. Twine details (type, thickness)⁽⁴⁸⁾⁽⁴⁹⁾

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66. Gear marking
67. **Infringements or observations**⁽⁴⁸⁾⁽⁴⁹⁾
68. **Status of the fishing vessel in RFMO area(s) where the fishing or related-fishing activities have been taken place (including in any IUU fishing vessel list)**⁽⁴⁸⁾⁽⁴⁹⁾
69. **Inspectors' comments**⁽⁴⁸⁾
70. **Master's comment**⁽⁴⁸⁾⁽⁴⁹⁾
71. **Action(s) taken**⁽⁴⁸⁾
72. **Inspectors' signature**⁽⁴⁸⁾⁽⁴⁹⁾
73. **Master's signature**⁽⁴⁸⁾⁽⁴⁹⁾

MODULE 4: MARKET/ PREMISES INSPECTION

1. **Inspection report reference**⁽⁵⁰⁾
2. **Member State and inspection authority**⁽⁵⁰⁾
3. Date of the inspection (start of inspection)⁽⁵⁰⁾
4. Time of the inspection (start of inspection)⁽⁵⁰⁾
5. Date of the inspection (finish of inspection)⁽⁵⁰⁾
6. Time of the inspection (finish of inspection)⁽⁵⁰⁾
7. Location of the port⁽⁵⁰⁾
8. Inspector in charge⁽⁵⁰⁾
9. Nationality
10. Inspector 2⁽⁵⁰⁾
11. Nationality
12. Identification for inspectors
13. **Market or premises inspection details (name and address)**⁽⁵⁰⁾
14. Owner details (name, nationality and address)⁽⁵⁰⁾
15. Owner representative details (name, nationality and address)⁽⁵⁰⁾
16. **Inspected fisheries products details (species, quantities in product weight including for undersized fish, presentation, catch area, originating vessel(s) identification)**⁽⁵⁰⁾
17. Registered buyer, auction centre or other bodies or persons responsible for the first marketing of fisheries products details (name, nationality and address)⁽⁵⁰⁾
18. Minimum conservation reference size checked⁽⁵⁰⁾

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19. Labelling for traceability⁽⁵⁰⁾
20. Common marketing standards⁽⁵⁰⁾
21. Size categories
22. Freshness categories
23. Fisheries products subject to storage mechanism inspected
24. Fisheries products weighed before sale
25. Weighing systems calibrated and sealed
26. **Infringements or observations**⁽⁵⁰⁾
27. **Inspection of documents related to inspected fisheries products**⁽⁵⁰⁾
28. Landing declaration details
29. Take-over declaration details
30. Transport document details
31. Supplier invoices and sales notes details
32. IUU catch certificate details
33. Importer details (name, nationality and address)
34. **Infringements or observations**⁽⁵⁰⁾
35. **Inspectors' comments**⁽⁵⁰⁾
36. **Operator's comments**⁽⁵⁰⁾
37. **Action(s) taken**⁽⁵⁰⁾
38. **Inspectors' signature**⁽⁵⁰⁾
39. **Operator's signature**⁽⁵⁰⁾

MODULE 5: INSPECTION OF TRANSPORT VEHICLE

1. **Inspection report reference**⁽⁵¹⁾
2. **Member State and inspection authority** (*)
3. Date of the inspection (start) (*)
4. Time of the inspection (start) (*)
5. Date of the inspection (finish) (*)
6. Time of the inspection (finish) (*)
7. Location of inspection (address) (*)
8. Inspector in charge (*)
9. Nationality

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

10. Inspector 2 (*)
11. Nationality
12. Identification for inspectors
13. **Target vehicle details** (type and nationality) (*)
14. Tractor identification (registration plate number) (*)
15. Trailer identification (registration plate number) (*)
16. Owner details (name, nationality and address) (*)
17. Driver details (name, nationality and address) (*)
18. **Inspection of documents related to fisheries products** (*)
19. **Fisheries products weighed before transport (species, quantities in product weight including for undersized fish, presentation, catch area, originating vessel(s) identification)** (*)
20. Destination of the vehicle (*)
21. Transport document details
22. Electronic transmission of the transport document to the flag Member State
23. Fishing logbook of the originating vessel attached to the transport document
24. Electronic transmission of the fishing logbook of the originating vessel to the flag Member State
25. Other catch document attached to transport document (catch certificate)
26. Transport document received before arrival by the landing or marketing Member State
27. Landing declaration details
28. Take-over declaration details
29. Take-over cross check with landing declaration
30. Sales note or invoices details
31. Labelling for traceability
32. Sample weighing of box/containers
33. Weighing systems calibrated and sealed
34. Weighing record
35. Vehicle or container sealed
36. Seal details noted on the transport document
37. Inspection authority who affixed the seals (*)
38. Status of seals (*)
39. **Infringements or observations** (*)

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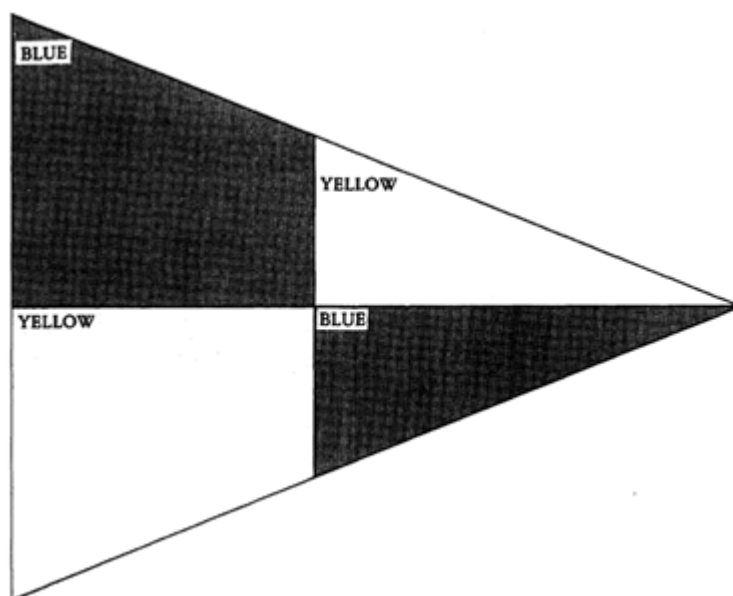
40. **Fisheries products transported before weighing (species, quantities in product weight including for undersized fish, presentation, catch area, originating vessel(s) identification) (*)**
41. Destination of the vehicle (*)
42. Transport document details
43. Electronic transmission of the transport document to the flag Member State
44. Fishing logbook of the originating vessel attached to the transport document
45. Electronic transmission of the fishing logbook of the originating vessel to the flag Member State
46. Transport document received before arrival by the landing or marketing Member State
47. Landing declaration details
48. Weighing of fisheries products observed on arrival at destination by Member State competent authorities
49. Registered buyer, auction centre or other bodies or persons responsible for the first marketing of fisheries products details (name, nationality and address) (*)
50. Vehicle or container sealed
51. Seal details noted on the transport document
52. Inspection authority who affixed the seals (*)
53. Status of seals (*)
54. **Infringements or observations (*)**
55. **Inspectors' comments (*)**
56. **Transporter's comments (*)**
57. **Action(s) taken (*)**
58. **Inspectors' signature (*)**
59. **Transporter's signature (*)]**

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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.

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:

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- (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.

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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.

[^{F1}ANNEX XXX

POINTS TO BE ASSIGNED FOR SERIOUS INFRINGEMENTS

No	Serious infringement	Points
1	Not fulfilling of obligations to record and report catch or catch related data, including data to be transmitted by satellite vessel monitoring system (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)	3
2	Use of prohibited or non-compliant gear according to Union legislation (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)	4
3	Falsification or concealing of markings, identity or registration (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)	5
4	Concealing, tampering or disposal of evidence relating to an investigation (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)	5]

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5	<p>Taking on board, transshipping or landing of undersized fish in contravention of the legislation in force (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
[^{F16}	<p>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 (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>Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State (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>Fishing in a closed area or during a closed season, without or after attainment of a quota or beyond a closed depth (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>Directed fishing for a stock which is subject to a</p>	7

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	<p>moratorium or for which fishing is prohibited (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>	
10	<p>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 (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
11	<p>Transshipping 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 (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)</p>	7
12	<p>Use of a fishing vessel with not nationality and that is therefore a stateless vessel in accordance with international law (Article 90 paragraph 1 of the Control Regulation in conjunction with Article 42</p>	7]

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paragraph 1(a) and Article 3 paragraph 1(l) of Regulation (EC) No 1005/2008

F3 ANNEX XXXI

[F3 LIST OF DATA TO BE COMMUNICATED ON REQUEST TO THE COMMISSION]

[F3]

I-A Regulation (EC) No 1198/2006 Member State

Information on individual operations

Wording of table columns

ColumnsAdministrative details of operation 1 to 6:

ColumnsExpenditure forecasts under operation in accordance with administrative 7 to 10: decision granting public aid taken by managing authority

ColumnsInformation concerning financial implementation of operation — statement of 11 to13: eligible expenditure and corresponding public aid

I-B Regulation (EC) No 861/2006 Member State

Information on projects (one sheet by project)

Wording of table columns

ColumnsAdministrative details of the project 1 to 3:

ColumnsEligible expenditure under project concerned in accordance with the financial 4 to 6: decision

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Column Information concerning financial implementation of the project — statement of 7: payments already done under the project

.....

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	

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			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	CIF

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			procedure or legal action taken by the authorities, if applicable	
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
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 AAAXXXXXXXXXXX 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

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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;

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- (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, transhipment 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;

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (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).

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

ANNEX XXXIV

STANDARD FORM FOR THE EXCHANGE OF INFORMATION ON REQUEST ACCORDING TO ARTICLE 158 OF THIS REGULATION

I. Request for information

Applicant authority — Member State — name — address — contact details of the official in charge	
Requested authority — Member State — name — address — contact details of the official in charge	
Date of transmission of the request	<i>Provide all information available</i>
Reference number applicant authority	<i>Provide all information available</i>
No. of attachments to this request	<i>Provide all information available</i>
Details on the natural or legal person and/or fishing vessel subject to the request	<i>Provide all information available for the identification of concerned fishing vessels, masters, holders of fishing licences and/or fishing authorisations, owner, etc</i>
Information requested on	
<input type="checkbox"/> possible non-compliance with the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation	<i>Provide detailed questions and necessary background information and justification for the request</i>
<input type="checkbox"/> possible infringements of the Control Regulation or this Regulation	<i>Provide detailed questions and necessary background information and justification for the request</i>
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	<i>Provide detailed questions and necessary background information and justification for the request</i>
Any other general information or question	

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

II. Reply

Applicant authority — Member State — name — address — contact details of the official in charge	
Requested authority — Member State — name — address — contact details of the official in charge	
Date of transmission of the request	
Reference number applicant authority	
Date of transmission of the reply	
Reference number requested authority	
No. of attachments to this reply	
Information requested on	
<input type="checkbox"/> possible non-compliance with the rules of the Common Fisheries Policy or serious infringements referred to in Article 90(1) of the Control Regulation	<i>Provide all relevant information available or gathered in the context of the request</i>
<input type="checkbox"/> possible infringement of the Control Regulation or this Regulation	<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>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 in accordance with Article 158(4) of this Regulation	<i>List the documents provided and attach as annex to this reply form</i>
Any other information	

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

ANNEX XXXV

STANDARD FORM FOR THE REQUEST FOR ADMINISTRATIVE NOTIFICATION ACCORDING TO ARTICLE 161(2) OF THIS REGULATION

I. Request for administrative notification

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

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

ANNEX XXXVI

STANDARD FORM FOR THE REPLY FOR ADMINISTRATIVE NOTIFICATION ACCORDING TO ARTICLE 161(3) OF THIS REGULATION

Applicant authority — Member State — name — address — contact details of the official in charge	
Requested authority — Member State — name — address — contact details of the official in charge	
Date of transmission of the request	
Reference number applicant authority	
Date of transmission of the reply	
Reference number requested authority	
No. of attachments to this reply	
Requested notification	
Information on the requested notification: — 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>
Other information	

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

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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 [F¹Union 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

Status: Point in time view as at 20/11/2015.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

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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

Status: Point in time view as at 20/11/2015.

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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

Status: Point in time view as at 20/11/2015.

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- 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

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- 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**

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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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- (1) [OJ L 343, 22.12.2009, p. 1.](#)
- (2) [OJ L 223, 15.8.2006, p. 1.](#)
- (3) [OJ L 160, 14.6.2006, p. 1.](#)
- (4) [OJ L 281, 23.11.1995, p. 31.](#)
- (5) [OJ L 8, 12.1.2001, p. 1.](#)
- (6) [OJ L 276, 10.10.1983, p. 1.](#)
- (7) [OJ L 339, 18.12.1985, p. 29.](#)
- (8) [OJ L 50, 19.2.1987, p. 13.](#)
- (9) [OJ L 132, 21.5.1987, p. 9.](#)
- (10) [OJ L 132, 21.5.1987, p. 11.](#)
- (11) [OJ L 308, 21.12.1995, p. 15.](#)
- (12) [OJ L 192, 8.7.1998, p. 4.](#)
- (13) [OJ L 56, 2.3.2005, p. 8.](#)
- (14) [OJ L 333, 20.12.2003, p. 17.](#)
- (15) [OJ L 203, 4.8.2005, p. 3.](#)
- (16) [OJ L 187, 8.7.2006, p. 14.](#)
- (17) [OJ L 337, 21.12.2007, p. 56.](#)
- (18) [OJ L 295, 4.11.2008, p. 3.](#)
- (19) [OJ L 123, 19.5.2009, p. 78.](#)
- (20) [^{F1}Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22.](#))]
- (21) [OJ L 128, 21.5.2005, p. 1.](#)
- (22) [OJ L 171, 6.7.1994, p. 7.](#)
- (23) [OJ L 274, 25.9.1986, p. 1.](#)
- (24) [OJ L 60, 5.3.2008, p. 1.](#)
- (25) [^{F1}Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ([OJ L 256, 7.9.1987, p. 1](#)) and Commission implementing Regulation (EU) No 1101/2014 of 16 October 2014 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ([OJ L 312, 31.10.2014, p. 1.](#))]
- (26) [OJ L 139, 30.4.2004, p. 55.](#)
- (27) [OJ L 286, 29.10.2008, p. 1.](#)
- (28) [^{F1}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 ([OJ L 354, 28.12.2013, p. 1.](#))]
- (29) [^{F1}Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ([OJ L 149, 20.5.2014, p. 1.](#))]
- (30) [^{F1}Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ([OJ L 115, 9.5.1996, p. 3.](#))]

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- (31) [^{F2}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, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).]
- (32) [^{F2}Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).]
- (33) [^{F1}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 (OJ L 8, 12.1.2001, p. 1).]
- (34) 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).
- (35) In accordance with Regulation (EC) No 26/2004.
- (36) For vessels having a name.
- (37) In accordance with Regulation (EC) No 26/2004 for vessels requested to have an IRCS.
- (38) In accordance with Regulation (EC) No 2930/86.
- (39) 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.
- (40) In accordance with the International Standard Statistical Classification of Fishing Gear (ISSCFEG).
- (41) In accordance with Regulation (EC) No 26/2004.
- (42) For vessels having a name.
- (43) [^{F1}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.]
- (44) OJ L 41, 16.2.2010, p. 8.
- (45) [^{F1}Compulsory information to be collected and recorded in the database in accordance with Article 118 of this Regulation]
- (46) [^{F1}Compulsory information to be collected and recorded in the database in accordance with Article 118 of this Regulation]
- (47) [^{F1}Additional for port state control inspection]
- (48) [^{F1}Compulsory information to be collected and recorded in the database in accordance with Article 118 of this Regulation]
- (49) [^{F1}Additional for port state control inspection]
- (50) [^{F1}Compulsory information to be collected and recorded in the database in accordance with Article 118 of this Regulation]
- (51) [^{F1}Compulsory information to be collected and recorded in the database in accordance with Article 118 of this Regulation]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)
- F2** Inserted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 laying down detailed rules for the implementation](#)

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of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

Status:

Point in time view as at 20/11/2015.

Changes to legislation:

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