

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

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*

**[<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>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.

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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.](#)

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## *[<sup>F1</sup>Article 30*

### **Models for fishing log-books, transhipment declarations and landing declarations in paper format**

1 In Union waters, the fishing logbook, transhipment 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, transhipment declaration and 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, transhipment 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, transhipment declaration or landing declaration. If the third country does not specify a particular fishing logbook, transhipment 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, transhipment 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, transhipment declarations and landing declarations in paper format**

1 The fishing logbook, transhipment 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, transhipment 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.

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4 The master of the [F1Union 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.](#)

### Article 32

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

1 When a [F1Union fishing vessel] has made a landing in a port or a transshipment in a port or in a place close to the shore of its flag Member State, its master shall submit the original(s) of the fishing logbook, transshipment declaration and landing declaration as soon as possible and not later than 48 hours after completion of transshipment or landing to the competent authorities of the Member State concerned. The original(s) of such a transshipment declaration and landing declaration may also be submitted by the representative of the master on his behalf.

2 When no catches are landed after a fishing trip, the master shall submit the original(s) of the fishing logbook and transshipment declaration as soon as possible and not later than 48 hours after arrival in port. The original(s) of such a transshipment declaration may also be submitted by the representative of the master on his behalf.

3 When a [F1Union fishing vessel] has made a transshipment in a port or in a place close to the shore or a landing in a port of a Member State other than its flag Member State, it shall submit the first copy (copies) of the fishing logbook, transshipment declaration and landing declaration as soon as possible and not later than 48 hours after transshipment or landing to the competent authorities of the Member State in which the transshipment or landing takes place. The original(s) of the fishing logbook, transshipment declaration and landing declaration shall be dispatched as soon as possible and not later than 48 hours after transshipment or landing to the competent authorities of the flag Member State.

4 When a [F1Union fishing vessel] has made a transshipment 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, transshipment declaration and landing declaration as soon as possible and not later than 48 hours after the transshipment 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, transshipment declaration or landing declaration from the one in Annex VI the master of the [F1Union fishing vessel] shall submit a copy of that document to his competent authorities as soon as possible and not later than 48 hours after transshipment 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](#)

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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.

## 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 [<sup>F1</sup>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

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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.

#### **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.

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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 [<sup>F1</sup>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 [<sup>F1</sup>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

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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.

## [<sup>F1</sup>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.

## [<sup>F1</sup>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.](#)

*[<sup>F1</sup>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 [<sup>F1</sup>a][<sup>F1</sup>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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[<sup>F2</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>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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## 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 [<sup>F1</sup>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.

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

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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 [<sup>F1</sup>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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## Article 55

### Fishing Operations involving two or more [<sup>F1</sup>Union fishing vessels]

Without prejudice to special rules in the case of fishing operations involving two or more [<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>Union fishing vessels of the fleet sector concerned with the average daily catch per given stock per [<sup>F1</sup>Union fishing vessel] based on the catches of the sample of the Union fishing vessels] inspected.

4 [<sup>X1</sup>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 [<sup>F1</sup>a][<sup>F1</sup>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

[<sup>F1</sup> 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);
  - [<sup>F1</sup>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<sup>(1)</sup>.

2 A propulsion engine shall be considered to have been technically modified as referred to in paragraph 1 when any of its main components (parts), including but not limited to, injection equipment, valves, turbocharger, pistons, cylinder liners, connecting rods, cylinder heads, have been modified or replaced by new parts with different technical specifications resulting in a modified power rating or when the engine adjustments, such as the injection settings, turbocharger configuration, or the valve timings have been modified. The nature of the technical modification shall be clearly explained in the certification referred to in paragraph 1.

3 The holder of a fishing licence shall inform the competent authorities before a new propulsion engine will be installed or before an existing propulsion engine will be replaced or technically modified.

4 This Article shall apply to fishing vessels subject to a fishing effort regime as from 1 January 2012. For other fishing vessels it shall apply as from 1 January 2013. It shall only apply to fishing vessels which have had new propulsion engines installed, or whose existing propulsion engines have been replaced or technically modified, after the entry into force of this Regulation.

#### Article 62

#### Verification and sampling plan

1 For the purpose of verifying the engine power in accordance with Article 41 of the Control Regulation, Member States shall establish a sampling plan for the identification of those fishing vessels or groups of fishing vessels in their fleet with a risk of under-declaration of propulsion engine power. As a minimum, the sampling plan shall be based on following high risk criteria:

- a fishing vessels operating in fisheries that are subject to fishing effort regimes, in particular those fishing vessels to which an individual effort allocation in kW\*days has been allocated;
- b fishing vessels subject to limitations of vessel power resulting from national or European Union law;
- c fishing vessels for which the ratio of vessel power (kW) to vessel tonnage (GT) is 50 % lower than the average ratio for the same type of fishing vessel, gear type and target species. For the purpose of that analysis, Member States may divide the fleet according to one or several of the following criteria:
  - (i) fleet segmentation or management units defined in national law;
  - (ii) length categories;

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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<sup>(2)</sup> to the extent that such data are available.

6 This provision shall not apply when a Member State has prohibited recreational fisheries of stocks subject to a recovery plan.

#### *Article 65*

### **Notification and evaluation of sampling plans**

1 Member States shall notify their sampling plans to the Commission 12 months after the entry into force of a recovery plan. For recovery plans which are already in force at the time of entry into force of this Regulation, the sampling plan shall be notified within 12 months after entry into force of this Regulation. Amendments of the sampling plan shall be notified before they become effective.

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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- (1) [OJ L 274, 25.9.1986, p. 1.](#)
- (2) [OJ L 60, 5.3.2008, p. 1.](#)

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