

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 IV

CONTROL OF MARKETING

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 [F¹Union 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 [F¹Union 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 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;

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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)

- 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.

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.

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2 The natural or legal person responsible for the weighing system shall maintain a record of calibration.

3 Where the weighing is carried out on a conveyor belt system a visible counter shall be fitted that records the cumulative total of the weight. The reading of the counter at the start of the weighing operation as well as the cumulative total shall be recorded. All use of the system shall be recorded by the natural or legal person responsible for the weighing in the weighing logbook.

Article 73

Weighing of frozen fisheries products

1 Without prejudice to special provisions and in particular Articles 70 and 74 of this Regulation when landed quantities of frozen fisheries products are weighed, the weight of frozen fisheries products landed in boxes or blocks may be determined per species and, where appropriate, presentation by multiplying the total number of boxes or blocks by a net average weight for a box or block calculated according to the methodology set down in Annex XVIII.

2 The natural or legal persons weighing the fisheries products shall keep a record per landing, indicating:

- a the name and external registration letters and numbers of the vessel from which the fishery products have been landed;
- b the species and, where appropriate, presentation of fish landed;
- c the size of the lot and sample of pallets per species and, where appropriate, presentation in accordance with the provisions of point 1 of Annex XVIII;
- d the weight of each pallet in the sample and the average weight of the pallets;
- e the number of boxes or blocks on each pallet in the sample;
- f the tare weight per box, if different from the tare weight specified in point 4 of Annex XVIII;
- g the average weight of an empty pallet in accordance with the provisions of point 3(b) of Annex XVIII;
- h the average weight per box or block of fisheries per species and, where appropriate, presentation.

Article 74

Ice and water

1 Before weighing the registered buyer, registered auction or other bodies or persons responsible for the first marketing of fisheries products shall ensure that the fisheries products be cleaned of ice as is reasonable without causing spoilage and reducing quality.

[^{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.]

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Textual Amendments

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Article 75

Access by competent authorities

The competent authorities shall have full access at all times to the weighing systems, the weighing records, written declarations and all premises where the fisheries products are stored or processed.

Article 76

Sampling plans

- 1 The sampling plan referred to in Article 60(1) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XIX.
- 2 The sampling plan referred to in Article 60(3) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XX. If catches are weighed on board, the margin of tolerance as referred to in Articles 14(3) and 21(3) of the Control Regulation shall not apply when the figure resulting from weighing after landing is greater than the corresponding figure resulting from weighing on board.
- 3 When Member States are intending to adopt sampling plans as referred to in Article 60(1) and (3) of the Control Regulation, they shall preferably submit a single sampling plan covering all weighing procedures concerned for a period of 3 years within 6 months after the entry into force of this Regulation. This sampling plan may consist of different parts for different fisheries.
- 4 Any new sampling plans to be adopted after the date referred to in paragraph 3 or any modifications to such plans shall be submitted for approval 3 months before the end of the year concerned.

Article 77

Control plans and programmes for the weighing of fisheries products after transport from the place of landing

- 1 The control plan referred to in Article 61(1) of the Control Regulation and any substantial modification thereof shall be adopted by Member States in accordance with the risk-based methodology described in Annex XXI.
- 2 When Member States are intending to adopt control plans referred to in Article 61(1) of the Control Regulation they shall submit a single control plan per Member State covering

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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;
- (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.

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[^{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.

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.](#)

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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 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

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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 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

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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.](#)

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.

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[^{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:

- 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.

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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.](#)

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