

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 VIII

MEASURES TO ENSURE COMPLIANCE BY THE MEMBER STATES OF COMMON FISHERIES POLICY OBJECTIVES

^{F1}CHAPTER I

^{F1}Suspension and cancellation of Union financial assistance

^{F1}Article 135

Definition

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^{F1}Article 136

Interruption of the payment deadline

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^{F1}Article 137

Suspension of payments

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^{F1}Article 138

Cancellation of financial assistance]

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Textual Amendments

- F1** 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.](#)

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) [View outstanding changes](#)

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.

[^{F2} 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⁽¹⁾, 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

- F2** 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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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.

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- (1) [^{F2}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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Textual Amendments

- F2** 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.](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Title 8 omitted by [S.I. 2019/739 reg. 5\(96\)](#)
- Regulation continued by [S.I. 2019/739 reg. 5\(1\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Title 10 s. 3 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Title 10 s. 4 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Title 10 s. 5 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Art. 2(1) omitted by [S.I. 2019/739 reg. 5\(3\)\(a\)](#)
- Art. 2(2) omitted by [S.I. 2019/739 reg. 5\(3\)\(a\)](#)
- Art. 2(4) omitted by [S.I. 2019/739 reg. 5\(3\)\(b\)](#)
- Art. 2(12) words substituted by [S.I. 2019/739 reg. 5\(3\)\(c\)](#)
- Art. 2(14) omitted by [S.I. 2019/739 reg. 5\(3\)\(d\)](#)
- Art. 2(15) words substituted by [S.I. 2019/739 reg. 5\(3\)\(e\)](#)
- Art. 2(17) words omitted by [S.I. 2019/739 reg. 5\(3\)\(f\)](#)
- Art. 2(19) inserted by [S.I. 2019/739 reg. 5\(3\)\(g\)](#)
- Art. 7(1)(e) words substituted by [S.I. 2019/739 reg. 5\(9\)\(b\)\(iii\)](#)
- Art. 18(2)(a) words substituted by [S.I. 2019/739 reg. 5\(15\)\(c\)\(ii\)](#)
- Art. 23(c) words substituted by [S.I. 2019/739 reg. 5\(20\)\(c\)](#)
- Art. 33(1)(c) words substituted by [S.I. 2019/739 reg. 5\(30\)](#)
- Art. 39(2)(a) words substituted by [S.I. 2019/739 reg. 5\(35\)\(b\)\(i\)](#)
- Art. 39(2)(e) words substituted by [S.I. 2019/739 reg. 5\(35\)\(b\)\(ii\)](#)
- Art. 42(1)(a) words substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(ii\)](#)
- Art. 42(1)(b) word substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(iii\)](#)
- Art. 42(1)(c) word substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(iii\)](#)
- Art. 47(1)(e) words substituted by [S.I. 2019/739 reg. 5\(43\)\(a\)\(iii\)](#)
- Art. 62(1)(b) words omitted by [S.I. 2019/739 reg. 5\(52\)\(a\)\(iv\)](#)
- Art. 62(1)(c) words substituted by [S.I. 2019/739 reg. 5\(52\)\(a\)\(v\)](#)
- Art. 67(13)(a) words omitted by [S.I. 2019/739 reg. 5\(54\)\(c\)](#)
- Art. 80(1)(d) words substituted by [S.I. 2019/739 reg. 5\(63\)\(b\)\(iv\)](#)
- Art. 99(d) omitted by [S.I. 2019/739 reg. 5\(76\)](#)
- Art. 105(1)(b) words substituted by [S.I. 2019/739 reg. 5\(78\)\(a\)](#)
- Art. 113(2)(a) words substituted by [S.I. 2019/739 reg. 5\(84\)\(b\)](#)