

SCHEDULE

Article 28(11)

EU RECORDING AND REPORTING REQUIREMENTS,
CONTRAVENTION OF WHICH CONSTITUTES AN OFFENCE

PART 1

Insertion of entries 1(aa), (ca) and (da) and substitution of entry 1(ha)

Entry 1(aa)

“Column 1 Provision	Column 2 Detailed Rules	Column 3 Subject matter	Column 4 Persons liable
(aa) Article 14(1) to (7) and (9), and subject to Article 15(1) and (5).	Articles 29 to 33, 48 to 51 of Regulation 404/2011.	In relation to EU fishing boats with an overall length of 10 metres or more— Requirement: (a) to keep a fishing logbook of their operations (recording specific information); and (b) to submit the fishing logbook information as soon as possible, and not later than 48 hours after landing— (i) to the competent authority of the flag Member State; and (ii) where the landing has taken place in a Member State other than the flag Member State, to the competent authority of the port/coastal Member State.”	The master; the master's agent.

Entry 1(ca)

“Column 1 Provision	Column 2 Detailed Rules	Column 3 Subject matter	Column 4 Persons liable
(ca) Article 21(1) to (5), subject to Articles 15(5) and 22(1).	Articles 29 to 32, 34, 48 to 50 and 52 and 53 of Regulation 404/2011.	In relation to EU fishing boats with an overall length of 10 metres or more— Requirement: (a) to complete a transshipment	The master of the transshipping fishing boat; the master of the receiving fishing boat; either master's agent.

Changes to legislation: There are currently no known outstanding effects for the The Sea Fishing (EU Control Measures) (Scotland) Order 2015, SCHEDULE. (See end of Document for details)

- declaration (recording specific information); and
- (b) to submit the transhipment declaration as soon as possible, and not later than 48 hours after transhipment—
 - (i) to the competent authority of the flag Member State; and
 - (ii) where the transhipment has taken place in a Member State other than the flag Member State, to the competent authority of the port/coastal Member State.”

Entry 1(da)

<i>“Column 1 Provision</i>	<i>Column 2 Detailed Rules</i>	<i>Column 3 Subject matter</i>	<i>Column 4 Persons liable</i>
(da) Article 23(1) to (4), subject to Articles 15(5) and 24(1) and (5).	Articles 29 to 32, 35, 48 to 50, 54 and 55 of Regulation 404/2011.	In relation to EU fishing boats with an overall length of 10 metres or more— Requirement:	The master; the master's agent.
		<ul style="list-style-type: none"> (a) to complete a landing declaration (recording specific information); and (b) to submit the landing obligation as soon as possible, and not later than 48 hours after landing— <ul style="list-style-type: none"> (i) to the competent authority of the flag Member State; and (ii) where the landing has taken place in a Member State other than the flag Member State, to the competent authority of the port/coastal Member State.” 	

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Entry 1(ha)

<i>“Column 1 Provision</i>	<i>Column 2 Detailed Rules</i>	<i>Column 3 Subject matter</i>	<i>Column 4 Persons liable</i>
(ha) Article 63(1), as read with Articles 60(5) and 64, and subject to Article 65.	Article 90 and 91(1) of Regulation 404/2011.	In relation to the registered buyers, registered auctions or other bodies or persons authorised by Member States that are responsible for the first marketing of fisheries products landed in a Member State and have an annual financial turnover in first sales of fisheries products of EUR 200,000 or more— Requirement: (a) to record sales note data by electronic means; and (b) to send that data by electronic means to the competent authority of the Member state where the first sales takes place, within 24 hours of the first sale.”	The registered buyer; the registered auction; any other authorised body or person responsible for the first sale of fisheries products.

PART 2

Insertion of entries 2(a) to (e)

<i>“Column 1 Provision</i>	<i>Column 2 Detailed Rules</i>	<i>Column 3 Subject matter</i>	<i>Column 4 Persons liable</i>
2. Regulation 404/2011 (a) Article 39(1) and (2)		In relation to any EU fishing boat to which Articles 15, 17, 22 and 24 (electronic completion and transmission of fishing logbook, prior notification, transshipment declaration and landing declaration data) of the Control Regulation apply, and whose electronic	The master; the owner; the charterer (if any); the agent of any of these persons.

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recording and reporting system malfunctions—

Requirement to communicate certain data (e.g. fishing logbook, transhipment declaration, landing declaration and prior notification data), as specified, to the competent authority of the flag Member State, by telecommunication means prescribed by it—

- (a) at least once a day and not later than 24:00 hours (event where there are no catches); and
- (b) at the request of the competent authority of the flag Member State, immediately after the last fishing operation or after completion of any transhipment, before entering into port, at the time of any inspection at sea, and at the time of events defined in EU legislation or by the flag Member State.

(b) Article 39(4)

In relation to any EU fishing boat to which Articles 15, 17, 22 and 24 (electronic completion and transmission of fishing logbook, prior notification, transhipment declaration and landing declaration data) of the Control Regulation apply—

Prohibition on leaving port following a technical failure or malfunction of the electronic recording and reporting system fitted on board unless—

- (a) the system is fully functioning to the satisfaction of the competent authority

of the flag Member State; or

- (b) the competent authority of the flag Member State has authorised the boat to leave port with a non-functioning electronic recording and reporting system.

(c) Article 40(3)

In relation to any EU fishing boat to which Articles 15, 22 and 24 (electronic completion and transmission of fishing logbook, transshipment declaration and landing declaration data) of the Control Regulation apply, and which has been notified that its flag Member State has not received data transmissions in accordance with those Articles—

The master, the owner; the charterer (if any); the agent of any of those persons.

Requirement to send the notified data to the competent authority of the flag Member State immediately on receipt of such notification.

(d) Article 41(3)

In relation to any EU fishing boat to which Articles 15, 22 and 24 (electronic completion and transmission of fishing logbook, transshipment declaration and landing declaration data) of the Control Regulation apply, and which has been notified that a coastal Member State cannot access the boat's electronic logbook or transshipment data (in accordance with Article 44 of Regulation 404/2011)—

The master; the owner; the charterer (if any); the agent of any of those persons.

Requirement to send such data, and a copy of the return message issued in accordance with Article 38(1) of Regulation 404/2011, to the competent authority of the coastal Member State upon

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request and by any available electronic means prescribed by it.

(e) article 41(4), as read with Article 41(3)

In relation to any EU fishing boat to which Articles 15, 22 and 24 (electronic completion and transmission of fishing logbook, transshipment declaration and landing declaration data) of the Control Regulation apply, and which cannot provide a copy of a return message in compliance with a coastal Member State's request under Article 41(3) of the Implementing Regulation—

The master; the owner; the charterer (if any); the agent of any of those persons.

Prohibition on undertaking any fishing activities in the coastal Member State's waters until a copy of the return message (issued in accordance with Article 38(1) of Regulation 404/2011) or fishing logbook information (referred to in Article 14(1) of the Control Regulation) is provided to the competent authority of the coastal Member State.”

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