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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control

Delegations will find attached the Council's General Approach on the annex set out in the above-mentioned proposal.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) .../...

of ...

amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EU) ~~No 768/2005~~ 2019/473, (EC) No 1967/2006, (EC) No 1005/2008, and Regulations (EU) ~~No 2016/1139~~ and (EU) 2017/2403 of the European Parliament and of the Council as regards fisheries control¹

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

...

HAVE ADOPTED THIS REGULATION:

¹ Amendments to the Commission proposal are marked in **bold underline** (new text) and **~~bold strikethrough~~** (deleted text).

ANNEX I

The following Annexes III and IV are added to Regulation (EC) No 1224/2009

"ANNEX III

POINTS TO BE ASSIGNED TO UNION FISHING LICENCE HOLDERS OR UNION MASTERS FOR SERIOUS INFRINGEMENTS

<u>No</u> <u>Reference</u>	Serious infringement	points
<p><u>Article 90(3)(a)</u></p> <p>1</p>	<p>Not fulfilling of obligations to accurately record, <u>store</u> and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems <u>and, as well as data with regard to</u> prior notification<u>ees</u>, <u>catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes</u> as required under the rules of the common fisheries policy.</p>	<p>3</p>
<p>2</p>	<p>Not making available of a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to the flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403.</p>	<p>3</p>
<p>3</p>	<p>Not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transhipment declaration or a transfer declaration, when the operation has taken place outside Union waters.</p>	<p>3</p>

<u>No</u> <u>Reference</u>	Serious infringement	points
4	Using non-compliant fishing gear.	4
<u>Article 90(3)(d)</u> 5	Not fulfilling obligations related to the <u>characteristics or use of fishing gears, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation, or processing or not complying with measures to reduce incidental catches of sensitive species as required under as set in</u> the rules of the common fisheries policy.	4
<u>Article 90(3)(k)</u> 6	Manipulating of or using an engine <u>power beyond the maximum</u> or of continuous engine power <u>certified and recorded in the Member State fleet register or manipulating a continuous engine power</u> monitoring devices with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate.	5
<u>Article 90(2)(b)</u> 7	Falsifying or concealing markings of fishing vessel or fishing gear , identity or registration of a fishing vessel.	5
<u>Article 90(2)(o)</u> 8	Falsifying documents, data or information, referred to in or using of falsified or invalid documents, data or information required under the rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008.	5

<u>No</u> Reference	Serious infringement	points
<u>Article 90(3)(aa)</u>	<u>Using falsified or invalid documents referred to in the rules of the common fisheries policy.</u>	<u>5</u>
<u>Article 90(2)(c)</u> 9	Concealing, tampering <u>with</u> , or disposing <u>ingal</u> of, evidence relating to an investigation.	5
<u>Article 90(3)(i)</u> 10	Committing, <u>in the course of the same event</u> , multiple infringements <u>referred to in Article 90(3)</u> which together constitute a serious disregard of conservation and management measures.	5
<u>Article 90(3)(e)</u> 11	Failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any <u>catches of species subject to the landing obligation, including</u> undersized catches <u>in breach of the rules of the common fisheries policy applicable to fisheries or fishing zones</u> in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy or fishing zones where such rules apply.	5

<u>No</u> Reference	Serious infringement	points
<u>Article 90(3)(f)</u> 12	Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, the conservation and management measures of that organisation <u>implemented in Union law in the case where those activities are not considered as serious infringement under Article 90(2) or under other points of Article 90(3).</u>	5
<u>Article 90(2)(f)</u> 13	Conducting transfer operations <u>or caging, in particular as referred to in Article 3 of Regulation (EU) 2016/1627,</u> in breach of the <u>rules of the</u> common fisheries policy rules or, including the applicable conservation and management measures adopted by regional fisheries management organisations <u>that are implemented in Union law.</u>	5
<u>Article 90(3)(l)</u> 14	Landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation; or landing fisheries products stemming from IUU fishing activities.	5
<u>Article 90(3)(i)</u>	<u>Conducting any of the activities referred to in point (g) of Article 90(2) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or a regional fisheries management organisation.</u>	5

<u>No</u> <u>Reference</u>	Serious infringement	points
<u>Article 90(2)(l)</u> 15	Using prohibited fishing gear <u>or methods, as referred to in Article 7 of Council Regulation (EU) 2019/1241 or as adopted by a regional fisheries management organisation and implemented in Union law.</u>	6
16	Fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth.	6
<u>Article 90(3) (ab)</u> 17	Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State.	7
<u>Article 90(2)(j)</u> 18	Fishing prohibited species, species subject to catch limits to which the operator does not have a quota or does not have access to the quota of the flag Member State, species whose quota is exhausted, or species subject to a fishing moratorium, temporary prohibition or closed season, except accidental catches, or conducting fishing operations in closed areas which are closed for the purpose of protection or recovery of fishery resources, or in unauthorized depths. Engaging in directed fishing, retaining on board, transhipping, transferring or landing species which is subject to a moratorium, a closed season or for which fishing is prohibited.	7

<u>No</u> Reference	Serious infringement	points
<u>Article 90(2)(d)</u> 19	Obstructing the work of officials or observers, in the exercise of their duties, <u>in violation of Articles 73 and 75 of this Regulation.</u>	7
<u>Article 90(3)(ac)</u>	<u>Failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation.</u>	<u>7</u>
<u>Article 90(2)(g)</u> 20	Transshipping from or to, or conducting transfer operations with, participating in joint fishing operations with, <u>or</u> supporting or supplying vessels, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008.	7
<u>Article 90(2)(e)</u> 21	Transshipping without the required authorisation or where such transshipment is prohibited.	7

<u>No</u> <u>Reference</u>	Serious infringement	points
<p data-bbox="248 312 456 344"><u>Article 90(2)(h)</u></p> <p data-bbox="333 379 371 408">22</p>	<p data-bbox="580 252 1653 472">Being involved <u>Participating</u> in the operation, management, ownership of, or being hired on, or supplying services to operators connected to, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008.</p>	<p data-bbox="1877 379 1892 408">7</p>

ANNEX IV

Criteria to qualify an infringement as serious in accordance with Article 90(3)

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(aa)</u> <u>using falsified or invalid documents referred to in the rules of the common fisheries policy;</u></p>	<p>a. <u>documents, data or information intentionally used in the own interest or those of third parties in order to obtain a benefit; or</u> b. <u>the same infringement² has been sanctioned as a serious infringement in the preceding 24 months.</u></p>
<p><u>Article 90(3)(ab)</u> <u>fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;</u></p>	<p>a. <u>fishing is subject to rules of a regional fisheries management organisation or bilateral agreements;</u> b. <u>no request for a licence, authorisation or permit is pending, except where a request for a permit is submitted within two working days of the infringement and a permit for the fishery concerned is granted and the same infringement was not committed in the previous 12 months;</u> c. <u>fishing activities, including, catches have not been reported as required under this regulation; or</u> d. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

² A recital will set out that the "same infringement" shall be understood as referring to any infringement described under the same point of Article 90(3). This footnote applies to all references of the same kind in this annex.

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(ac)</u></p> <p><u>failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation;</u></p>	<p>a. <u>fishing is subject to rules of a regional fisheries management organisation or bilateral agreements;</u></p> <p>b. <u>the conduct has negative impacts on the effectiveness of the inspection;</u></p> <p>c. <u>the same infringement has been sanctioned as a serious infringement in the preceding 24 months.</u></p>
<p><u>Article 90(3)(a)</u></p> <p><u>not fulfilling obligations to accurately record, store and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems, as well as data with regard to prior notifications, catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes as required under the rules of the common fisheries policy;</u></p>	<p>a. <u>fishery products related to the infringement represent a value equal to or more than 1.000€ or quantities that are equal to or more than 500 kg or 20 % above the permitted margins of tolerance referred to in this Regulation or when the difference between the landing declaration and the take-over declaration or between the landing declaration and the sales note exceeds 20 %, after taking into account any sales under Article 65;</u></p> <p>b. <u>failure to record and report catches of species subject to the landing obligation or of by-catch per species, haul, area, day or fishing trip;</u></p> <p>c. <u>interference with the installation or functioning of the vessel monitoring system, automatic identification system, logbook, REM, continuous engine power monitoring device or any other applicable monitoring system of the Member State, including its switch off, except where authorised by the fisheries monitoring centres;</u></p> <p>d. <u>no data and information recorded and/or sent to the flag Member State's fisheries monitoring centre or failing to notify the MS authorities about malfunctioning or failing to transmit data relating to fishing and fishing operations, including sales notes, when the landing or transshipment or the fishing operation has taken place outside the Union waters; or,</u></p> <p>e. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(d)</u></p> <p><u>not fulfilling obligations related to the characteristics or use of fishing gear, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation or processing or not complying with measures to reduce incidental catches of sensitive species as required under the rules of the common fisheries policy;</u></p>	<ul style="list-style-type: none"> a. <u>the infringement is related with marking and identification of passive fishing gear and fishing aggregating devices;</u> b. <u>the number of unauthorised passive fishing gear and fishing aggregating devices exceeds 20 % of the authorised number;</u> c. <u>the size of the whole or part of the active fishing gear exceeds 20 % the authorised dimension;</u> d. <u>the selectivity of the fishing gear is reduced by 3mm or 5%, whichever is greater, in particular with regard to mesh size, yarn diameter, hook size or other methods or devices related with the selectivity of the fishing gear;</u> e. <u>the equipment on board for grading, water separation is used for species subject to fishing opportunities, multiannual plans, inspection and control plans or landing obligations; or</u> f. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u>
<p><u>Article 90(3)(e)</u></p> <p><u>failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any catches of species subject to the landing obligation, including undersized catches, in breach of the rules of the common fisheries policy applicable to fisheries or fisheries zones;</u></p>	<ul style="list-style-type: none"> a. <u>catches related to the suspected infringement represent a value equal to or more than 1.000€ or quantities that are equal to or more than 500kg or 20 % above the permitted margins of tolerance referred in this Regulation; or</u> b. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(f)</u> <u>carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, the conservation and management measures of that organisation implemented in Union law in the case where those activities are not considered as serious infringement under Article 90(2) or under other points of Article 90(3);</u></p>	<p>a. <u>qualified as a serious infringement under rules of a regional fisheries management organisation that are binding on the Union; or</u> b. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>
<p><u>Article 90(3)(g)</u> <u>making available on the market fishery or aquaculture products in breach of the rules of the common fisheries policy in the case where those activities are not considered as serious infringement under Article 90(2);</u></p>	<p>a. <u>the first sale is made with a non-registered auction centre or buyer;</u> b. <u>non-existent minimum mandatory information to the consumer for lots of 50 kg or more or which represent a value equal to or more than 1000 €;</u> c. <u>incomplete traceability information for lots of 50 kg or more or which represent a value equal to or more than 1000 €;</u> d. <u>the products are imported in breach of the provisions of the Regulation (EC) no 1005/2008; or</u> e. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(h)</u></p> <p><u>conducting recreational fishing activities in breach of the rules of the common fisheries policy or the sale of fishery products from recreational fisheries;</u></p>	<p>a. <u>selling fishery products which represent a value equal to or greater than 50 € or quantities that are equal to or more than 10 kg;</u></p> <p>b. <u>50% or more of specimen retained are unauthorized or prohibited species or are noncompliant with the minimum conservation reference size;</u></p> <p>c. <u>retaining quantities of species exceeding the bag or catch limits or exceeding by 50% applicable quotas;</u></p> <p>d. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>
<p><u>Article 90(3)(i)</u></p> <p><u>committing, in the course of the same event, multiple infringements referred to in Article 90(3);</u></p>	<p><u>three or more simultaneous infringements which are not considered individually as serious.</u></p>
<p><u>Article 90(3)(i)</u></p> <p><u>conducting any of the activities referred to in point (g) of Article 90(2) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation;</u></p>	<p>a. <u>when, in the course of the same event, any other serious infringement under Article 90 has been committed with the same fishing vessel; or</u></p> <p>b. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(k)</u></p> <p><u>manipulating or using an engine power beyond the maximum continuous engine power certified and recorded in the Member State fleet register or manipulating a continuous engine power monitoring device;</u></p>	<p>a. <u>when the difference between the power verified and the power certified and recorded is higher than 20%; or</u></p> <p>b. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>
<p><u>Article 90(3)(l)</u></p> <p><u>landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation;</u></p>	<p><u>the same infringement has been sanctioned in the preceding 12 months.</u></p>
<p><u>Article 90(3)(m)</u></p> <p><u>conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing.</u></p>	<p>a. <u>in case all legally required documents were not produced;</u></p> <p>b. <u>cases where import has been refused under Article 18 of Regulation (EC) No 1005/2008;</u></p> <p>c. <u>importing without complying with Article 16 of Regulation (EC) No 1005/2008 (submission of catch certificates to competent authorities);</u></p> <p>d. <u>the vessel is included in the IUU vessel list of the Union or of a regional fisheries management organisation; or</u></p> <p>e. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

~~ANNEX IV³~~

~~Alternative criteria to qualify an infringement as serious, in accordance with Article 90(3) of this Regulation~~

Activities	Criteria
Article 90(3)(a) – Not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior notices, as required under the rules of the common fisheries policy;	–the catches related to the suspected infringement occurred: in a closed area; or beyond a closed depth;
Article 90(3)(b) – Not making available of a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403;	–the infringement is the second one detected in the preceding twelve months;
Article 90(3)(c) – Failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions	–catches related to the suspected infringement represent quantities that are equal to or more than twice above the permitted margins of tolerance referred to in Article 14(3) and Article 21(3) of this Regulation;
	–the catches related to the suspected infringement correspond a) to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment declaration, or b) a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species: – all species subject to minimum conservation reference size under the rules of the common fisheries policy; – all species subject to the landing obligation as referred to

³ ~~The amounts referred to in this annex shall be calculated on the value of the fisheries products obtained by committing the infringement according to the prices in force on the EUMOFA platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices or prices identified on principal international markets relevant for the species concerned shall be applicable, and the higher price prevails.~~

Activities	Criteria
<p>provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply;</p> <p>Article 90(3)(f) – Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation.</p>	<p>in Article 15 of Regulation 1380/2013;</p> <ul style="list-style-type: none"> – all species subject to fishing opportunities under the rules of the common fisheries policy; – all species subject to multiannual plans; – all species subject to a moratorium, a closed season or for which fishing is prohibited; – all species regulated by a regional fisheries management organisation.
<p>Article 90(3)(g) – Making available on the market fisheries products in breach of the rules of the common fisheries policy</p>	<p>– the suspected infringement is a second one detected in the preceding twelve months;</p> <p>– the suspected infringement is related to marketing of IUU products knowingly or in contravention to the IUU Regulation</p> <p>– when the direct sale was made with a non-registered auction center or non-registered buyer, as referred to in Article 59 of this Regulation;</p> <p>– completion or submission of sales notes does not comply with Article 62 of this regulation, including the obligation to record and transmit all data electronically;</p> <p>– the catches related to the suspected infringement correspond to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transshipment declaration, or a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> – all species subject to minimum conservation reference size under the rules of the common fisheries policy;

Activities	Criteria
	<ul style="list-style-type: none"> – all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013; – all species subject to fishing opportunities under the rules of the common fisheries policy; – all species subject to a multiannual plan; – all species subject to a moratorium, a closed season or for which fishing is prohibited; – all species regulated by a regional fisheries management organisation.
<p>Article 90(3)(c) – Using non compliant fishing gear.</p> <p>Article 90(3)(d) Not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy.</p>	<p>– the catches related to the suspected infringement occurred: in a closed area; or beyond a closed depth;</p> <p>– the gear used is one of the following:</p> <ul style="list-style-type: none"> – Fishing with explosive – Prohibited drifting gillnets <p>– the number of authorised gear exceeds by 2 units the number of authorised gears on board the fishing vessels;</p> <p>– the suspected infringement is a second one detected in the preceding twelve months;</p> <p>– catches related to the suspected infringement represent quantities that are equal or more than twice above the permitted margins of tolerance referred to in Article 14(3) of this Regulation;</p> <p>– the catches related to the suspected infringement correspond to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment</p>

Activities	Criteria
	<p>declaration, or a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> • all species subject to minimum conservation reference under the rules of the common fisheries policy; • all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013; • all species subject to fishing under the rules of the common fisheries policy; • all species subject to a multiannual plan; • all species subject to a moratorium, a closed season or for which fishing is prohibited; • all species regulated by a regional fisheries management organisation.

Activities	Criteria
<p>Article 90(3)(h) Conducting recreational fishing activities in breach of rules of the common fisheries policy or selling of catches from recreational fisheries.</p>	<p>the catches related to the suspected infringement occurred:</p> <ul style="list-style-type: none"> - in a closed area; or - beyond a closed depth; <p>the suspected infringement is the third one detected in the preceding six months;</p> <p>the catches related to the suspected infringement correspond to quantities more than 5 kilos, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> - all species subject to minimum conservation reference size as referred to under the rules of the common fisheries policy; - all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013; - all species subject to fishing opportunities under the rules of the common fisheries policy; - all species subject to a multiannual plan; all species subject to a moratorium, a closed season or for which fishing is prohibited.
<p>Article 90(3)(i) Committing multiple infringements which together constitute a serious disregard of conservation and management measures.</p>	<p>The number of simultaneous infringements which are not considered individually serious infringements exceeds 3.</p>

ANNEX II

Annex II to Regulation (EC) No 1005/2008 and the Appendix to that Annex are replaced by the following:

‘ANNEX II – European Union Catch Certificate and Re-Export Certificate

(i) EUROPEAN UNION CATCH CERTIFICATE					
Document number			Validating Authority		
1. Name		Address		Tel. Fax	
2. Fishing Vessel Name		Flag - Home Port & Registration Number		Call Sign	IMO/Lloyd's Number (if issued)
Fishing licence No. – Valid to		Inmarsat <u>Mobile satellite service</u> No. Telefax No. Telephone No. E-mail address (if issued)			
<u>Fishing gear (1)</u>					
3. Description of Product		Type of processing authorised on board:		4. References of applicable conservation and management measures	
Species	Product code	Catch area(s) and catch date(s) (from - to) (2)	Estimated <u>live weight to be landed (net fish weight in kg)</u>	Estimated live weight to be landed (Net fish catch weight in kg)	Verified <u>Weight Landed (net catch weight in kg) (3)</u>
5. Name of master of fishing vessel or of fishing licence holder - Signature—Seal:					
6. Declaration of Transhipment at Sea		Signature and Date	Transhipment Date/Area/Position	Estimated weight (kg)	
Name of Master of Fishing vessel					
Master of Receiving Vessel	Signature	Vessel Name	Call Sign	IMO/Lloyds Number (if issued)	

7. Transshipment and/or landing authorisation within a Port Area:								
Name	Authority	Signature	Address	Tel.	Port of Landing (as appropriate)	Date of Landing (as appropriate)	Seal (Stamp)	
					Port of transshipment (as appropriate)	Date of transshipment (as appropriate)	<u>Name, registration and IMO numbers of receiving vessel (if issued)</u>	Seal (Stamp)
8. Name and address of Exporter		Signature		Date		Seal		
9. Flag State Authority Validation:								
Name/Title		Signature		Date		Seal (Stamp)		
10. Transport details : <i>See Appendix</i>								
11. Importer Declaration:								
Company, name, address, EORI number and contact details of importer of importer (specify details)		Signature		Date		Seal		
Company, name, address, EORI number and contact details of representative of the importer (specify details)		Signature		Date		Seal		
Product description:		CN code		Product description		Net weight in kg	Net fishery product weight in kg	

Document under Article 14(1) of Regulation (EC) No 1005/2008:	Yes / no (as appropriate)	References		
Document under Article 14(2) of Regulation (EC) No 1005/2008:	Yes / no (as appropriate)	References (Processing statement document number(s)):		
Member State and office of import				
Means of transport upon arrival (air, vehicle, ship, train)	Transport document reference	Estimated time of arrival (if submission under Art. 12(1) of Regulation (EC) No 1005/2008)		
Customs declaration number (if issued)	CHVED number (if available)			
12. Import control: Authority	Place	Importation authorised(4 [±])	Importation suspended(4 [±])	Verification requested - date
13. Refusal of Catch Certificate	Catch certificate refused on the basis of:			(4 [±])
	Art. 18 (1a)			
	Art. 18 (1b)			
	Art. 18 (1c)			
	Art. 18 (1d)			
	Art. 18 (1e)			
	Art. 18 (1f)			
	Art. 18 (1g)			
	Art. 18 (2a)			
	Art. 18 (2b)			
	Art. 18 (2c)			
	Art. 18 (2d)			

(*) Tick as appropriate

(1) Code to be used in accordance with International Standard Statistical Classification of Fishing Gear

(2) Catch area:

- FAO area(s); and
- Exclusive Economic Zone(s) and/or High Seas; and
- Relevant Regional Fisheries Management Organisation Convention Area(s)

(3) To be filled only if verified in the context of an official inspection

(4) Tick as appropriate

(ii) EUROPEAN UNION RE-EXPORT CERTIFICATE			
Certificate number	Date	Member State	
1. Description of re-exported product:		Weight (kg)	
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/Title	Signature	Date	Seal/Stamp
4. Re-export Control			
Place:	Re-export authorised(*)	Verification requested(*)	Re-export declaration number and date

(*) Tick as appropriate

Appendix

TRANSPORT DETAILS

1. Country of exportation Port/airport/other place <u>point</u> of departure	2. Exporter Signature		3. <u>Point of destination</u>	
Vessel name and flag Flight number/ airway bill number Truck nationality and registration number Railway bill number <u>Freight bill number</u> <u>Other transport documents (e.g. bill of lading, CMR, Air Waybill)</u>	Container number(s) list attached	Name	Address	Signature

In case of use of multiple transport modes/multiple shipments, the information related to the transport has to be provided for each and every transport mode used for each shipment.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) .../...

of ...

amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EU) No ~~768/2005~~ 2019/473, (EC) No 1967/2006, (EC) No 1005/2008, and Regulations (EU) No 2016/1139 and (EU) 2017/2403 of the European Parliament and of the Council as regards fisheries control⁴

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

...

HAVE ADOPTED THIS REGULATION:

⁴ Amendments to the Commission proposal are marked in **bold underline** (new text) and **~~bold strikethrough~~** (deleted text).

ANNEX I

The following Annexes III and IV are added to Regulation (EC) No 1224/2009

"ANNEX III

POINTS TO BE ASSIGNED TO UNION FISHING LICENCE HOLDERS OR UNION MASTERS FOR SERIOUS INFRINGEMENTS

<u>No</u> <u>Reference</u>	Serious infringement	points
<p><u>Article 90(3)(a)</u></p> <p>1</p>	<p>Not fulfilling of obligations to accurately record, <u>store</u> and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems <u>and, as well as data with regard to</u> prior notification<u>ees</u>, <u>catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes</u> as required under the rules of the common fisheries policy.</p>	<p>3</p>
<p>2</p>	<p>Not making available of a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to the flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403.</p>	<p>3</p>
<p>3</p>	<p>Not transmitting a landing declaration or a sales note to the flag Member State when the landing of the catch has taken place in the port of a third country, or a transhipment declaration or a transfer declaration, when the operation has taken place outside Union waters.</p>	<p>3</p>

<u>No</u> <u>Reference</u>	Serious infringement	points
4	Using non-compliant fishing gear.	4
<u>Article 90(3)(d)</u> 5	Not fulfilling obligations related to the <u>characteristics or use of fishing gears, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation, or processing or not complying with measures to reduce incidental catches of sensitive species as required under as set in</u> the rules of the common fisheries policy.	4
<u>Article 90(3)(k)</u> 6	Manipulating of or using an engine <u>power beyond the maximum</u> or of continuous engine power <u>certified and recorded in the Member State fleet register or manipulating a continuous engine power</u> monitoring devices with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate.	5
<u>Article 90(2)(b)</u> 7	Falsifying or concealing markings of fishing vessel or fishing gear , identity or registration of a fishing vessel.	5
<u>Article 90(2)(o)</u> 8	Falsifying documents, data or information, referred to in or using of falsified or invalid documents, data or information required under the rules of the common fisheries policy, including documents, data and information as referred to in Council Regulation (EC) No 1005/2008.	5

<u>No</u> <u>Reference</u>	Serious infringement	points
<u>Article 90(3)(aa)</u>	<u>Using falsified or invalid documents referred to in the rules of the common fisheries policy.</u>	<u>5</u>
<u>Article 90(2)(c)</u> <u>9</u>	Concealing, tampering <u>with</u> , or disposing <u>ingal</u> of, evidence relating to an investigation.	5
<u>Article 90(3)(i)</u> <u>10</u>	Committing, <u>in the course of the same event</u> , multiple infringements <u>referred to in Article 90(3)</u> which together constitute a serious disregard of conservation and management measures.	5
<u>Article 90(3)(e)</u> <u>11</u>	Failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any <u>catches of species subject to the landing obligation, including</u> undersized catches <u>in breach of the rules of the common fisheries policy applicable to fisheries or fishing zones</u> in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions provided for in the rules of the common fisheries policy or fishing zones where such rules apply.	5

<u>No</u> <u>Reference</u>	Serious infringement	points
<u>Article 90(3)(f)</u> 12	Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, the conservation and management measures of that organisation <u>implemented in Union law in the case where those activities are not considered as serious infringement under Article 90(2) or under other points of Article 90(3).</u>	5
<u>Article 90(2)(f)</u> 13	Conducting transfer operations <u>or caging, in particular as referred to in Article 3 of Regulation (EU) 2016/1627,</u> in breach of the <u>rules of the</u> common fisheries policy rules or, including the applicable conservation and management measures adopted by regional fisheries management organisations <u>that are implemented in Union law.</u>	5
<u>Article 90(3)(l)</u> 14	Landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation; or landing fisheries products stemming from IUU fishing activities.	5
<u>Article 90(3)(i)</u>	<u>Conducting any of the activities referred to in point (g) of Article 90(2) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or a regional fisheries management organisation.</u>	5

<u>No</u> <u>Reference</u>	Serious infringement	points
<u>Article 90(2)(l)</u> 15	Using prohibited fishing gear <u>or methods, as referred to in Article 7 of Council Regulation (EU) 2019/1241 or as adopted by a regional fisheries management organisation and implemented in Union law.</u>	6
16	Fishing in a restricted or closed area, or a fish stock recovery area, or during a closed season, or without or after attainment of a quota or beyond a closed depth.	6
<u>Article 90(3) (ab)</u> 17	Fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State.	7
<u>Article 90(2)(i)</u> 18	Fishing prohibited species, species subject to catch limits to which the operator does not have a quota or does not have access to the quota of the flag Member State, species whose quota is exhausted, or species subject to a fishing moratorium, temporary prohibition or closed season, except accidental catches, or conducting fishing operations in closed areas which are closed for the purpose of protection or recovery of fishery resources, or in unauthorized depths. Engaging in directed fishing, retaining on board, transhipping, transferring or landing species which is subject to a moratorium, a closed season or for which fishing is prohibited.	7

<u>No</u> <u>Reference</u>	Serious infringement	points
<u>Article 90(2)(d)</u> 19	Obstructing the work of officials or observers, in the exercise of their duties, <u>in violation of Articles 73 and 75 of this Regulation.</u>	7
<u>Article 90(3)(ac)</u>	<u>Failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation.</u>	<u>7</u>
<u>Article 90(2)(g)</u> 20	Transshipping from or to, or conducting transfer operations with, participating in joint fishing operations with, <u>or</u> supporting or supplying vessels, engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation, as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008.	7
<u>Article 90(2)(e)</u> 21	Transshipping without the required authorisation or where such transshipment is prohibited.	7

<u>No</u> <u>Reference</u>	Serious infringement	points
<p data-bbox="248 312 456 344"><u>Article 90(2)(h)</u></p> <p data-bbox="333 379 371 408">22</p>	<p data-bbox="580 252 1653 472">Being involved<u>Participating</u> in the operation, management, ownership of, or being hired on, or supplying services to operators connected to, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008.</p>	<p data-bbox="1877 379 1892 408">7</p>

ANNEX IV

Alternative eCriteria to qualify an infringement as serious in accordance with Article 90(3)

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(aa)</u> <u>using falsified or invalid documents referred to in the rules of the common fisheries policy;</u></p>	<p>c. <u>documents, data or information intentionally used in the own interest or those of third parties in order to obtain a benefit; or</u> d. <u>the same infringement⁵ has been sanctioned as a serious infringement in the preceding 24 months.</u></p>
<p><u>Article 90(3)(ab)</u> <u>fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;</u></p>	<p>e. <u>fishing is subject to rules of a regional fisheries management organisation or bilateral agreements;</u> f. <u>no request for a licence, authorisation or permit is pending, except where a request for a permit is submitted within two working days of the infringement and a permit for the fishery concerned is granted and the same infringement was not committed in the previous 12 months;</u> g. <u>fishing activities, including, catches have not been reported as required under this regulation; or</u> h. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

⁵ A recital will set out that the "same infringement" shall be understood as referring to any infringement described under the same point of Article 90(3). This footnote applies to all references of the same kind in this annex.

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(ac)</u></p> <p><u>failing to cooperate with officials or observers, in the exercise of their duties, in violation of Articles 73 and 75 of this Regulation;</u></p>	<p>d. <u>fishing is subject to rules of a regional fisheries management organisation or bilateral agreements;</u></p> <p>e. <u>the conduct has negative impacts on the effectiveness of the inspection;</u></p> <p>f. <u>the same infringement has been sanctioned as a serious infringement in the preceding 24 months.</u></p>
<p><u>Article 90(3)(a)</u></p> <p><u>not fulfilling obligations to accurately record, store and report data relating to fishing activities, including data to be transmitted by vessel monitoring systems, as well as data with regard to prior notifications, catch declarations, landing declarations, weighing records, take-over declarations, transport documents or sales notes as required under the rules of the common fisheries policy;</u></p>	<p>f. <u>fishery products related to the infringement represent a value equal to or more than 1.000€ or quantities that are equal to or more than 500 kg or 20 % above the permitted margins of tolerance referred to in this Regulation or when the difference between the landing declaration and the take-over declaration or between the landing declaration and the sales note exceeds 20 %, after taking into account any sales under Article 65;</u></p> <p>g. <u>failure to record and report catches of species subject to the landing obligation or of by-catch per species, haul, area, day or fishing trip;</u></p> <p>h. <u>interference with the installation or functioning of the vessel monitoring system, automatic identification system, logbook, REM, continuous engine power monitoring device or any other applicable monitoring system of the Member State, including its switch off, except where authorised by the fisheries monitoring centres;</u></p> <p>i. <u>no data and information recorded and/or sent to the flag Member State's fisheries monitoring centre or failing to notify the MS authorities about malfunctioning or failing to transmit data relating to fishing and fishing operations, including sales notes, when the landing or transshipment or the fishing operation has taken place outside the Union waters; or,</u></p> <p>j. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(d)</u></p> <p><u>not fulfilling obligations related to the characteristics or use of fishing gear, acoustic deterrent devices, selectivity or fishing aggregating devices, in particular marking and identification, areas, depth, periods or number of gears, mesh size, or of the equipment for grading, water separation or processing or not complying with measures to reduce incidental catches of sensitive species as required under the rules of the common fisheries policy;</u></p>	<ul style="list-style-type: none"> g. <u>the infringement is related with marking and identification of passive fishing gear and fishing aggregating devices;</u> h. <u>the number of unauthorised passive fishing gear and fishing aggregating devices exceeds 20 % of the authorised number;</u> i. <u>the size of the whole or part of the active fishing gear exceeds 20 % the authorised dimension;</u> j. <u>the selectivity of the fishing gear is reduced by 3mm or 5%, whichever is greater, in particular with regard to mesh size, yarn diameter, hook size or other methods or devices related with the selectivity of the fishing gear;</u> k. <u>the equipment on board for grading, water separation is used for species subject to fishing opportunities, multiannual plans, inspection and control plans or landing obligations; or</u> l. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u>
<p><u>Article 90(3)(e)</u></p> <p><u>failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any catches of species subject to the landing obligation, including undersized catches, in breach of the rules of the common fisheries policy applicable to fisheries or fisheries zones;</u></p>	<ul style="list-style-type: none"> c. <u>catches related to the suspected infringement represent a value equal to or more than 1.000€ or quantities that are equal to or more than 500kg or 20 % above the permitted margins of tolerance referred in this Regulation; or</u> d. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(f)</u> <u>carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with, or in contravention of, the conservation and management measures of that organisation implemented in Union law in the case where those activities are not considered as serious infringement under Article 90(2) or under other points of Article 90(3);</u></p>	<p>c. <u>qualified as a serious infringement under rules of a regional fisheries management organisation that are binding on the Union; or</u> d. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>
<p><u>Article 90(3)(g)</u> <u>making available on the market fishery or aquaculture products in breach of the rules of the common fisheries policy in the case where those activities are not considered as serious infringement under Article 90(2);</u></p>	<p>f. <u>the first sale is made with a non-registered auction centre or buyer;</u> g. <u>non-existent minimum mandatory information to the consumer for lots of 50 kg or more or which represent a value equal to or more than 1000 €;</u> h. <u>incomplete traceability information for lots of 50 kg or more or which represent a value equal to or more than 1000 €;</u> i. <u>the products are imported in breach of the provisions of the Regulation (EC) no 1005/2008; or</u> j. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(h)</u> <u>conducting recreational fishing activities in breach of the rules of the common fisheries policy or the sale of fishery products from recreational fisheries;</u></p>	<p>e. <u>selling fishery products which represent a value equal to or greater than 50 € or quantities that are equal to or more than 10 kg;</u> f. <u>50% or more of specimen retained are unauthorized or prohibited species or are noncompliant with the minimum conservation reference size;</u> g. <u>retaining quantities of species exceeding the bag or catch limits or exceeding by 50% applicable quotas;</u> h. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>
<p><u>Article 90(3)(i)</u> <u>committing, in the course of the same event, multiple infringements referred to in Article 90(3);</u></p>	<p><u>three or more simultaneous infringements which are not considered individually as serious.</u></p>
<p><u>Article 90(3)(j)</u> <u>conducting any of the activities referred to in point (g) of Article 90(2) in relation to a vessel engaged in IUU fishing as defined in Regulation (EC) No 1005/2008 and not listed in the IUU vessel list of the Union or of a regional fisheries management organisation;</u></p>	<p>c. <u>when, in the course of the same event, any other serious infringement under Article 90 has been committed with the same fishing vessel; or</u> d. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

<u>Infringements</u>	<u>Criteria to consider the infringements as serious</u>
<p><u>Article 90(3)(k)</u> <u>manipulating or using an engine power beyond the maximum continuous engine power certified and recorded in the Member State fleet register or manipulating a continuous engine power monitoring device;</u></p>	<p>c. <u>when the difference between the power verified and the power certified and recorded is higher than 20%; or</u> d. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>
<p><u>Article 90(3)(l)</u> <u>landing in ports of third countries without prior notification as referred to in Article 19a of this Regulation;</u></p>	<p><u>the same infringement has been sanctioned in the preceding 12 months.</u></p>
<p><u>Article 90(3)(m)</u> <u>conducting business directly connected to IUU fishing, including trade in, import, export, processing and marketing of, fishery products stemming from IUU fishing.</u></p>	<p>f. <u>in case all legally required documents were not produced;</u> g. <u>cases where import has been refused under Article 18 of Regulation (EC) No 1005/2008;</u> h. <u>importing without complying with Article 16 of Regulation (EC) No 1005/2008 (submission of catch certificates to competent authorities);</u> i. <u>the vessel is included in the IUU vessel list of the Union or of a regional fisheries management organisation; or</u> j. <u>the same infringement has been sanctioned as a serious infringement in the preceding 12 months.</u></p>

ANNEX IV⁶

Alternative criteria to qualify an infringement as serious, in accordance with Article 90(3) of this Regulation

Activities	Criteria
<p>Article 90(3)(a) – Not fulfilling of obligations to accurately record and report data relating to fishing activities, including data to be transmitted by vessel monitoring system and prior notices, as required under the rules of the common fisheries policy;</p>	<p>–the catches related to the suspected infringement occurred: in a closed area; or beyond a closed depth;</p> <p>–the infringement is the second one detected in the preceding twelve months;</p>
<p>Article 90(3)(b) – Not making available of a catch declaration or a landing declaration to the third country and not sending an electronic copy of it to their flag Member States as required under in paragraph 1 of Article 30 of the Regulation (EU) 2017/2403;</p>	<p>–catches related to the suspected infringement represent quantities that are equal to or more than twice above the permitted margins of tolerance referred to in Article 14(3) and Article 21(3) of this Regulation;</p>
<p>Article 90(3)(e) – Failing to bring and retain on board the fishing vessel, including through slipping, and to tranship, transfer and land any undersized catches in contravention of the legislation in force or catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations including for regional fisheries management organisation areas or subject to exemptions</p>	<p>–the catches related to the suspected infringement correspond</p> <p>a) to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment declaration, or</p> <p>b) a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> –all species subject to minimum conservation reference size under the rules of the common fisheries policy; –all species subject to the landing obligation as referred to

⁶ ~~The amounts referred to in this annex shall be calculated on the value of the fisheries products obtained by committing the infringement according to the prices in force on the EUMOFA platform at the time of the identification of the infringement, if available. In the situation where the EUMOFA values are not available or not relevant, national prices or prices identified on principal international markets relevant for the species concerned shall be applicable, and the higher price prevails.~~

Activities	Criteria
<p>provided for in the rules of the common fisheries policy in fisheries or fishing zones where such rules apply;</p> <p>Article 90(3)(f) – Carrying out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation.</p>	<p>in Article 15 of Regulation 1380/2013;</p> <ul style="list-style-type: none"> – all species subject to fishing opportunities under the rules of the common fisheries policy; – all species subject to multiannual plans; – all species subject to a moratorium, a closed season or for which fishing is prohibited; – all species regulated by a regional fisheries management organisation.
<p>Article 90(3)(g) – Making available on the market fisheries products in breach of the rules of the common fisheries policy</p>	<p>– the suspected infringement is a second one detected in the preceding twelve months;</p> <p>– the suspected infringement is related to marketing of IUU products knowingly or in contravention to the IUU Regulation</p> <p>– when the direct sale was made with a non-registered auction center or non-registered buyer, as referred to in Article 59 of this Regulation;</p> <p>– completion or submission of sales notes does not comply with Article 62 of this regulation, including the obligation to record and transmit all data electronically;</p> <p>– the catches related to the suspected infringement correspond to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transshipment declaration, or a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> – all species subject to minimum conservation reference size under the rules of the common fisheries policy;

Activities	Criteria
	<ul style="list-style-type: none"> – all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013; – all species subject to fishing opportunities under the rules of the common fisheries policy; – all species subject to a multiannual plan; – all species subject to a moratorium, a closed season or for which fishing is prohibited; – all species regulated by a regional fisheries management organisation.
<p>Article 90(3)(c) – Using non-compliant fishing gear.</p> <p>Article 90(3)(d) Not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy.</p>	<p>– the catches related to the suspected infringement occurred: in a closed area; or beyond a closed depth;</p> <p>– the gear used is one of the following:</p> <ul style="list-style-type: none"> – Fishing with explosive – Prohibited drifting gillnets <p>– the number of authorised gear exceeds by 2 units the number of authorised gears on board the fishing vessels;</p> <p>– the suspected infringement is a second one detected in the preceding twelve months;</p> <p>– catches related to the suspected infringement represent quantities that are equal or more than twice above the permitted margins of tolerance referred to in Article 14(3) of this Regulation;</p> <p>– the catches related to the suspected infringement correspond to quantities more than 100 kilos or 20% of the total quantities mentioned in the logbook or landing or transhipment</p>

Activities	Criteria
	<p>declaration, or a value of 10% of the total value of fisheries products, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> • all species subject to minimum conservation reference under the rules of the common fisheries policy; • all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013; • all species subject to fishing under the rules of the common fisheries policy; • all species subject to a multiannual plan; • all species subject to a moratorium, a closed season or for which fishing is prohibited; • all species regulated by a regional fisheries management organisation.

Activities	Criteria
<p>Article 90(3)(h) Conducting recreational fishing activities in breach of rules of the common fisheries policy or selling of catches from recreational fisheries.</p>	<p>the catches related to the suspected infringement occurred:</p> <ul style="list-style-type: none"> - in a closed area; or - beyond a closed depth; <p>the suspected infringement is the third one detected in the preceding six months;</p> <p>the catches related to the suspected infringement correspond to quantities more than 5 kilos, when the infringement is related to any of the following species:</p> <ul style="list-style-type: none"> - all species subject to minimum conservation reference size as referred to under the rules of the common fisheries policy; - all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013; - all species subject to fishing opportunities under the rules of the common fisheries policy; - all species subject to a multiannual plan; all species subject to a moratorium, a closed season or for which fishing is prohibited.
<p>Article 90(3)(i) Committing multiple infringements which together constitute a serious disregard of conservation and management measures.</p>	<p>The number of simultaneous infringements which are not considered individually serious infringements exceeds 3.</p>

ANNEX II

Annex II to Regulation (EC) No 1005/2008 and the Appendix to that Annex are replaced by the following:

‘ANNEX II – European Union Catch Certificate and Re-Export Certificate

(i) EUROPEAN UNION CATCH CERTIFICATE					
Document number			Validating Authority		
1. Name		Address		Tel. Fax	
2. Fishing Vessel Name		Flag - Home Port & Registration Number		Call Sign	IMO/Lloyd's Number (if issued)
Fishing licence No. – Valid to		Inmarsat Mobile satellite service No. Telefax No. Telephone No. E-mail address (if issued)			
<u>Fishing gear (1)</u>					
3. Description of Product		Type of processing authorised on board:		4. References of applicable conservation and management measures	
Species	Product code	Catch area(s) and catch date(s) (from - to) (2)	Estimated live weight to be landed (net fish weight in kg)	Estimated live weight to be landed (Net fish catch weight in kg)	Verified Wweight landed (net catch weight in kg) (3)
5. Name of master of fishing vessel or of fishing licence holder - Signature—Seal:					
6. Declaration of Transhipment at Sea		Signature and Date	Transhipment Date/Area/Position	Estimated weight (kg)	
Name of Master of Fishing vessel					
Master of Receiving Vessel	Signature	Vessel Name	Call Sign	IMO/Lloyds Number (if issued)	

7. Transshipment and/or landing authorisation within a Port Area:								
Name	Authority	Signature	Address	Tel.	Port of Landing (as appropriate)	Date of Landing (as appropriate)	Seal (Stamp)	
					Port of transshipment (as appropriate)	Date of transshipment (as appropriate)	<u>Name, registration and IMO numbers of receiving vessel (if issued)</u>	Seal (Stamp)
8. Name and address of Exporter		Signature		Date		Seal		
9. Flag State Authority Validation:								
Name/Title		Signature		Date		Seal (Stamp)		
10. Transport details : <i>See Appendix</i>								
11. Importer Declaration:								
Company, name, address, EORI number and contact details of importer of importer (specify details)		Signature		Date		Seal		
Company, name, address, EORI number and contact details of representative of the importer (specify details)		Signature		Date		Seal		
Product description:		CN code		Product description		Net weight in kg	Net fishery product weight in kg	

Document under Article 14(1) of Regulation (EC) No 1005/2008:	Yes / no (as appropriate)	References		
Document under Article 14(2) of Regulation (EC) No 1005/2008:	Yes / no (as appropriate)	References (Processing statement document number(s)):		
Member State and office of import				
Means of transport upon arrival (air, vehicle, ship, train)	Transport document reference	Estimated time of arrival (if submission under Art. 12(1) of Regulation (EC) No 1005/2008)		
Customs declaration number (if issued)	CHVED number (if available)			
12. Import control: Authority	Place	Importation authorised(4 [±])	Importation suspended(4 [±])	Verification requested - date
13. Refusal of Catch Certificate	Catch certificate refused on the basis of:			(4 [±])
	Art. 18 (1a)			
	Art. 18 (1b)			
	Art. 18 (1c)			
	Art. 18 (1d)			
	Art. 18 (1e)			
	Art. 18 (1f)			
	Art. 18 (1g)			
	Art. 18 (2a)			
	Art. 18 (2b)			
	Art. 18 (2c)			
Art. 18 (2d)				

(*) Tick as appropriate

(1) Code to be used in accordance with International Standard Statistical Classification of Fishing Gear

(2) Catch area:

- **FAO area(s); and**
- **Exclusive Economic Zone(s) and/or High Seas; and**
- **Relevant Regional Fisheries Management Organisation Convention Area(s)**

(3) To be filled only if verified in the context of an official inspection

(4) Tick as appropriate

<u>(ii) EUROPEAN UNION RE-EXPORT CERTIFICATE</u>			
Certificate number	Date	Member State	
1. Description of re-exported product:		Weight (kg)	
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/Title	Signature	Date	Seal/Stamp
4. Re-export Control			
Place:	Re-export authorised(*)	Verification requested(*)	Re-export declaration number and date

(*) Tick as appropriate

Appendix

TRANSPORT DETAILS

1. Country of exportation Port/airport/other place <u>point</u> of departure	2. Exporter Signature		3. <u>Point of destination</u>	
Vessel name and flag Flight number/ airway bill number Truck nationality and registration number Railway bill number <u>Freight bill number</u> <u>Other transport documents (e.g. bill of lading, CMR, Air Waybill)</u>	Container number(s) list attached	Name	Address	Signature

In case of use of multiple transport modes/multiple shipments, the information related to the transport has to be provided for each and every transport mode used for each shipment.