

## ANNEX III

### TRANSITIONAL TECHNICAL AND CONTROL MEASURES

#### PART C

##### ICES SUB-AREAS I TO VII

- [<sup>F</sup>19. Landing and weighing procedures for herring, mackerel and horse mackerel
- 9.1. Scope
- 9.1.1. The following procedures shall apply to landings in the European Community by Community and third country vessels of quantities per landing exceeding 10 tonnes of herring, mackerel, and horse mackerel, or a combination thereof, taken in:
- (a) for herring, ICES Sub-areas I, II, IV, VI and VII and Divisions IIIa and Vb;
  - (b) for mackerel and horse mackerel, in ICES Sub-areas III, IV, VI and VII and Division IIa.
- 9.2. Designated ports
- 9.2.1. Landings referred to in point 9.1 are only permitted in designated ports.
- 9.2.2. Each Member State concerned shall transmit to the Commission changes in the list, transmitted in 2004, of designated ports in which landings of herring, mackerel and horse mackerel may take place and, changes in inspection and surveillance procedures for those ports including the terms and conditions for recording and reporting the quantities of any of the species and stocks referred to in point 9.1.1 within each landing. Those changes shall be transmitted at least 15 days before they enter into force. The Commission shall transmit this information as well as ports designated by third countries to all Member States concerned.
- 9.3. Entry to port
- 9.3.1. The master of a fishing vessel referred to in point 9.1.1 or his agent shall inform the competent authorities of the Member State in which the landing is to be made, at least four hours in advance of entry to port of landing of the Member State concerned of the following:
- (a) the port he intends to enter, the name of the vessel and its registration number;
  - (b) the estimated time of arrival at that port;
  - (c) the quantities in kilograms live weight by species retained on board;
  - (d) the management area in accordance with Annex I to this Regulation where the catch was taken.
- 9.4. Discharge
- 9.4.1. The competent authorities of the Member State concerned shall require that the discharge does not commence until authorised to do so.
- 9.5. Logbook

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, Division 9.. (See end of Document for details)*

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- 9.5.1. By way of derogation from the provisions of point 4.2 of Annex IV to Regulation (EEC) No 2807/83, the master of a fishing vessel shall submit, immediately upon arrival to port, the relevant page or pages of the logbook as demanded by the competent authority at the port of landing.

The quantities retained on board, notified prior to landing as referred to in point 9.3.1(c), shall be equal to the quantities recorded in the logbook after its completion.

By way of derogation from the provisions of Article 5(2) of Regulation (EEC) No 2807/83 the permitted margin of tolerance in estimates recorded into the logbook of the quantities in kilograms of fish retained on board of vessels shall be 8 %.

#### 9.6. Weighing of fresh fish

- 9.6.1. All buyers purchasing fresh fish shall ensure that all quantities received are weighed on systems approved by the competent authorities. The weighing shall be carried out prior to the fish being sorted, processed, held in storage and transported from the port of landing or resold. The figure resulting from the weighing shall be used for the completion of landing declarations and sales notes.

- 9.6.2. When determining the weight any deduction for water shall not exceed 2 %.

#### 9.7. Weighing of fresh fish after transport

- 9.7.1. By way of derogation from point 9.6.1, Member States may permit fresh fish to be weighed after transport from the port of landing provided that the fish is transported to a destination on the territory of the Member State no more than 60 kilometres from the port of landing and that:

- (a) the tanker in which the fish is transported is accompanied by an inspector from the place of landing to the place where the fish is weighed; or
- (b) approval is given by the competent authorities at the place of landing to transport the fish subject to the following provisions:
  - (i) immediately prior to the tanker leaving the port of landing, the buyer or his agent shall provide to the competent authorities a written declaration giving the species of the fish and name of the vessel from which it is to be discharged, the unique identity number of the tanker and details of the destination where the fish will be weighed as well as the estimated time of arrival of the tanker at the destination,
  - (ii) a copy of the declaration provided for in (i) shall be kept by the driver during the transport of the fish and handed over to the receiver of the fish at the destination.

#### 9.8. Invoice

- 9.8.1. In addition to the obligations set out in Article 9(1) and (2) of Regulation (EC) No 2847/93 the processor or buyer of the quantities of fresh fish landed shall submit to the competent authorities of the Member State concerned a copy of the invoice or a document replacing it, as referred to in Article 22(3) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment<sup>(1)</sup>.

- 9.8.2. Any such invoice or document shall include the information required by Article 9(3) of Regulation (EC) No 2847/93 as well as the name and registration number of the vessel from which the fish has been landed. This invoice or document shall be submitted on demand or within 12 hours of the completion on the weighing.
- 9.9. Weighing of frozen fish
- 9.9.1. All buyers or holders of frozen fish shall ensure that the quantities landed are weighed prior to the fish being processed, held in storage, transported from the port of landing or resold. Any tare weight equal to the weight of boxes, plastic or other containers in which the fish to be weighed is packed may be deducted from the weight of any quantities landed.
- 9.9.2. Alternatively, the weight of frozen fish packed in boxes may be determined by multiplying the average weight of a representative sample based on weighing the contents removed from the box and without plastic packaging whether or not after the thawing of any ice on the surface of the fish. Member States shall notify to the Commission for approval any changes in their sampling methodology approved by the Commission during 2004. Changes shall be approved by the Commission. The figure resulting from the weighing shall be used for the completion of landing declarations and sales notes.
- 9.10. Weighing facilities
- 9.10.1. In cases where publicly operated weighing facilities are used the party weighing the fish 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 invoice submitted to the competent authorities as provided for in point 9.8.
- 9.10.2. In cases where privately operated weighing facilities are used the system shall be approved, calibrated and sealed by the competent authorities and be subject to the following provisions:
- (a) the party weighing the fish shall keep a paginated weighing logbook indicating:
- (i) the name and registration number of the vessel from which the fish has been landed,
  - (ii) the identity number of the tankers in cases where fish has been transported from the port of landing before weighing,
  - (iii) the species of fish,
  - (iv) the weight of each landing,
  - (v) the date and time of the beginning and end of the weighing;
- (b) 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. Such cumulative total shall be recorded in the paginated logbook referred to in point (a);
- (c) the weighing logbook and the copies of written declarations provided for in point 9.7.1(b)(ii) shall be kept for three years.
- 9.11. Access by competent authorities

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 27/2005, Division 9.. (See end of Document for details)*

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The competent authorities shall have full access at all times to the weighing system, the weighing logbooks, written declarations and all premises where the fish is processed and kept.

9.12. Cross-checks

9.12.1. The competent authorities shall carry out administrative cross-checks on all landings between the following:

- (a) quantities by species indicated in the prior notice of landing, referred to in point 9.3.1 and the quantities recorded in the vessel's logbook;
- (b) quantities by species recorded in the vessel's logbook and the landing declaration or invoice or equivalent document referred to in point 9.8;
- (c) quantities by species recorded on the landing declaration and invoice or equivalent document referred to in point 9.8.

9.13. Full inspection

9.13.1. The competent authorities of a Member State shall ensure that at least 15 % of the quantities of fish landed and at least 10 % of the landings of fish are subject to full inspections which shall include at least the following:

- (a) monitoring of the weighing of the catch from the vessel, by species. In the case of vessels pumping catch ashore the weighing of the entire discharge from the vessels selected for inspection shall be monitored. In the case of freezer trawlers, all boxes shall be counted. A representative sample of boxes/pallets shall be weighed in order to arrive at an average weight for the boxes/pallets. Sampling of boxes shall also be undertaken according to an approved methodology in order to arrive at an average net weight for the fish (without packing, ice);
- (b) in addition to the cross-checks referred to in point 9.12 cross-verification between the following:
  - (i) quantities by species recorded in the weighing logbook and the quantities by species recorded in the invoice or equivalent document referred to in point 9.8,
  - (ii) the written declarations received by the competent authorities pursuant to point 9.7.1(b)(i) and the written declarations held by the receiver of the fish pursuant to point 9.7.1(b)(ii),
  - (iii) identity numbers of tankers that appear in the written declarations provided for in point 9.7.1(b)(i) and the weighing logbooks;
- (c) if the discharge is interrupted, permission shall be required before the discharge can recommence;
- (d) verification that the vessel is empty of all fish, once the discharge has been completed.

9.13.2. All inspection activities covered by point 9 shall be documented. Such documentation shall be kept for 3 years.]

**Textual Amendments**

- F1** Substituted by [Council Regulation \(EC\) No 1300/2005 of 3 August 2005 amending Regulation \(EC\) No 27/2005, as concerns herring, mackerel, horse mackerel, sole and vessels engaged in illegal fisheries.](#)

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- (1) [<sup>F1</sup>OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2004/66/EC (OJ L 168, 1.5.2004, p. 35).]

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