

Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999

CHAPTER II

MONITORING MEASURES

Article 5

Union participation

1 Member States shall send to the Commission, in a computer-readable form, a list of all vessels flying their flag and registered in the Union which are authorised to fish in the Regulatory Area, in particular the vessels authorised to fish directly for one or more regulated resources together with any amendments to the list. This information shall be sent no later than 15 December each year or no later than 5 days before the vessel enters the Regulatory Area. The Commission shall forward the information promptly to the NEAFC Secretary.

2 The format for transmission of the list referred to in paragraph 1 shall be determined in accordance with Article 50(2).

Article 6

Marking of gear

1 Member States shall ensure that gear used by their fishing vessels in the Regulatory Area is marked in accordance with Commission Regulation (EC) No 356/2005 of 1 March 2005 laying down detailed rules for the marking and identification of passive fishing gear and beam trawls⁽¹⁾.

2 Member States may remove and dispose of fixed gear that is not marked in accordance with Regulation (EC) No 356/2005 or that contravenes in any other way recommendations adopted by NEAFC, as well as fish that are found in the gear.

Article 7

Retrieval of lost gear

1 The competent authority of the flag Member State shall send without delay to the NEAFC Secretary the information provided to it pursuant to Article 48(3) of Regulation (EC) No 1224/2009 as well as the call sign of the vessel that has lost the gear.

2 Member States shall undertake to retrieve on a regular basis lost gears belonging to vessels flying their flag.

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Article 8

Recording of catches

1 In addition to the information specified in Article 6 of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽²⁾, the masters of EU fishing vessels shall record, either in a bound paginated fishing logbook or by electronic means, the following:

- a each entry into and exit from the Regulatory Area;
- b on a daily basis and/or for each haul the estimated cumulative catches retained on board since the last entry into the Regulatory Area;
- c on a daily basis and/or for each haul the amount of fish discarded;
- d immediately after each communication pursuant to Article 9, the date and time, according to Universal Coordinated Time (UTC), of transmission of a report and, in the case of radio transmission, the name of the radio station through which the report was transmitted;
- e the fishing depth, where appropriate.

2 The masters of EU fishing vessels engaged in fishing activities carried out in respect of regulated resources and which process and/or freeze their catch shall:

- a record their cumulative production by species and product form in a production logbook; and
- b stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained on board the fishing vessel.

3 By way of derogation from paragraph 1, Member States may exempt from the obligation to record in a fishing logbook or electronically a vessel engaged in transshipment operations which on-loads quantities on board. Vessels benefiting from this derogation shall specify in a stowage plan the location in the hold of frozen fish referred to in Article 14(1) and record in a production logbook:

- a the date and time, according to UTC, of transmission of a report referred to in Article 9;
- b in the case of radio transmission, the name of the radio station through which the report was transmitted;
- c the date and time, according to UTC, of the transshipment operation;
- d the location (latitude/longitude) of the transshipment operation;
- e the quantities of each species on-loaded;
- f the name and international radio call sign of the fishing vessel from which the catch has been off-loaded.

4 Detailed rules for the implementation of this Article shall be determined in accordance with Article 50(2).

Article 9

Reporting of catches of regulated resources

1 The masters of EU fishing vessels engaged in fishing activities carried out in respect of regulated resources shall communicate catch reports by electronic means to their Fisheries Monitoring Centre, as defined in point (15) of Article 4 of Regulation (EC) No 1224/2009. The

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data contained in such reports shall be accessible to the Commission on request. Reports shall include the following:

- a reports on the quantities held on board when entering the Regulatory Area. Such reports shall be transmitted no earlier than 12 hours and no later than 2 hours before each entry into the Regulatory Area;
- b reports on weekly catches. Such reports shall be transmitted for the first time no later than the end of the seventh day following the entry of the vessel into the Regulatory Area or, when fishing trips take more than 7 days, no later than Monday noon for catches taken in the Regulatory Area during the preceding week ending at midnight on Sunday. This report shall include the number of fishing days since the start of fishing, or since the last catch report;
- c reports on catches on board when exiting the Regulatory Area. Such reports shall be transmitted no earlier than 8 hours and no later than 2 hours before each departure from the Regulatory Area. Such reports shall include, where appropriate, the number of fishing days and the catch taken in the Regulatory Area since the start of fishing, or since the last catch report;
- d reports on the quantities on-loaded and off-loaded for each transshipment of fish during the vessel's stay in the Regulatory Area. Donor vessels shall make this report no later than 24 hours before the transshipment, and receiving vessels no later than 1 hour after the transshipment. The report shall include the date, time and geographical position of the planned transshipment as well as the total round weight by species which are to be off-loaded or which have been on-loaded in kilograms and the call signs of the donor and receiving vessels. ^{F1}Without prejudice to Chapter IV, at least 24 hours before any landing, the receiving vessel shall report the total catch on board, the total weight to be landed, the name of the port and the estimated date and time of landing, regardless of whether the landing is to take place in a port inside or outside the Convention Area.]

2 The reports on catches referred to in this Article shall be expressed in kilograms (rounded to the nearest 100 kg). The total round weight shall be reported by species, using the FAO codes. The total quantity of species for which the total round weight by species is less than 1 tonne may be reported under the 3-alpha code MZZ (marine fish not specified).

3 Member States shall record the data contained in the catch reports in the database referred to in Article 109(1) of Regulation (EC) No 1224/2009.

4 The detailed rules for the implementation of this Article and in particular the format and the specifications for the transmissions shall be determined in accordance with Article 50(2).

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2016/96 of the European Parliament and of the Council of 20 January 2016 amending Regulation \(EU\) No 1236/2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries.](#)

Article 10

Global reporting of catches and fishing effort

1 Member States shall inform the Commission by computer transmission before the 15th day of each month of the quantities of fishery resources caught in the Regulatory Area by vessels flying their flag which have been landed or transhipped during the preceding month.

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2 Without prejudice to Article 33(2) of Regulation (EC) No 1224/2009, Member States shall also inform the Commission by computer transmission before the 15th day of each month of the quantities of regulated resources caught in areas under the national fisheries jurisdiction of third countries and in EU waters of the Convention Area by vessels flying their flag which have been landed or transhipped during the preceding month.

3 The format for transmission of the data pursuant to paragraphs 1 and 2 shall be determined in accordance with Article 50(2).

The list of the fishery resources referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Articles 46 to 49.

4 The Commission shall compile the data referred to in paragraphs 1 and 2 for all Member States and forward them to the NEAFC Secretary within 30 days following the calendar month in which the catches were landed or transhipped.

Article 11

Vessel Monitoring System

Member States shall ensure the automatic and electronic transmission to the NEAFC Secretary of information obtained by the vessel monitoring system (VMS) concerning vessels flying their flag which fish or plan to fish in the Regulatory Area. The format and the specifications of these transmissions shall be determined in accordance with Article 50(2).

[^{F2}In respect of bottom fishing in the Regulatory Area, the following additional provisions shall apply:

- (a) each Member State shall implement an automatic system able to monitor and detect possible bottom fishing in areas outside the existing bottom fishing areas, and possible fishing inside closed areas;
- (b) each Member State shall ensure that delimitations of closed areas are installed in their vessel monitoring systems according to coordinates contained in recommendations adopted by NEAFC.]

Textual Amendments

- F2** Inserted by [Commission Delegated Regulation \(EU\) 2015/1341 of 12 March 2015 amending Regulation \(EU\) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries.](#)

Article 12

Communication of information

1 Member States shall communicate the reports and the information referred to in Articles 9 and 11 without delay to the NEAFC Secretary. In the event of technical malfunction, however, such reports and information shall be transmitted to the NEAFC Secretary within 24 hours of receipt. Member States shall ensure that all reports and messages forwarded by them are numbered sequentially.

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[^{F3}1a The reports referred to in Article 9 may be cancelled by means of a cancellation report.

If a report requires a correction, it shall be cancelled by way of a cancellation report. A new, corrected report shall be sent after the cancellation report and within the time limits set out in Article 9.

If the Fisheries Monitoring Centre of the flag Member State accepts the cancellation of a report, it shall communicate it to the NEAFC Secretary.]

[^{F4}2 Member States shall ensure that the reports and information transmitted to the NEAFC Secretary are in accordance with the data exchange formats and data communication systems determined pursuant to Article 16 of Commission Implementing Regulation (EU) No 433/2012⁽³⁾.]

Textual Amendments

- F3** Inserted by [Commission Delegated Regulation \(EU\) No 603/2012 of 30 April 2012 amending Regulation \(EU\) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries.](#)
- F4** Substituted by [Commission Delegated Regulation \(EU\) 2015/1341 of 12 March 2015 amending Regulation \(EU\) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries.](#)

Article 13

Transhipments and joint fishing operations

1 EU fishing vessels shall engage in transhipment activities in the Regulatory Area only if they have received prior authorisation from the competent authorities in their flag Member State.

2 EU fishing vessels may only engage in transhipment operations or joint fishing operations with vessels flying the flag of a Contracting Party and vessels of a non-Contracting Party granted the status of a cooperating non-Contracting Party by NEAFC.

3 EU fishing vessels engaged in transhipment operations which on-load quantities on board shall not engage in other fishing activities, including joint fishing operations, during the same trip, with the exception of fish-processing operations and landings.

Article 14

Separate stowage

1 EU fishing vessels which carry on board frozen fishery resources caught in the Convention Area by more than one fishing vessel may stow the fish from each of those vessels in more than one part of the hold but shall keep it clearly separate from fish caught by other vessels, in particular by using plastic, plywood or netting.

2 All catches taken inside the Convention Area shall be stowed separately from all catches taken outside the area.

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Article 15

Labelling of frozen fish

When frozen, all fish caught in the Convention Area shall be identified with a clearly legible label or stamp. The label or stamp shall be placed at the time of stowage on each box or block of frozen fish and shall indicate the species, the production date, the ICES sub-area and division where the catch was taken and the name of the vessel which caught the fish.

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- (1) [OJ L 56, 2.3.2005, p. 8.](#)
- (2) [OJ L 261, 20.10.1993, p. 1.](#)
- (3) [^{F4}Commission Implementing Regulation (EU) No 433/2012 of 23 May 2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries ([OJ L 136, 25.5.2012, p. 41](#)).]

Textual Amendments

- F4** Substituted by [Commission Delegated Regulation \(EU\) 2015/1341 of 12 March 2015 amending Regulation \(EU\) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries.](#)

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[View outstanding changes](#)

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

- Art. 3(14) inserted by [S.I. 2019/753 reg. 5\(4\)](#)
- Art. 29(1)(d) words substituted by [S.I. 2019/753 reg. 5\(28\)\(a\)](#)
- Art. 42(2)(d) words substituted by [S.I. 2019/753 reg. 5\(39\)\(b\)\(ii\)](#)
- Art. 42(2)(e) words substituted by [S.I. 2019/753 reg. 5\(39\)\(b\)\(iii\)](#)