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ANNEX XVI

METHODOLOGY FOR ESTABLISHING THE SAMPLING PLANS REFERRED TO IN ARTICLES 16(1) AND 25(1) OF THE CONTROL REGULATION

This Annex lays down the methodology on the basis of which Member States shall establish the sampling plans referred to in Articles 16(1) and 25(1) of the Control Regulation for vessels not subject to fishing logbook requirements and landing declaration requirements.

1. For the purpose of this Annex the following definitions shall apply:
 - (a) **Active vessels** : vessels referred to in Articles 16 and 25 of the Control Regulation that have been engaged in any fishing operation (more than 0 days) during a calendar year. A vessel that has not been engaged in fishing operations during a year shall be considered 'inactive'.
 - (b) **Metier** : A group of fishing operations targeting a similar (assemblage of) species, using similar gear, during the same period of the year, and/or within the same area and which are characterised by similar exploitation patterns. The allocation to a metier is determined by the fishing activity in the previous year. If one vessel has been active in one metier more than 50 % of the year it is allocated to that metier. If the fishing activity is below 50 % for any metier the vessel should be allocated to a metier named polyvalent metier.
 - (c) **Target population** : landings of fisheries products from active vessels using different metiers.
2. The aim of the sampling plan shall be to monitor the activities of the vessels referred to in Articles 16 and 25 of the Control Regulation and to estimate their overall catch for any given stock and by metier during the period of sampling.
3. The sampling unit shall in principle be the metier. Each vessel concerned should be assigned to one metier only.
4. The target population shall comprise landings by metier from active vessels of length of less than 10 metres.
5. The size of the sample shall be determined on the basis of the risk of non-compliance with the rules of the Common Fisheries Policy for the metier in the Member State where the landing(s) take place. The size of the sample shall be representative of the metier concerned.
6. Member States shall define risk at the following levels: 'very low', 'low', 'medium', 'high' and 'very high'.
7. In establishing the level of risk of non compliance with the rules of the Common Fisheries Policy, Member States shall take account of all relevant criteria. These shall include, but not be limited to:
 - levels of landings by the target population, involving all regulated stocks, distributed by metiers,
 - level of previously detected infringements for the vessel concerned,
 - total number of inspections carried out by metier,
 - availability of quota to those vessels of the target population, by metier,
 - use of standardized boxes.

If appropriate:

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- fluctuation of market price levels for the landed fisheries products,
 - background, and/or potential danger, of fraud link to port/location/region, and metier.
8. When drawing up the sampling plans, Member States shall take into account, the levels of metier activity during the sampling period.
 9. Sampling intensity shall take into account the variability of the landings by the metier.
 10. Where fisheries products are landed in standardized boxes, the minimum number boxes to be sampled shall be proportionate to the risk levels identified by Member States and as set out in the example below:

Number of boxes landed by species	Number of boxes to be weighed subject to risk level				
	Very Low	Low	Medium	High	Very High
0-25	1	1	1	1	2
25-50	1	2	3	4	5
50-100	1	3	4	5	6
Every additional 100	1	1	2	3	4

11. Precision/confidence levels shall apply as are set out in Levels 2 and 3 in Point 4, Part B of Chapter II of Commission Decision 2010/93/EU⁽¹⁾.
12. The sampling plan shall also include information on how the overall catch for any given stock and by metier during the period of sampling will be estimated.

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(1) [OJ L 41, 16.2.2010, p. 8.](#)

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Changes and effects yet to be applied to :

- Regulation continued by [S.I. 2019/739 reg. 5\(1\)](#)
- Annex 16 omitted by [S.I. 2019/739 reg. 5\(109\)](#)

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

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