
Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

ANNEX XX

**METHODOLOGY FOR ESTABLISHING THE SAMPLING PLANS
REFERRED TO IN ARTICLE 60(3) OF THE CONTROL REGULATION**

This Annex lays down the methodology for Member States to establish sampling plans for fisheries products landed from fishing vessels permitted to weigh on board in accordance with Article 60(3) of the Control Regulation.

1. The aim of the sampling plans shall be to verify the accuracy of weighing when fisheries products are permitted to be weighed on board.
2. Member States shall ensure that sampling is carried out at the time of landing of the fisheries products from the fishing vessel on which they were weighed.
3. 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 (CFP) by those fishing vessels permitted to weigh fisheries products on board.
4. Member States shall establish risk at the following levels: ‘very low’, ‘low’, ‘medium’, ‘high’ and ‘very high’.
5. 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 from fishing vessels permitted to weigh catches of fisheries products on board at a port, or other location, or within a region,
 - levels of previously detected infringements associated with fishing vessels permitted to weigh catches of fisheries products on board,
 - levels of inspection activity at a port, or other location, or within a region where fisheries products are landed from fishing vessels permitted to weigh on board,
 - availability of quota for fishing vessels permitted to weigh fisheries products on board.

As appropriate:

- fluctuation of market price levels for the landed fisheries products,
 - risk of fraud at port/location/region.
6. Sampling of landings of fisheries products shall be at least as effective as simple random sampling and proportionate to the level of risk.
 7. The sampling plan shall include measures to ensure that the weighing of the sample shall be carried out.
 8. The number of boxes sample weighed shall be proportionate to the assessed risk level. Preferably, Member States shall indicate the number of boxes to be weighed by means of tables for the different risk levels, as 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

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50-100	1	3	4	5	6
100-200	2	4	5	6	7
Every additional 100	1	1	2	3	4

9. When fisheries products from such vessels are weighed before first marketing and the weighing takes place immediately following the landing of the lots of fisheries products, the results of weighing may be used for the purposes of the sampling plan.
10. The sampling plan shall also include measures to ensure that:
- operators comply with established sampling levels,
 - without prejudice to Article 71(2) of this Regulation the results of weighing determined from sampling plans are used for the purposes mentioned in Article 60(5) of the Control Regulation,
 - a selected number of landings of fisheries products, to be determined by each Member State on the basis of its risk analysis, are weighed in the presence of officials of the competent authorities.
11. Any risk analysis, data assessment, validation procedure, audit procedure, or other documents supporting the establishment, and further amendments, of the sampling plan shall be documented and made available for audits and inspection.

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Changes and effects yet to be applied to :

- Regulation continued by [S.I. 2019/739 reg. 5\(1\)](#)
- Annex 20 words substituted by [S.I. 2019/739 reg. 5\(112\)\(a\)](#)
- Annex 20 point 2 words substituted by [S.I. 2019/739 reg. 5\(112\)\(b\)](#)
- Annex 20 point 3 words substituted by [S.I. 2019/739 reg. 5\(112\)\(c\)](#)
- Annex 20 point 4 words substituted by [S.I. 2019/739 reg. 5\(112\)\(d\)](#)
- Annex 20 point 5 words substituted by [S.I. 2019/739 reg. 5\(112\)\(e\)\(i\)](#)
- Annex 20 point 5 words substituted by [S.I. 2019/739 reg. 5\(112\)\(e\)\(ii\)](#)
- Annex 20 point 8 words substituted by [S.I. 2019/739 reg. 5\(112\)\(f\)](#)
- Annex 20 point 10 words substituted by [S.I. 2019/739 reg. 5\(112\)\(g\)](#)

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\(84\)\(b\)](#)