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**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](#)

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## ANNEX XXII

### **METHODOLOGY FOR ESTABLISHING THE COMMON CONTROL PROGRAMME REFERRED TO IN ARTICLE 61(2) OF THE CONTROL REGULATION**

This Annex lays down the methodology for Member States to establish the common control programme to be applied when the Member State in which the fisheries products are landed, permit their transport before weighing to registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fisheries products in another Member State, in accordance with Article 61(2) of the Control Regulation.

1. The aim of the common control programme shall be to minimise the risk of non-compliance with the rules of the Common Fisheries Policy when Member States in which the fisheries products are landed permit their transport before weighing to registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fisheries products in another Member State.
2. 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) associated with the transport before weighing in another Member State.
3. Member States shall define risk at the following levels ‘very low’, ‘low’, ‘medium’, ‘high’ and ‘very high’.
4. 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:
  - the levels of landings of fisheries products which are weighed after transport from the place of landing,
  - levels of previously detected infringements associated with landings of fisheries products weighed after transport from the place of landing,
  - known levels of transport controls in the Member State of landing, transit and destination,
  - availability of quota for those fishing vessels making landings which are weighed after transport from the place of landing,
  - use of standardized boxes by the vessels which are the provenance of the fisheries products.

As appropriate:

- fluctuation of market price levels for the landed fisheries products,
  - risk of fraud at port/location/region,
  - fluctuations in the market price of those fisheries products which are weighed after transport from the place of landing,
  - risk of fraud at a port, or other location, or within a region where landings and/or weighing of such products take place.
5. Common control programmes shall include, but not be limited to.
    - A programme of inspections of fisheries products where they are transported from the places of landing for weighing at other destinations on the territory of another Member State.
    - Provisions regarding the availability of transport documents in accordance with Article 68 of the Control Regulation.

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- Provisions regarding the verification of details of fisheries products transported and which were submitted in accordance with Article 17 of the Control Regulation, by the master of the fishing vessel landing the fisheries products.
  - Provisions regarding the integrity and details of seals placed on vehicles or containers used to transport such fisheries products in accordance with Article 109 of this Regulation.
  - Provisions for cross checking the fishing logbook and transport document data against the records of weighing at the destination where they are weighed.
  - Sample weighing of the fisheries products, in the presence of officials of the competent authorities at the destination where weighing prior to first marketing takes place. Sample sizes shall be proportionate to the assessed levels of risk. Where appropriate, Member States may incorporate the use of standardized boxes into the sample weighing procedures.
6. Where fisheries products are held in standardized boxes, a number of boxes shall be sample weighed in the presence of officials of the competent authorities of the Member State. The number of boxes sample weighed shall be proportionate to the risk level assessed. 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
50-100	1	3	4	5	6
100-200	2	4	5	6	7
Every additional 100	1	1	2	3	4

7. The common control programme shall include measures to ensure that the sample weighing is carried out.
8. Any risk analysis, data assessment, validation procedure, audit procedure, or other documents supporting the establishment and further amendments of the common control programme 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 22 omitted by [S.I. 2019/739 reg. 5\(114\)](#)

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