



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D4/JH (2020)

Mr Pim Visser
President of the European
Association of Fish Producers
Organisations
H. Baelskaai 20
8400 OOSTENDE

Subject: DG MARE response to the EAPO position on weighing landings

Dear Mr Visser,

Thank you for your recent letter¹ where you outline your concerns regarding the weighing of fisheries products.

The weighing of fishery products is an important activity as the results are used to determine the quantities of all fisheries products landed. The results must be accurate as they are essential for catch registration, for control purposes and for effective quota uptake monitoring - all of which are vital to safeguard the objectives of the Common Fisheries Policy (CFP) and also to prevent, deter and eliminate illegal, unregulated and unreported fishing.

The Union rules on weighing were agreed upon by Member States and are provided for in Council Regulation (EC) No 1224/2009² (the 'Control Regulation'), which has applied since 1 January 2010. The default position for weighing is that all fishery products are to be weighed on systems approved by competent authorities, on landing, before transport, sale or storage. Flexibility is provided in the form of derogations that Member States may apply for and these include the use of Commission approved sampling plans, control plans and common control programmes³. Before such provisions are approved by means of Commission Implementing Decisions, they are evaluated by the Commission and assessed as to whether they comply with the methodologies detailed in Commission Implementing Regulation (EU) No 404/2011⁴. This is important to ensure that such provisions provide a robust means for the weighing and registration of landed fisheries products and in order to maintain a level playing field across Member States.

¹ Ref. Ares(2020)3911369

² Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy.

³ Articles 60 and 61 of the Control Regulation.

⁴ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

The practice that you refer to, where catches that were landed in a Member State were transported to other Member States for weighing in the absence of a Common Control Programme⁵, is non-compliant with the Union rules on weighing, hence requiring enforcement actions by the relevant Member States. It is not possible for the Commission to grant *ad hoc* exemptions to the rules that have been enacted by a Council Regulation to allow for ‘a more flexible approach’.

Bearing in mind the responsibility of the Commission to control and evaluate the application of the rules of the CFP by Member States, the Commission will not approve common control programmes, or any other weighing provision, if there are grounds for concern regarding the accurate weighing of fishery products under such proposals. In a similar vein, existing Commission approved weighing provisions may be revoked if they do not ensure an effective means for the weighing and registration of fishery products.

The Commission is aware of the challenges encountered in weighing fishery products, nevertheless practical solutions exist that ensure full compliance with the rules without impairing fish quality. With this in mind, I would encourage your members to adopt the necessary measures to facilitate the accurate weighing and recording of fishery products in weighing records, landing declarations, sales notes, transport documents and take-over declarations in accordance with the rules enshrined in European Union legislation.

In relation to the point you raise about the weighing of pelagic catches in Ireland, I would like to point out that Member States authorities have an obligation to ensure that all data recorded in accordance with the Control Regulation is accurate, complete and submitted within deadlines⁶ and that Member States have an obligation to adopt the necessary structures, measures and resources to ensure control, enforcement and inspection of all activities that fall under the scope of the CFP⁷. In doing so, I would also like to point out that Member States authorities are fully entitled to require that any quantity of landed fishery products are weighed in their presence before transport⁸ and that the accuracy for weighing rests with operators⁹. When it comes to the weighing of pelagic fishery products at landing, the authorities and the industry should establish measures that ensure that water can be removed from such catches prior to weighing in order to ensure that the resulting figures are accurate and fully represent the actual quantities landed. In the event that catches are not accurately weighed, nor weighed in accordance with the rules or the results of weighing are not used to complete catch registration documents such as weighing records, landing declarations, sales notes, transport documents and take-over declarations, Member States have an obligation to systematically take appropriate measures, in conformity with their national law, against the natural or legal persons suspected of breaching the rules¹⁰.

⁵ Article 61(2) of the Control Regulation.

⁶ Article 109(2) of the Control Regulation.

⁷ Article 5(3) of the Control Regulation.

⁸ Article 60(6) of the Control Regulation.

⁹ Article 60(4) of the Control Regulation.

¹⁰ Article 89 of the Control Regulation.

If you have any further questions, please do not hesitate to contact my services.

Yours sincerely,

Charlina VITCHEVA