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

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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Articles 4(5), 5(2), 8(4), 9(4) and 10(3), Article 11, Articles 12(2) and 16(2), Article 18(3) and (4), Article 19, and Articles 20(9), 24(4), 27(1) and 45(2) thereof,

Whereas:

(1) Regulation (EU) No 1236/2010 lays down certain specific control measures to monitor fishing activities of the Union in the Area covered by the North-East Atlantic Fisheries Commission (NEAFC) and supplements control measures provided for in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006[(2)]. Detailed rules should be laid down for the application of Regulation (EU) No 1236/2010. The Annexes to several Recommendations establishing a scheme of control and enforcement (the 'Scheme') applicable to fishing vessels operating in the waters of the Convention Area which lie beyond the waters under the fisheries jurisdiction of the Contracting Parties adopted by NEAFC set out the format for communicating data and models for certain inspection tools and should be transposed in Union law.

(2) Since Regulation (EU) No 1236/2010 lays down a new scheme of control and enforcement, Commission Regulation (EC) No 1085/2000 of 15 May 2000 laying down detailed rules for the application of control measures applicable in the area covered

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 433/2012. 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*

by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries[(3)] should be repealed and replaced by this Regulation.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) 'position message' means the report on the position of a vessel automatically transmitted by the satellite-tracking device of the vessel to the Fisheries Monitoring Centre of the flag Member State;

(b) 'position report' means the report made by the master of a vessel as provided for in Article 25 of Commission Implementing Regulation (EU) No 404/2011[(4)];

(c) 'CFR number' means the Community Fleet Register identification number of the vessel as referred to in Article 10 of Commission Regulation (EC) No 26/2004[(5)].

Article 2

Contact points

1 Member States shall send the information concerning contact points, as referred to in Article 4(3) and (4) of Regulation (EU) No 1236/2010, to the NEAFC Secretary and to the European Fisheries Control Agency (the 'Agency') in computer-readable form.

2 Member States shall publish the information referred to in paragraph 1 on the secure part of their website established by Articles 114 and 116 of Regulation (EC) No 1224/2009.

CHAPTER II

MONITORING MEASURES

Article 3

Participation of the Union

1 The list referred to in Article 5(1) of Regulation (EU) No 1236/2010 shall include the vessels authorised to fish for one or more regulated resources, broken down by species.

Where applicable, the list shall refer to the CFR number allocated to each vessel.

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2 Member States shall immediately inform the Commission, by computer transmission, of vessels for which the authorisation to fish in the Regulatory Area has been withdrawn or suspended.

Article 4

Recording of catches

1 In addition to the information specified in Article 14 of Regulation (EC) No 1224/2009, the fishing logbook referred to in Article 8 of Regulation (EU) No 1236/2010 shall contain the information set out in Part A of Annex I to this Regulation.

2 The production logbook referred to in Article 8(2) and (3) of Regulation (EU) No 1236/2010 shall be as set out in Part B of Annex I.

3 The stowage plan referred to in Article 8(2) and (3) shall be as set out in Part C of Annex I.

4 The code to be used for each species is the code established by the Food and Agriculture Organisation of the United Nations (FAO) as set out in Annex II.

Article 5

Reporting of catches of regulated resources and position

Member States shall use the format and the specifications for the transmissions to the NEAFC Secretary under Articles 9 and 11 of Regulation (EU) No 1236/2010 as set out in Annex III.

Article 6

Global reporting of catches

Member States shall transmit the data under Article 10, paragraphs 1 and 2 of Regulation (EU) No 1236/2010 in XML format.

CHAPTER III

INSPECTIONS

Article 7

Designated body

The Agency is designated to:

(a) coordinate the surveillance and inspection activities referred to in Article 17(1) of Regulation (EU) No 1236/2010;

(b) receive, send and forward the notifications referred to in Articles 18(2), 19(1) and 20(9) of Regulation (EU) No 1236/2010;

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(c) keep the record referred to in Article 18(4) of Regulation (EU) No 1236/2010.

Article 8

Identification of inspectors and of inspection means

1 The special identity document referred to in Article 16(2) of Regulation (EU) No 1236/2010 shall comply with the model set out in Part A of Annex IV.

2 The inspection special signal referred to in Article 18(3) of Regulation (EU) No 1236/2010 shall comply with the model set out in Part B of Annex IV.

Article 9

Inspection activities

Member States shall send to the Agency the information related to the date and hour of the start and termination of the activities of inspection vessels and aircraft referred to in Article 18(4) of Regulation (EU) No 1236/2010 in accordance with the form set out in Annex V.

Article 10

Surveillance procedure

1 The sighting reports referred to in Article 19(1) of Regulation (EU) No 1236/2010 shall be transmitted using the form set out in Part A of Annex VI.

2 The surveillance reports referred to in Article 19(2) of Regulation (EU) No 1236/2010 shall be drawn up using the form set out in Part B of Annex VI.

Article 11

Inspection reports

The inspection reports referred to in Article 20(9) of Regulation (EU) No 1236/2010 shall be drawn up in accordance with the format set out in Annex VII.

CHAPTER IV

PORT STATE CONTROL

Article 12

Prior notification of entry into port

The prior notification referred to in Article 24 of Regulation (EU) No 1236/2010 shall be made by means of the Port State Control (PSC) form provided for in Annex VIII with Part A duly completed as follows:

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(a) **[**F1the form PSC 1 shall be used where the vessel is carrying its own catches;

(b) the form PSC 2 shall be used where the vessel is engaged in transhipment operations, providing the information separately for catches from each donor vessel.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2015/746 of 11 May 2015 amending Implementing Regulation (EU) No 433/2012 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.

*[*F1*Article 13*

1 When completing the prior notification in accordance with Article 25(1) of Regulation (EU) No 1236/2010, the flag Member State shall complete Part B of the PSC form provided for in Annex VIII.

2 When completing the prior notification in accordance with Article 25(2) and (4) of Regulation (EU) No 1236/2010, the port Member State shall complete Part C of the PSC form provided for in Annex VIII.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2015/746 of 11 May 2015 amending Implementing Regulation (EU) No 433/2012 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.

Article 14

Port inspection reports

The inspection reports referred to in Article 27 of Regulation (EU) No 1236/2010 shall be drawn up in accordance with the form set out in Annex IX and transmitted to the NEAFC Secretary with a copy to the Commission.

CHAPTER V

INFRINGEMENTS

Article 15

Designated body

The Agency is designated to receive, send and forward the information referred to in Articles 29, 30, 32, 33, 34, 36 and 43 of Regulation (EU) No 1236/2010.