# Commission Regulation (EU) No 202/2011 of 1 March 2011 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations

## COMMISSION REGULATION (EU) No 202/2011

## of 1 March 2011

## amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Regulation (EC) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing[(1)], and in particular Articles 9(1), 12(5), 13(1) and 52 thereof,

Whereas:

(1) Regulation (EC) No 1005/2008 applies to fishery products as defined in Article 2 thereof. Annex I to that Regulation lists the products excluded from the definition of fishery products. The list of excluded products may be reviewed each year and should be amended on the basis of new information gathered under the administrative cooperation with third countries provided for in Article 20(4) of Regulation (EC) No 1005/2008.

(2) Products excluded from the definition of fisheries products are equally listed in Annex XIII to Commission Regulation (EC) No 1010/2009[(2)] laying down detailed rules for the implementation of Regulation (EC) No 1005/2008. In order to avoid unnecessary duplications, excluded products should be listed only in Annex I to Regulation (EC) No 1005/2008 and Annex XIII to Regulation (EC) No 1010/2009 should thus be deleted.

(3) Title I of Regulation (EC) No 1010/2009 lays down provisions on the inspection of third country fishing vessels to be carried out in Member States ports. It is necessary to align those provisions with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, concluded in the framework of the Food and Agriculture Organisation of the United Nations (FAO). Such alignment implies the inclusion of specific information in the template to be used for prior notification of port arrivals and the addition of specific criteria to the benchmarks set out for port inspections.

(4) Annex V to Regulation (EC) No 1010/2009 lays down a list of catch documentation schemes adopted by regional fisheries management organisations which are recognised as complying with the requirements of Regulation (EC) No 1005/2008. That Annex

should refer to the ICCAT catch documentation programme for bluefin tuna as set out in Regulation (EU) No 640/2010 of the European Parliament and of the Council[3].

(5) Regulations (EC) No 1005/2008 and (EC) No 1010/2009 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EC) No 1005/2008**

In Regulation (EC) No 1005/2008, Annex I is replaced by the text in Annex I to this Regulation.

*Article 2*

**Amendments to Regulation (EC) No 1010/2009**

Regulation (EC) No 1010/2009 is amended as follows:

1. in Article 4, first paragraph, the following point (u) is added:

   (u) the fishing vessel has been denied entry or use of port in accordance with the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, concluded in the framework of the Food and Agriculture Organisation of the United Nations (FAO);

2. Annexes IIA and IIB are replaced by the text in Annex II to this Regulation;

3. in Annex V, Part I, the second indent is replaced by the following:

   — ICCAT Bluefin tuna Catch Documentation Programme as set out in Regulation (EU) No 640/2010 of the European Parliament and of the Council[4]

4. Annex XIII is deleted.

*Article 3*

**Entry into force**

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 March 2011.

*For the Commission*

*The President*

José Manuel BARROSO

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EU) No 202/2011. (See end of Document for details)*

ANNEX I

‘ANNEXIList of products excluded from the definition of “fishery products” set out in point 8 of Article 2(CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).’ex Chapter 3ex 1604ex 1605Aquaculture products obtained from fry or larvaeex Chapter 3ex 1604Livers, roes, tongues, cheeks, heads and wings0301 10Ornamental fish, liveex 0301 91Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster), live, caught in freshwaterex 0301 92 00Eels (Anguilla spp.), live, caught in freshwater0301 93 00Carp, liveex 0301 99 11Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), live, caught in freshwater0301 99 19Other freshwater fish, liveex 0302 11Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0302 12 00Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0302 19 00Other Salmonidae, fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0302 66 00Eels (Anguilla spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater0302 69 11Carp, fresh or chilled, excluding fish fillets and other fish meat of heading 03040302 69 15Tilapia (Oreochromis spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 03040302 69 18Other freshwater fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304ex 0303 11 00Sockeye salmon (red salmon) (Oncorhynchus nerka), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 19 00Other Pacific salmon (Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 21Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 22 00Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 29 00Other salmonidae, excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwaterex 0303 76 00Eels (Anguilla spp.), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater0303 79 11Carp, frozen, excluding fish fillets and other fish meat of heading 03040303 79 19Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 03040304 19 01Fish fillets, fresh or chilled, of Nile perch (Lates niloticus)0304 19 03Fish fillets, fresh or chilled, of pangasius (Pangasius spp.)ex 0304 19 13Fish fillets, fresh or chilled, of Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), caught in freshwaterex 0304 19 15Fish fillets, fresh or chilled, of the species Oncorhynchus mykiss weighing more than 400 g each, caught in freshwaterex 0304 19 17Fish fillets, fresh or chilled, of trout of the species Salmo trutta, Oncorhynchus mykiss (weighing 400 g or less), Oncorhynchus clarki, Oncorhynchus aguabonita and Oncorhynchus gilae, caught in freshwater0304 19 18Fish fillets, fresh or chilled, of other freshwater fish0304 19 91Other fish meat (whether or not minced), fresh or chilled, of freshwater fish0304 29 01Frozen fillets of Nile perch (Lates

niloticus)0304 29 03Frozen fillets of pangasius (Pangasius spp.)0304 29 05Frozen fillets of Tilapia (Oreochromis spp.)ex 0304 29 13Frozen fillets of Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), caught in freshwaterex 0304 29 15Frozen fillets of Oncorhynchus mykiss weighing more than 400 g each, caught in freshwaterex 0304 29 17Frozen fillets of trout of the species Salmo trutta, Oncorhynchus mykiss (weighing 400 g or less), Oncorhynchus clarki, Oncorhynchus aguabonita and Oncorhynchus gilae, caught in freshwater0304 29 18Frozen fillets of other freshwater fish0304 99 21Other fish meat (whether or not minced), frozen, of freshwater fish0305 10 00Flours, meals and pellets of fish, fit for human consumptionex 0305 30 30Fish fillets, salted or in brine, of Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), caught in freshwaterex 0305 30 90Fish fillets, dried, salted or in brine, but not smoked, of other freshwater fishex 0305 41 00Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), smoked, including fillets, caught in freshwaterex 0305 49 45Trout (Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache and Oncorhynchus chrysogaster), smoked, including fillets, caught in freshwaterex 0305 49 50Eels (Anguilla spp.), smoked, including fillets, caught in freshwaterex 0305 49 80Other freshwater fish, smoked, including filletsex 0305 59 80Other freshwater fish, dried, whether or not salted, but not smokedex 0305 69 50Pacific salmon (Oncorhynchus nerka, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus tschawytscha, Oncorhynchus kisutch, Oncorhynchus masou and Oncorhynchus rhodurus), Atlantic salmon (Salmo salar) and Danube salmon (Hucho hucho), in brine or salted but not dried or smoked, caught in freshwaterex 0305 69 80Other freshwater fish, in brine or salted but not dried or smoked0306 19 10Freshwater crayfish, frozenex 0306 19 90Flours, meals and pellets of crustaceans, frozen, fit for human consumptionex 0306 21 00Rock lobster and other sea crawfish (Palinurus spp., Panulirus spp., Jasus spp.), ornamentalex 0306 22 10Lobsters (Homarus spp.), ornamental, liveex 0306 23 10Shrimps and prawns of the family Pandalidae, ornamental, liveex 0306 23 31Shrimps of the genus Crangon, ornamental, liveex 0306 23 90Other shrimps and prawns, ornamental, liveex 0306 24Crabs, ornamental, live0306 29 10Freshwater crayfish, live, fresh, chilled, dried, salted or in brine, in shell, cooked by steaming or by boiling in water, whether or not chilled, dried salted or in brineex 0306 29 30Norway lobsters (Nephrops norvegicus), ornamental, liveex 0306 29 90Other ornamental crustaceans, liveex 0306 29 90Flours, meals and pellets of crustaceans, not frozen, fit for human consumption0307 10Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine0307 21 00Scallops, including queen scallops, of the genera Pecten, Chlamys or Placopecten, live, fresh or chilled0307 29Scallops, including queen scallops, of the genera Pecten, Chlamys or Placopecten, other than live, fresh or chilled0307 31Mussels (Mytilus spp., Perna spp.), live, fresh or chilled0307 39Mussels (Mytilus spp., Perna spp.), other than live, fresh or chilledex 0307 41Cuttle fish (Sepia officinalis, Rossia macrosoma, Sepiola spp.) and squid (Ommastrephes spp., Loligo spp., Nototodarus spp., Sepioteuthis spp.), ornamentalex 0307 51Octopus (Octopus spp.), ornamental0307 60 00Snails, other than sea snails, live, fresh, chilled, frozen, dried, salted or in brineex 0307 91 00Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except Illex spp., cuttlefish of the species Sepia pharaonis and sea snails of the species Strombus, live (other than ornamental), fresh or chilled0307 99 13Striped venus and other species of the family Veneridae, frozen0307 99 15Jellyfish (Rhopilema spp.), frozenex 0307 99 18Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00 and 0307 99 11 to 0307 99 15, except cuttlefish of the species Sepia pharaonis and sea snails