# Commission Regulation (EU) No 86/2010 of 29 January 2010 amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Commission Regulation (EC) No 1010/2009 as regards exchange of information on inspections of third country vessels and administrative arrangements on catch certificates

## COMMISSION REGULATION (EU) No 86/2010

## of 29 January 2010

## amending Annex I to Council Regulation (EC) No 1005/2008 as regards the definition of fishery products and amending Commission Regulation (EC) No 1010/2009 as regards exchange of information on inspections of third country vessels and administrative arrangements on catch certificates

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the European Union and 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)], in particular Articles 9(1), 12(5), 51(3) and 52 thereof,

Whereas:

(1) Regulation (EC) No 1005/2008 applies to fishery products falling under the definition given in its Article 2. Annex I to that Regulation lists the products excluded from the definition of fishery products. That list may be reviewed each year and should now 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) Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Regulation (EC) No 1005/2008 sets, inter alia, benchmarks for the conduct of port inspections by Member States[(2)]. In order for Member States to implement the inspection benchmarks set out in Article 4(c) and (d) of that Regulation, information on inspections of third country vessels should be transmitted electronically to the Commission who shall make that information available to other Member States.

(3) Administrative arrangements by which catch certificates are established, validated or submitted by electronic means or replaced by electronic traceability systems ensuring the same level of control by authorities are to be listed in Annex IX to Regulation (EC) No 1010/2009. Since new administrative arrangements on catch certificates have been agreed, that Annex should be updated.

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

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

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EU) No 86/2010. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

*Article 1*

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

Annex I to Regulation (EC) No 1005/2008 is amended as set out 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, the following paragraph is added:

   In respect of points (c) and (d) of the first paragraph, Member States shall without delay report to the Commission the name and the flag of the third country vessel inspected and the date of inspection. The Commission shall make this information available to other Member States.

2. Annex IX is amended as set out in Annex II to this Regulation.

*Article 3*

**Entry into force**

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

It shall apply from 1 January 2010.

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

Done at Brussels, 29 January 2010.

*For the Commission*

*The President*

José Manuel BARROSO

ANNEX I

Annex I of Regulation (EC) No 1005/2008 is amended as follows:

| | |
|---|---|
| ‘ex Chapter 3<br>ex 1604<br>ex 1605 | Aquaculture products obtained from fry or larvae |
| 0301 10[a] | Ornamental fish, live |
| ex 0301 91 | Trout (*Salmo trutta, Oncorhynchus mykiss, Oncorhynchus clarki, Oncorhynchus aguabonita, Oncorhynchus gilae, Oncorhynchus apache* and *Oncorhynchus chrysogaster*), live, caught in freshwater |
| ex 0301 92 00 | Eels (*Anguilla* spp.), live, caught in freshwater |
| 0301 93 00 | Carp, live |
| ex 0301 99 11 | 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*), live, caught in freshwater |
| 0301 99 19 | Other freshwater fish, live |
| ex 0302 11 | Trout (*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 freshwater |
| ex 0302 12 00 | 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*), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater |
| ex 0302 19 00 | Other *Salmonidae*, fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater |

**a** CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).’

**Changes to legislation:** *There are currently no known outstanding effects for the Commission Regulation (EU) No 86/2010. (See end of Document for details)*

| | |
|---|---|
| ex 0302 66 00 | Eels (*Anguilla* spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater |
| 0302 69 11 | Carp, fresh or chilled, excluding fish fillets and other fish meat of heading 0304 |
| 0302 69 15 | Tilapia (*Oreochromis* spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304 |
| 0302 69 18 | Other freshwater fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304 |
| ex 0302 70 00 | Livers and roes, fresh or chilled, of other freshwater fish |
| ex 0303 11 00 | Sockeye salmon (red salmon) (*Oncorhynchus nerka*), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater |
| ex 0303 19 00 | Other 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 freshwater |
| ex 0303 21 | Trout (*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 freshwater |
| ex 0303 22 00 | Atlantic 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 freshwater |
| ex 0303 29 00 | Other salmonidae, excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater |
| ex 0303 76 00 | Eels (*Anguilla* spp.), frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater |
| 0303 79 11 | Carp, frozen, excluding fish fillets and other fish meat of heading 0304 |

**a** CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).'

| | |
|---|---|
| 0303 79 19 | Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 0304 |
| ex 0303 80 | Livers and roes, frozen, of other freshwater fish |
| 0304 19 01 | Fish fillets, fresh or chilled, of Nile perch (*Lates niloticus*) |
| 0304 19 03 | Fish fillets, fresh or chilled, of pangasius (*Pangasius* spp.) |
| ex 0304 19 13 | Fish 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 freshwater |
| ex 0304 19 15 | Fish fillets, fresh or chilled, of the species *Oncorhynchus mykiss* weighing more than 400 g each, caught in freshwater |
| ex 0304 19 17 | Fish 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 freshwater |
| 0304 19 18 | Fish fillets, fresh or chilled, of other freshwater fish |
| 0304 19 91 | Other fish meat (whether or not minced), fresh or chilled, of freshwater fish |
| 0304 29 01 | Frozen fillets of Nile perch (*Lates niloticus*) |
| 0304 29 03 | Frozen fillets of pangasius (*Pangasius* spp.) |
| 0304 29 05 | Frozen fillets of Tilapia (*Oreochromis* spp.) |
| ex 0304 29 13 | Frozen 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 freshwater |
| ex 0304 29 15 | Frozen fillets of *Oncorhynchus mykiss* weighing more than 400 g each, caught in freshwater |
| ex 0304 29 17 | Frozen fillets of trout of the species *Salmo trutta*, *Oncorhynchus mykiss* (weighing 400 g |

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