

# **Common Control Programme**

Ireland and France

## **1. Introduction**

Article 60(1) of the Fishery Control Regulation EC No. 1224/2009 states that all fishery products shall be weighed **at landing prior to transport**. However Article 61(2) provides for transport to registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fishery products in another Member State to take place before weighing, where there is a Commission approved Control Program in place with that Member State

## **2. Aim**

The aim of this Control Plan is to minimise the risk of non-compliance with the rules of the Common Fisheries Policy, in particular the under-recording or non recording of fish landed, in circumstances where the transport of fishery products from the place of landing to a destination in another Member State is permitted prior to weighing. At a practical level this Control Programme implements a derogation from the requirement to weigh fish prior to transport. Compliance with the weighing requirements may be achieved by applying the provisions of this Control Programme thereby allowing transport of fish prior to weighing.

## **3. Nature of agreement**

In accordance with the Memorandum of agreement signed on 25<sup>th</sup> March 2011, Ireland's Competent Authority the Sea Fisheries Protection Authority agrees to operate a Control Programme with the Directorate of Maritime Fisheries and Aquaculture, hereinafter referred to as "the competent authority of France" to provide for transport of fish from Ireland to a registered buyer, registered auction or other body or person responsible for the first marketing of fishery products in France; this common agreement is provided on the basis that the competent authority of France are in a position to satisfy all of the electronic reporting provisions of the control regulation and the specific agreed measures of this programme.

## **4 General Principle**

This 'Control Programme' facilitates the transport of fishery products, without weighing at landing to a registered buyer, registered auction or other body or person responsible for the first marketing of fishery products in France where all the products must then be weighed. The Control programme will remain in place only while either signatory is fully satisfied that

there is complete adherence to the agreed measures. The programme will be terminated for the permitted operators and vessels in cases of non compliance. The Control program will be subject to a verification process, and where an unsatisfactory level of compliance is identified notification and withdrawal action will follow.

## **5. Agreed Control measures**

The central principles are that:

- Weighing will only be possible in establishments of fish buyers who are specifically permitted by the competent authority of France, and that are subject to compliance with certain pre-requisites, to carry out this activity. The competent authority of France, will provide a list of permitted operators and information on the identification of such operators.
- The competent authority of France puts in place measures to provide that all information is forwarded to the Member State of landing within the regulated time limits in particular:
  - Measures for the provision of transport documents;
  - Measures for the provision of landing declarations.
  - Measures for the provision of sales notes information;

## **6. Applicability & Non applicability,**

This Control programme only pertains to landing of fishery products in an Irish port, where they are to be transported to a destination in France.

Landings in other Member States destined for Ireland are not covered, and would require to be subject to separate agreed Control Programme.

## **7 Registered operators prerequisites**

The Competent Authority of France will provide a list of registered buyers, registered auctions or other bodies or persons responsible for the first marketing of fishery products.

The Competent Authority of France agrees to comply with the following control measures:

- Permit seals to be placed by the operators on each transport vehicle concerned
- Provide sales notes within 48hours of completion of weighing.
- Transport documents be provided within 48 hours of the time of loading. Where this programme is in place the figures provided in the transport document may be the operational estimate of the master. The transport documents, with attached relevant

printed or scanned ERS data sheets, are sent to local authorities either by mail or email.

- Registered operators shall comply with their national provisions for weighing systems and weighing records.

## **8. Flag state obligations**

The competent authority of France agrees:

- to provide the inspection reports of fishery products transported from Ireland under the rule of this “Control Programme”. These inspection reports will be transmitted within the report sent according to chapter I.C) paragraph 2 of the aforementioned Memorandum of agreement,
- to provide a copy of the specific provisions within the national fisheries control programme of France for the implementation of this “Control Programme”,
- to accept verification and inspection measures of the rules of this “Control Programme” by the Competent Authorities of Ireland which may take place on the territory of France.

## **9. Operator Obligations**

Fisheries products may be transported from the place of landing to the premises of a registered buyer, registered auction or other body or person responsible for the first marketing of fishery products subject to compliance with all of the following measures:

### **Transport**

The fishery products shall be accompanied from landing to the weighing destination with a transport document containing all of the information specified in Article 68(5) of the Control Regulation with the following additional considerations

- The document will indicate nature of the transport operation, i.e. ‘ Fishery products to be weighed after transport in accordance with Article 61(1) of 1224/09
- As part of the information on the destination (68 5 (a) the document will indicate the \*SIRET number of the registered buyer permitted to weigh after transport
- Species weight (68 5 (d)) will be estimated for that transport consignment, e.g. on the basis of operational logbook totals, or transport capacity estimates
- Seals will be put on each transport concerned by the master of the vessel or his authorized representative and opened by the registered operator or by a French official at the weighing place in case of inspection

## **10. Official Controls**

The weighing of fishery products after transport will be subject to requisite official controls of France to verify operator compliance with these provisions and ensure that the risk of noncompliance is minimised. These controls will be incorporated into the national fisheries control programme of France. The programme will be risk-based and in accordance with the criteria established in Annex XXI of Regulation EU No 404/2011. The inspection programme will include but not be limited to:

- Inspections at landings in Ireland
  - Sample weighing of transport consignments prior to transport
- Transport inspections
  - Transport document validation
  - Species verification
- Inspections after transport at auctions/buyers/processors
  - Monitored sample weighing at destination in the presence of SFPA
  - Inspection of weighing records
  - Verification of the use of approved and calibrated weighing systems
- . Desk top analysis and documentary cross-checks of
  - prior-notification, log sheets, landing declarations, sales notes and any other relevant documentation

\* SIRET Number is a 14 digit national business identification registration number unique to France

In order to minimise the risk on non-compliance, the accuracy of post-transport weighing will be validated on a risk-based sample of transport consignments. In general terms, this will involve the weighing of all or some of the fishery products, following separation of water/ice where relevant, prior to transport in the presence of SFPA. The weighing of these fishery products will then be monitored by the Competent Authorities in France and or SFPA post-transport. Operators transporting bulk-stored pelagic fish should take all reasonable steps to minimise water and ice content prior to this pre-transport weighing.

SFPA may supervise sealing of transport units and recording of seal numbers by operators for subsequent removal of seal at destination Registered Operators are obliged to facilitate these procedures to provide necessary assurance around accuracy of their post transport weighing.

Where fisheries products are landed in standardised boxes and weighed in accordance with this control programme, there will be a programme of sample weighing after transport in the presence of the Competent Authority of France, with SFPA Officers where possible. When this official control takes place, the number of boxes to be sample weighed will be in accordance with Annex XXII of the Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011

For bulk transported fish weighed on continuous weigh-belt systems this official control will provide necessary assurance around accuracy of their post transport weighing and may involve such controls as in factory diversion systems to permit the in line separation of a known weight of fish into a holding bin following in-line belt-weighing, to facilitate supplementary verification weighing of that bin.

Permitted Operators are obliged to facilitate these procedures to provide necessary assurance around accuracy of their post transport weighing.

## **11. Operators Compliance**

The permitting of weighing post-transport is designed to facilitate to the extent possible a more practical means of compliance with the weighing obligations on registered buyers. Where non compliance is suspected or detected the SFPA reserves the right to notify to the competent Authority of France of the withdrawal of the derogation of weighing prior to transport to the operator concerned by the non compliance. The withdrawal of the derogation will not prevent the Registered buyer engaging in their normal economic activity provided they comply with the obligation to weigh all fishery products on landing or where applicable any lesser amount indicated by the Irish National Sampling Plan. The SFPA and or the Competent Authority of France reserve the right to alter, amend or withdraw this Control Programme at any time.