

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,

used for prior notification of port arrivals and the addition of specific criteria to the benchmarks set out for port inspections.

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

(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⁾.

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,

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

Whereas:

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

(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.

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.

(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.

Article 2

Amendments to Regulation (EC) No 1010/2009

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

(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

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;

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

⁽²⁾ OJ L 280, 27.10.2009, p. 5.

⁽³⁾ OJ L 194, 24.7.2010, p. 1.

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 (*)

(*) OJ L 194, 24.7.2010, p. 1.;

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

ANNEX I

'ANNEX I

List of products excluded from the definition of "fishery products" set out in point 8 of Article 2

ex Chapter 3 ex 1604 ex 1605	Aquaculture products obtained from fry or larvae
ex Chapter 3 ex 1604	Livers, roes, tongues, cheeks, heads and wings
0301 10 ⁽¹⁾	Ornamental fish, live
ex 0301 91	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), live, caught in freshwater
ex 0301 92 00	Eels (<i>Anguilla</i> spp.), live, caught in freshwater
0301 93 00	Carp, live
ex 0301 99 11	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), live, caught in freshwater
0301 99 19	Other freshwater fish, live
ex 0302 11	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 12 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 19 00	Other <i>Salmonidae</i> , fresh or chilled, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0302 66 00	Eels (<i>Anguilla</i> 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 (<i>Oreochromis</i> 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 0303 11 00	Sockeye salmon (red salmon) (<i>Oncorhynchus nerka</i>), 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 (<i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 21	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, caught in freshwater
ex 0303 22 00	Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), 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 (<i>Anguilla</i> 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
0303 79 19	Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 0304
0304 19 01	Fish fillets, fresh or chilled, of Nile perch (<i>Lates niloticus</i>)
0304 19 03	Fish fillets, fresh or chilled, of pangasius (<i>Pangasius</i> spp.)
ex 0304 19 13	Fish fillets, fresh or chilled, of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0304 19 15	Fish fillets, fresh or chilled, of the species <i>Oncorhynchus mykiss</i> weighing more than 400 g each, caught in freshwater
ex 0304 19 17	Fish fillets, fresh or chilled, of trout of the species <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> (weighing 400 g or less), <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> and <i>Oncorhynchus gilae</i> , 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 (<i>Lates niloticus</i>)
0304 29 03	Frozen fillets of pangasius (<i>Pangasius</i> spp.)
0304 29 05	Frozen fillets of Tilapia (<i>Oreochromis</i> spp.)
ex 0304 29 13	Frozen fillets of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0304 29 15	Frozen fillets of <i>Oncorhynchus mykiss</i> weighing more than 400 g each, caught in freshwater
ex 0304 29 17	Frozen fillets of trout of the species <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> (weighing 400 g or less), <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> and <i>Oncorhynchus gilae</i> , caught in freshwater
0304 29 18	Frozen fillets of other freshwater fish
0304 99 21	Other fish meat (whether or not minced), frozen, of freshwater fish
0305 10 00	Flours, meals and pellets of fish, fit for human consumption
ex 0305 30 30	Fish fillets, salted or in brine, of Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), caught in freshwater
ex 0305 30 90	Fish fillets, dried, salted or in brine, but not smoked, of other freshwater fish

ex 0305 41 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), smoked, including fillets, caught in freshwater
ex 0305 49 45	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>), smoked, including fillets, caught in freshwater
ex 0305 49 50	Eels (<i>Anguilla</i> spp.), smoked, including fillets, caught in freshwater
ex 0305 49 80	Other freshwater fish, smoked, including fillets
ex 0305 59 80	Other freshwater fish, dried, whether or not salted, but not smoked
ex 0305 69 50	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), in brine or salted but not dried or smoked, caught in freshwater
ex 0305 69 80	Other freshwater fish, in brine or salted but not dried or smoked
0306 19 10	Freshwater crayfish, frozen
ex 0306 19 90	Flours, meals and pellets of crustaceans, frozen, fit for human consumption
ex 0306 21 00	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), ornamental
ex 0306 22 10	Lobsters (<i>Homarus</i> spp.), ornamental, live
ex 0306 23 10	Shrimps and prawns of the family Pandalidae, ornamental, live
ex 0306 23 31	Shrimps of the genus Crangon, ornamental, live
ex 0306 23 90	Other shrimps and prawns, ornamental, live
ex 0306 24	Crabs, ornamental, live
0306 29 10	Freshwater 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 brine
ex 0306 29 30	Norway lobsters (<i>Nephrops norvegicus</i>), ornamental, live
ex 0306 29 90	Other ornamental crustaceans, live
ex 0306 29 90	Flours, meals and pellets of crustaceans, not frozen, fit for human consumption
0307 10	Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine
0307 21 00	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , live, fresh or chilled
0307 29	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , other than live, fresh or chilled
0307 31	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), live, fresh or chilled
0307 39	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), other than live, fresh or chilled

ex 0307 41	Cuttle fish (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.) and squid (<i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.), ornamental
ex 0307 51	Octopus (<i>Octopus</i> spp.), ornamental
0307 60 00	Snails, other than sea snails, live, fresh, chilled, frozen, dried, salted or in brine
ex 0307 91 00	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except <i>Illex</i> spp., cuttlefish of the species <i>Sepia pharaonis</i> and sea snails of the species <i>Strombus</i> , live (other than ornamental), fresh or chilled
0307 99 13	Striped venus and other species of the family Veneridae, frozen
0307 99 15	Jellyfish (<i>Rhopilema</i> spp.), frozen
ex 0307 99 18	Other 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 <i>Sepia pharaonis</i> and sea snails of the species <i>Strombus</i> , including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, frozen
ex 0307 99 90	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except <i>Illex</i> spp., cuttlefish of the species <i>Sepia pharaonis</i> and sea snails of the species <i>Strombus</i> , including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, dried, salted or in brine
ex 1604 11 00	Salmon, caught in freshwater , prepared or preserved, whole or in pieces, but not minced
ex 1604 19 10	Salmonidae, other than salmon, caught in freshwater , prepared or preserved, whole or in pieces, but not minced
ex 1604 20 10	Salmon, caught in freshwater , otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 20 30	Salmonidae, other than salmon, caught in freshwater , otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 19 91	Fillets of freshwater fish, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen
1604 30 90	Caviar substitutes
ex 1605 40 00	Freshwater crayfish, prepared or preserved
1605 90	Other molluscs and other aquatic invertebrates, prepared or preserved

(¹) (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).'

Form for prior notification for third country fishing vessels referred to in Article 2(1)

Please complete all relevant fields before sending the prior notice:

Vessel identification

1. Vessel name:
2. Type of vessel (catching, carrier or support):
3. Flag (country of registration):
4. Home port (ISO alpha-2 country code + name of port/3-letter port code (*)):
5. Registration number (external identification):
6. International radio call sign:
7. Vessel contact information:
8. Certificate of registry ID:
9. IMO/Lloyd's number (if issued):
10. VMS (no, yes (national), yes (RFMO)); if yes, type:
11. Vessel dimensions — length: beam: draft:

Dates

19. Dates of the fishing trip:
20. Date and estimated time of arrival at port:

Quantities of species retained on board (or negative report if no catches)

21. Name of catching vessel(s) and catch certificate number(s) for this/these (if available)	22. Date of transhipment (if transhipment has taken place elsewhere than the port of landing)	23. Area or port of transhipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	24. Name of the species (FAO alpha-3 code)	25. Catch area (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	26. Estimated total live weight on board (in kg) or number of fish if required	27. Estimated total live weight of fish to be landed/transhipped (in kg) or number of fish if required	28. Presentation of fish and state of preservation (use letter codes (*))

Intended port of call

12. Name of the port (ISO alpha-2 country code + 3 letter port code (*)):
13. Purpose of the call (landing, transhipment or access to services):
14. Port and date of last port call (ISO alpha-2 country code + name of port/3-letter port code (*))

Fishing authorisation

15. Fishing authorisation number and expiration date (also specify fishing area, species and gear):
16. Authorisation to support fishing operations/tranship fishery products and expiration date:
17. Issuing authority:
18. RFMO ID, if applicable:

29. Name and address of vessel owner:
30. Name of master of vessel/representative and nationality:
31. Signature:
32. Date:
If catching vessel fill in points 1-15, 17-20 plus 24-28
If carrier vessel fill in points 1-14, 16-18 plus 20-28
If support vessel fill in points 1-14, 16-18 and 20
All must fill in points 29-32

(*) Letter codes for ports, the state of the fish and the presentation: http://ec.europa.eu/fisheries/cfp/control/technologies/ers/index_en.htm

Form for prior notification for third country fishing vessels referred to in Article 2(2)

Please complete all relevant fields before sending the prior notice:

Intended port of call and additional vessel details

1. Name of the port (ISO alpha-2 country code + 3 letter port code (*)):
2. Purpose of the call (landing, transhipment or access to services):
3. Date and estimated time of arrival at port:
4. VMS (no, yes (national), yes (RFMO)); if yes, type:
5. Vessel dimensions — length: beam: draft:
6. Certificate of registry ID:
7. RFMO ID, if applicable:
8. Port and date of last port call (ISO alpha-2 country code + name of port/3-letter port code):

Quantities of species retained on board

9. Name of catching vessel(s) and catch certificate number(s) for this/these	10. Date of transhipment (if transhipment has taken place elsewhere than the port of landing)	11. Area or port of transhipment (FAO (ICES) area, FAO (ICES) division, FAO (ICES) subdivision and if relevant ICES statistical rectangle and fishing effort zone)	12. Name of the species (FAO alpha-3 code)	13. Estimated total live weight on board (in kg) or number of fish if required	14. Estimated total live weight of fish to be landed/transhipped (in kg) or number of fish if required	15. Presentation of fish and state of preservation (use letter codes (*))

16. Name and address of vessel owner:
17. Name of master of vessel/representative and nationality:
18. Signature:
19. Date:

If catching vessel fill in points 1-8, 12 plus 14 and 15

If carrier vessel fill in points 1-15

If support vessel fill in points 1-8

All must fill in points 16-19

(*) Letter codes for ports, the state of the fish and the presentation: http://ec.europa.eu/fisheries/cfp/control/technologies/ers/index_en.htm