

Ms Charlina Vitcheva
Director-General, DG MARE
Rue Joseph II 99, 1049 Brussels

Brussels, 27 July 2022

Subject: Influence of weighing and de-icing (food safety & fisheries control rules)

Dear Ms Vitcheva,

At our 24 May 2022 Executive Committee meeting, members drew attention to the need for clarification on the interpretation and implementation of certain food safety and fisheries control rules in the context of requirements to weigh and de-ice fisheries products.


In line with Article 60(2) Council Regulation (EC) No 1224/2009 (Fisheries Control Regulation), fish shall be weighed at the point of landing, unless a derogation is in place under Article 61. The responsibility for the accuracy of the weighing operation rests with the registered buyers, as outlined in Article 60(4). At the same time, Article 74(5) foresees, as a mandatory requirement for officials, that it is responsibility of the officials to carry out inspections that shall, as far as possible, prevent any degradation of the catch during the inspection.

In the absence of a Memorandum Of Understanding between Member States on weighing, operators exporting for sale in another Member State are required by the national authorities to de-ice the fish for weighing at the point of landing. The de-icing requirements have negative impacts on shelf life, which runs contrary to the above-mentioned Article 74(5). This leads to legal uncertainty, as there is no hierarchy between the two articles (e.g., the requirement to weigh on landing and to de-ice the fish and the requirement on officials to prevent degradation). The legal uncertainty has led to infringement procedure.

Therefore, we would like to kindly ask your service to clarify the legal position of the apparent contraction between Articles 60(2) and 74(5), which foresee that the accuracy of weighing rests with the buyer, while officials shall prevent the degradation of the catch during inspection.

We remain available to discuss the above with you and to provide any further information.

Yours sincerely,



Guus Pastoor

Chair of the Market Advisory Council