



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D4/JH (2022)

Subject: Reply to the Market Advisory Council's question on the influence of weighing and de-icing (food safety & fisheries control rules)

Dear Mr Pastoor,

Thank you for your question on the '*Influence of weighing and de-icing (food safety & fisheries control rules)*'¹. In your letter you ask for clarification regarding the weighing of fishery products on landing and the negative impacts on shelf life that result from de-icing the catch prior to weighing.

The accurate weighing and registration of catches are necessary to account for all quantities of fishery products landed. This is important not only for control purposes but for Member States to effectively monitor quota uptake, which is essential to safeguard the long-term socio-economic and environmental objectives of the Common Fisheries Policy (CFP). The failure to ensure that catches are weighed and reported in a manner that accounts for each quantity of each species landed can result in significant overfishing and may have serious 'IUU'² implications.

The European Union (EU) rules on the weighing and registration of fishery products have been in place for more than ten years and it is reasonable to expect that Member

¹ Ref. Ares(2022)5409627.

² '*illegal, unreported and unregulated fishing*' or '*IUU fishing*' means fishing activities which are illegal, **unreported** or unregulated (Article 2(1) of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999, OJ L 286, 29.10.2008, p. 1.

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States, and operators, have a firm understanding of the rules and have introduced measures to prevent any degradation of the catch during weighing and during inspections. The EU rules on weighing fishery products are detailed by Articles 60 and 61 of Council Regulation (EC) No 1224/2009³ (the ‘Control Regulation’) and Title IV, Chapter II of Commission Implementing Regulation (EU) No 404/2011⁴ (the ‘Commission Implementing Regulation’).

Under the default rules on weighing and catch registration, it is a requirement that ‘all fishery products’ are weighed on landing on approved systems before transport, storage or sale (Article 60(1) and (2) of the Control Regulation) and that the results of weighing are used to complete landing declarations, sales notes, transport documents and take-over declarations (Article 60(5) of the Control Regulation)⁵. The weighing of all landings, to accurately account for all fishery products is required regardless of whether an inspection takes place or not and operators are responsible for the accuracy of weighing (Article 60(4) of the Control Regulation). In order to ensure the accuracy of weighing, operators have an obligation to de-ice the catch. Article 74(1) of the Commission Implementing Regulation states:

*Before weighing the registered buyer, registered auction or other bodies or persons responsible for the first marketing of fisheries products shall ensure that the fisheries products be **cleaned of ice** as is reasonable without causing spoilage and reducing quality.*

EU law imposes thus an obligation upon operators to always de-ice the catch to ensure the accurate weighing of all landings, regardless of whether the catch is being inspected. The operators may put in place measures to avoid causing spoilage or reducing quality of the fisheries products, provided that these measures do not obstruct control, nor affect the operators’ ability to comply with their obligations under EU law.

As per the inspections at landing, according to Article 100 and Module 3 of Annex XXVII of the Commission Implementing Regulation, inspectors are under the obligation to verify the weight of the catch. They must do so in accordance with Article 74(5) of the Control Regulation, which requires officials to prevent, as far as possible, any degradation of the catch during the inspection.

Consequently, the Commission does not see any contradiction between Articles 60(2) and 74(5) of the Control Regulation

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory

³ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, OJ L 343, 22.12.2009, p. 1.

⁴ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, OJ L 112, 30.4.2011, p. 1.

⁵ Under EU rules, it is the duty of Member States and operators to ensure that all such data is accurate, complete and submitted within deadlines.

Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

[e-signed]
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