COMMISSION REGULATION (EC) No 2740/1999

of 21 December 1999

laying down detailed rules for the application of Council Regulation (EC) No 1447/1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy [1], and in particular Article 2(4) thereof,

(1) Whereas, under Article 2(1) of Regulation (EC) No 1447/1999, Member States must notify the Commission of instances of behaviour which seriously infringe the rules of the common fisheries policy discovered by the Member States' monitoring authorities and provide it with all information regarding action taken by the administrative and/or judicial authorities;

(2) Whereas details of the information to be notified, the dates for such notifications and the format to be used should therefore be specified;

(3) Whereas, under Article 2(2) of Regulation (EC) No 1447/1999, the Commission must make the information it receives from the Member States available to the Council, the European Parliament and the Advisory Committee on Fisheries;

(4) Whereas detailed rules on making the information in question available to these bodies must therefore be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall notify the Commission, by electronic means under a specific case number, of all instances of behaviour which seriously infringe the rules of the common fisheries policy which have been discovered by the Member States' monitoring authorities and have been the subject of an official report, specifying the nature of such infringements in accordance with the typology laid down in Article 1 of Regulation (EC) No 1447/1999 and giving details of the infringements, in accordance with the model set out in Annex I and using the codes set out in Annex II.

2. They shall notify the Commission of the type of proceedings initiated, the decision(s) taken (including all instances), and the nature of the penalties imposed, in specific terms.

3. Member States shall send this information to the Commission, for the first time, before 31 March 2001 for the year 2000 and thereof, by 31 March each year, for the previous calendar year.

4. The annual report by the Member States shall include all serious infringements, mentioned in paragraph 1, discovered in the previous year and infringements discovered earlier on which a decision has been taken in the previous year thus changing the dossier.

5. The format for notifying the relevant information by electronic means shall be laid down in consultation with the Member States and the Commission.

Article 2

The Commission shall present to the Council, the European Parliament and the Advisory Committee on Fisheries a general overview by Member State of the information received from the Member States under Article 1 not later than 1 June each year.

Article 3

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

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

Done at Brussels, 21 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 167, 2.7.1999, p. 5.

ANNEX I

MEMBER STATE

Year:

Cases discovered					Type of proceedings initiated				Decision/ruling		Description of the penalty					
									First instance	Other instance						
Case No	Type of offence and details (date,zone/port, flag/nationality)				Date	Administrative Yes/no	Criminal Yes/no	Appeal Yes/no	Date	Date	Fine (EUR)	Withdrawal of licence/fishing permit/other authorisations		Seizure (please specify)	Other (please specify)	If suspended: duration in months
												Temporary Duration in days	Permanent			

ANNEX II

Codes for notifying the types of behaviour which seriously infringe the rules of the common fisheries policy

Code	Type of behaviour
A1	Obstructing the work of fisheries inspectors in the exercise of their duties in inspecting for compliance with the applicable Community rules
A2	Falsifying, concealing, destroying or tampering with evidence which could be used in the course of inquiries or judicial proceedings
B1	Obstructing the work of observers in carrying out their duties of observing compliance with the applicable Community rules laid down in Community law
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing and issued by the flag Member State or by the Commission
C2	Fishing under cover of one of the above documents, the content of which has been falsified
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel
D1	Using or keeping on board prohibited fishing gear or devices affecting the selectiveness of gear
D2	Using prohibited fishing methods
D3	Not lashing or stowing fishing gear the use of which is prohibited in certain fishing zones
D4	Directed fishing for, or keeping on board of, a species stocks of which are subject to a moratorium or a prohibition of fishing
D5	Unauthorised fishing in a given zone and/or during a specific period
D6	Failure to comply with the rules on minimum sizes
D7	Failure to comply with the rules and procedures relating to transhipment and fisheries operations involving joint action by two or more vessels
E1	Falsifying or failing to record data in logbooks, landing declarations, sales notes, takeover declarations and transport documents or failure to keep or submit these documents
E2	Tampering with the satellite-based vessel monitoring system
E3	Deliberate failure to comply with the Community rules on remote transmission of movements of fishing vessels and of data on fishery products held on board
E4	Failure of the master of the fishing vessel of a third country or his representative to comply with the applicable control rules when operating in Community waters
F1	Landing of fishery products not complying with the Community rules on control and enforcement
F2	Stocking, processing, placing on sale and transporting fishery products not meeting the marketing standards in force, in particular those concerning minimum sizes