COMMISSION REGULATION (EC) No 409/2009

of 18 May 2009

establishing Community conversion factors and presentation codes used to convert fish processed weight into fish live weight, and amending Commission Regulation (EEC) No 2807/83

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993, establishing a control system applicable to the Common Fisheries policy [1], and in particular Article 5 thereof,

Whereas:

(1) The implementation of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish [2], has brought to light certain differences which result in problems of application and enforcement of Community legislation and which should be rectified, notably by harmonising fresh fish conversion factors among EU Member States.

(2) Presentation codes for processed fish should be established in order to eliminate ambiguities in the interpretation of data recorded and therefore allow a more effective control of catch uptake by Member States.

(3) Harmonised Community conversion factors will ensure harmonisation in the calculations of each of the national quota uptake, a more effective monitoring of the reporting obligations and a standardised calculation of the margin of tolerance.

(4) For the purpose of the correct application of fish conversion factors, only Three-Alpha codes established by the FAO for fish species should be used. Regulation (EEC) No 2807/83 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes Community conversion factors and presentation codes for processed fish, to convert fish processed weight into fish live weight for the propose of monitoring catches.

Article 2

Scope

This Regulation shall apply to fishery products on board or landed or transhipped by Community fishing vessels and by third country vessels fishing in European Union waters.

Article 3

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(a) 'Community fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Community;

(b) 'Fish' means any marine organism subject to catch limits;

(c) 'Presentation' means the form into which the fish is processed while on board of the vessel and prior to landing, as described in Annex I;

(d) 'Collective presentation' means a presentation consisting of two or more parts extracted from the same fish;

(e) 'total allowable catches' (TAC) means the quantity that can be taken and landed from each stock each year;

(f) 'quota' means a proportion of the TAC allocated to the Community or Member States;

(g) 'state of processing' means the way the fish is preserved (fresh and fresh salted).

[1] OJ L 261, 20.10.1993, p. 1.
[2] OJ L 276, 10.10.1983, p. 1.

Article 4

General principles

1. The Community conversion factors set out in Annex II and Annex III shall apply to convert fish processed weight into fish live weight.

2. By way of derogation from paragraph 1, where Regional Fisheries Management Organisations, of which the European Community is a Contracting party or cooperating non-Contracting party, or regions or coastal areas where the European Community has an agreement to fish in third country waters, have defined regional conversion factors, those factors shall apply.

3. Where no Community or regional conversion factors exist for a given species and presentation, the conversion factor adopted by the flag Member State shall apply.

Article 5

Calculation method

1. The fish live weight shall be obtained by multiplying the fish processed weight by the conversion factors referred to in Article 4 for each species and presentation.

2. In case of collective presentations, only one conversion factor corresponding to one of the parts of the collective presentation shall be used.

Article 6

Use of conversion factors by the master of the vessel

1. The masters of Community fishing vessels shall use the conversion factors referred to in Article 4 in the logbook as referred to in Article 6 of Regulation (EEC) No 2847/93, to:

(a) estimate the live weight of the quantities onboard the fishing vessel; and

(b) to calculate the live weight of the quantities upon landing.

2. When deemed necessary by the master of the fishing vessel to use, in the landing declaration as referred to in Article 8 of Regulation (EEC) No 2847/93 or transhipment declaration as referred to in Article 2 of Regulation (EEC) No 2807/83, the presentation code 'OTH' (other), the master shall describe exactly what the presentation 'other' refers to.

Article 7

Use of Community conversion factors by Member States' authorities

Member States' authorities shall use the Community conversion factors referred to in Article 4 when calculating the live weight of landings in order to monitor the quota uptake.

Article 8

Amendments to Regulation (EEC) No 2807/83

In Article 1 of Regulation (EEC) No 2807/83, paragraph 4 is replaced by the following:

'4. The codes given in Annex VI and the Three-Alpha codes established by the FAO for fish species shall be used for indicating, under the appropriate headings of the logbook, the fishing gear used and the species caught.'

Article 9

Entry into force and application

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

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

Done at Brussels, 18 May 2009.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

PRESENTATION 3-ALPHA CODES

3-Alpha presentation code	Presentation	Description
FIL	Fillets	Removal of head, guts, bones and fins. Each fish originates two fillets not joined by any part
FIS	Skinned fillets	Removal of head, guts, bones, fins and skin. Each fish originates two fillets not joined by any part
GHT	Gutted headed and tailed	Guts, head and tail removed
GUG	Gutted and gilled	Guts and gills removed
GUH	Gutted and headed	Guts and head removed
GUL	Gutted liver in	Guts removed with the exception of liver
GUS	Gutted headed and skinned	Guts head and skin removed
GUT	Gutted	All guts removed
HEA	Headed	Head removed
LVR	Liver	Liver only. In case of collective presentation use code LVR-C
OTH	Other	Any other presentation
ROE	Roe(s)	Roe(s) only. In case of collective presentation use code ROE-C
SGT	Gutted and salted	Guts removed and fish salted
TAL	Tail	Tails only
TNG	Tongue	Tongue only. In case of collective presentation use code TNG-C
WHL	Whole	No processing
WNG	Wings	Wings only

ANNEX II

FRESH COMMUNITY CONVERSION FACTORS

Species: Albacore ***Thunnus alalunga***	**ALB**
WHL	1,00
GUT	1,11

Species: Alfonsinos ***Beryx*** spp.	**ALF**
WHL	1,00

Species: Anchovy ***Engraulis encrasicholus***	**ANE**
WHL	1,00

Species: Anglerfish ***Lophiidae***	**ANF**
WHL	1,00
GUT	1,22
GUH	3,00
TAL	3,00

Species: Mackerel icefish ***Champsocephalus gunnari***	**ANI**
WHL	1,00

Species: Greater silver smelt ***Argentina silus***	**ARU**
WHL	1,00

Species: Bigeye tuna ***Thunnus obesus***	**BET**
WHL	1,00
GUT	1,10
GUH	1,29

Species: Blue ling ***Molva dypterygia***	**BLI**
WHL	1,00
GUT	1,17

Species: Brill ***Scophthalmus rhombus***	**BLL**
WHL	1,00
GUT	1,09

Species: Black scabbardfish ***Aphanopus carbo***	**BSF**
WHL	1,00
GUT	1,24
HEA	1,40

Species: Atlantic blue marlin ***Makaira nigricans***	**BUM**
WHL	1,00

Species: Capelin ***Mallotus villosus***	**CAP**
WHL	1,00

Species: Cod ***Gadus morhua***	**COD**
WHL	1,00
GUT	1,17
GUH	1,70
HEA	1,38
FIL	2,60
FIS	2,60

Species: Common Dab ***Limanda limanda***	**DAB**
WHL	1,00
GUT	1,11
GUH	1,39

Species: Picked dogfish ***Squalus acanthias***	**DGS**
WHL	1,00
GUT	1,35
GUS	2,52

Species: European flounder ***Platichthys flesus***	**FLE**
WHL	1,00
GUT	1,08
GUS	1,39

Species: Greater forkbeard ***Phycis blennoides***	**GFB**
WHL	1,00
GUT	1,11
GUH	1,40

Species: Greenland halibut ***Reinhardtius hippoglossoides***	**GHL**
WHL	1,00
GUT	1,08

Species: Haddock ***Melanogrammus aeglefinus***	**HAD**
WHL	1,00
GUT	1,17
GUH	1,46

Species: Atlantic halibut ***Hippoglossus hippoglossus***	**HAL**
WHL	1,00

Species: Hering ***Clupea harengus***	**HER**
WHL	1,00
GUT	1,12
GUH	1,19

Species: European hake ***Merluccius merluccius***	**HKE**
WHL	1,00
GUT	1,11
GUH	1,40

Species: White hake ***Urophycis tenuis***	**HKW**
WHL	1,00

Species: Horse mackerel ***Trachurus*** spp.	**JAX**
WHL	1,00
GUT	1,08

Species: Antarctic krill ***Euphausia superba***	**KRI**
WHL	1,00

Species: Lemon sole ***Microstomus kitt***	**LEM**
WHL	1,00
GUT	1,05

Species: Megrims ***Lepidorhombus*** spp.	**LEZ**
WHL	1,00
GUT	1,06
FIL	2,50

Species: Unicorn icefish ***Channichthys rhinoceratus***	**LIC**
WHL	1,00

Species: Ling ***Molva molva***	**LIN**
WHL	1,00
GUT	1,14
GUH	1,32
FIL	2,64

Species: Atlantic mackerel ***Scomber scombrus***	**MAC**
WHL	1,00
GUT	1,09

Species: Norway lobster ***Nephrops norvegicus***	**NEP**
WHL	1,00
TAL	3,00

Species: Humped rockcod ***Notothenia gibberifrons***	**NOG**
WHL	1,00

Species: Norway pout ***Trisopterus esmarkii***	**NOP**
WHL	1,00

Species: Marbled rockcod ***Notothenia rossii***	**NOR**
WHL	1,00

Species: Orange roughy ***Hoplostethus atlanticus***	**ORY**
WHL	1,00

Species: Pacific snow crab ***Chionoecetes*** spp.	**PCR**
WHL	1,00

Species: White shrimps ***Penaeus*** spp.	**PEN**
WHL	1,00

Species: European plaice ***Pleuronectes platessa***	**PLE**
WHL	1,00
GUT	1,05
GUH	1,39
FIL	2,40

Species: Saithe ***Pollachius virens***	**POK**
WHL	1,00
GUT	1,19

Species: Pollack ***Pollachius pollachius***	**POL**
WHL	1,00
GUT	1,17

Species: Northern prawn ***Pandalus borealis***	**PRA**
WHL	1,00

Species: Atlantic redfishes ***Sebastes*** spp.	**RED**
WHL	1,00
GUT	1,19

Species: Rough-head grenadier ***Macrourus berglax***	**RHG**
WHL	1,00

Species: Roundnose grenadier ***Coryphaenoides rupestris***	**RNG**
WHL	1,00
GUT	1,11
GUH	1,92
GHT	3,20

Species: Sandeels ***Ammodytes*** spp.	**SAN**
WHL	1,00

Species: Blackspot seabream ***Pagellus bogaraveo***	**SBR**
WHL	1,00
GUT	1,11

Species: Rough longnose dogfish ***Deania histricosa***	**SDH**
WHL	1,00

Species: Arrowhead dogfish ***Deania profundorum***	**SDU**
WHL	1,00

Species: South Georgia icefish ***Pseudochaenichthys georgianus***	**SGI**
WHL	1,00

Species: Common sole ***Solea solea***	**SOL**
WHL	1,00
GUT	1,04

Species: European sprat ***Sprattus sprattus***	**SPR**
WHL	1,00

Species: Northern squid ***Illex illecebrosus***	**SQI**
WHL	1,00

Species: Squid ***Martialia hyadesi***	**SQS**
WHL	1,00

Species: Skates ***Rajidae***	**SRX**
WHL	1,00
GUT	1,13
WNG	2,09

Species: Swordfish ***Xiphias gladius***	**SWO**
WHL	1,00
GUT	1,11
GUH	1,31

Species: Patagonian toothfish ***Dissostichus eleginoides***	**TOP**
WHL	1,00

Species: Turbot ***Psetta maxima***	**TUR**
WHL	1,00
GUT	1,09

Species: Tusk ***Brosme brosme***	**USK**
WHL	1,00
GUT	1,14

Species: Blue whiting ***Micromesistius poutassou***	**WHB**
WHL	1,00
GUT	1,15

Species: Whiting ***Merlangius merlangus***	**WHG**
WHL	1,00
GUT	1,18

Species: Atlantic white marlin ***Tetrapturus albidus***	**WHM**
WHL	1,00

Species: Witch flounder ***Glyptocephalus cynoglossus***	**WIT**
WHL	1,00
GUT	1,06

Species: Yellowtail flounder ***Limanda ferruginea***	**YEL**
WHL	1,00

ANNEX III

FRESH SALTED COMMUNITY CONVERSION FACTORS

Species: Ling ***Molva molva***	**LIN**
SGT	2,80