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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE  
EUROPEAN PARLIAMENT**

**Reports from Member States on behaviours which seriously infringed the rules of the  
Common Fisheries Policy in 2005**

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## Reports from Member States on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2005

### 1. INTRODUCTION

With a view to increasing the level of transparency on how Member States accomplish their obligations to enforce Community rules, Council Regulation (EC) n° 1447/1999<sup>1</sup> introduced the obligation for the Member States to report yearly to the Commission on how many “serious” infringements have been detected and on the sanctions imposed. For this purpose the said Regulation established a list of 19 types of breaches of the Community rules deemed to be particularly serious. Member States are obliged to ensure that the appropriate measures are taken against the natural or legal person who infringes the rules of the Common Fisheries Policy<sup>2</sup>.

The behaviours listed are linked to the most important obligations imposed by Community rules on stock conservation, monitoring and marketing of fisheries products.

The procedure for reporting required information to the Commission is laid down in Commission Regulation (EC) N° 2740/1999<sup>3</sup>. Data transmitted by electronic means should enable a comparison between Member States as regards the effectiveness of their enforcement of the rules of the Common Fisheries Policy. Beyond the objective of increasing transparency, the legislator’s ultimate goal is to progressively achieve a level playing field among fishermen who, once reassured the rules are applied in the same way throughout the European Community, would have greater confidence in the control authorities and adhere to Community rules on conservation of fisheries resources.

The present Communication refers to the cases of behaviours which seriously infringed the rules of the CFP and for which a file has been opened by a national authority in 2005. This is the sixth Communication on this matter. The Commission presented the most relevant data for 2000 in its Communication of 12 November 2001<sup>4</sup>, for 2001 in its Communication of 5 December 2002<sup>5</sup>, for 2002 in its Communication of 15 December 2003<sup>6</sup>, for 2003 in its Communication of 30 May 2005<sup>7</sup>, and for 2004 in its Communication of 14 July 2006<sup>8</sup>.

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<sup>1</sup> OJ L 167, 02.07.1999, p.5

<sup>2</sup> Art. 25 R. 2371/2002

<sup>3</sup> OJ L 328, 22.12.1999, p.62

<sup>4</sup> COM (2001) 650, 12.11.2001

<sup>5</sup> COM (2002) 687, 05.12.2002

<sup>6</sup> COM (2003) 782, 15.12.2003

<sup>7</sup> COM (2005) 207, 30.05.2005

<sup>8</sup> COM (2006) 387, 14.07.2006

## **2. REPORTS FROM MEMBER STATES FOR 2005**

Council Regulation N° 2740/1999 lays down detailed rules for the transmission of data concerning behaviours which seriously infringed the rules of the Common Fisheries Policy. Data shall be transmitted by electronic means. On the basis of these data, the Commission's services produce tables annexed to the Communication. These tables are designed to highlight the most interesting features stemming from the Member States' reports.

It is important to underline that data shown are those provided by Member States. Member States have been given the possibility to verify these figures before the Communication is finalised by the Commission.

## **3. SUPPLEMENTARY INFORMATION PROVIDED BY MEMBER STATES**

As the interpretation of information gathered is not easy since it exclusively consists of sets of figures, and some data could be misleading to some extent, the Commission invited Member States to provide supplementary information that they deemed useful to clarify the analysis of the figures.

Supplementary information has been provided by some Member States. The main elements can be summarized as follows:

- The procedures (be they of an administrative or criminal nature) launched for sanctioning infringements of the CFP rules are generally lengthy. 8 to 12 months seems to be the time required on average until termination of the whole procedure. Criminal procedures are in general the longest ones (only criminal procedures are applied by Belgium, Ireland, the Netherlands and Finland);
- Little information has been gathered on the species most concerned by serious infringements: in general those species for which recovery plans or restrictive national measures are in place and those with high commercial value (i.e. cod, herring, anglerfish, turbot, plaice, sea bass, scallop...) and on the areas where serious infringements have been committed;
- It appears that most infringements are detected by Member States within their EEZ - which is obvious - but at present it is not possible for the Commission to specify the ICES zones in which the infringement was committed since most of the national reports do not provide such details.

With a view to enlarging the scope of the Communication, for the first time the present Communication includes a reference to national legislation and best practices. Amongst new legal instruments on fisheries enforcement adopted recently, it is worth mentioning:

- Ireland enacted on 4 April 2006 the Sea Fisheries and Maritime Jurisdiction Act 2006, in order to update Ireland's national sea fisheries control regulations and ensure compliance with the control obligations of the Common Fisheries Policy. This Act increased penalties for fisheries offences;
- France expressed its intention to modify in the near future the control regime applicable to the CFP in order to make sanctions more effective. A number of administrative measures to reinforce the efficacy of sanctions have already been adopted in 2005;

- The United Kingdom has supplemented in September 2005 their control measures by introducing a new scheme for the registration of first buyers of fish. The Scottish Fisheries Protection Agency (SFPA) also reached an agreement with the Crown Office Prosecution Service according to which cases could be submitted to the Procurator Fiscal who may impose a fiscal fine; these cases are not presented before a court and are dealt with in an administrative procedure;
- Spain adopted in 2005 an administrative act which establishes detailed criteria for administrative sanctions to be applied in case of infringements in the fisheries sector;
- Portugal has adopted guidelines in order to improve inspections and follow-up of infringements;
- Sweden announced the introduction of a modification of the sanction regime that would allow the administration to fix administrative sanctions (seizures, withdrawal of authorisations) once the Court has declared that the wrongdoer is guilty of a serious infringement to fisheries rules.

#### **4. SERIOUS INFRINGEMENTS COMPARED TO THE NUMBER OF FISHING VESSELS IN EACH MEMBER STATE**

The following table indicates the number of vessels listed in the Fishing Vessel Register for each Member State on 31st December 2005, together with the total number of serious infringements discovered and reported by Member States for (exclusively) vessels flying their flag. Although it would be inexact to draw firm conclusions by simply comparing Member States against these figures, since infringements are not always related to breaches committed by fishermen but also by other economic operators, it appears however that, for most of the Member States, the number of breaches detected, when compared with the size of the fleet, highlights poor performance in control activities or even a lack of control in certain Member States.

Member State	Number of vessels	Serious infringements
Belgium	121	22
Denmark	3269	361
Germany	2121	96
Greece	18279	377
Estonia	1045	19
Spain	13684	2949
France	7859	864
Ireland	1415	109
Italy	14426	3280
Cyprus	886	9
Latvia	928	132
Lithuania	271	3
Malta	1420	3
Netherlands	828	117
Poland	974	105
Portugal	9186	761
Slovenia	173	13

Finland	3267	25
Sweden	1639	53
United Kingdom	6766	234

## 5. THE REPORTS SUBMITTED BY THE MEMBER STATES

The total number of cases reported by Member States is **10 443** spread over the whole list of breaches included in the list of Council Regulation (EC) N° 1447/1999. The number is 8,11% higher than in 2004: the trend towards an increase on the number of detected breaches is thus confirmed, although one should also consider the enlargement of the European Union. Precisely, the Member States have detected 783 breaches more than in 2004, but the fleet has increased by 5697 units since the 2004 Accession. With a view to easing the comparison, it should be noted that the number of serious infringements detected in previous years was 7 298 in 2000, 8 139 in 2001, 6 756 in 2002, 9 502 in 2003 and 9 660 in 2004.

It should also be noted that some Member States reported in 2005 a significant, and unexplained, increase or drop in the number of cases detected when compared with 2004 figures. This may be at least partly due to the fact that, as already underlined in the previous Communications, the number of infringements recorded may or may not include breaches of rules other than the CFP rules and/or related to activities carried out in internal waters or while fishing for recreational purposes, following national guidelines.

The main features of the annexed tables may be summarised as follows :

74% of the infringements have been detected by Spain, Italy and Portugal. These countries are also among those with a larger number of vessels. Unauthorised fishing concerns 23% of cases, while storing, processing, placing for sale and transporting fishery products not meeting the marketing standards in force comes second (17%). Fishing without holding a licence rises to third position (15%). These percentages are similar to those for 2004 and in fact most infringements detected since 2000 relate to these three types of behaviour, while very few cases (less than 10%) concern other types of serious breaches to the rules of the CFP. The number of cases of tampering with the Vessel Monitoring System (VMS) almost doubled in 2005 in comparison with previous years. It seems nevertheless still low when the observations made by the Commission's inspectors are considered.

In 2005 8 665 procedures ended with a sanction. There are still striking and inexplicable differences for the same type of infringement across EU and the average fine imposed across EU in the proceedings that ended with a penalty in 2005 amounts to EUR 1 548: this figure is less than half the average fine imposed in 2003 (EUR 4 664) and less than the average fine imposed in 2004 (EUR 2 272). There has also been a significant decrease in the number of licences withdrawn, which is also shown in the annexed tables (only 335 compared with 1 226 in 2004). Only Denmark and Greece used this penalty in more than 10% of the infringements sanctioned. Spain and France have reported 1 and 8 withdrawals respectively.

Finally, attention is drawn to the consideration that the amount paid by the fisheries industry as a consequence of monetary penalties imposed in 2005 (€ 10,8 millions) remains rather insignificant since it represents only a 0.17% of the value of landings in 2004.

## **6. GENERAL REMARKS ON MEMBER STATES ' REPORTS**

After having underlined once again how difficult it is to interpret the set of figures shown in the tables without comments from the Member States, the Commission concludes that the situation has not really improved compared with the previous year.

What is particularly worrying is that the inadequate level of the sanctions imposed in most of the cases detected as well as the low probability of being caught and pursued by the control authorities may convince the fisherman that the economic benefits that he can draw by breaching the rules outweigh the risk. An incongruous level of penalties allows the fishing industry to consider disbursements imposed for infringements to the CFP rules just as an ordinary running cost of the enterprise and this annuls any real incentive to be compliant.

The Commission again calls on Member States to ensure a system of sanctions that has a deterrent effect and to amend as appropriate their legislation so that sanctions have a dissuasive effect. To this end the Commission suggests that, as a general rule, the value of the catches on board should be taken into consideration by the authority when computing a penalty. Moreover, although Member States are free to adopt procedures they deem to be the most appropriate, the Commission wishes to restate its opinion that an administrative sanction like the suspension of an entitlement to fish or to carry out a professional activity is a very effective tool in enhancing compliance with CFP rules, because it can be quickly applied and it has an immediate effect. The Commission has noted that some Member States have introduced this measure which was previously unknown in their legal system. It is regrettable that the majority of Member States do not use this tool yet, at least when a breach of the rules is so serious as to justify opening a criminal procedure.

## **7. INFRINGEMENTS DETECTED IN THE FRAMEWORK OF REGIONAL FISHERIES ORGANISATIONS (RFMOs)**

Several RFMOs have put in place or are about to adopt control schemes which foresee the recording of infringements. For instance, such schemes exist within the Northwest Atlantic Fisheries Organisation (NAFO), the North East Atlantic Fisheries Organisation (NEAFC) and the Commission for the Conservation of the Antarctic Living Resources (CCAMLR).

RFMOs have established their own lists of infringements of the rules adopted for conservation goals to be considered as "serious". These infringements are not reported as such within the context of the present Communication, but the Commission supposes that the infringements of the CFP rules committed by vessels operating within the framework of the above mentioned RFMOs, are recorded amongst the cases notified to the Commission for the purposes of the present Communication.

It is worth remembering at this point that the European Community submits a yearly report to the said Organisations on the infringements detected and notified to the Commission services by the national control authorities. It is not possible however to compare data transmitted to RFMOs and those shown in the annexes to the present Communication since types of infringements are not identical.

In the context of RFMOs, it appears that 11 apparent infringements, (i.e. alleged) as regards Community vessels were detected in the NEAFC area in 2005. No infringement by Community vessels was detected in the CCAMLR area. Concerning NAFO, 10 apparent

infringements by Community vessels were notified by other contracting parties. This figure is still subject to validation by NAFO.

For the sake of transparency, the Commission would have wished to compare the number of serious infringements committed by Community vessels and detected in the areas of competence of RFMOs with the number of serious infringements committed by other Contracting Parties in the same areas. Any progress in this field will be, nevertheless, subject to changes in the policy of RFMOs responsible for the publication of statistics on serious infringements detected in their areas of competence.

## **8. THE WAY FORWARD**

The Commission still considers this Communication to be potentially a useful tool to compare Member States' performance in ensuring compliance with the CFP rules. Most Member States share the Commission's view.

The value of the annual publication of the Communication on "serious infringements" will be assessed in the context of the need to ensure a level playing field across Member States, as it was underlined when the CFP reform was decided in 2002. It is a common opinion that it is of paramount importance to secure full transparency on sanctions applied by the Member States for breaches of CFP rules in order to improve enforcement. However the experience gained through the Communications on "serious infringements", from the year 2000 to 2005, has clearly proved that it will not be possible without major adaptations of Community legal texts and of national procedures.

As regards legal texts, following its commitment to improve the content of the document, as recorded in the previous Communications, the Commission has been holding consultations with Member States in order to collect their suggestions. The debate highlighted that one fundamental issue concerns the definition of the behaviours which seriously infringe the CFP rules: it is generally felt that the types listed in the Community legal texts are not sufficiently specific, a situation which leads to different interpretations amongst Member States

With a view to addressing this point, the Commission presented on 31 May 2006 to the Group of Experts on Fisheries Control suggestions on a new typology of infringements to be scrutinised as well as on how the Communication outline could be amended.

The Commission proposed in particular:

- to narrow the scope of the Communication by monitoring exclusively the infringements of those CFP rules deemed to be the most important amongst the "serious" ones. Infringements of national rules or committed by non-professional fishermen will not be recorded anymore;
- to better describe each type of infringement; and
- to broaden the content of the reports from Member States which will in particular include information on the socio-economic situation of the lawbreakers and on the effective impact of the sanctions imposed.

The Commission will continue discussing the matter with Member States prior to a formal proposal for a revision of the legal framework, in particular within the context of the recasting of Community legislation relating to control in the fisheries area and to the fight against

illegal fishing practices. Meanwhile, the Commission has to insist that it is necessary that Member States provide the Commission with information which goes beyond the statistical data in order to improve the quality of the next Communication and to make it become a more useful instrument of transparency.

As regards the Member States' responsibilities, the Commission shall again call upon them to give appropriate consideration to the obligation to ensure compliance with CFP rules with all possible means. The Commission has to state that Member States do not fulfil all their obligations arising from the CFP rules. One example will suffice: the Member States are currently not properly equipped with the suitable means which would allow them to collect, process and assess data related to "serious infringements" of the CFP rules, as they should do. Member States have not set up databases for encoding relevant aspects relating to each single case. The Commission would like to insist on this point. Without a computerized database comprising information pertaining, to the law breaker, the vessel or the enterprise, the legal provisions, the species and fisheries areas, the economic context, the administrative costs, the main and ancillary sanction inflicted; it will not be possible to properly assess behaviours, administrative performance and efficacy of legislation in force. Only through processing these data and those contained in the databases already foreseen by Community law (such as Fleet register, statistics, VMS records), it would be possible to assess Member States' performance, compare them and eventually adjust administrative procedures and legislative texts, so that CFP rules would be effectively enforced.

The Commission has already suggested a format to be used by national administration to that purpose<sup>9</sup>. It is ready to assist the Member States, also financially through existing budget lines, to set up new tools.

The Commission urges member States to adapt their legislation and administrative organisation accordingly.

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<sup>9</sup> See Annex IX.

### **List of tables in annex**

- I number of cases discovered by type of infringement and by Member State;
- II number of cases discovered by nationality of the party which committed the infringement and by Member State;
- III number of cases where penalties were imposed by type of infringement and by Member State;
- IV average fine by type of infringement and by Member State;
- V number of seizures by type of infringement and by Member State;
- VI number of licences withdrawn by type of infringement and by Member State;
- VII amount paid by the fishing industry in each Member State as a consequence of serious infringements;
- VIII average fine in each Member State as a consequence of serious infringements and value of landings in each Member State;
- IX. draft form for a set of information relating to a "serious infringement".

## I. NUMBER OF SERIOUS BREACHES BY MEMBER STATE FOR THE YEAR 2005

Code	Type of behaviour	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL
A1	Obstructing the work of fisheries inspectors	1		8	1			103	21	6	5							2		2						21	170 2 %
A2	Falsifying, concealing, destroying or tampering with evidence								2		1															2	5 0 %
B1	Obstructing the work of observers			1				10			2																13 0 %
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing			17	17		33	724	106	19	237			61			2	6		3	341	2		1	4	6	1579 15 %
C2	Fishing under cover of a falsified document								1	1											2						4 0 %
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel	2		1			14	37	2	1	10			4				1			27				1		100 1 %
D1	Using or keeping on board prohibited fishing gear	1		15	12			76	181	5	324			11				11		6	183			1		10	836 8 %
D2	Using prohibited fishing methods						141	116	1	6	238							7			68				5		582 6 %
D3	Not lashing or stowing prohibited fishing gear			1				13	2		2	5		1				3									27 0 %
D4	Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing	6		67				46	11	17	33									10	5			9	2	24	230 2 %
D5	Unauthorised fishing	9		7		1	146	612	88		950			4			1	7		7	531			1	30	11	2405 23 %
D6	Failure to comply with the rules on minimum sizes	4		9	12		15	368	221		331							12		12	47	1				8	1040 10 %
D7	Failure to comply with the rules and procedures relating to transshipments			1							2			4							3						10 0 %
E1	Falsifying or failing to record data in logbooks, etc	6		219	52	12	8	256	244	82	94		3	26				62		12	13	10		13	27	125	1264 12 %
E2	Tampering with the satellite-based vessel monitoring system	3		3	2		19	30	1		2	4								1	3				1	36	105 1 %
E3	Deliberate failure to comply with the Community rules remote transmission of movements of fishing vessels			13		7			9	1	2			12				2		6	1				2	28	83 1 %
E4	Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters			1										1													2 0 %
F1	Landing of fishery products not complying with the Community rules on control and enforcement	2		2				115	4		6			7				7		46	2				2	11	204 2 %
F2	Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force			1			1	538	62		1163			1				11									1777 17 %
NA	Unspecified										7																7 0 %
	TOTAL for MS:	34 0 %		366 4 %	96 1 %	20 0 %	377 4 %	3044 29 %	956 9 %	138 1 %	3409 33 %	9 0 %	3 0 %	132 1 %			3 0 %	131 1 %		105 1 %	1226 12 %	13 0 %		25 0 %	74 1 %	282 3 %	10443

## II. INFRINGEMENTS BY COUNTRY AND NATIONALITY FOR THE YEAR 2005

	National	Unspecified	Third countries	EU	TOTAL
BEL	22	8		4	34
CZE					
DNK	361			5	366
DEU	96				96
EST	19			1	20
GRC	377				377
ESP	2.949		25	70	3.044
FRA	864		37	55	956
IRL	109		1	28	138
ITA	3.280	129			3.409
CYP	9				9
LTU	3				3
LVA	132				132
LUX					
HUN					
MLT	3				3
NLD	117			14	131
AUT					
POL	105				105
PRT	761	358		107	1.226
SVN	13				13
SVK					
FIN	25				25
SWE	53	2		19	74
GBR	234		6	42	282
TOTAL	9.532	497	69	345	10.443

III. NUMBER OF CASES WHERE PENALTIES WERE IMPOSED AND NUMBER OF INFRINGEMENTS BY TYPE OF SERIOUS BREACH AND BY MEMBER STATE FOR THE YEAR 2005

Code	Type of behaviour	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL
A1	Obstructing the work of fisheries inspectors	0 (1)		4 (8)	1 (1)			103 (103)	4 (21)	2 (6)	4 (5)							1 (2)	2 (2)						21 (21)	142 (170) - 84 %	
A2	Falsifying, concealing, destroying or tampering with evidence								0 (2)		0 (1)															0 (2)	0 (5) - 0 %
B1	Obstructing the work of observers			0 (1)				10 (10)				0 (2)															10 (13) - 77 %
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing			13 (17)	17 (17)		33 (33)	724 (724)	44 (106)	4 (19)	236 (237)			61 (61)			0 (2)	2 (6)		3 (3)	99 (341)	1 (2)		1 (1)	0 (4)	5 (6)	1243 (1579) - 79 %
C2	Fishing under cover of a falsified document								0 (1)	0 (1)											1 (2)						1 (4) - 25 %
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel	1 (2)		1 (1)			14 (14)	37 (37)	0 (2)	0 (1)	10 (10)			4 (4)				0 (1)			14 (27)				0 (1)		81 (100) - 81 %
D1	Using or keeping on board prohibited fishing gear	1 (1)		12 (15)	12 (12)			76 (76)	31 (181)	2 (5)	324 (324)			11 (11)				2 (11)		6 (6)	124 (183)			0 (1)	10 (10)	611 (836) - 73 %	
D2	Using prohibited fishing methods						141 (141)	116 (116)	0 (1)	1 (6)	238 (238)							2 (7)			43 (68)				0 (5)	541 (582) - 93 %	
D3	Not lashing or stowing prohibited fishing gear			1 (1)				13 (13)	1 (2)		2 (2)	5 (5)		1 (1)				0 (3)									23 (27) - 85 %
D4	Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing	6 (6)		49 (67)				46 (46)	2 (11)	2 (17)	33 (33)									10 (10)	2 (5)			4 (9)	2 (2)	21 (24)	177 (230) - 77 %
D5	Unauthorised fishing	6 (9)		0 (7)		1 (1)	146 (146)	612 (612)	9 (88)		933 (950)			4 (4)			0 (1)	1 (7)		7 (7)	350 (531)			0 (1)	0 (30)	8 (11)	2071 (2405) - 86 %
D6	Failure to comply with the rules on minimum sizes	4 (4)		9 (9)	12 (12)		15 (15)	368 (368)	97 (221)		322 (331)							4 (12)		12 (12)	28 (47)	1 (1)				8 (8)	1040 (1040) - 85 %
D7	Failure to comply with the rules and procedures relating to transshipments			1 (1)							2 (2)			4 (4)							2 (3)						9 (10) - 90 %
E1	Falsifying or failing to record data in logbooks, etc	6 (6)		168 (219)	52 (52)	12 (12)	7 (8)	256 (256)	28 (244)	8 (82)	84 (94)		3 (3)	26 (26)				36 (62)		12 (12)	5 (13)	8 (10)			0 (13)	4 (125)	111 (1264) - 65 %
E2	Tampering with the satellite-based vessel monitoring system	1 (3)		3 (3)	2 (2)		19 (19)	30 (30)	1 (1)		2 (2)	4 (4)								1 (1)	0 (3)				0 (1)	26 (36)	89 (105) - 85 %
E3	Deliberate failure to comply with the Community rules remote transmission of movements of fishing vessels			12 (13)		7 (7)			0 (9)	0 (1)	2 (2)			12 (12)				0 (2)		6 (6)	1 (1)				0 (2)	23 (28)	63 (83) - 76 %
E4	Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters			1 (1)										1 (1)													2 (2) - 100 %
F1	Landing of fishery products not complying with the Community rules on control and enforcement	2 (2)		2 (2)				115 (115)	1 (4)		6 (6)			7 (7)					2 (7)	46 (46)	0 (2)				0 (2)	7 (11)	188 (204) - 92 %
F2	Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force			1 (1)			1 (1)	538 (538)	22 (62)		1125 (1163)			1 (1)					7 (11)								1695 (1777) - 95 %
NA	Unspecified										7 (7)																7 (7) - 100 %
	TOTAL for MS:	27 (34) 79 %	277 (366) 76 %	96 (96) 100 %	20 (20) 100 %	376 (377) 100 %	3044 (3044) 100 %	240 (956) 25 %	19 (138) 14 %	3330 (3409) 98 %	9 (9) 100 %	3 (3) 100 %	132 (132) 100 %		3 (132) 100 %		0 (3) 0 %	57 (131) 44 %		105 (105) 100 %	669 (1226) 55 %	10 (13) 77 %		5 (25) 20 %	6 (74) 8 %	240 (282) 85 %	8665 (10443) 83 %

IV. AVERAGE FINE AND NUMBER OF INFRINGEMENTS BY TYPE OF SERIOUS BREACH AND BY MEMBER STATE FOR THE YEAR 2005

Code	Type of behaviour	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL
A1	Obstructing the work of fisheries inspectors			794 (3)	531 (1)			2241 (103)		2222 (2)	206 (4)							300 (1)		3213 (2)					2688 (20)	2202 (136)	
A2	Falsifying, concealing, destroying or tampering with evidence																										
B1	Obstructing the work of observers							674 (10)																			674 (10)
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing			1761 (4)	13710 (11)		467 (33)	1359 (724)	26532 (18)	4852 (3)	1216 (218)			76 (61)				225 (2)		165 (3)	667 (65)	42 (1)			2480 (2)	1719 (1145)	
C2	Fishing under cover of a falsified document																				150 (1)						150 (1)
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel						400 (14)	556 (37)			95 (10)			114 (4)								170 (6)					403 (71)
D1	Using or keeping on board prohibited fishing gear			1606 (4)	2620 (5)			1287 (76)	5750 (7)	2049 (2)	1119 (305)			83 (11)				2500 (2)		186 (6)	668 (20)				7058 (7)	1287 (445)	
D2	Using prohibited fishing methods						646 (141)	682 (116)		3333 (1)	1341 (205)							325 (2)			660 (10)					959 (475)	
D3	Not lashing or stowing prohibited fishing gear							553 (13)	300 (1)			140 (5)		285 (1)												424 (20)	
D4	Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing	4300 (4)		514 (23)				1191 (46)	9000 (1)	1979 (2)	1075 (25)									1359 (6)				206 (4)	7817 (15)	1983 (126)	
D5	Unauthorised fishing	1375 (1)				192 (1)	898 (146)	1474 (612)	2200 (2)		953 (766)			249 (4)				0 (1)		484 (7)	511 (123)				3764 (7)	1116 (1670)	
D6	Failure to comply with the rules on minimum sizes	250 (2)		629 (8)	1303 (10)		600 (15)	2433 (368)	507 (9)		2912 (52)							550 (4)		206 (12)	465 (13)	104 (1)			864 (3)	2198 (497)	
D7	Failure to comply with the rules and procedures relating to transshipments			1074 (1)										67 (4)												269 (5)	
E1	Falsifying or failing to record data in logbooks, etc	2063 (2)		523 (111)	108 (49)	158 (12)	429 (7)	911 (256)	623 (22)	3399 (8)	643 (74)		251 (3)	165 (26)				61 (36)		525 (12)	319 (5)	104 (8)		582 (4)	8227 (68)	1382 (703)	
E2	Tampering with the satellite-based vessel monitoring system	125 (1)			276 (2)		1174 (19)	1100 (30)			2065 (2)									1236 (1)					3295 (8)	1392 (63)	
E3	Deliberate failure to comply with the Community rules remote transmission of movements of fishing vessels			671 (2)		127 (7)					1554 (2)			231 (12)						576 (6)					1236 (9)	597 (38)	
E4	Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters			503 (1)										142 (1)												323 (2)	
F1	Landing of fishery products not complying with the Community rules on control and enforcement							1571 (115)			4154 (6)			244 (7)				500 (2)		494 (46)					8034 (7)	1570 (183)	
F2	Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force			503 (1)			600 (1)	2819 (538)	250 (2)		1634 (859)			285 (1)				96 (7)								2074 (1409)	
NA	Unspecified										1327 (7)															1327 (7)	
	TOTAL for MS:	2333 (10)		596 (158)	2350 (78)	149 (20)	740 (376)	1722 (3044)	8876 (62)	3199 (18)	1295 (2535)	140 (5)	251 (3)	127 (132)				219 (57)		552 (101)	555 (243)	98 (10)		206 (4)	582 (4)	6216 (146)	1548 (7006)
	MAX E.M.	8.250		5.368	150.000	1.150	6.000	61.500	75.000	10.000	10.330	140	290	711				2.500		4.942	7.500	104		440	1.633	49.581	

V. NUMBER OF SEIZURES AND NUMBER OF INFRINGEMENTS BY TYPE OF SERIOUS BREACH AND BY MEMBER STATE FOR THE YEAR 2005

Code	Type of behaviour	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL
A1	Obstructing the work of fisheries inspectors	0 (1)		1 (8)	0 (1)			0 (103)	3 (21)	2 (6)	0 (5)							0 (2)	0 (2)							5 (21)	11 (170) - 6 %
A2	Falsifying, concealing, destroying or tampering with evidence								0 (2)		0 (1)															0 (2)	0 (5) - 0 %
B1	Obstructing the work of observers			0 (1)				0 (10)			0 (2)																0 (13) - 0 %
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing			1 (17)	0 (17)		12 (33)	0 (724)	42 (106)	3 (19)	154 (237)			0 (61)			0 (2)	1 (6)	0 (3)	35 (341)	0 (2)			0 (1)	0 (4)	4 (6)	252 (1579) - 16 %
C2	Fishing under cover of a falsified document							0 (1)	0 (1)												0 (2)						0 (4) - 0 %
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel	0 (2)		0 (1)			2 (14)	0 (37)	0 (2)	0 (1)	1 (10)			0 (4)				0 (1)			6 (27)			0 (1)	0 (1)		9 (100) - 9 %
D1	Using or keeping on board prohibited fishing gear	1 (1)		3 (15)	5 (12)			0 (76)	25 (181)	2 (5)	300 (324)			0 (11)				0 (11)		0 (6)	110 (183)			0 (1)	3 (10)	449 (836) - 54 %	
D2	Using prohibited fishing methods						95 (141)	0 (116)	0 (1)	1 (6)	224 (238)							0 (7)			31 (68)			0 (5)		351 (582) - 60 %	
D3	Not lashing or stowing prohibited fishing gear			0 (1)				0 (13)	1 (2)		2 (2)	5 (5)		0 (1)				0 (3)									8 (27) - 30 %
D4	Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing	4 (6)		21 (67)				0 (46)	2 (11)	2 (17)	12 (33)									0 (10)	2 (5)			0 (9)	2 (2)	14 (24)	59 (230) - 26 %
D5	Unauthorised fishing	0 (9)		0 (7)		0 (1)	44 (146)	0 (612)	5 (88)		718 (950)			0 (4)			0 (1)	1 (7)		0 (7)	239 (531)			0 (1)	0 (30)	2 (11)	1009 (2405) - 42 %
D6	Failure to comply with the rules on minimum sizes	4 (4)		0 (9)	4 (12)		15 (15)	1 (368)	85 (221)		317 (331)							4 (12)		0 (12)	20 (47)	0 (1)			2 (8)	434 (1040) - 43 %	
D7	Failure to comply with the rules and procedures relating to transshipments			1 (1)							2 (2)				0 (4)						2 (3)						5 (10) - 50 %
E1	Falsifying or failing to record data in logbooks, etc	6 (6)		22 (219)	0 (52)	0 (12)	0 (8)	0 (256)	6 (244)	8 (82)	21 (94)		0 (3)	0 (26)				2 (62)		0 (12)	0 (13)	0 (10)		0 (13)	0 (27)	51 (125)	116 (1264) - 9 %
E2	Tampering with the satellite-based vessel monitoring system	0 (3)		0 (3)	0 (2)		0 (19)	0 (30)	1 (1)		2 (2)	4 (4)								0 (1)	0 (3)				0 (1)	5 (36)	12 (105) - 11 %
E3	Deliberate failure to comply with the Community rules remote transmission of movements of fishing vessels			0 (13)		0 (7)			0 (9)	0 (1)	0 (2)			0 (12)				0 (2)		0 (6)	0 (1)				0 (2)	9 (28)	9 (83) - 11 %
E4	Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters			0 (1)										0 (1)													0 (2) - 0 %
F1	Landing of fishery products not complying with the Community rules on control and enforcement	2 (2)		0 (2)				0 (115)	1 (4)		4 (6)			0 (7)				0 (7)		0 (46)	0 (2)				0 (2)	7 (11)	14 (204) - 7 %
F2	Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force			0 (1)			1 (1)	0 (538)	17 (62)		530 (1163)			0 (1)				0 (11)									548 (1777) - 31 %
NA	Unspecified										4 (7)																4 (7) - 57 %
	TOTAL for MS:	17 (34) 50 %		49 (366) 13 %	9 (96) 9 %	0 (20) 0 %	169 (377) 45 %	1 (3044) 0 %	188 (956) 20 %	18 (138) 13 %	2291 (3409) 67 %	9 (9) 100 %	0 (3) 0 %	0 (132) 0 %	0 (131) 6 %			0 (3) 0 %	8 (131) 6 %	0 (105) 0 %	445 (1226) 36 %	0 (13) 0 %		0 (25) 0 %	2 (74) 3 %	102 (282) 36 %	3308 (10443) 32 %

VI. NUMBER OF LICENCES WITHDRAWN AND SERIOUS BREACHES BY MEMBER STATE FOR THE YEAR 2005

Code	Type of behaviour	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL	
A1	Obstructing the work of fisheries inspectors	0 (1)		1 (8)	0 (1)			0 (103)	1 (21)	0 (6)	0 (5)							0 (2)	0 (2)							0 (21)	2 (170) - 1 %	
A2	Falsifying, concealing, destroying or tampering with evidence								0 (2)		0 (1)															0 (2)	0 (5) - 0 %	
B1	Obstructing the work of observers			0 (1)				0 (10)			0 (2)																0 (13) - 0 %	
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing			0 (17)	0 (17)		19 (33)	0 (724)	0 (106)	0 (19)	0 (237)			0 (61)			0 (2)	0 (6)	0 (3)	0 (341)	0 (2)			0 (1)	0 (4)	0 (6)	19 (1579) - 1 %	
C2	Fishing under cover of a falsified document							0 (1)	0 (1)												0 (2)						0 (4) - 0 %	
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel	0 (2)		0 (1)			9 (14)	0 (37)	0 (2)	0 (1)	0 (10)			0 (4)				0 (1)	0 (27)					0 (1)	0 (4)	0 (6)	9 (100) - 9 %	
D1	Using or keeping on board prohibited fishing gear	0 (1)		7 (15)	0 (12)			0 (76)	0 (181)	0 (5)	0 (324)			0 (11)				0 (11)	0 (6)	0 (183)				0 (1)	0 (10)	0 (10)	7 (836) - 1 %	
D2	Using prohibited fishing methods						87 (141)	0 (116)	0 (1)	0 (6)	0 (238)							0 (7)	0 (68)					0 (5)	0 (5)	87 (582) - 15 %		
D3	Not lashing or stowing prohibited fishing gear			0 (1)				0 (13)	0 (2)	0 (2)	0 (5)		0 (1)					0 (3)									0 (27) - 0 %	
D4	Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing	0 (6)		21 (67)				0 (46)	0 (11)	0 (17)	0 (33)								0 (10)	0 (5)				0 (9)	0 (2)	0 (24)	21 (230) - 9 %	
D5	Unauthorised fishing	0 (9)		0 (7)	0 (1)	138 (146)	0 (612)	0 (88)	2 (950)		0 (4)			0 (4)			0 (1)	0 (7)	0 (7)	0 (531)				0 (1)	0 (30)	0 (11)	140 (2405) - 6 %	
D6	Failure to comply with the rules on minimum sizes	0 (4)		0 (9)	0 (12)		15 (15)	1 (368)	5 (221)		0 (331)							0 (12)	0 (12)	0 (47)	0 (1)				0 (8)	0 (8)	21 (1040) - 2 %	
D7	Failure to comply with the rules and procedures relating to transshipments			0 (1)							0 (2)			0 (4)							0 (3)						0 (10) - 0 %	
E1	Falsifying or failing to record data in logbooks, etc	0 (6)		16 (219)	0 (52)	0 (12)	5 (8)	0 (256)	0 (244)	0 (82)	0 (94)		0 (3)	0 (26)				0 (62)	0 (12)	0 (13)	0 (10)			0 (13)	0 (27)	0 (125)	21 (1264) - 2 %	
E2	Tampering with the satellite-based vessel monitoring system	0 (3)		0 (3)	0 (2)		5 (19)	0 (30)	0 (1)		0 (2)	0 (4)								0 (1)	0 (3)				0 (1)	0 (36)	5 (105) - 5 %	
E3	Deliberate failure to comply with the Community rules remote transmission of movements of fishing vessels			2 (13)	0 (7)				0 (9)	0 (1)	0 (2)			0 (12)				0 (2)	0 (6)	0 (1)					0 (2)	0 (28)	2 (83) - 2 %	
E4	Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters			0 (1)										0 (1)													0 (2) - 0 %	
F1	Landing of fishery products not complying with the Community rules on control and enforcement	0 (2)		0 (2)				0 (115)	0 (4)		0 (6)			0 (7)				0 (7)	0 (46)	0 (2)					0 (2)	0 (11)	0 (204) - 0 %	
F2	Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force			0 (1)			1 (1)	0 (538)	0 (62)		0 (1163)			0 (1)				0 (11)									1 (1777) - 0 %	
NA	Unspecified										0 (7)																0 (7) - 0 %	
	TOTAL for MS:	0 (34) 0 %		47 (366) 13 %	0 (96) 0 %	0 (20) 0 %	279 (377) 74 %	1 (3044) 0 %	8 (956) 1 %	0 (138) 0 %	0 (3409) 0 %	0 (9) 0 %	0 (3) 0 %	0 (132) 0 %	0 (7) 0 %			0 (3) 0 %	0 (131) 0 %	0 (105) 0 %	0 (1226) 0 %	0 (13) 0 %			0 (25) 0 %	0 (74) 0 %	0 (282) 0 %	335 (10443) 3 %

VII. AMOUNT PAID BY THE FISHERIES SECTOR IN EACH MEMBER STATE FOR THE YEAR AS A RESULT OF SERIOUS BREACHES 2005

Code	Type of behaviour	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL	%
A1	Obstructing the work of fisheries inspectors			2.382	531			230.836		4.444	824							300		6.425						53.761	299.502	2,76%
A2	Falsifying, concealing, destroying or tampering with evidence																										0	0,00%
B1	Obstructing the work of observers							6.740																			6.740	0,06%
C1	Fishing without holding a fishing licence, a fishing permit or any other authorisation required for fishing			7.045	150.807		15.400	983.665	477.575	14.556	265.045			4.664				450		495	43.379	42				4.959	1.968.081	18,14%
C2	Fishing under cover of a falsified document																				150						150	0,00%
C3	Falsifying, deleting or concealing the identification marks of the fishing vessel						5.600	20.588			945			456								1.017					28.606	0,26%
D1	Using or keeping on board prohibited fishing gear			6.425	13.100			97.796	40.250	4.097	341.210			909				5.000		1.114	13.354					49.404	572.659	5,28%
D2	Using prohibited fishing methods						91.094	79.066		3.333	274.812							650			6.604						455.559	4,20%
D3	Not lashing or stowing prohibited fishing gear							7.191	300			702		285													8.477	0,08%
D4	Directed fishing for, or keeping on board of, a species subject to a prohibition of fishing	17.200		11.832				54.772	9.000	3.958	26.878									8.156				823		117.259	249.878	2,30%
D5	Unauthorised fishing	1.375				192	131.105	902.005	4.400		730.358			996				0		3.386	62.825					26.350	1.862.992	17,17%
D6	Failure to comply with the rules on minimum sizes	500		5.031	13.030		9.000	895.443	4.560		151.398							2.200		2.473	6.043	104				2.592	1.092.374	10,07%
D7	Failure to comply with the rules and procedures relating to transshipments			1.074										269													1.343	0,01%
E1	Falsifying or failing to record data in logbooks, etc	4.125		58.049	5.306	1.893	3.000	233.184	13.705	27.194	47.595		753	4.295				2.200		6.302	1.597	832			2.327	559.444	971.801	8,96%
E2	Tampering with the satellite-based vessel monitoring system	125			552		22.300	33.007			4.129									1.236						26.363	87.712	0,81%
E3	Deliberate failure to comply with the Community rules remote transmission of movements of fishing vessels			1.342		891					3.108			2.774						3.458						11.121	22.694	0,21%
E4	Failure of the master of the fishing vessel of a third country to comply with the applicable control rules when operating in Community waters			503										142													645	0,01%
F1	Landing of fishery products not complying with the Community rules on control and enforcement							180.721			24.924			1.707				1.000		22.725						56.239	287.316	2,65%
F2	Storing, processing, placing on sale and transporting fishery products not meeting the marketing standards in force			503			600	1.516.862	500		1.403.193			285				675									2.922.618	26,94%
NA	Unspecified										9.288																9.288	0,09%
	TOTAL for MS:	23.325		94.185	183.326	2.976	278.099	5.241.873	550.290	57.583	3.283.706	702	753	16.782				12.475		55.770	134.969	978		823	2.327	907.492	10.848.434	
	%	0,22 %		0,87 %	1,69 %	0,03 %	2,56 %	48,32 %	5,07 %	0,53 %	30,27 %	0,01 %	0,01 %	0,15 %				0,11 %		0,51 %	1,24 %	0,01 %		0,01 %	0,02 %	8,37 %	100,00 %	

ANNEX VIII: AVERAGE FINE IN EACH MEMBER STATE AND VALUE OF LANDINGS

	BEL	CZE	DNK	DEU	EST	GRC	ESP	FRA	IRL	ITA	CYP	LTU	LVA	LUX	HUN	MLT	NLD	AUT	POL	PRT	SVN	SVK	FIN	SWE	GBR	TOTAL
Number of active vessels	121		3269	2121	1045	18279	13684	7859	1415	14426	886	271	928			1420	828		974	9186	173		3267	1639	6766	88557
Total of serious infringements	34		366	96	20	377	3044	956	138	3049	9	3	132			3	131		105	1226	13		25	74	282	10443
Amount per infringement	686,03		257,33	1909,64	148,80	737,66	1722,03	575,61	417,27	1076,97	77,97	251	127,13			0	95,22		531,14	110,08	75,23		32,92	31,44	3218,05	1038,82
Average fine when penalty imposed	2333		596	2350	149	740	1722	8876	3199	1295	140	251	127			0	219		552	555	98		206	582	6216	1548
Value of landings (€millions)	79		364	81	na	284	1873	803	253	993	na	na	na			na	378		na	65	na		17	306	691	6185
Value of landings per active vessel	651752		111412	38189	na	15520	136875	102211	178798	68825	na	na	na			na	456871		na	7.048	na		4776	18652	102131	69848
% of average fine over average value of yearly landings	0,36%		0,53%	6,15%	na	4,77%	1,26%	8,68%	1,79%	1,88%	na	na	na			na	0,05%		na	7,87%	na		4,31%	0,31%	6,09%	2,22%

## ANNEX IX

### FORM TO BE FILLED IN BY MEMBER STATES

N° file

#### **Data relating to the breach**

Code of the breach :

Legal provisions :

Fleet register number :

\* Vessel owner :

\* Captain name :

\* Carrier name :

\* Corporate name :

...

File linked to file n :

*\* Codes such VAT number may be used*

#### **Data relating to the procedure**

Authority which established the record :

Place and date of the record :

Reference to the legislation :

Authority responsible for the procedure :

Type of procedure : administrative                      criminal

Date of final decision :

Date of the execution of the decision :

**Data relating to the decision**

Amount imposed	€:
Suspension of professional entitlement	months
Seize of catches	value €
Seize of gears	value €
Value of catches illegally caught/sold	value €
Decision published	newspaper

**Data relating to main species concerned and area where infringement occurred**

Codes FAO and ICES  
RFO responsible  
Recovery plan concerned

**Data relating to economic and social aspects**

Length of the vessel : > 10 mt; > 15 mt > 24 mt, > 40 mt  
Annual turnover of the enterprise  
Number of employees  
Community funding  
Risk of bankruptcy