



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
Fisheries Policy Mediterranean and Black Sea
The Director

Brussels
MARE.D.4/LM/AP/JH

Dear Ms Colliander,

Please find enclosed the final report for the verification mission evaluating the national systems and measures related to the weighing and registration of catches in Sweden. This report follows the March 2022 verification mission conducted by the European Commission. It takes into account Sweden's comments on the draft report provided by the Swedish Agency for Marine and Water Management in May 2023¹.

The verification mission identified a number of very serious and longstanding shortcomings concerning the accurate weighing and registration of fishery products landed in Sweden. Some of these shortcomings were previously brought to the attention of Sweden in 2014 by the Commission but have not been addressed.

As the shortcomings facilitate large-scale 'unreported fishing' and is contributing to the decline of Baltic Sea stocks, it is essential that Sweden takes immediate remedial actions.

In particular, Sweden must ensure that EU rules on weighing, catch registration and catch reporting to the Commission are fully implemented and that all such activities are subject to effective control, enforcement and inspection on the basis of risk management.

Sweden must also ensure that appropriate measures are systematically taken against those suspected of any breach of any of the rules of the CFP and proportionate, deterrent and effective sanctions applied.

¹ E-mail dated 9 May 2023 registered under Ares(2023)3301248 – 11/05/2023

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Communication between the Commission and the Swedish authority will follow to identify the most appropriate way to ensure that the shortcomings identified will be effectively resolved².

I would like to thank you and your team for your transparency and collaboration during the verification.

Yours faithfully,

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² Article 102(4) of the Control Regulation provides for the establishment of an action plan to address shortcomings in the control system of a Member State identified by the Commission during inspections, verifications or audits. Breaches of EU law may also result in infringement proceedings in accordance with Article 258 of the Treaty on the Functioning of the European Union. As provided for by the Commission Delegated Regulation (EU) 2015/852, cases of non-compliance by a Member States with its obligation under the CFP may trigger the interruption and suspension of EMFF co-financing.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND
FISHERIES

FISHERIES POLICY MEDITERRANEAN AND BLACK SEA
Fisheries control and inspections

Brussels, MARE/D4/LM/AP/JH

FINAL VERIFICATION REPORT

SE-2022-D4-01-A

Verification of the national systems and measures related to the weighing and registration of catches by Sweden.

Mission 21 – 25 March 2022

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1 EXECUTIVE SUMMARY

The purpose of the verification mission, which took place from 21 to 25 March 2022, was to evaluate the effectiveness of the Swedish system for ensuring that ‘all fishery products’ are accurately weighed and registered. The main focus of the verification was on unsorted fishery products such as ‘industrial catches’¹ and ‘pelagic catches’², which constitute the majority of fishery products landed into Sweden.

The verification mission entailed discussions with the Swedish authority (*Swedish Agency for Marine and Water Management*), visiting several Swedish ports and premises and analysing an extensive amount of catch registration data associated with a sample of landings that took place in Sweden and in other coastal States in 2021.

The findings of the verification mission indicate many serious systematic deficiencies concerning the weighing and registration of fishery products landed in Sweden. Sweden does not enforce the fundamental and essential basics of weighing and catch registration according to European Union (EU) rules. These shortcomings apply to landings of sorted and unsorted fishery products in Sweden but are especially concerning for landings of industrial and pelagic catches. Sweden does not ensure that all landings are accurately weighed, registered, deducted from quotas and reported to the European Commission (Commission), and there is an extensive problem concerning ‘unreported fishing’ activities. The Commission approved sampling and control plans are not in accordance with the methodologies specified under EU rules and the plans are not appropriate for weighing unsorted catches on landing. Sweden, has not complied with the conditions associated with the plans and the plans, as currently applied, do not ensure the weighing and registration of landed fishery products in accordance with EU requirements.

Many of the shortcomings identified in Sweden are systematic issues that were previously brought to light as a result of Commission audit and verification missions conducted in 2014³. The longstanding non-compliances highlighted in this report demonstrate a lack of commitment and a persistent failure by Sweden to address major issues that pose a significant risk to the objectives of the Common Fisheries Policy (CFP) and undermine the effectiveness of the Community system to prevent, deter and eliminate ‘illegal, unreported and unregulated fishing’ (IUU fishing). The identified deficiencies undermine a level playing field in terms of the application of the rules of the CFP across Member States and are very serious considering the volumes of catches landed in Sweden⁴ and the poor status of many Baltic Sea stocks. The verification confirmed the existence of risks previously identified by Sweden, and the

¹ Industrial catches are landed unsorted and include species such as sprat and herring. These catches are used for the production of fishmeal, fish oil and animal feed and are not used for direct human consumption.

² Pelagic catches are landed unsorted and include species such as mackerel, herring, sprat and horse mackerel, which are generally used for human consumption.

³ Audit SE-E2-2014-01-A (Ref. Ares(2014)1635213) and verification SE-E2-2-14-02-A (Ref. Ares(2016)1072429).

⁴ According to the 2022 Annual Economic Report on the EU Fishing Fleet (STECF 22-06), ‘The total weight landed in 2020 was 170 800 tonnes of seafood (153 000 tonnes in 2021)’, with a landed value of EUR 115 million (EUR 114 million in 2021). (<https://data.europa.eu/doi/10.2760/120462>).

Commission, and uncovered longstanding and serious shortcomings, which are contributing to the decline of Baltic Sea stocks. The main findings of the verification mission can be summarised as follows:

1. Contrary to Article 5(1) and (3) of Council Regulation (EC) No 1224/2009⁵ (Control Regulation) and Article 36(3) of Regulation (EU) No 1380/2013⁶ (CFP Regulation), Sweden does not ensure control and enforcement of EU rules concerning the weighing and registration of fishery products landed in Sweden. There is widespread and systematic non-compliance concerning the weighing and accurate documentation of sorted and unsorted catches landed in Sweden. Sweden does not control and enforce the specific conditions associated with the Commission approved sampling and control plans for weighing fishery products.
2. Contrary to Article 60(1) of the Control Regulation, Sweden does not ensure that ‘all fishery products’ landed in Sweden are correctly weighed. Industrial and pelagic catches are not weighed in a manner that accounts for each quantity of each species present in the catch. Sorted catches are not weighed in accordance with EU rules and the Commission approved Swedish sampling and control plans for weighing fishery products are not fit for purpose.
3. Contrary to Article 5(4) of the Control Regulation, Sweden does not ensure that control, enforcement and inspection are conducted on the basis of ‘risk management’. Sweden has not implemented the necessary measures to limit the occurrence of identified significant risks such as the misreporting of landed quantities of unsorted catches. Despite assurances by Sweden to address shortcomings previously highlighted by the Commission, little progress has been made to manage identified risks.
4. Contrary to Article 36(2)(g) of the CFP Regulation, Sweden does not ensure that control and enforcement of the CFP is based on ‘the development of a culture of compliance and co-operation among all operators and fishermen’. There is widespread non-compliance with the EU rules on weighing and catch registration by operators in Sweden. The deficient control and enforcement system in Sweden means that ‘appropriate measures’, resulting in the application of proportionate, deterrent and effective sanctions in accordance with Article 89(1) and (2) of the Control Regulation seldom occurs.
5. Contrary to Article 33(2) and (4) of the Control Regulation, Sweden does not ensure that the Commission is notified of the actual quantities of stocks landed. Due to non-compliant weighing practices, the species composition recorded in mandatory post-

⁵ 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.

⁶ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

weighing catch registration documents is generally inaccurate or arbitrary with respect to unsorted catches.

6. Contrary to Article 15(1) of the CFP Regulation and 33(5) of the Control Regulation, Sweden does not ensure that catches, subject to quota, are charged against the Swedish quota. This is due to a systematic failure to ensure the accurate weighing and recording of each quantity of each species landed in mandatory catch registration documents such as weighing records, landing declarations and sales notes. This shortcoming also applies to other coastal States whose vessels land in Sweden.
7. Contrary to Article 109(2) of the Control Regulation, and Article 15(1) and (13) of the CFP Regulation, Sweden does not ensure that all relevant data is accurate, complete and submitted within deadlines and Sweden does not ensure the 'detailed and accurate documentation of all fishing trips'. Catch registration documents do not accurately record each quantity of each species present in landings of sorted and unsorted catches and Sweden does not ensure the completion and timely submission of essential catch registration documents.
8. Contrary to Article 109(3) and (4) of the Control Regulation, the Swedish data validation system does not allow for the immediate identification of inconsistencies, errors and missing information. A significant number of major data inconsistencies were detected as part of the Commission's data analysis which evidently were not detected by Sweden. Consequently, the ability of Sweden to take the 'necessary investigations' and take the 'necessary action', as required by Article 109(5) of the Control Regulation, for data inconsistencies is undermined.
9. Contrary to Article 1(2) of Council Regulation (EC) No 1005/2008⁷ (IUU Regulation), Sweden has not taken the necessary measures to ensure the effectiveness of the 'Community' system to prevent, deter and eliminate IUU fishing. There is a systematic problem concerning 'unreported fishing' with respect to sorted and unsorted catches landed in Sweden. There is a risk that the control and enforcement deficiencies in Sweden serve to attract operators engaged in IUU fishing to land in Swedish ports.

Considering the significance and scale of the identified shortcomings in the Swedish system of control, enforcement and inspection with respect to weighing, catch registration, quota uptake monitoring and catch reporting to the Commission, it is essential that Sweden takes immediate remedial actions. In particular, Sweden shall ensure that EU rules on weighing, catch registration and catch reporting to the Commission are fully implemented and that all such activities are subject to effective control, enforcement and inspection on the basis of risk management, in order to ensure compliance.

⁷ 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.

Sweden shall ensure that appropriate measures are systematically taken against those suspected of any breach of any of the rules of the CFP and proportionate, deterrent and effective sanctions applied.

Communication between the Commission and the Swedish authority will follow to identify the most appropriate way to ensure that the issues identified will be effectively resolved⁸.

⁸ As provided for by Article 102(4) of the Control Regulation, an action plan shall be established to address shortcomings in the control system of a Member State identified by the Commission during inspections, verifications or audits. Breaches of EU law may also result in infringement proceedings in accordance with Article 258 of the Treaty on the Functioning of the European Union. As provided for by the Commission Delegated Regulation (EU) 2015/852, cases of non-compliance by a Member States with its obligation under the CFP may trigger the interruption and suspension of EMFF co-financing.

2 INTRODUCTION

2.1 Reasons for performing the verification and legal provisions

The effective control of quota utilisation and consumption is one of the main pillars of fisheries management under the CFP. The accurate weighing and registration of landed fishery products is necessary for monitoring quota uptake, which is essential to support the objectives of the CFP - including the long-term environmental sustainability of fishing activities and the socio-economic viability of the fishing industry. To promote compliance among operators and to ensure the reliability of catch registration data, it is essential that Member States establish robust systems of control, enforcement and inspection with respect to EU rules for weighing and catch registration to facilitate the accurate monitoring of quota uptake and the reporting of quantities landed to the Commission.

The mission to Sweden was the first in a verification series conducted in Baltic Sea Member States in 2022. The verification series was launched due to concerns by the Commission that Baltic Sea Member States do not correctly weigh and register catches. These concerns were based on information in the possession of the Commission and indications that EU rules are not applied in a harmonised manner that ensures a 'level playing field' across all Member States. Due to the poor status of several Baltic Sea stocks, the Commission considered that this verification series was particularly important with respect to the recovery of Baltic Sea marine biological resources and to the objectives of the CFP. The verification series is expected to continue into 2023. This verification mission follows audit and verification missions conducted in Sweden in 2014, which highlighted serious shortcomings concerning the weighing and registration of catches.

The verification mission was performed in accordance with DG MARE's control work programme for 2022 - 2023⁹ and was conducted in accordance with the general provisions of EU legislation, in particular Title X of the Control Regulation. The Commission verification team, which was accompanied by an observer from the Danish competent authority (the *Danish Fisheries Agency*), and the participants from the Swedish competent authority are detailed in **Annex 1** and **Annex 2**. The main legislation relevant to the mission scope and objectives is listed in **Annex 3**.

⁹ Ref. Ares(2022)1090799.

2.2 Verification objectives and scope

The objective of the verification mission was to evaluate the national systems and measures in place related to the weighing and registration of fishery products by Sweden. The scope of this evaluation included all catches landed in, or transported to, Sweden by Swedish registered fishing vessels and by fishing vessels registered in other coastal States. This included catches taken in the North Sea and the Baltic Sea.

The findings in this report are based on the observations of the verification team in a number of Swedish ports and premises, the analysis of existing legal provisions relevant to the weighing and registration of fishery products and a sample of catch registration data. The assessments in this report reflect the situation at the time of the verification unless otherwise indicated.

It should be noted that any audit or verification mission is, by its very nature, an exercise which is not exhaustive and is based on representative elements and samples. Each audit or verification mission has its specific scope and intensity of controls and is limited to an analysis of the situation at the moment of the audit or verification. A certain risk of non-detection is therefore inherent to all audits or verifications. As a consequence, audit or verification reports cannot create expectations on the conformity of all control practices and measures applied.

2.3 Verification methodology

The verification was based on:

- The Swedish response¹⁰ to a questionnaire sent to Baltic Sea Member States in 2021 on the ‘Weighing and registration of landed fishery products’¹¹.
- The Swedish response¹² to the pre-mission questionnaire¹³.
- Discussions with the Swedish authorities, Swedish operators and observations and data collected during the verification mission from 21 to 25 March 2022.
- Information provided by the Swedish response¹⁴ to a post-mission questionnaire including a request for catch registration data associated with a sample of landings in Sweden in 2021 and 2022¹⁵.

¹⁰ Ref. Ares(2021)2220959.

¹¹ Ref. Ares(2021)993993.

¹² Ref. Ares(2022)5888904.

¹³ Ref. Ares(2022)631423.

¹⁴ Ref. Ares(2022)4633676, Ares(2022)4633615 and Ares(2022)4633724.

¹⁵ Ref. Ares(2022)3928213.

3 BACKGROUND INFORMATION

Member States obligations regarding weighing and catch registration

The EU rules on weighing ‘fishery products’¹⁶ are detailed in Articles 60 and 61 of the Control Regulation and Title IV, Chapter II of Commission Implementing Regulation (EU) No 404/2011¹⁷ (‘Commission Implementing Regulation’). The accurate weighing of fishery products is essential for Member States to ensure that all quantities of landed fishery products are correctly quantified and recorded in mandatory catch registration documents. The accuracy and content of catch registration documents is essential for control purposes, to monitor quota consumption and to report quantities landed to the Commission. The correct registration of catches and quantities landed is a vital pre-requisite in managing the commercial exploitation of fisheries resources, safeguarding the health of marine biological resources and in supporting the objectives of the CFP.

The default rule on weighing requires that Member States ensure that ‘**all**’ fishery products are weighed on systems approved by the competent authorities before transport, storage or sale (Article 60(1) and (2) of the Control Regulation). Article 70(1) of the Commission Implementing Regulation requires that the results of weighing, in accordance with Article 60 and 61 of the Control Regulation, are recorded in weighing records. Article 70(1)(b) of the Commission Implementing Regulation requires that weighing records include the ‘result of weighing for each quantity of each species in kilograms product weight’. This information is essential for operators to comply with Article 60(5) of the Control Regulation, which requires that the figure resulting from weighing shall be used to complete landing declarations, sales notes, transport documents and take-over declarations. Post-weighing catch registration documents such as landing declarations and sales notes form the basis of quota uptake monitoring in Member States and the Aggregated Catch Data Reports (ACDR) sent to the Commission.

The responsibility for the accuracy of weighing rests with operators (Article 60(4) of the Control Regulation). However, under EU rules, Member States have an obligation to adopt the necessary structures, measures and resources to **ensure** ‘control’, ‘enforcement’ and ‘inspection’ of **all activities** that fall within the scope of the CFP (Article 5(3) of the Control Regulation and Article 36(3) of the CFP Regulation). In doing so, Member States have an obligation to ensure that the principle of ‘risk management’ is applied as required by Article 5(4) of the Control Regulation.

¹⁶ ‘fishery products’ mean aquatic organisms resulting from any fishing activity or products derived therefrom, as listed in Annex I; (Article 5(a) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000.

¹⁷ 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.

Under EU rules, Member States are required to ensure that all landings are weighed, on approved systems, according to the weighing provisions that apply in the Member State of landing. Article 109(2) of the Control Regulation requires that Member States **ensure** that all catch registration data relevant to the Control Regulation is accurate, complete and submitted within deadlines (supported by Article 15(1) and (13) of the CFP Regulation). Article 1(2) of the IUU Regulation is also relevant as this places an onus on Member States to take appropriate measures to **ensure** the effectiveness of the ‘Community’ system to prevent, deter and eliminate IUU fishing as a result of inaccurate weighing and catch registration.

Although the default rules on weighing require that all fishery products are weighed before transport, Commission approved derogations can apply. The options available to Member States for weighing non-frozen (‘fresh’) fishery products are as follows:

1. **Weighing all fishery products on landing** before transport, storage or sale (Article 60(1) and (2) of the Control Regulation). This is the default option for weighing unless the Member State in which the weighing takes place has adopted a Commission approved sampling plan, control plan and/or common control programme as outlined below.
2. **Sample weighing** fishery products at landing according to a Commission approved sampling plan (Article 60(1) of the Control Regulation). This provides a derogation from the requirement to weigh all fishery products on landing and the methodology for this type of sampling plan is detailed in Annex XIX of the Commission Implementing Regulation.
3. **Sample weighing** fishery products on landing, which have been already weighed on board a fishing vessel in accordance with a Commission approved sampling plan (Article 60(3) of the Control Regulation). This provides another derogation from the requirement to weigh all fishery products on landing and the methodology for this type of sampling plan is detailed in Annex XX of the Commission Implementing Regulation.
4. Weighing fishery products **after transport in the Member State of landing**, according to a Commission approved control plan (Article 61(1) of the Control Regulation). The methodology for this derogation is detailed in Annex XXI of the Commission Implementing Regulation.
5. Weighing fishery products **after transport in another Member State** according to a Commission approved common control programme (Article 61(2) of the Control Regulation). The methodology for this derogation is detailed in Annex XXII of the Commission Implementing Regulation.

The weighing of large volumes of unsorted fishery products is less straightforward than the weighing of sorted demersal products landed in standardised boxes. Unsorted industrial catches never undergo sorting into their component species and the most practical way such

landings can be accurately weighed is to combine aggregate ‘bulk weighing’¹⁸ with sample weighing on landing or after transport. Under EU rules, this can be done according to a Commission approved sampling plan, control plan or common control programme incorporating provisions for sample weighing. Unsorted pelagic catches for human consumption are often sorted before processing and sale. This may allow for the weighing of each quantity of each species present in the catch at the processing premises. Alternatively, such catches can be weighed through a combination of bulk weighing and sample weighing according to a Commission approved derogation.

The majority of unsorted catches from the Baltic Sea that are landed in Sweden are industrial catches. These are transported to Denmark for first sale and processing and many of the landings are by non-Swedish registered fishing vessels. As there is no Commission approved common control programme (Article 61(2) of the Control Regulation) in place between Sweden and Denmark, all landings in Sweden must be weighed in Sweden according to the weighing provisions under EU rules that apply in Sweden. The results of weighing in Sweden must be used for the purposes of Article 60(5) of the Control Regulation. Sweden has Commission approved sampling and control plans for weighing fishery products as provided for by Article 60(1) and (3) and Article 61(1) of the Control Regulation. These plans are supplemented by weighing provisions specified in national rules¹⁹. As will be discussed in the results section of this report, these provisions are not fit for the purpose of ensuring that sorted and unsorted fishery products landed in Sweden are accurately weighed and registered in accordance with EU rules.

Margin of tolerance for unsorted catches in the Baltic Sea

The accurate estimation of large volumes of unsorted pelagic and industrial catches in fishing logbooks can present challenges not encountered in sorted demersal fisheries. Unsorted catches can amount to hundreds of tonnes and often contain considerable quantities of by-catches. Masters of fishing vessels are obliged to record quantities above 50 kg of live-weight equivalent, of each species caught and kept on board, in the fishing logbook (Article 14(1) of the Control Regulation). The default rule on the accuracy of logbooks estimates is that they must be recorded within a 10% ‘margin of tolerance’ per species (Article 14(3) of the Control Regulation). Masters can comply with the rules on logbook estimations by various means such as by ‘dipping’ refrigerated seawater tanks and by taking representative samples of the catch.

Although masters can achieve accurate catch estimation in the logbook, Article 13 of Regulation (EU) 2016/1139 of the European Parliament and of the Council²⁰ (‘Baltic Sea

¹⁸ The term ‘bulk weighing’ is used to describe the aggregated weighing of unsorted catches, which may include various species.

¹⁹ *The Board of Fisheries’ rules (FIFS 2004:25) on access to resources and control in fisheries* (Ref. Ares(2021)2220959).

²⁰ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007.

MAP') introduced an exemption to the rule on margin of tolerance for unsorted catches. This allows for the 10% margin of tolerance to apply to the **total quantity** of unsorted catches retained on board instead of to each species:

*By way of derogation from Article 14(3) of Regulation (EC) No 1224/2009, for catches which are landed **unsorted** the permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be **10 % of the total quantity retained on board**.*

Robust rules on logbook estimates and margin of tolerance are essential to ensure the accuracy of catch registration data by limiting the potential for catch misreporting for non-inspected landings – which are the vast majority of landings. For non-inspected landings, the rules of margin of tolerance prescribed by Article 14(3) of the Control Regulation serve to limit the extent of catch misreporting to +/- 10% of the logbook estimate, per species, in post-weighing catch registration documents such as landing declarations, sales notes, transport documents and take-over declarations. The relaxation on the rule of margin of tolerance in the Baltic Sea significantly increases the risk of inaccurate catch registration in logbooks and post-weighing catch registration documents with respect to non-inspected unsorted landings. The deliberate misreporting of catches can be driven by a temptation by operators to illegally 'stretch' fishing opportunities. This presents a risk across Baltic Sea Member States of widespread IUU fishing, under declaration of catches and extensive over-fishing. The reasons for this risk can be outlined by the following points:

1. Due to the more lenient rules on margin of tolerance, the prospect of inspection at landing does not encourage nor promote masters to accurately report unsorted catches in fishing logbooks. Even if major inaccuracies in logbook estimation are detected during inspection, they may not contravene EU or national rules as a result of the Baltic Sea MAP and may therefore go unsanctioned²¹. Inspections have the potential to ensure that controlled landings are accurately weighed and registered but only a small minority of landings are inspected.
2. In most Member States, the vast majority of landings are not inspected/controlled. In the event that a landing of unsorted catches is not inspected/controlled, there is a very high risk of deliberate misreporting by operators with a vested interest in the under-declaration of catches²² in weighing records, landing declarations, transport documents, sales notes and take-over declarations.
3. Under these circumstances, subsequent data analysis and crosschecking (Article 109(2) of the Control Regulation) are of limited value as the results of inaccurate post-

²¹ For example, recording 1 tonne of sprat and 99 tonnes of herring in the logbook but actually landing 99 tonnes of sprat and 1 of herring would not necessarily constitute an infringement as a result of Article 13 of the Baltic Sea MAP. As another example, recording 99 tonnes of herring and 1 tonne of stickleback (non-quota species) in the logbook but misreporting 99 tonnes of stickleback and 1 tonne of herring in the landing declaration (if not inspected) may not constitute an infringement. In addition to the risk of underreporting the aggregate quantities landed by up to 10%, the margin of tolerance provided for in the Baltic Sea MAP allows for significant species (quota and non-quota) misreporting.

²² Such misreporting is often motivated by the temptation of operators to illegally 'stretch' fishing opportunities and maximise profits with available quota allocations.

weighing catch registration documents will likely tally with fictitious logbook estimates within the lenient Baltic Sea margin of tolerance. Confidence in the accurate weighing and registration of unsorted catches may only be ensured for a small minority of landings that were inspected and where the quantities landed were verified by officials.

In order to address the risks outlined above, it is important that Member States introduce effective risk management measures including the adoption of ‘national control measures’, which may go beyond the minimum requirements of the prescribed rules of the CFP²³. Such national risk management measures could include mandatory weighing of unsorted catches by accredited and independent third parties. The use of accredited third parties to weigh and register unsorted catches is already in use by one Member State and the use of such measures was previously envisaged by Article 19 of the former Baltic Sea Technical Measures Regulation²⁴. This required that unsorted landings could only occur in ports and sites where a ‘sampling programme’ allowing for the effective monitoring of unsorted catches was in place.

Swedish fisheries control and the Baltic Sea

The Swedish aggregated quota is one of the largest of the Baltic Sea Member States. In addition to landings by Swedish registered vessels, there are many landings in Sweden by fishing vessels registered in other coastal States. Consequently, the performance of Sweden regarding the accurate weighing and registration of catches extends beyond the scale of Sweden’s fishing opportunities and is essential with respect to the recovery of Baltic Sea stocks and the objectives of the CFP.

Many of the shortcomings highlighted in this report were previously brought to the attention of Sweden as a result of Commission audit²⁵ and verification²⁶ missions in 2014. At the time of the 2014 evaluations, an EU Pilot case with Sweden was in progress (EU Pilot Case 4071/12/MARE), which primarily addressed human resource deficiencies in Sweden.

It is important that Member States ensure that the rules of the CFP are enforced in order to maintain a ‘level playing field’. A failure to ensure harmonised application of the rules can result in a situation where operators choose to land in those coastal States where the rules on

²³ According to Sweden’s comments on the draft report (Annex 7), Sweden acknowledges that the margin of tolerance derogation for unsorted landings in the Baltic Sea leads to an increased risks of misreporting and has reduced the incentives for correct reporting. However, Sweden does not agree that stricter national legislation should be introduced to address this problem and that, in Sweden’s view, a solution to this problem should be developed and implemented at EU level.

²⁴ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.

²⁵ Audit report SE-E2-2014-01-A: *AUDIT OF THE NATIONAL DATA MANAGEMENT AND DATA CONTROL SYSTEM WITH PARTICULAR FOCUS ON THE CONTROL OF THE USE OF FISHING OPPORTUNITIES* (final audit report - Ref. Ares(2014)1635213).

²⁶ Verification report SE-E2-2014-02-A: *Special rules for weighing of certain pelagic species* (final verification report - Ref. Ares(2016)1072429).

weighing and catch registration may be less stringent or not as rigorously enforced. This allows operators landing in coastal States, with ineffective systems for weighing and catch registration, to deliberately stretch fishing opportunities by misreporting quantities and catches, such as non-quota species, in post-weighing catch registration documents. Such a situation can attract operators engaged in IUU fishing and can result in extensive overfishing and fewer landings in those Member States that effectively enforce the EU rules.

The most significant shortcoming identified by this verification mission concerns the misreporting of unsorted pelagic and industrial catches, from the North Sea and Baltic Sea, landed in Sweden. This has been identified as an issue by the European Fisheries Control Agency ('EFCA') and Sweden for several years and was previously brought to light by Commission audit and verification missions conducted in 2014. Under the *General Principles* of control, enforcement and inspection (Article 5 of the Control Regulation), Member States have a duty to identify and mitigate risks in accordance with the principle of risk management. If Sweden, and other Member States, fail to adopt appropriate measures to ensure that all fishery products are correctly weighed and registered, this will contribute to the continuing decline of fish stocks, which could result in the collapse of Baltic Sea fisheries.

4 VERIFICATION RESULT

The findings outlined in the results section of this report are divided into 4 main sections. These are based on the following:

- **4.1** - Findings based on the **weighing provisions** that exist in Sweden under EU and national legislation.
- **4.2** - Findings based on the **observations** of weighing and catch registration activities by the Commission verification team in Sweden.
- **4.3** - Findings based on **data analysis** based on catch registration documents associated with a sample of landings selected by the Commission.
- **4.4** - Findings based on **Sweden's obligations** under EU legislation to fulfil the responsibilities of Member States.

The findings based on the methodology outlined above were supplemented by information provided by discussions with Swedish operators and officials and by the Swedish authorities in their replies to the pre-and post-mission questionnaires and to a 2021 questionnaire sent to all Baltic Sea Member States on the 'Weighing and registration of landed fishery products'.

4.1 Findings based on the weighing provisions that exist in Sweden under EU and national legislation

Member States have an obligation to ensure that all fishery products are weighed in a manner that accounts for each quantity of each species landed. This is essential for the accurate completion of weighing records, landing declarations, sales notes, transport documents and take-over declarations, which form the basis of quota uptake monitoring. Article 60(1) of the Control Regulation states:

A Member State shall ensure that all fishery products are weighed on systems approved by the competent authorities unless it has adopted a sampling plan approved by the Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.

Sweden has the following Commission approved derogations for weighing fisheries products:

1. A Commission approved ‘combined’ **sampling plan** - provided by combining the sampling plans of Article 60(1) and (3) of the Control Regulation and;
2. A Commission approved **control plan** - provided under Article 61(1) of the Control Regulation.

These plans were adopted in 2013 and were approved by Commission Implementing Decisions 2013/78/EU (combined sampling plan) and 2013/418/EU (control plan). The purpose of Commission approved derogations such as sampling and control plans is to facilitate the accurate weighing of catches, by operators, by providing exemptions from the basic requirement that all fishery products shall be weighed on landing before transport, storage or sale. The provisions of the Swedish sampling and control plans are supplemented by Swedish national legislation.

The findings of section 4.1 are subdivided into headings dealing with the following:

- **4.1.1** - Findings based on the Commission approved **combined sampling plan**.
- **4.1.2** - Findings based on the Commission approved **control plan**.
- **4.1.3** - Findings based on Swedish **national legislation** on the weighing of fishery products.

4.1.1 *Sweden's combined sampling plan for all relevant weighing procedures 2014-2012 as referred to in Article 60(1) and (60.3) of Council Regulation (EC) No 1224/2009*

Section 2.1 of the combined **sampling plan** addresses the sample weighing at landing of fishery products not weighed on board. The sample quantities and intervals are specified in Annex 1 of the plan. However, section 2.1.1 of the plan only applies to catches stored in standardised boxes weighing a maximum of 50 kg i.e. sorted catches. There are no provisions for sample weighing unsorted catches and the plan indicates that for such catches, the entire landing must be weighed:

The size of the samples taken varies only in relation to the size of the landing and as such is independent of the risk level for the fishery, port, etc. The sampling plan applies only when the catch is stored in standardised boxes with a maximum weight of 50 kg per box. For other landings, the entire landed catch must be weighed.²⁷

Section 2.2 of the combined plan addresses catches by vessels allowed to **weigh on board**. This is only applicable to sorted catches as it is not feasible to weight unsorted fishery products on board a vessel to account for each quantity of each species. Contrary to Annex XX(2) of the Commission Implementing Regulation, the plan does not require that sampling is carried out at the time of landing for all landings as this is at the discretion of officials:

*The sampling plan covers how **landings are selected**, as well as how boxes are picked out from the selected landings for sample weighing. Since all boxes will be weighed on board on approved equipment, the general risk of inaccurate declarations of box weights is deemed to be low. The **selection of landings for sampling** is therefore steered towards landings with a higher risk level according to Sweden's Scheme of Control and Enforcement.*

The failure to sample weigh all such landings means that the accuracy of weighing on board is not always verified, which is contrary to the 'aim' of such a sampling plan as required by Annex XX(1) of the Commission Implementing Regulation.

Section 3.1 of the combined sampling plan refers to 'on-the-spot checks' and 'administrative checks' to ensure compliance and verify correct sampling and completion of weighing records, landing declarations, transport documents, sales notes and take-over declarations.

The provisions of the Commission approved Swedish sampling plan make it ineligible for sample weighing unsorted industrial and pelagic catches. Such catches are not landed in standardised boxes weighing no more than 50 kg and they are never accurately weighed on board. As a result, when unsorted catches are weighed on landing in Sweden, each quantity of each species must be weighed in order to comply with EU rules. In the context of weighing sorted catches, the terms of the plan are not in accordance with EU rules. By failing to ensure that 'sampling is carried out at the time of landing' for catches weighed on board, the plan is non-compliant with Annex XX(1), (2), (7) and (10) of the Commission implementing regulation.

²⁷ Translation by Commission DG DGT.

Sweden was 'not able to locate' a copy of the report which should have been sent to the Commission on the application of the Swedish sampling and control plans, as required by Article 3 of Commission Implementing Decision 2013/78/EU and Commission Implementing Decision 2013/418/EU. To date, no record of this report has been found in the Commission's archives.

In view of these findings, it is worth noting that Article 2 of Commission Implementing Decisions 2013/78/EU and 2013/418/EU enables the Commission to revoke a sampling plan or control plan if it appears that the Member State concerned does not apply, or not fully apply the sampling plan or control plan, or if it appears that their respective implementation does not ensure accurate weighing of the fishery products.

Furthermore, recital 7 of the Commission Implementing Decision 2013/78/EU and recital 6 of the Commission Implementing Decision 2013/418/EU indicate that the Member State concerned should submit a revised plan or programme to the Commission for approval, if it appears that such a plan or programme does not ensure adequate weighing.

4.1.2 Control plan for weighing procedures 2012-2014 pursuant to Article 61(1) of Council Regulation (EC) No 1224/2009

Section 2.2 of the Commission approved Swedish **control plan** allows for sampling catches stored in standardised boxes, with a maximum weight of 50 kg, after transport. The size of the sample is the same as that detailed in Annex 1 of the combined sampling plan.

Section 2.3 of the control plan deals with the weighing of unsorted catches after transport. The plan allows for the bulk weighing of the unsorted catch and sampling weighing to determine the species composition. The *method* part of section 2.3.1 states:

*In this case the entire landing is weighed and no samples need to be taken. However, samples must be taken of unsorted landings stored in bulk in order to establish the distribution of species in the landing. This can be done before or after transport. Samples must be taken of **0.5 promille of the transported catch but of not less than 100 kg**, distributed evenly throughout the transported catch. If a sample has already been taken pursuant to Articles 7(3) and 7(4) of Regulation (EEC) No 3703/85, the result can be used if all of the discharged amounts are transported.²⁸*

The control plan does not refer to checks to verify the details of fisheries products transported concerning data on prior notifications submitted in accordance with Article 17 of the Control Regulation as required by Annex XXI(5) of the Commission Implementing Regulation. Section 3.1 of the plan refers to other controls and checks required by Annex XXI(5) of the Commission Implementing Regulation:

Compliance with the sampling levels established for the parties is verified through on-the-spot checks and administrative checks. The on-the-spot checks consist of verifying that a correct sample is taken of the actual landing. The administrative checks consist of cross-checks of 5% of the weighing records against the weight data in the landing declarations, transport documents, sales notes and take-over declarations.

As indicated in the previous section, Sweden was unable to provide the Commission with a copy of the report on the application of the control plan as required by Article 3 of Commission Implementing Decision 2013/418/EU.

In principle, the provisions of the Commission approved Swedish control plan appear to be appropriate for weighing unsorted catches after transport in destinations in Sweden. However, in practice, nearly all landings of industrial catches in Sweden are transported to Denmark for first sale and such catches are generally not weighed after transport to locations in Sweden. As explained in section 4.1.3, according to Swedish national provisions, the responsibility for the accuracy of weighing when the catch is not sold in Sweden rests with the master.

²⁸ Translation by Commission DG DGT.

4.1.3 Swedish national legislation

Additional rules on weighing and catch registration, that are not specified in the Commission approved sampling and control plans, are provided under Swedish national provisions - *The Board of Fisheries' rules (FIFS 2004:25) on access to resources and control in fisheries*²⁹

A reference to 'national provisions', in the context of persons responsible for the accuracy of weighing, is provided under section 1 of the Commission approved Swedish sampling plan. Chapter 12 of the national provisions refers to the weighing of catches and states that persons responsible for completing sales notes are responsible for ensuring the weighing of catches. In cases where the catch is landed, but not sold in Sweden, the master of the vessel is responsible. Chapter 12.1 of the Swedish national provision states:

The person responsible for drawing up a sales note pursuant to Chapter 11, Section 1 or a take-over declaration in accordance with Chapter 11, Section 6 shall be responsible for ensuring that the landed catch is weighed in accordance with the provisions of Regulation (EC) No 1224/2009, Regulation (EU) No 404/2011 and these regulations.

*With regard to the weighing of catches which are not to be sold or taken over, the weighing of catches covered by Chapter 10, Section 1, third paragraph, and in the case of weighing carried out in accordance with Section 4, the **master** of the fishing vessel shall instead be responsible. (HVMFS 2013: 28)*³⁰

Chapter 12.6 of the Swedish national provisions refers to the weighing of 'unsorted' catches. This section requires that the catch composition shall be determined by sampling before or after transport:

*For catches that are kept **unsorted**, the weight per species shall be based on a distribution of species determined by sampling. The sample size shall be 0,5 parts per thousand of the landing, but at least 100 kg. The sample shall be taken evenly throughout the landing. Where weighing by sizing is carried out and only the smaller sizes contain more than one species, samples need only be taken in size fractions up to and including the fraction containing at least 99 % of one species. the weight per species may also be determined by sampling in accordance with the provisions of Article 7(3) and (7.4) of Regulation (EEC) No 3703/85.*

*When weighing lots that are stored unsorted in accordance with the first paragraph of Section 5, the distribution of species shall be determined by sampling **before or after transport**...*

The ability to sample unsorted catches (especially industrial catches) on landing is important to facilitate the accurate weighing of fishery products. However, the aforementioned sampling provisions under Swedish national rules for unsorted catches are contrary to the Commission approved sampling plan, of which section 2.1.1 stipulates that for such catches, the 'entire landed catch must be weighed' (see report section 4.1.1).

²⁹ Ref. Ares(2021)2220959.

³⁰ Machine translation.

To allow operators to perform sampling as part of routine weighing is non-compliant with the terms of the Commission approved sampling plan and is contrary to the default rules on weighing under EU legislation, which require that all fishery products be weighed. The failure by operators to weigh each quantity of each species on landing is non-compliant with Sweden's obligations under Article 60(1) of the Control Regulation.

The adoption by Sweden of appropriate Commission approved weighing derogations would facilitate the accurate weighing and registration of unsorted catches by operators in accordance with EU rules. However, simply adopting such measures would not in itself ensure that all landings would be correctly weighed and registered. To ensure this, Sweden would need to establish the necessary measures to ensure compliance with weighing and catch registration provisions. This would require adopting measures that may exceed the minimum requirements of EU legislation in order to make certain that all landings in Sweden are **always** weighed correctly in a manner that **always** accurately accounts for each quantity of each species landed and that the results are **always** correctly recorded in mandatory catch registration documents.

As detailed in the following sections, the current practice of weighing unsorted catches landed in Sweden is neither compliant with the terms of the Commission approved Swedish sampling and control plans, Swedish national legislation nor EU legislation.

4.2 Findings based on the observations of weighing and catch registration activities by the Commission verification team in Sweden

An opening meeting was held with the Swedish authority in Göteborg on 21 March 2022. During this meeting, the purpose and objectives of the Baltic Sea weighing and catch registration verification series were discussed. The practice of weighing and registering sorted and unsorted catches in Sweden was discussed in detail.

The explanations provided by Sweden indicated that landings of sorted and unsorted fishery products are not correctly weighed and registered due to a failure to ensure enforcement of relevant EU rules. Fishery products that are weighed on board are not sample weighed after unloading unless required as part of an inspection, and landings of unsorted industrial catches are not routinely sample weighed after unloading by operators to establish the species composition. Weighing records for industrial catches never accurately record the ‘result of weighing for each quantity of each species’. Consequently, post-weighing catch registration documents, such as landing declarations associated with industrial catches, are not accurate as the species composition is usually based on logbook estimates rather than the results of weighing all fishery products in a manner that accounts for each quantity of each species landed.

Sweden acknowledged that there is evidence of systematic misreporting of catches by vessels landing unsorted catches in Sweden and that mandatory catch registration documents such as logbooks, landing declarations and sales notes are not always available to the authority. Although Sweden was aware of many of the risks and aspects of non-compliance, it was evident that appropriate measures had not been implemented to mitigate these risks as required by the principle of ‘risk management’. The Commission audit and verification missions conducted in 2014³¹ highlighted many of the shortcomings noted in this report. Following the 2014 reports, assurances were made by Sweden that the identified issues would be addressed. However, it appears that little progress was made and many serious non-compliant practices remain in Sweden with respect to the fundamental and essential rules on weighing and registering catches. Under the current Control Regulation, these rules have been in place since 2010 and it is remarkable that these issues still persist in Sweden.

During the verification mission, the Commission team visited a number of locations to get a representative picture of the state of play concerning the weighing and registration of North Sea and Baltic Sea catches landed in Sweden. The findings of section 4.2 are subdivided into headings highlighting the findings based on the observations of the verification team on the following dates and locations in Sweden:

- **4.2.1** - 21 March 2022 – Findings based on observations in **Göteborgs fiskauktion** where sorted catches are sold and the inspection of a landing of sorted fishery products in **Rönnäng**.
- **4.2.2** - 22 March 2022 – Findings based on observations in a pelagic processing premises in **Ellös** and the inspection of an unsorted industrial landing in **Simrishamn**.

³¹ Ref. Ares(2014)1635213 and Ref. Ares(2016)1072429.

- **4.2.3** - 23 March 2022 – Findings based on observations in a pelagic processing premises in **Simrishamn**, a weighbridge in **Gunnarshög** and the inspection of an unsorted pelagic landing in **Nogersunds Hamn**.
- **4.2.4** - 24 March 2022 – Findings based on observations in **Byxelkrok** where unsorted industrial catches are landed.

4.2.1 21 March 2022 - Göteborgs fiskauktion and Rönnäng

Visit to Göteborgs fiskauktion: There were no landings or marketing activity in the auction at the time of the visit but an operator explained to the verification team how the auction functioned. Most of the fishery products received are from landings in other coastal States that are transported to the auction for first sale. The operator stated that fishery products landed in other coastal States are weighed in those states and that the results of weighing, which are initially recorded in a 'landing report', are used by the auction to complete the sales notes in accordance with Article 60(5) of the Control Regulation. Approximately 10% of fishery products received in the auction are from landings that take place in the port of Göteborg. Although the auction has weighing systems, these are not generally used as most landings in Göteborg are by vessels that have already weighed their catches on board according to the Commission approved Swedish sampling plan and do not undergo sampling on landing. This is contrary to the methodology for establishing such a sampling plan in accordance with Annex XX(2) of the Commission Implementing Regulation, which requires that all such landings be subject to sampling at the time of landing. Annex XX(2) of the Commission Implementing Regulation states:

Member States shall ensure that sampling is carried out at the time of landing of the fisheries products from the fishing vessel on which they were weighed.

By failing to ensure that such catches are sample weighed on landing, the 'aim' of a sampling plan, which is to 'verify the accuracy of weighing when fisheries products are permitted to be weighed on board' (Annex XX(1) of the Commission Implementing Regulation) is not achieved. In such cases, landing declarations and sales notes are completed on the basis of weighing on board and not according to the results of sample weighing on landing, which should be used for the purposes of Article 60(5) of the Control Regulation as required by Annex XX(10) of the Commission Implementing Regulation.

Landing of sorted catch by the [REDACTED]: The verification team observed the inspection of the Swedish fishing vessel [REDACTED] in the port of Rönnäng. The vessel was landing a catch of various species from the North Sea including cod, haddock, ling, lemon sole, plaice and nephrops. The vessel had already weighed its catch on board and the Swedish officials had access to the vessel's electronic logbook on their inspection tablets. The officials performed a verification weighing on a sample of six boxes of cod, out of 16 on board, in accordance with the Commission approved Swedish sampling plan. However, no sample weighing was performed by operators, or inspectors, with respect to the other species landed³². As was explained during the opening meeting, catches weighed on board vessels are not required to be sample weighed after unloading except in cases where an inspection occurs and, for species not weighed by inspectors on landing, post-weighing catch registration documents such as landing

³² The inspection report of the landing concerned, that was provided in reply to the post-mission questionnaire, indicates that sample weighing was performed on 6 boxes of cod, and that a 'visual sampling control' was performed on 3 more species (15 boxes of haddock, 1 box of plaice and 1 box of witch sole), resulting in an overall deviation of -1.5% from the logbook figures.

declarations and sales notes are completed on the basis of the logbook figures³³. The Commission approved Swedish sampling plan does not require that all landings by vessels permitted to weigh on board are subject to sample weighing on landing. This practice is contrary to Annex XX(1) and (2) of the Commission Implementing Regulation.

³³ The weighing record for this landing was a copy of the electronic logbook and indicates the results of weighing on board of the vessel, in accordance with the Commission approved Swedish sampling plan. The weighing record does not include the results of the sample weighing on landing by the inspectors, which, in accordance with Article 109(2) of the Control Regulation and Annex XX of the Commission Implementing Regulation, is necessary for the purposes of Article 60(5) of the Control Regulation (see further section 4.3.1 and 4.3.2 of the report).

Visit to [REDACTED]: The [REDACTED] premises located in Ellös is the largest establishment in Sweden for weighing and buying pelagic catches for human consumption. Catches are usually pumped directly into the premises but catches can also be transported there in bins or tankers from other ports. At the time of the visit, an unsorted catch (primarily herring from the North Sea) was being pumped into the premises from a nearby Danish pelagic fishing vessel ([REDACTED]). The verification team, accompanied by Swedish officials, were shown around the premises by an operator who explained the procedure for weighing and registering catches.

The unsorted catch was pumped directly to the factory and was transferred by a conveyor belt to an elevated manual sorting area. A worker picked through the catch at the manual sorting area and removed unwanted by-catches from the conveyor belt before the remaining catch was weighed on a ‘conveyor belt system’³⁴, which recorded the aggregate total of the catch passing over the weighing system. The by-catch that was removed from the conveyor belt was deposited into a bin (approximately 600 kg capacity) via a chute that led from the sorting area. The by-catch mostly consisted of whiting, haddock and cod (see **Figure 1**).



Figure 1: A bin of unwanted by-catch removed from the conveyor belt. None of this was weighed and registered as required under EU legislation and was subsequently disposed of for industrial purposes (see **Figure 2**). It was evident that this illegal practice was routine in this premises.

The operator claimed that the bins of by-catches are routinely weighed on a separate weighing system (‘ski scales’)³⁵ and that the species composition is estimated by visual examination but that no samples are taken for this purpose (contrary to the terms of the Swedish national legislation). While this was being explained to the verification team, a worker operating a

³⁴ Marel 2200 - ‘flowscale’ weighing system.

³⁵ It was obvious to the verification team that these were not in use as the system was disconnected from any power source and was located in a room a considerable distance from the production area.

forklift emptied the bin of by-catch into an industrial disposal hopper without weighing in contravention of Article 60(1) of the Control Regulation (see **Figure 2**)³⁶. As a result of this action, none of the by-catch species would be accurately recorded in weighing records (Article 70(1) of the Commission Implementing Regulation) and would not be registered in landing declarations (Article 23(2)(c) of the Control Regulation), sales notes (Article 64(1)(f) of the Control Regulation), take-over declarations (Article 66(3)(e) of the Control Regulation) nor transport documents (Article 68(5)(d) of the Control Regulation), as appropriate, and as required by Article 60(5) of the Control Regulation. The practice of illegally disposing of by-catches in this manner, without weighing or accurate registration, means that such catches are not accurately deducted from quotas, nor reported to the Commission, as required under EU rules.



Figure 2: A bin of unwanted by-catch about to be emptied into an industrial disposal hopper (indicated by the red arrow) without weighing. The failure to weigh such catches means it is impossible to correctly record them in post-weighing catch registration documents and deduct them from quotas.

The portion of the catch that was not removed from the conveyor belt was weighed and graded into sizes. The smallest size grade, which may consist of a mixture of species, was diverted into the disposal hopper. Contrary to Article 60(1) of the Control Regulation, the smallest size grades were not weighed in a manner that accounted for ‘all fishery products’ as no distinction was made for the species weighed³⁷. The remaining, larger, size grades mostly

³⁶ Video footage of the catch being disposed of was taken by the verification team (Ares(2022)6017148).

³⁷ Necessary for the accurate completion of weighing records and landing declarations, sales notes, transport documents and take-over declarations in accordance with Article 70(1) of the Commission Implementing Regulation and Article 60(5) of the Control Regulation.

consisted of herring were transferred into the processing area for filleting. The operator informed the verification team that the by-catch and offal by-products are transported to Denmark for industrial purposes.

An examination of the conveyor belt weighing system indicated that although the load cells were sealed, the access box was not sealed in contravention of Article 72(1) of the Commission Implementing Regulation.

After touring the production area, the verification team asked to see the weighing records. Article 70(2) of the Commission Implementing Regulation states:

Registered buyers, registered auctions or other bodies or persons that are responsible for the first marketing, or storage before first marketing of fisheries products or where appropriate the master of a Union fishing vessel, shall keep the records referred to in paragraph 1 for a period of 3 years.

However, contrary to this article the operator was unable to provide a complete set of weighing records for catches weighed over the previous three years. The operator produced some paper documents, claiming that they were weighing records. An examination of the documents provided by the operator indicated the following:

1. Contrary to Article 70(1)(a) of the Commission Implementing Regulation, the FAO alpha-3 codes of the species weighed were absent from the weighing records.
2. Contrary to Article 70(1)(b) of the Commission Implementing Regulation, the weighing records did not include 'each quantity of each species weighed' as there was no record of the quantities per species in the smallest size grade that were diverted into the disposal hopper – these were recorded in the weighing record as 'skrap'.
3. There were no weighing records associated with the use of the ski scales weighing system allegedly used to weigh by-catches. The absence of associated weighting records is non-compliant with Article 70(1) and (2) of the Commission Implementing Regulation.
4. Although pelagic catches subject to the 'special rules for weighing of certain pelagic species'³⁸ are routinely weighed in the premises, a bound paginate record of weighing was not kept for all use of the system as required by Article 84(2) and (3) and Article 86 of the Commission Implementing Regulation.
5. The Swedish officials confirmed that they do not have full access at all times to weighing records as required by Article 75 of the Commission Implementing Regulation.

The incompleteness and non-compliant content of weighing records undermines the ability of Sweden to perform the administrative crosschecks specified by Article 89(2)(a) of the Commission Implementing Regulation and any 'necessary investigations' regarding data inconsistencies as required by Article 109(5) of the Control Regulation. This shortcoming

³⁸ As detailed by Title IV, Chapter 2, Section 2 of the Commission Implementing Regulation.

diminishes the ability of Sweden to ensure the detailed and accurate documentation of all trips and the accuracy of post-weighing catch registration documents, such as landing declarations and sales notes, as required by Article 15(13) of the CFP Regulation and Article 109(2) of the Control Regulation.

The non-compliant weighing and catch registration practices observed in [REDACTED] reflect the findings noted in the 2014 audit and verification reports. Page 14 of final audit report SE-E2-2014-01-A³⁹ stated:

SWAM has stated, that the weighing provisions - as laid down in Articles 60 and 61 of the CR - would be implemented and enforced from October 1st 2013. However, they are still not fully met and enforced, as described below.

As also detected in the previous mission taking place in September 2013, there is a serious shortcoming in the implementation and enforcement of the weighing obligations by Sweden. In previous mission it was detected that weighing records from a Swedish pelagic first buyer were inaccurate and that significant by catches of demersal species was not counted correctly against the Swedish quota. In the current mission it was again detected and proved by EC Inspectors that more than 1 t of HER from a pelagic landing will not be counted against the Swedish Skagerrak quota because of incorrect weighing practices by the same first buyer. This happened without any reaction or enforcement from behalf of the SWAM.

Page 13 of final verification report SE-E2-2014-02-A⁴⁰ stated:

Relating to reporting of by-catches, EC inspectors monitored and as the table clearly shows, different procedures are applied by the private operators to sort by-catch from the target specie. One operator had staff/crew standing at the conveyor belt removing most of by-catch before the target specie was weighed in crates. The two other operators sorted mostly large demersal species, while other smaller pelagic species were weighed together with the target specie. It is also unclear to EC inspectors how private operators and national authorities are dealing with huge quantities of by-catches of other pelagic species as mackerel. Although the amount of by-catch can vary according to seasons and fishing grounds, it is remarkable that by-catch is only landed, weighed and reported on the date where national and EU inspectors were present.

The Swedish comments to the 2014 audit and verification reports acknowledged these shortcomings and Sweden made commitments to resolve them. Sweden made the following comments, included on page 20 of audit report SE-E2-2014-01-A:

The Commission noted that a pelagic first buyer on the west coast did not weigh the fish received in accordance with the applicable rules despite having the equipment to do so. SWAM⁴¹ is aware of the problem and since the audit visit has contacted the buyer,

³⁹ Ref. Ares(2014)1635213.

⁴⁰ Ref. Ares(2016)1072429.

⁴¹ 'Swedish Agency for Marine and Water Management'.

explained what the rules are and informed them that we will be looking more closely at whether they comply with the rules in future.

Page 19 of verification report SE-E2-2014-02-A included the following statement from Sweden:

We are responsible for ensuring that all fish is weighed and declared correctly. We have taken steps to raise awareness of this and will continue to inform the industry of the applicable rules and pursue infringements when they occur.

During the 2022 verification mission, a Swedish official stated that operators in the [REDACTED] premises had been informed of their responsibilities to correctly weigh and register catches. Under EU rules, Sweden has an obligation to ensure compliance with all activities that fall within the scope of the CFP and this entails more than just raising awareness of EU rules among operators. Evidently, the measures so far adopted by Sweden have not been sufficient to ensure enforcement of EU rules concerning the correct weighing and registration of catches in the [REDACTED] premises. Many of the shortcomings identified in this report are systematic and persistent and demonstrate a long-standing failure by Sweden to enforce fundamental EU rules on weighing and catch registration.

Landing of unsorted catch by the [REDACTED]: The verification team observed a partial inspection of the Polish fishing vessel [REDACTED]) in the port of Simrishamn. The vessel was landing an unsorted catch of herring and sprat. The catch was intended for industrial purposes and was pumped into tankers for transport to Denmark for first sale.

By the time the verification arrived at the vessel, the inspection had already been underway for some time. It was observed that the Swedish inspectors had taken samples of the catch and had weighed the component species on their scales to determine the species composition of the samples. The aggregate quantities landed were weighed on a nearby weighbridge (Gunnarshög) and, for this landing, the quantities of each species landed could be determined by the extrapolation of the inspection samples.

Although this process may allow for the accurate determination of all fishery products landed, it does not ensure the correct weighing and registration of the vast majority of landings that are not subject to inspections. In the absence of an inspection, the unsorted quantities of industrial catches landed in Simrishamn are, at best, simply bulk weighed on weighbridges and no samples are taken by operators to verify each quantity of each species landed. This does not ensure that all fishery products are weighed in accordance with Article 60(1) of the Control Regulation and, consequently, the result of weighing for each quantity of each species is not registered in weighing records as required by Article 70(1)(b) of the Commission Implementing Regulation. Article 60(5) of the Control Regulation requires that the results of weighing should be used to complete landing declarations, sales notes, transport documents and take-over declarations. However, without verifying the actual quantities of all fishery products landed by correctly weighing the catch for all landings, the information on ‘the quantities of each species in kilograms’ recorded in landing declarations (Article 23(2)(c) of the Control Regulation), sales notes (Article 64(1)(f) of the Control Regulation), take-over

declarations (Article 66(3)(e) of the Control Regulation) and transport documents (Article 68(5)(d) of the Control Regulation) are arbitrary or are based on logbook estimates.

Apart from partially observing the inspection by Swedish officials of the Polish fishing vessel (), the verification team observed the presence of two other Polish fishing vessels (), which had landed their catches in the same port of Simrishamn on the same day and on the previous day () – three landings. These landings had not been subject to inspection. The landed fisheries products were all weighed on the same nearby weighbridge (Gunnarshög). As part of the post mission questionnaire⁴², the Swedish authorities were asked to provide information for the landings of these vessels with regard to the prior notification, landing declaration, weighing records, and logbook (insofar available), as well as the inspection records and sampling results by the Swedish authorities for the inspected vessel ().

Analyses of this information demonstrates that, in case of non-inspection, a significant part of the initially reported logbook estimates and pre-notified quantities of catches of the main targeted quota species in the Baltic Sea (sprat), have systematically been misreported as non-quota species (such as flounder, sandeel and stickleback) in the landing declaration, the quantities recorded in which are used for quota-uptake figures.

For this particular sample of three non-inspected landings, the average effect of this misreporting practice leads to an under reporting of the main quota species sprat by 78% (representing 50 tonnes less than the original logbook figure), while total catches of non-quota species have been over reported by 819% (representing 52 tonnes more than the original logbook figure).

The relaxation on the rule of margin of tolerance in the Baltic Sea allows for these deviations and significantly increases the risk of intentional misreporting and inaccurate catch registration in logbooks, and post-weighing catch registration documents for non-inspected unsorted landings, for those operators driven by a temptation to illegally ‘stretch’ their fishing opportunities. This presents a high risk of widespread IUU fishing, under declaration of catches and extensive over-fishing.

See also section 4.2.3 and **Annex 4** for further details.

⁴² Ref. Ares(2022)3928213, questions 4 and 5.

4.2.3 23 March 2022 – Simrishamn, Gunnarshög and Nordersunds Hamn

Visit to [REDACTED] premises located in Simrishamn produces herring and whitefish fillets in addition to producing smoked and canned products. There was no landing or processing activity on the day of the visit but an operator showed the verification team around the premises and explained the process for weighing and registering catches. Some documents associated with weighing operations from the previous day were also examined. Although [REDACTED] only receives unsorted catches (regularly landed in Simrishamn from 3 vessels) it is the largest establishment dealing with unsorted catches of herring and sprat for human consumption from the Baltic Sea. The premises receives whitefish, mainly from Denmark and Norway, and, according to the operator, these are always weighed in the port State and the results of weighing on landing are used to complete sales notes in accordance with Article 60(5) of the Control Regulation.

The unsorted catches received by the premises are initially weighed on a conveyor belt system and the aggregate, unsorted total is recorded in weighing records. However, contrary to Article 60(1) of the Control Regulation, ‘all fishery products’ are not weighed by the premises as at no stage is each quantity of each species accounted for by weighing. Weighing records do not record the information required under EU rules such as the FAO alpha-3 codes of the species weighed and the results of weighing for each quantity of each species as required by Article 70(1)(a) and (b) of the Commission Implementing Regulation. This information is necessary to accurately complete landing declarations, sales notes, take-over declarations and transport documents, as required by Articles 23(2)(c), 64(1)(f), 66(3)(e) and 68(5)(d) of the Control Regulation, in accordance with Article 60(5) of the Control Regulation.

After passing over the conveyor belt system, the unsorted catches are graded according to size and transferred to bins. It is assumed by the premises that the larger size grades consist of herring and that the smaller grades consist of sprat and no allowance is made for bins that may contain a mixture of species (of similar sizes)⁴³. The weight of each quantity of each species received is estimated for sales notes completion by counting the number of bins and attributing a weight of 600 kg to each full bin. The completion of sales notes (and landing declarations) on the basis of bin counts of presumed species, instead of weighing according to EU rules, is non-compliant with Article 60(5) of the Control Regulation. **Figure 3** is an example of one of the examined weighing records and **Figure 4** an example of the weighing results after the grading process.

⁴³ The operator explained that sampling takes place to verify size grades but that this is not performed for the purposes of verifying the species composition in the context of weighing.