

VERSION 2003-05-19

Ar: 2012
 Måttad: Maks
 Sign: [Signature]

DATE	Fraktion	Mängd	Entreprenör	Mottagare
1/3	1	15,07	S640	SF
1/3	2	37,06	S640L	SF
2/3	3	37,04	S640L	SF
2/3	4	17,12	S640	SF
3/3	8	14,9	S640	SF
7/3	8	45,9	S640L	
7/3	7	9,65	S640	SF
8/3	10	38,4	S640L	SF
8/3	9	17,12	S640	SF
9/3	10	31,8	S640L	SF
9/3	11	13,5	S640	SF
10/3	12	29,8	S640L	SF
10/3	13	11,05	S640	SF
14				
16				
18/3	16	25,5	S640	SF
14/3	17	16,1	S640	SF
15/3	18	18,11	S640	SF
16/3	19	25,3	S640	SF
17/3	20	8,8	S640	SF
17/3	21	23,5	S640	SF
20/3	22	8,6	S640	SF
21/3	23	8,7	S640	SF
21/3	24			
25				
26		Inget har frukt i Mörk.		
27				
28				
29				
30				
31				

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Figure 3: An example of the most recent weighing records from [redacted] reflecting the aggregate, unsorted totals of the conveyor belt weighing (a landing on 22 March by fishing vessel [redacted], with an aggregate total of 8.7 tonnes). The content of the weighing record is not compliant with Article 70(1) of the Commission Implementing Regulation and does not allow for the accurate completion of landing declarations, sales notes, transport documents or take-over declarations on the basis of Article 60(5) of the Control Regulation.

64027

Från fiskebåten [REDACTED]

Torsk 1	7,0-+	kg
2	4,0-7,0	"
3	2,0-4,0	"
4	1,0-2,0	"
5	0,5-1,0	"
Vitling		"
Spätta		"
Piggvar		"
Skrubba		"
Sill 3A		"
3B		"
4A		"
4B	200	"
5	800	"
Skarpsill	7000	"
Minkfisk	Shrimp-fish 500	"
Lever	fish Torsk 30	"
Rom		"

Östra ☒ Västra ☐ MSC Cert. ☐

Den 22/3 2022 Lossningshamn: S-hamn

Figure 4: Example of the weighing results after the grading process reflecting the weights per size of the landing on 22 March of the fishing vessel [REDACTED], (composed of 1000 kg herring ('sill'), 7500 kg sprat ('skarpsill') and 30 kg cod ('torsk'), as reflected in the landing declaration.

Visit to the weighbridge in Gunnarshög: The *Gunnarshög* weighbridge is located approximately 10km from the nearest port and is often used by operators transporting unsorted industrial catches to Denmark for first sale. Although not in use at the time of the visit, an operator explained the use of the weighbridge to the verification team.

The weighbridge weighing system was calibrated and is approved by the competent authorities every 2 years. Before 07.00, the weighbridge is not manned and the drivers of transport vehicles may use the facility independently. Tankers are initially weighed empty to establish a tare weight and after receiving fish return to the weighbridge for a second weighing to determine the gross weight of unsorted catch. As the catches are bulk weighed on the weighbridge, it is not possible to weigh 'all fishery products', and such weighing is not compliant with Article 60(1) of the Control Regulation. The results of weighing are recorded but the weighing records are non-compliant with Article 70(1)(a), (b), (c) and (d) of the Commission Implementing Regulation as they do not include information on the FAO alpha-3 codes of the species weighed, the results of weighing for each quantity of each species, the name of the fishing vessels (sometimes provided) and the presentation of the fishery products weighed (see **Figure 5**).

Distrikts- beteckning (1)	Fartygsnamn (2)	Datum		Produktnamn			Vägningsanmärkning (8)	Stückprosvägning		Totalvikt landning (12)	Påmonterings- nummer (13)
		Vägning (3)	Landning (4)	Art (5)	Beredning (6)	Presentation (7)		Antal standardfärdor Totalt i parti (9)	Vägda (10)		
77/3		17/3	17/3	Brs	Fisk					17.640	
-11-		17/3	17/3	Brs	fisk					8.900	
-11-		-11-	-11-	Brs	fisk					19.140	
12/3		17/3	17/3	Brs	Fisk					36.020	
		18/3	18/3	Brs	fisk					32.880	
		18/3	18/3	Brs	Fisk					26.860	
18/3-22		18/3	18/3	Brs	Fisk					29.220	
18/3-22		19/3	19/3	Brs	fisk					21.640	
19-3		19-3	19-3	Brs	Fisk					11.120	
19-3		19-3	19-3	Brs	Fisk						
19/3-11		19/3	19/3	Brs	fisk					17.080	
19-3-22		19-3	19-3	Brs	Fisk					20.000	
20-3		20-3	20-3	Brs	Fisk					31.640	

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Figure 5: Example of a weighing record from Gunnarshög. The content of this document is not compliant with Article 70(1) of the Commission Implementing Regulation and does not allow for the accurate completion of landing declarations, sales notes, transport documents or take-over declarations on the basis of Article 60(5) of the Control Regulation.

As detailed by section 4.1.3, the responsibility for the accuracy of weighing in cases where catches are transported from Sweden for first sales rests with the master. The failure to ensure the accurate weighing and registration of catches in weighing records means that the information on 'the quantities of each species in kilograms' recorded in associated 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 not accurately recorded. Examples of transport documents associated with fishery products weighed at Gunnarshög were non-compliant with transport document requirements and did not include all information required by Article 68(5) of the Control Regulation (see **Figure 6**).

GUNNARSHÖGS GÅRD
Guldet från Österlen

Kund 2
Grenaa Lossekompani ApS
Djurslandkajen 2 Grenaa
DK-8500 GRENA, DENMARK

Vägsedel 6726

Datum 21-03-2022 04:40:12
Bil 24 Grenaa Lossekompani aps
Container
Invägd av Chaufför

Art.nr	Artikel	Inväkt	Utväkt	Mängd
1	Fersk fisk	61.860 kg	60.350 kg	8.490 kg

Information [REDACTED]

Gunnarshög Jordbruks AB, Gunnarshögs Gård, 21858 HAMMEHÖG
TE: 0414-32003 - Fax: 0414-32073 - Email: info@gunnarshog.se - URL: www.gunnarshog.se
Orgnr: 6488841450

Figure 6: Example of a transport document ('Vägsedel') generated by the electronic weighing system at Gunnarshög. The content of this transport document is not compliant with Article 68(5) of the Control Regulation. The inclusion of the required information with regard to the external identification and name of the fishing vessel (Article 68(5)(b) of the Control Regulation), fully depends on manual input by the operator responsible for weighing at the moment of weighing and is not recorded in the records of the electronic weighing system. The verification team encountered several transport documents where no information of the fishing vessel was included or added in writing at a later stage (see for example Annex 4).

Visit to the Swedish authorities' offices in Simrishamn:

The verification team visited the Swedish authorities' offices in Simrishamn to discuss and prepare the field visit to the port of [REDACTED], and to enquire about ongoing fishing activities and expected landings in that port later that day.

During this visit, the verification team was provided with internal reports generated by the Swedish fisheries information system of all notified landings that had taken place in the port of [REDACTED] during the 1st quarter of 2022 (until 22 March). This consisted of 28 landings by two Swedish vessels ([REDACTED]) and 14 landings by three Polish fishing vessels ([REDACTED]).

As part of the post-mission questionnaire, the Swedish authorities were asked to provide information for all these landings with regard to the prior notifications, landing declarations and complete logbooks (insofar available) for all these landings.

Similar to the aforementioned observations in section 4.2.2 and Annex 4, analyses of this information demonstrates that for the landings by Polish vessels, 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 (mis)reported as non-quota species (such as flounder, sandeel and stickleback) in landing declarations, which are the basis for quota-uptake figures. An analysis of the same data of the 28 landings by the two Swedish vessels in the same port during the same period did not reveal any indications of this same misreporting practice.

The average effect of this practice for the 13 non-inspected landings by Polish vessels leads to a suspected **under reporting of the main quota species sprat and herring by respectively 63% and 36% (representing respectively 161 and 3 tonnes of under reported catch)**, while total **catches of non-quota species have been over reported by 439% (representing 174 tonnes more than reported in logbooks)**.

These cases clearly illustrate the significant risk of intentional misreporting and inaccurate catch registration resulting in under declaration of catches and extensive over-fishing. See **annex 5** for further details.

Landing of unsorted catch by the [REDACTED]: The verification team observed the inspection of the Swedish fishing vessel [REDACTED] in the port of Nordersunds Hamn. The vessel was landing an unsorted catch of herring and sprat for human consumption. The catch was pumped from the vessel across a large water separator that also graded the catch into three sizes (see **Figure 7**). The graded catch was transferred into bins which were weighed on systems incorporated into the forklifts operated by [REDACTED].

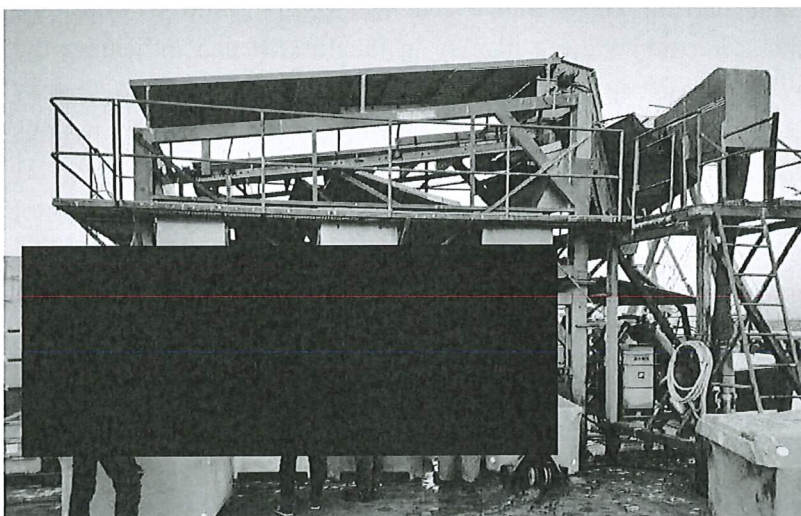


Figure 7: Water separator/grader located in [REDACTED]. This device was used to dewater and grade the catch from the [REDACTED] prior to 'weighing'.

As the pier located water separator/grader does not grade according to species, but only according to size, some of the bins contained a mixture of sprat and herring of the same size grades. The subsequent weighing of these bins by operators using the forklift weighing systems did not result in a figure for each quantity of each species but a figure for the mixed species content of each bin. This does not constitute weighing of ‘all fishery products’ and is contrary to Article 60(1) of the Control Regulation. The largest of the grade sizes mostly consisted of cod by-catches (see **Figure 8**), which were transferred by the grader into fish boxes, which were subsequently weighed and registered in weighing records.



Figure 8: The largest grade size of fish landed from the [REDACTED] mostly consisted of cod and flounder by-catches. Although these by-catches were weighed and registered in weighing records (18 kg cod and 2 kg of flounder), none of the examined weighing records associated with any of the previous landings in Nordersunds Hamn recorded any by-catches. The status of Baltic Sea cod stocks are very poor and the misreporting of such catches will do little to improve the situation.

The bins of graded sprat and herring were transferred by forklift onto a truck for transportation. The forklift operator could view a display in the forklift cab indicating the weight of each bin weighed by the forklift system, which were noted on paper. On request by the verification team, the operator provided a printout of a weighing record for all landings weighed by [REDACTED] from 11 January to 22 March 2022 (two pages covering 21 landings – see **Figure 9**). Commonly occurring by-catches such as cod and flounder were not recorded in the weighing record for any of these landings, indicating that ‘all fishery products’ had not been weighed as required by Article 60(1) of the Control Regulation and were not recorded in weighing records in accordance with Article 70(1)(a) and (b) of the Commission Implementing Regulation. Although the by-catches of cod and flounder by the [REDACTED] were recorded in weighing records, the coincidental recording of by-catches at the time of verification by officials was previously noted in verification report SE-E2-2014-02-A, which stated:

...it is remarkable that by-catch is only landed, weighed and reported on the date where national and EU inspectors were present.

Although the historical weighing records indicated quantities of sprat and herring for each landing, these quantities were based on the assumption that the graded and weighed bins contained ‘clean’ quantities of sprat or herring and not a mixture of both species. As a result, the quantities of sprat and herring recorded in weighing records do not ensure accurate registration of the actual quantities landed Nordersunds Hamn. Consequently, the information on ‘the quantities of each species in kilograms’ recorded in associated 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 not accurately recorded.

Distraktionsbeteckning	Fartygsnamn	Landsningsdatum	Art	Vagnets anordning	Total VGT
SG64		2022-01-11	HER	10504	1635
SG64		2022-01-11	SPR	10504	4350
SG64		2022-01-12	HER	10504	720
SG64		2022-01-12	SPR	10504	3515
SG64		2022-01-15	HER	10504	1350
KR59		2022-01-15	SPR	10504	2310
SG9		2022-01-31	HER	10504	6525
KR59		2022-01-31	SPR	10504	150
KR59		2022-02-01	HER	10504	1570
SG64		2022-02-01	SPR	10504	50
SG64		2022-02-01	HER	10504	2785
SG64		2022-02-01	SPR	10504	4450
SG64		2022-02-02	HER	10504	805
SG64		2022-02-02	SPR	10504	2845
KR59		2022-02-03	HER	10504	455
KR59		2022-02-03	SPR	10504	25
KR59		2022-02-09	HER	10504	1235
KR59		2022-02-09	SPR	10504	5565
KR59		2022-02-10	HER	10504	1210
KR59		2022-02-10	SPR	10504	300
KR59		2022-02-11	HER	10504	4500
SG9		2022-02-11	SPR	10504	615
SG64		2022-02-28	HER	10504	300
SG64		2022-02-28	SPR	10504	1175
SG64		2022-03-02	HER	10504	1150
SG64		2022-03-02	SPR	10504	2300
SG64		2022-03-03	HER	10504	1035
SG64		2022-03-03	SPR	10504	2580
SG64		2022-03-04	HER	10504	1130
SG64		2022-03-04	SPR	10504	2090
SG64		2022-03-07	HER	10504	1490
SG64		2022-03-07	SPR	10504	2790

Figure 9: Page 1 of a 2 page printout of the results of weighing for all landings in Nordersunds Hamn weighed by [REDACTED] from 11 January to 22 March 2022. Although the weighing record indicates that 21 landings were weighed during this period, no by-catches of cod, or other species, were recorded for any of these landings. The quantities of sprat and herring recorded do not accurately reflect the quantities weighed as they are based on the assumption that the graded and weighed bins of fish do not contain a mixture of sprat and herring.

During the landing by the [REDACTED], inspectors took samples of the catch to verify the species composition. However, it was observed that all the inspection samples were taken from bins containing the smallest size grades and that no samples were taken from the bins containing the larger size grades. Presumably, this was based on the assumption that the bins containing the larger size grades consisted entirely of herring. However, without sampling, this could not be confirmed.

4.2.4 24 March 2022 - Byxelkrok

Visit to Byxelkrok: The port of Byxelkrok receives unsorted landings of industrial catches from the Baltic Sea. These are pumped from vessels into a large container weighing system located on the pier. The container incorporated a weighing system and could bulk weigh and store unsorted industrial catches from several different vessels, and landings, at any given time.⁴⁴ At the time of the visit, there were 3 vessels (), () and () in attendance, which had already, or were waiting to, pump their industrial catches into the container⁴⁵. A box containing the scale readout and paper weighing records was located on the side of the container (see **Figure 10**).

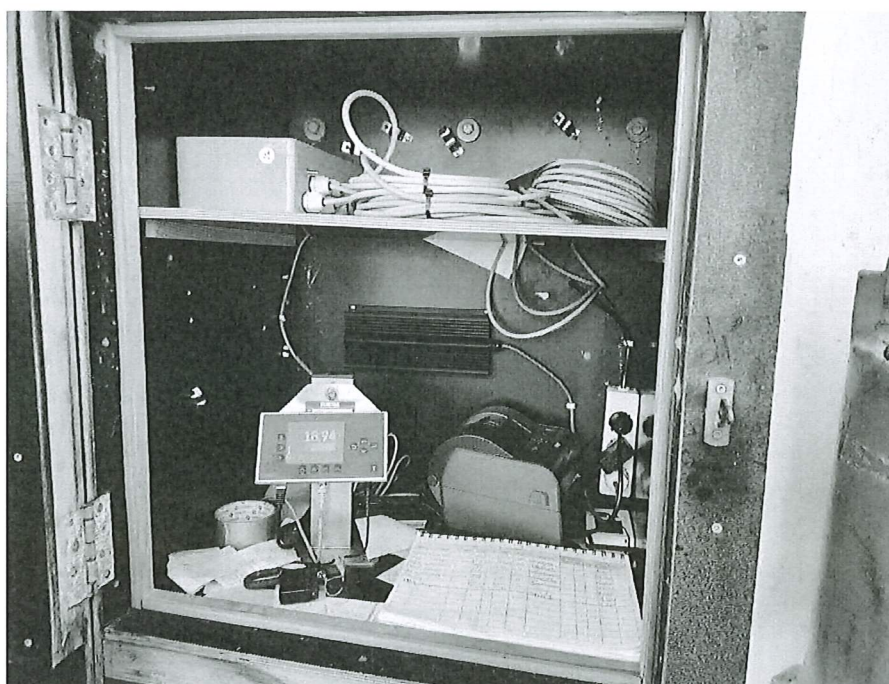


Figure 10: Interior of the box containing the scale readout and weighing record for the container weighing system located in Byxelkrok. The scale readout only displays the aggregate total for unsorted catches received and not each quantity of each species.

The practice of pumping unsorted catches into a container to be bulk weighed does not account for each quantity of each species present in the catch and is non-compliant with Article 60(1) of the Control Regulation, which requires all fishery products to be weighed. Although the weighing records included columns to record the species composition (based on sampling by operators), this information was absent for all documented landings. The content of the weighing records did not comply with Article 70(1)(a) and (b) of the Commission Implementing Regulation as there was no reference to the FAO alpha-3 codes of the species weighed nor the result of weighing for each quantity of each species (see **Figure 11**). The master of the , who was in attendance, acknowledged that although he knew he was

⁴⁴ According to Sweden's comments on the draft report, the weighing system is reset after each landing so that the total weight of each landing can be recorded.

⁴⁵ At the time of the visit there was a mechanical issue and the pumping system was temporarily inoperable. Operators were waiting for a spare part, which was expected to arrive shortly to allow pumping to resume.

supposed to take a 'full 100 kg sample', he stated that he never did so. The master claimed that he would take a smaller sample of approximately 25 kg to determine species composition and use this result to complete the landing declaration but did not retain any records of this (non-compliant) sampling.

Dokumentation (1)	Fartygsnamn (2)	Datum		Produkttyp		Vägringsenhet (8)	Bokföringsgrupp		Totalt landning (12)	Påmättnings- nummer (13)
		Värning (3)	Landing (4)	Arb (5)	Varuslag (6)	Parallellitet (7)	Antal landningsdelar Totalt (par) (9)	Vägring (10)		
			13/3		1554	1101			650	
			13/3		11	11			4400	
			14/3		11	11			2700	
			14/3		11	11			5900	
			15/3		11	11			800	
			15/3		11	11			4500	
			16/3		11	11			2400	
			16/3		11	11			3300	
			16/3		11	11			1550	
			17/3		11	11			7390	
			18/3		11	11			6300	
			19/3		11	11			5500	
			21/3		11	11			1200	

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Dokumentation (1)	Fartygsnamn (2)	Datum		Produkttyp		Vägringsenhet (8)	Bokföringsgrupp		Totalt landning (12)	Påmättnings- nummer (13)
		Värning (3)	Landing (4)	Arb (5)	Varuslag (6)	Parallellitet (7)	Antal landningsdelar Totalt (par) (9)	Vägring (10)		
			21/3		1554	1400			1020	
			21/3		1554	1400			16400	
			22/3		11	11			2100	
			22/3		11	11			8100	
			23/3		11	11			7360	
			23/3		11	11			900	
			23/3		11	11			6700	

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Figure 11: Pages 79 and 81 of the weighing records located in Byxelkrok on 24 March 2022. These weighing records are not in accordance with Article 70(1) of the Commission Implementing Regulation and only indicate an aggregate total per landing without specifying each quantity of each species. This makes it impossible to accurately complete landing declarations, sales notes, transport documents and take-over declarations in accordance with Article 60(5) of the Control Regulation.

A transport tanker was waiting to take catches of the three previous days from the vessels (), from the container to Denmark for first sale. The transporter explained that the vehicle was equipped with a weighing system and scale readout to weigh the aggregate amount of fishery products received. He explained that he recorded the 'quantities of each species transported' in the transport document, as required by Article 68(5)(d) of the Control Regulation, on the basis of the masters' logbook estimates. While this template transport document, with headings of the Swedish authorities, included all relevant information fields as required by Article 68(5) of the Control Regulation, the quantities of each species recorded on this document are not determined on the basis of weighing, as prescribed by Article 60(1) of the Control Regulation, which is non-compliant with Article 60(5) of the Control Regulation. As the pier-side weighing container included catches from several vessels for different trips over different days, it was impossible for the transporter to know how much fishery products were received by the transport tanker from each individual vessel and fishing trip, for example:

- The content of the transport document of the [] indicated 1890 kg of herring and 2590 kg of sprat (4480 kg in total), reflecting the aggregated weighing records (see **Figure 11**) of the previous three fishing trips (1360 kg for the landing that took place on the 23 March, 2100 kg for the landing on 22 March and 1020 kg for the landing on 21 March 2022).
- The content of the transport document of the [] indicated 2100 kg of herring, reflecting the aggregated weighing records (see **Figure 11**) of the previous two fishing trips (900 kg for the landing that took place on the 23 March and 1200 kg for the landing that took place on 21 March 2022). It is noted that for the catches of this vessel, the aggregated quantity of unsorted catches has been fully attributed to herring only (as indicated in the paper logbook), which is questionable noting that all three vessels had been fishing in the same catch area⁴⁶.

The failure by Sweden to ensure that all fishery products landed in Byxelkrok are correctly weighed in accordance with Article 60(1) of the Control Regulation, and correctly registered in weighing records in accordance with Article 70(1) of the Commission Implementing Regulation, undermines the accuracy of other post-weighing catch registration documents. As a result, 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.

⁴⁶ At the time of the visit of the verification team, no transport documents had yet been prepared for the vessel [], likely due to the mechanical failure of the pumping system. However, information from logbook, landing declaration, prior notification and sales notes provided in reply to the post-mission questionnaire, indicated overall catches for the three previous trips of 31300 kg in total (17400 kg herring, 13000 kg sprat, 100 kg flounder and 800 kg stickleback). The 100 kg flounder reported during the most recent trip of 23 March 2022 has apparently not been subject to any weighing since this quantity has not been included in the aggregated weighing records (**Figure 11**), which reflect a total of 31200 kg (6700kg for the landing that took place on the 23 March 2022, 8100 kg for the landing on 22 March and 16400 kg for the landing on 21 March 2022).

4.3 Findings based on data analysis based on catch registration documents associated with a sample of landings selected by the Commission

A significant amount of catch registration data was requested from Sweden before the verification⁴⁷ and as part of the verification (pre and post-mission questionnaires):

1. The pre-mission questionnaire included an initial data request with respect to aggregated total quantities of all sorted and unsorted catches⁴⁸ during 2021 by vessels of 10 metres length overall or more, which were either:
 - landed in Sweden;
 - landed in other Member States and transported to Sweden for first sale/take-over; or
 - landed in Sweden and transported to other Member States for first sale/take-over.

This data request also included additional details with regard to these landings (e.g. vessel details, Member State and port of landing), the weighing process (e.g. whether weighing took place at landing or after transport, details of the operator responsible for weighing), the first sale process (e.g. buyer details) and whether the landing and weighing process had been subject to inspection by the Swedish authorities, and, if so, if infringements were detected, the nature thereof.

In reply to the pre-mission questionnaire, Sweden provided data for:

- 17248 landings that took place in Sweden, by Swedish and several other Member States' vessels, of which 15796 landings concerned landings of sorted fisheries products and 1438 landing of unsorted fisheries products;
- 486 landings that took place in Denmark (20 Swedish and 466 Danish vessels), that were transported to Sweden for first sale/take-over and all related to landings of sorted fisheries products;
- 200 landings by Swedish vessels that were transported to Denmark for first sale/take-over, of which 47 landings concerned landings of sorted fisheries products and 153 landing of unsorted fisheries products.

In addition, data was also provided for landings where Sweden indicated to have no information available in their systems with regard to the sales of the landed fisheries products and where first sales took place. This was the case for:

- 4678 landings by Swedish vessels in Sweden, other Member States and in third countries (4539 landings in Sweden, 9 in Germany, 55 in Denmark, 32 in Finland, three in the Faroe Islands, 28 in Latvia, 10 in Norway and two in the United Kingdom (Shetland Islands)), representing a total quantity of 19.327 tonnes of fisheries products;

⁴⁷ A questionnaire was sent to all Baltic Sea Member States on the weighing and registration of landed fishery products in 2021. This included information on landings that took place in 2020.

⁴⁸ A distinction was made in unsorted catches for human consumption and for industrial purposes. Following the data request in the pre-mission questionnaire, for the further verification process, the selection of samples and the analyses thereof, each separate row in the 5 data sets in Excel provided by Sweden in response to the pre-mission questionnaire, was considered to represent a separate landing. Swedish response – Ref. Ares(2022)5888904.

- 61 landings by other Member States' vessels in Sweden (six Danish, 26 Finnish, one Lithuanian and 28 Polish vessels), which all related to landings of unsorted fisheries products for a total quantity of 6325 tonnes.

By not having any sales information available in its systems, for all these landings Sweden has not ensured the accuracy and completeness of this data as required by Article 109(2) of the Control Regulation and consequently, essential cross-checks of data related to sales notes as required by this article have not been performed⁴⁹. Likewise, with regard to 486 landings (318 tonnes) that took place in Denmark, which were transported to Sweden for first sale/take-over, 200 landings (11750 tonnes) that took place in Sweden, which were transported to other Member States for first sale/take-over and 61 landings by other Member States' vessels that took place in Sweden (6326 tonnes). Sweden indicated to have no information in their systems whether these landings have been subject to inspections. This information is necessary to comply with Article 109(2)(a)(v) of the Control Regulation.

2. From the data provided by Sweden in reply to the pre-mission questionnaire, the verification team requested on the first day of the on-the-spot verification a **sample of 25 landings**, more detailed information with regard to fishing logbooks, prior notifications, landing declarations, sales notes as well as transport documents and take-over declarations, insofar applicable. The verification team also requested copies of the weighing records for these 25 landings, which all took place in Sweden.
3. To facilitate a more efficient processing of the catch registration data, for both Sweden and the verification team, Sweden was asked to provide the information with regard to the catch registration documents in electronic format by extracting the relevant data from Sweden's electronic computerised database, as required under Article 109(1) of the Control Regulation. Sweden provided the requested electronic data during the verification mission⁵⁰. Since copies of the requested weighing records were not provided during the verification mission, this request was included in the post-mission questionnaire.
4. In the post-mission questionnaire, catch registration information was requested for an additional **sample of 150 landings** (in electronic format from Sweden's electronic computerised database, similar to the initial sample of 25). In addition, for these 150 landings relevant timestamp information was requested with regard to the communication details of the catch registration information.
5. For all landings that took place in Sweden, the verification team requested **copies of the weighing records** prepared by the registered buyer or auction, or other bodies or persons responsible for the first marketing or storage, or where appropriate the master of the vessel, in accordance with Article 70 of Commission Implementing Regulation, reflecting

⁴⁹ Article 109(7) requires that if the data referred to in Article 109(2) are not transmitted by electronic means, Member States shall ensure that they are entered manually into the database without delay.

⁵⁰ Swedish response on 23 March 2022 – Ref. Ares(2023)845964. For the electronic data that was provided for the sample of 25, Sweden used a manually added unique trip identifier matching the sampling pool (e.g. SWE1, SWE2, OMS1, OMS2 etc.) instead of the unique fishing trip identifier stored in the electronic database.

the results of weighing in accordance with Articles 60 and 61 of the Control Regulation, for landings took place in Sweden⁵¹.

Of the overall sample of **175 landings**, there were **114 landings in Sweden**. 41 of these 175 landings concerned landings of sorted fisheries products, and 134 landings concerned unsorted landings. 87 landings concerned fishing trips in the Baltic Sea and 88 landings concerned fishing trips in the North Sea. The 114 landings that took place in Sweden, for which a copy of the weighing records were requested, are associated with 107 unique fishing trip identifiers⁵².

To assess the accuracy of the electronic data provided by Sweden, for 32 landings out of the sample of 175, Sweden was requested to provide the underlying source information of the catch registration documents and complete logbook information. Although not all of the requested information was provided for all 32 landings, and certain inconsistencies were noted, the analyses of the data confirmed the accuracy of the provided electronic data.

The purpose of the data analysis was to evaluate if Sweden ensures that catches are correctly and accurately recorded in mandatory catch registration documents in accordance with EU rules. The sample was selected to get a representative picture of the state of play in Sweden and to include vessels of different nationalities, landing sorted and unsorted catches in various locations. Detailed information of the data analysis is provided in **Annex 6A**.

The findings of section 4.3 are subdivided into headings dealing with the following:

- **4.3.1** - Finding based on the **submission** by Sweden of requested catch registration documents.
- **4.3.2** - Findings based on the content of **weighing records** completed by Swedish operators.
- **4.3.3** - Findings based on the **completion** of landing declarations, transport documents, sales notes and take-over declarations on the basis of weighing.
- **4.3.4** - Findings based on compliance with **fishing logbook** estimates and margin of tolerance.

⁵¹ Swedish response – Ref. Ares(2022)4633676, Ares(2022)4633615 and Ares(2022)4633724.

⁵² According to the definition of a ‘fishing trip’ (Article 2(10) of the Commission Implementing Regulation) a fishing trip ‘ends on arrival in port’. Consequently, the 114 landings that were selected in the sample that took place in Sweden, should correspond to 114 fishing trips and not 107. This difference is because 11 landings cited in the sample related to five individual fishing trips with apparently multiple landings by the same vessel in different ports, other than the main port of landing. Further analyses indicates that for these cases all catches were landed in the main port of landing but were sold to buyers in different ports. In the data that was provided in reply to the pre-mission questionnaire, such cases have been reported by Sweden as if the landing took place in different ports instead of reporting the overall quantity of the main landing only. The remaining difference is because two other landings that were cited in the sample of 114, had been reported twice by Sweden in different sampling pools but relate to the same fishing trip.

4.3.1 Submission of requested documents

Sweden was not able to provide the commission with all the requested catch registration documents associated with the samples. A significant amount of essential catch registration data associated with the sample of 175 landings was unavailable to the Swedish authority to send to the Commission. This indicates a failure by Sweden to ensure the accuracy, completion and submission of these documents as required by Article 109(2) of the Control Regulation and a failure to ensure the detailed and accurate documentation of all trips in accordance with Article 15(13) of the CFP Regulation.

The failure to provide all requested weighing records, for landings that took place in Sweden, also demonstrates a lack of enforcement of Articles 70(2) and 75 of the Commission Implementing Regulation. The data analysis also indicated a proportion of late submission for certain mandatory documents.

The failure by Sweden to enforce sales notes (and landing declaration) completion and submission is a longstanding issue and was noted in the 2014 audit and verification reports. Page 18 of audit report SE-E2-2014-01-A stated:

In the data cross-checking it was revealed, that there are inconsistencies in data validation, delays in submitting LD are common, in some cases sales notes are missing, in some cases breach of margin of tolerance occurs (>10% of catch).

Page 15 of verification report SE-E2-2014-02-A stated:

The cross-check and validation system in place is detailed described in the audit reports SE-E2-2013-01-A, SE-E2-2013-02-A and SE-E2-2014-01-A. The weaknesses in the system remains since missing SN and delays in submission by operators still occur (example collected by EC inspectors Ares(2014)3052710). Secondly, the administrative burden to follow up on missing and delayed SN is still quite significant.

The following points highlight these findings:

1. **Logbook data** – Sweden provided data on 121 fishing logbooks (69%) from the sample of 175 landings.

Of the 54 landings with missing logbook data, nine landings (16.6%) were associated with Swedish vessels. Of these nine, three were for landings in Sweden and six were for landings in other Member States.⁵³ Of the remaining 45 landings, for which logbooks were not available, 35 were associated with landings by other Member States' vessels in Sweden and 10 were for Danish vessels landing in Denmark, which transported their catches to Sweden for first sale.

2. **Prior notifications** – Sweden provided data on 158 prior notifications from the sample of 175 landings, including prior notification data of three fishing trips by Danish vessels, that landed in Denmark and transported their catches to Sweden for first sale.

⁵³ According to Sweden's comments on the draft report (Annex 7), these nine trips concerned vessels that were transiting catches from port to port and the associated logbooks are available.

The 17 landings in the sample for which no prior notification data was available, concern two Swedish vessels⁵⁴ and four vessels registered in other Member States that landed their catches in Sweden. In addition, there were four Swedish vessels that landed their catches in other Member States and third countries for which Sweden did not receive prior notifications (contrary to Article 17(1) of the Control Regulation). The remaining seven landings for which no prior notification data was provided relate to ten landings in the sample of 175 by Danish vessels that landed their catches in Denmark, which were transported to Sweden for first sale (for these landings Sweden is not required to receive the prior notification data). Overall, of the 165 landings from the sample of 175, for which Sweden should receive the prior notifications, for 157 (95%) landings prior notification data is available, and eight prior notifications are missing (5%).

For those landings where the relevant timestamps for communicating data of the prior notifications was provided, an analysis of this data indicated non-compliance with prior notification submission requirements. There were seven such landings where the fishing trips took place in the Baltic Sea, and 18 landings where the fishing trips took place in the North Sea, for which the minimum 1-hour and 4-hour prior notification time limit of arrival in the Swedish ports was not respected. This is contrary to Article 11 of the Baltic Sea MAP and Article 17(1)(d) of the Control Regulation.

This same issue was observed for one Baltic Sea trip by a Swedish flagged vessel that landed its catches in a Latvian port, and for 14 North Sea trips by Swedish flagged vessels that landed their catches in Danish ports (13 landings) and a third country port (one landing in the Faroe Islands)⁵⁵.

For two landings where the fishing trips took place in the Baltic Sea, and for 11 landings where the fishing trip took place in the North Sea, the prior notification was communicated **after** the estimated time of arrival.

3. **Weighing records** - Sweden was only able to provide 34 weighing records (31%), indicating the results of weighing in accordance with Articles 60 and 61 of the Control Regulation, from the sample of 107⁵⁶ landings that took place in Sweden (0 Weighing records provided for 14 sorted landings and 34 Weighing records provided for 93 unsorted landings). An additional 10 weighing records (electronic fishing logbooks) were provided by Sweden, which indicated the results of weighing on board vessels in accordance with the Commission approved Swedish sampling plan. However, these weighing records do not record the results of sample weighing on landing, as required

⁵⁴ According to Sweden's comments on the draft report (Annex 7), the information provided to the Commission was incorrect as these two vessels did in fact submit prior notifications. This has been reflected in the calculation. However, in order to maintain the consistency with the data provided by Sweden in reply to the post-mission questionnaire, the tables in annex 6B have not been changed.

⁵⁵ It is unknown if permission was granted by the Swedish and other Member States' competent authorities for an earlier time of entry into port in accordance with Article 11(2) of the Baltic Sea MAP and Article 17(3) of the Control Regulation.

⁵⁶ See section 4.3. The 114 landings in the sample that took place in Sweden, for which a copy of the weighing records were requested, are associated with 107 unique fishing trip identifiers. 14 of these trips relate to sorted landings, 93 to unsorted landings.

by Annex XX(1), (2), (7) and (10) of the Commission implementing Regulation (and necessary for the purposes of Article 60(5) of the Control Regulation), and were therefore not considered as eligible weighing records in this analysis.

4. **Landing declarations** - Sweden provided data for 158 landing declarations (90%) from the sample of 175 landings.

Seven of the 17 missing landing declarations (4% of the overall sample) were associated with other Member States' vessels landing in Sweden (three landings by Danish vessels, one landing by a Lithuanian vessel and three landings by Polish vessels). The remaining 10 landings with missing landing declaration data (6%) were associated with landings by Danish vessels landing in Denmark, which transported their catches to Sweden for first sale.

An analysis of the data indicated that for 17 out of 116 landings (15%) for which relevant timestamp communication data of the landing declaration was provided (16 by Swedish registered vessels), landing declarations were submitted to the Swedish authorities later than the 48-hour period specified by Article 23(3) of the Control Regulation. For another 12 out of 116 landings (10%) that took place in Sweden, the landing declarations were submitted to the Swedish authorities later than the 24 hours as specified by Article 24(1) of the Control Regulation⁵⁷. This was also observed for six landings by Swedish vessels that landed their catches in other Member States' or third country's ports.

5. **Sales notes** - Sweden provided data for 107 sales notes from the sample of 175 landings (61%). All missing sales notes data were related to landings from the two sample pools for which Sweden had indicated in its reply to the pre-mission questionnaire to have no information available in their electronic database with regard to the sales of these fisheries products. The 68 missing sales notes data (39%) were mainly associated with Swedish vessels landing in other Member State/third countries (41 landings, or 24%), other Member States' vessels landing in Sweden (23 landings, or 13%), as well as four landings, or 2%, by Swedish vessels in Sweden.

An analysis of the data indicated that for 24 out of 77 landings (31%) for which complete sales notes timestamp information was provided, sales notes were submitted to the Swedish authorities later than the 48-hour period specified by Article 62(1) of the Control Regulation⁵⁸. Of these late submissions, 10 landings took place in Sweden and were first sold in Sweden, 13 landings took place in Sweden that were transported to other Member States for first sale, and one landing took place in another Member State (Denmark) and was transported to Sweden for first sale.

⁵⁷ For vessels subject to electronic completion of landing declarations, the submission deadline is **24 hours** after the completion of landing (Article 24(1) of the Control Regulation). Since for all vessels included in the sample, Sweden provided detailed electronic data relating to the submission of the landing declarations, it was considered that this article applies to all vessels in the sample.

⁵⁸ For operators subject to electronic completion of sales notes, the submission deadline is **24 hours** after completion of the first sale (Article 63(1) of the Control Regulation).

6. **Transport documents** - Sweden only provided electronic data for six transport documents from the sample of 175 landings. From the data provided by Sweden in reply to the pre-mission questionnaire the following samples were selected:

- a sample of 20 landings was taken from landings that took place in Denmark, by 10 Swedish vessels and 10 Danish vessels, which were transported to Sweden for first sale (sample pool 2 “OMS to SE”);
- a sample of 28 landings was taken from landings that took place in Sweden by Swedish vessels, which were transported to Denmark for first sale (sample pool 3 “SE to OMS”);
- a sample of 23 landings was taken from landings that took place in Sweden which were transported to other Member States for first sale, relating to landings by five Danish, eight Finnish, one Lithuanian and nine Polish vessels (sample pool 5 “SE to OMS without sale”).

From this data it can be derived that for at least 71 landings in the sample of 175, transport to or from other Member States took place before the submission of sales notes/take-over declarations, and consequently transport document data should have been available in Sweden’s computerised database for the purpose of cross checking, as required by Article 109(2)(a)(iii) of the Control Regulation.

It should also be noted that the sample of 32 landings out of 175, for which Sweden was requested to provide hard copies of the underlying source catch registration documents, included 15 landings from the aforementioned sampling pools where transport to, or from, other Member States took place. Sweden was not able to provide any physical transport document.

By providing data for only six transport documents out of 71 landings where transport to, or from other member States must have taken place, suggests a compliance rate of 8% at maximum, and illustrates a systematic failure by Sweden to control and enforce transport document completion and submission requirements contrary to Article 5(3) of the Control Regulation. Consequently, Sweden fails to ensure that such data is recorded, accurate, complete and submitted within applicable deadlines and fails to ensure that such data is included in cross-checks as required by Article 109(1) and (2) of the Control Regulation.

7. **Take-over declarations** - Sweden provided data for 20 take-over declarations from the sample of 175 landings. Take-over declarations are not required for all landings and only in cases where fisheries products are ‘intended for sale at a later stage’ (Article 66(1) of the Control Regulation). Consequently, based on the available information, no further conclusions can be drawn with regard to the necessary submission of takeover declarations.

An analysis of the data indicates that for one landing, the take-over declaration was submitted to the Swedish authorities later than the 48 hour period specified by Article 66(1) of the Control Regulation⁵⁹.

Detailed information on the aforementioned data analysis is provided in **Annex 6B**.

⁵⁹ For operators subject to electronic completion of take-over declarations, the submission deadline is **24 hours** after completion of landing (Article 67(1) of the Control Regulation).

4.3.2 Weighing record content

Under EU rules, the results of weighing in accordance with Articles 60 and 61 of the Control Regulation shall be recorded in weighing records. Article 70(1)(a) to (e) of the Commission Implementing Regulation specifies the mandatory information to be included in weighing records. The accuracy and content of weighing records is essential for the purposes of Article 60(5) of the Control Regulation, which requires that the results of weighing according to EU rules shall be used to complete landing declarations, sales notes, transport documents and take-over declarations. As Sweden has no common control programmes (Article 61(2) of the Control Regulation) with other Member States, all landings in Sweden should be weighed in Sweden and the results registered in weighing records. As noted in section 4.3.1, Sweden was **only able to provide 34 weighing records** associated with weighing after unloading:

- Six of the 34 weighing records were also considered to be transport documents, indicating the results of a bulk weighing process at a weighbridge where tankers are first weighed empty to establish a tare weight, and after receiving the fisheries return to the weighbridge for a second weighing to determine the gross weight of the unsorted catch. These six weighing records all concern larger unsorted landings for industrial purposes, weighed at [REDACTED], with a default species indication of 'fresh sprat/herring'. Since these catches have been bulk weighed on a weighbridge, it is not possible to weigh 'all fishery products' in a manner that accounts for each quantity of each species, and this weighing procedure is not compliant with Article 60(1) of the Control Regulation (See example 1 Annex 6C). Such documents are not valid transport documents either as they do not include the mandatory information specified by Article 68(5)(d) of the Control Regulation.
- Nine of the 34 provided weighing records related to copies of weighing journals located at a weighing facility (weighbridge or scales) where the result of the weighing process are manually recorded. Two of these weighing journals concern landings in Byxelkrok, and only indicate the aggregated results of bulk weighing, without any further indication of species or catch composition, and thus concern a weighing procedure which is not compliant with Article 60(1) of the Control Regulation (See examples 2 annex 6C).
- 10 of the 34 provided weighing records concern blank weighing journals of unsorted fisheries products, without further indication of the date of weighing or detail of the operator responsible for weighing. All these landings took place in Nordersund. Information provided in the pre-mission questionnaire confirms that all these landings were weighed by the same operator ([REDACTED]). See example 3 Annex 6C.
- Nine of the 34 provided weighing records concerned copies of 'reception reports herring' ('mottagnings rapport sill') of larger unsorted landings mainly for human purposes in [REDACTED], all weighed by the same operator ([REDACTED]).

A detailed analysis of the content of these 34 weighing records indicated that the content of these documents is not in accordance with Article 70(1)(a) to (e) of the Commission Implementing Regulation. The findings are as follows:

1. **Article 70(1)(a) of the Commission Implementing Regulation** – Only 17 of the 34 weighing records that were provided (50%) indicated the FAO alpha-3 codes of the species weighed.
2. **Article 70(1)(b) of the Commission Implementing Regulation** – 25 of the 34 provided weighing records (74%) indicated the result of weighing for each quantity of each species in kilograms product weight. This information is essential for the accurate completion of landing declarations, sales notes, transport documents and take-over declarations in accordance with Article 60(5) of the Control Regulation⁶⁰.
3. **Article 70(1)(c) of the Commission Implementing Regulation** – 28 of the 34 provided weighing records (82%) indicated the external identification number and the name of the fishing vessel from which the weighed quantity originates.
4. **Article 70(1)(d) of the Commission Implementing Regulation** – None of the 34 provided weighing records indicated the presentation of the fisheries products weighed.
5. **Article 70(1)(e) of the Commission Implementing Regulation** – Only 23 of the 34 provided weighing records (68%) indicated the date of weighing.

According to Sweden's reply to the pre-mission questionnaire, eight of the 34 landings for which copies of the weighing records were provided, were subject to a landing inspection. In four cases infringements were observed, all in relation to incorrect logbook entries. None of the inspected landings resulted in observations with regard to the aforementioned non-compliances of the weighing records.

Detailed information on the aforementioned analyses is provided in **Annex 6C**.

⁶⁰ The lack of accurate information on the quantities of each species weighed make compliance with Articles 23(2)(c), 64(1)(f), 66(3)(e) and 68(5)(d) of the Control Regulation impossible.

4.3.3 Completion of landing declarations, transport document, sales notes and take-over declarations on the basis of weighing

Weighing after unloading is the means by which the quantities of landed fishery products are verified. Article 60(5) of the Control Regulation requires that the results of weighing (according to EU rules) are used to complete landing declarations, sales notes, transport documents and take-over declarations. However, the analysis of the available data provided by Sweden indicated that in many cases the completion of these catch registration documents is not based on the results of weighing as recorded in weighing records. This analysis was based on the comparison of available landing declarations, sales notes, transport documents and take-over declarations to weighing record data. In several instances, corresponding catch registration documents were not available to allow an analysis based on the sample of 34 weighing records. The findings are as follows:

1. **Landing declarations based on weighing results** – Only 14 out of 34 landing declarations (41%), associated with the landings for which the 34 weighing records were provided, matched the results of weighing in corresponding weighing records. In these cases, the quantities of each species recorded in weighing records (Article 70(1)(b) of the Commission Implementing Regulation) tallied with the quantities in landing declarations (Article 23(2)(c) of the Control Regulation). Contrary to Article 60(5) of the Control Regulation, 13 landing declarations in the sample (38%, six Baltic Sea and seven North Seas fishing trips) were not based on the results of weighing and recorded arbitrary quantities of each species. These 13 landing declarations included four cases, all related to unsorted catches in the North Sea, where although the total weight matched the weighing records, below minimum sized catches that had been separately identified in the weighing records had not been declared separately in the landing declaration (Article 23(2)(c) of the Control Regulation) nor logbook figures (Article 14(2)(f) of the Control Regulation).

For the remaining seven landings (21%) in the sample for which weighing records were provided, Sweden did not provide landing declaration data.

Of relevance to the findings of sections 4.2.2 and 4.2.3, the sample of 175 landings in 2021 included four cases of non-inspected landings by Polish vessels in Sweden where the landing declarations recorded very considerable and highly improbable quantities of non-quota species such as stickleback, flounder, whiting and sandeel, which were not recorded in the prior notifications. Sweden was unable to provide the fishing logbooks for any of these landings. For three of these cases, these highly improbable quantities of non-quota species were nevertheless recorded in weighing records by the operator responsible for weighing. This highlights the risk of catch misreporting in weighing records by unsupervised operators and underlines the importance of ensuring that operators always weigh and correctly register each quantity of each species landed

in accordance with EU rules. It is incumbent upon Member States to ensure that this happens for all landings and to adopt all necessary measures to make this certain.⁶¹

2. **Sales notes based on weighing results** - 19 out of 34 sales notes (56%), associated with the landings for which the 34 weighing records were provided, matched the results of weighing in corresponding weighing records. In these cases, the quantities of each species recorded in weighing records tallied with the quantities in sales notes (Article 64(1)(f) of the Control Regulation). Contrary to Article 60(5) of the Control Regulation, 12 sales notes in the sample (35%, five Baltic Sea and seven North Seas fishing trips) were not based on the results of weighing and recorded arbitrary quantities of each species. These 12 sales notes included four cases, all related to unsorted catches in The North Sea, where although the total weight matched the weighing records, below minimum sized catches that had been separately identified in the weighing records had not been declared separately in the sales notes (Article 64(1)(ha) of the Control Regulation). For the remaining three landings (9%) in the sample for which weighing records were provided, Sweden did not provide sales notes data.
3. **Transport documents based on weighing results** – Sweden did not provide electronic data for transport documents in relation to the landings in the sample for which the 34 weighing records were provided. Therefore, no conclusion could be drawn whether transport documents matched the results of weighing in corresponding weighing records (Article 68(5)(d) of the Control Regulation).

For the few landings for which where Sweden provided electronic data of transport documents (six out of the sample of 175, all related to fishing trips in the North Sea), the figures were all based on estimated logbook data, and were likely entered manually in the data set that was provided in reply to the post mission questionnaire.

As indicated in section 4.3.1, these observations illustrate a systematic failure by Sweden to ensure control and enforcement of transport documents completion and submission. Consequently, Sweden does not ensure that transport document related data is accurate, complete and submitted within applicable deadlines and included in cross-checks as required by Article 109(1) and (2) of the Control Regulation.

4. **Take-over declarations based on weighing results** - Sweden provided electronic data for 20 take-over declarations from the sample of 175 landings. For nine of these cases, all related to Baltic Sea fishing trips, weighing records were provided, and for all cases the quantities of each species recorded in weighing records tallied with the quantities in take-over declarations (Article 66(3)(e) of the Control Regulation).

⁶¹ There is a risk that the non-quota species recorded in post-weighing catch registration documents were in fact quota species that have been misreported in order to 'stretch' fishing opportunities. Although this risk may apply to unsorted pelagic catches for human consumption, it is particularly relevant to unsorted industrial catches that never undergo any sorting into their component species. This risk is higher in cases where the master (or any operator with a vested interest in misreporting) weighs the catch and completes weighing records.

For the remaining 11 take-over declarations (nine in the Baltic Sea and two for the North Sea fishing trips) no weighing records were provided.

Detailed information on the aforementioned analyses and observations are provided in **Annex 6D**.

4.3.4 Logbook estimates and margin of tolerance

Article 14(1) of the Control Regulation requires that the master of a Union fishing vessel of 10 metres' length overall or more, records 'all quantities of each species caught and kept on board above 50 kg of live-weight equivalent in the fishing logbook.' The permitted margin of tolerance for logbook estimates is 10% per species (Article 14(3) of the Control Regulation). However, Article 13 of the Baltic Sea MAP provides an exception. This allows for the 10% margin of tolerance to apply to the total quantity of unsorted catches landed from the Baltic Sea instead of to each species. The data analysis indicates many examples where the EU rules on logbook estimations were not complied with for sorted and unsorted catches in the sample of 175 landings from the North Sea and Baltic Sea. The findings are as follows:

Sorted catches:

Article 14(1) of the Control Regulation – For two of the sample of 41 landings of sorted catches (5%), quantities of species greater than 50 kg were recorded in weighing records, landing declarations, sales notes, transport documents or take-over declarations that were not recorded in fishing logbooks indicating non-compliance with Article 14(1) of the Control Regulation. These two landings included three species that were not recorded in the logbook.

In addition, for one landing, a difference was observed between the quantities recorded in sales notes and the recorded quantities in the logbook and landing declaration, indicating non-compliance with the margin of tolerance for logbook estimates (Article 14(3) of the Control Regulation) and non-compliance with the requirement that the results of weighing shall be used to complete landing declarations, sales notes, transport documents and take-over declarations (Article 60(5) of the Control Regulation).

Article 14(3) of the Control Regulation – For four of the sample of 41 landings of sorted catches (10%), the quantities recorded in in weighing records, landing declarations, sales notes, transport documents or take-over declarations indicated that the margin of tolerance for logbook estimates was exceeded in contravention of Article 14(3) of the Control Regulation. These four landings included six species where the 10% margin of tolerance was not respected.

Unsorted catches:

Article 14(1) of the Control Regulation – For 21 (16%) of the sample of 134 landings of unsorted catches from the North Sea (15 (31%) out of 49 landings) and Baltic Sea (six (7%) out of 85 landings), quantities of species greater than 50 kg were recorded in weighing records, landing declarations, sales notes, transport documents or take-over declarations that were not recorded in fishing logbooks indicating non-compliance with Article 14(1) of the Control Regulation. Five landings included below minimum sized catches that had been separately identified in the weighing records which had not been recorded separately in the logbook (see also section 4.3.3). 16 landings included 24 species that were not recorded in the logbook and for 17 species, the non-recorded quantities exceeded 100 kg.

In addition, for four landings, significant differences were observed between the quantities recorded in sales notes and the recorded quantities in the logbooks and landing declarations,

indicating non-compliance with the margin of tolerance for logbook estimates (Article 14(3) of the Control Regulation and Article 13 of the Baltic Sea MAP), as well as non-compliance with the requirement that the results of weighing shall be used to complete landing declarations, sales notes, transport documents and take-over declarations (Article 60(5) of the Control Regulation). For three other landings, apart from non-compliance with Article 60(5) of the Control Regulation, these differences could indicate misreporting between the species herring and sprat.

Article 14(3) of the Control Regulation for unsorted catches outside the Baltic Sea – For 23 of the sample of 49 landings of unsorted catches taken outside the Baltic Sea (47%), the quantities recorded in in weighing records, landing declarations, sales notes, transport documents or take-over declarations indicated that the margin of tolerance for logbook estimates was exceeded in contravention of Article 14(3) of the Control Regulation. These 23 landings included 44 species where the 10% margin of tolerance was not respected and in 40 cases, the quantities were at least 100 kg more, or less, than what was recorded in the logbook.

Article 14(3) of the Control Regulation for unsorted catches in the Baltic Sea – For 12 of the sample of 85 landings of unsorted catches taken from the Baltic Sea (14%), the quantities recorded in in weighing records, landing declarations, sales notes, transport documents or take-over declarations indicated that the margin of tolerance for logbook estimates was exceeded in contravention of Article 13 of the Baltic Sea MAP.

4.4 Findings based on Sweden's obligations under EU legislation to fulfil the responsibilities placed on Member States.

Under EU legislation, Member States have obligations for '**ensuring**' control, enforcement and inspection of all activities that fall under the scope of the CFP. In so doing, they are required to apply the principle of 'risk management'. Member States are required to '**ensure**' that all data recorded in accordance with the Control Regulation is accurate, complete and submitted within deadlines, and are required to '**ensure**' the detailed and accurate documentation of all fishing trips. Member States also have a duty to take appropriate measures to '**ensure**' the effectiveness of the 'Community' system to prevent, deter and eliminate IUU fishing.

The findings of section 4.4 are based on the findings of sections 4.1, 4.2 and 4.3 and is subdivided into headings dealing with the following:

- **4.4.1** - Findings based on Sweden's obligations 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.
- **4.4.2** - Findings based on Sweden's obligations to ensure that control, enforcement and inspection are based on the principle of **risk management**.
- **4.4.3** - Findings based on Sweden's obligations to ensure that all data recorded in accordance with the Control Regulation is **accurate, complete and submitted within deadlines**.
- **4.4.4** - Findings based on Sweden's obligations to ensure that appropriate measures have been taken to ensure the effectiveness of the 'Community' system to **prevent, deter and eliminate IUU fishing**.

4.4.1 *Sweden's obligations 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*

Member States have a duty to control all activities carried out within the scope of the CFP on their territory and within waters under their sovereignty or jurisdiction (Article 5(1) of the Control Regulation). Member States also have a responsibility to adopt all necessary structures, measures and resources for **ensuring** 'control'⁶², 'enforcement'⁶³ and 'inspection'⁶⁴ of all activities that fall within the scope of the CFP. This is required by Article 36(3) of the CFP Regulation and by Article 5(3) of the Control Regulation, which states:

Member States shall adopt appropriate measures, allocate adequate financial, human and technical resources and set up all administrative and technical structures necessary for ensuring control, inspection and enforcement of activities carried out within the scope of the common fisheries policy. They shall make available to their competent authorities and officials all adequate means to enable them to carry out their tasks.

The findings highlighted by sections 4.1, 4.2 and 4.3 of this verification report demonstrate that, contrary to Article 36(3) of the CFP Regulation and Article 5(1) and (3) of the Control Regulation, Sweden has failed to ensure control, enforcement and inspection of the weighing and registration of sorted and unsorted fishery products. This shortcoming is also relevant in the context of Article 36(2)(g) of the CFP Regulation, as Sweden has failed to ensure that control and enforcement is based on 'the development of a culture of compliance and co-operation among all operators and fishermen'. 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.

Many of the issues highlighted in this report are systematic longstanding non-compliances that were brought to the attention of Sweden in the 2014 audit and verification reports. Despite Sweden having acknowledged these problems, the issues have remained and Sweden has failed to ensure control and enforcement of the most significant risks. The following points underline the main shortcomings:

1. **Enforcement of weighing** – Contrary to Article 36(3) of the CFP Regulation and Article 5(3) of the Control Regulation, Sweden does not ensure that the EU rules on weighing catches are enforced as, contrary to Article 60(1) of the Control Regulation, Sweden does not ensure that 'all fishery products' are weighed. Sorted fishery products that have been weighed on board are not subject to 'sampling' at the time of landing as required by Annex XX(1), (2), (7) and (10) of the Commission Implement Regulation and unsorted fishery products are not weighed in a manner that accounts for each quantity of each species landed. It is common practice for unsorted industrial

⁶² 'control' means monitoring and surveillance; (Article 4(3) of the Control Regulation).

⁶³ 'enforcement' means any actions taken to ensure compliance with the rules of the common fisheries policy; (Article 4(26) of the Control Regulation).

⁶⁴ 'inspection' means any check which is carried out by officials regarding compliance with the rules of the common fisheries policy and which is noted in an inspection report; (Article 4(4) of the Control Regulation).

catches landed in Sweden to undergo bulk weighing, before transport to Denmark for first sale, without verifying each quantity of each species landed. The Commission approved Swedish combined sampling plan and control plan are not in accordance with EU rules and are not fit for the purposes of weighing unsorted catches on landing. In their response to audit report SE-E2-2014-01-A, Sweden stated that ‘SWAM is aware of the problem and since the audit visit has contacted the buyer, explained what the rules are and informed them that we will be looking more closely at whether they comply with the rules in future’. It is apparent that the measures adopted by Sweden has not ensure compliance with EU rules on weighing (and catch registration) and that merely ‘informing the buyer’, and ‘looking more closely’, has clearly not been sufficient.

2. **Enforcement of catch registration** – Contrary to Article 36(3) of the CFP Regulation and Article 5(3) of the Control Regulation, Sweden does not ensure ‘enforcement’ over the registration of landed fishery products in weighing records, landing declarations, sales notes, transport documents and take-over declarations in accordance with Article 70(1)(b) of the Commission Implementing Regulation and Articles 23(2)(c), 64(1)(f), 68(5)(d) and 66(3)(e) of the Control Regulation. This is largely due to Sweden’s failure to ensure that all fishery products are weighed in a manner that accurately accounts for each quantity of each species. In general, Sweden fails to enforce the EU requirements to ensure that relevant catch registration documents are accurate, complete and submitted within deadline (this finding is dealt with in more detail in section 4.4.3). As indicated in section 4.3.4, Sweden does not enforce EU rules on logbook estimation (Article 14(1) and (3) of the Control Regulation). The data analysis indicates many instances where catches amounting to more than 50 kg were not recorded in the logbook and where margin of tolerance was exceeded. Based on Sweden’s reply to the pre-mission questionnaire, there is no indication that enforcement action was taken by initiating ‘appropriate measures’ in accordance with Article 89(1) of the Control Regulation with respect to these non-compliances.
3. **Control and enforcement of catch registration document submission** – Contrary to Article 36(3) of the CFP Regulation and Article 5(3) of the Control Regulation, Sweden does not enforce the submission of logbooks, landing declarations, sales notes and transport documents in accordance with EU rules. Section 4.3.1 of this report indicates that Sweden does not control, nor have access to, many logbooks and landing declarations for landings that take place in Sweden. Although many of the missing logbooks and landing declarations may be associated with non-Swedish registered vessels, and it is the duty of the flag State to forward this data to the coastal State⁶⁵, Sweden has an obligation to enforce the submission of these catch registration documents by the master so that it can be transmitted without delay to Sweden (this finding is dealt with in more detail in section 4.4.3).

⁶⁵ Article 111 of the Control Regulation and Article 44 of the Commission Implementing Regulation.

4. **Inspection of weighing and catch registration activities** – Contrary to Article 36(3) of the CFP Regulation and Article 5(3) of the Control Regulation, Sweden does not ensure control, enforcement and inspection of the application of the Commission approved Swedish sampling and control plans. These plans include specific ‘on-the-spot checks’ and ‘administrative checks’ to ensure compliance with the plans. Section 3.1 of the sampling and control plans requires that 5% of weighing records shall be crosschecked against landing declarations, transport documents, sales notes and take-over declarations. There is no evidence to indicate that these checks are performed by Swedish inspectors as the results of the data analysis section of this report demonstrates systematic non-compliance concerning the accuracy, completion and submission of this catch registration data. The failure by Sweden to fully implement the terms of the Commission approved sampling and control plans (including the reporting obligation required by Article 3 of Commission Implementing Decision 2013/418/EU) may also be considered as non-compliant with Article 60(1) and (2) of the Control Regulation.

There are 150 ports registered in Sweden⁶⁶ and the length of the Swedish coastline is 3218 km. Ensuring inspection of fishing activities over such an extensive coastline, and number of ports, with a one-hour prior notification along its main Baltic Sea coastline, is very challenging and is not feasible considering the number of fisheries inspectors working for the Field Control Unit of the *Swedish Agency for Marine and Water Management*⁶⁷.

5. **Sanctioning** – The control and enforcement shortcomings outlined in this report mean that relatively few potential non-compliances are detected by the Swedish authorities. The Swedish response to the pre-mission questionnaire indicated that 37 infringements were detected with respect to 21393 landings in Sweden by vessels 10 metres’ length overall or more in 2021 (an infringement rate of 0.2%)⁶⁸.

Although the verification mission did not evaluate the effectiveness of the Swedish sanctioning system in detail (Article 89(2) of the Control Regulation), it appears that no ‘appropriate measures’ were initiated by Sweden for any of the many potential non-compliances highlighted in section 4.3 of this report, with respect to non-inspected landings, in accordance with Article 89(1) of the Control Regulation. It appears that Sweden initiated no infringement procedures for the failure by masters to accurately weigh their catches in accordance with the obligations laid down in Swedish national legislation for catches not sold/taken-over in Sweden (see section 4.1.3). The failure to

⁶⁶ <https://www.eumofa.eu/documents/20178/61322/Sweden.pdf>.

⁶⁷ <https://www.havochvatten.se/om-oss-kontakt-och-karriar/organisation/avdelningen-for-fiskerikontroll/faltkontrollenheten.html>: the Field Control Unit of the Fisheries Control Department includes 20 staff members, of which 15 are fisheries inspectors.

⁶⁸ According to Sweden’s comments on the draft report (Annex 7), these 37 infringements were all detected by physical inspection. According to complementary information provided by SwAM (Annex 7), another 227 infringements were detected through administrative controls. Most of these relate to the margin of tolerance and prior notifications. SwAM has not provided any information regarding the sanctioning of these 227 infringements.

ensure that all activities that fall under the scope of the CFP are controlled, enforced and subject to proportionate, deterrent and effective sanctioning does not promote the development of a ‘culture of compliance and co-operation among all operators and fishermen’ as required by Article 36(2)(g) of the CFP Regulation. With regard to the sanctioning system, it should be noted that an EU-Pilot letter was sent to Sweden on 5 July 2022⁶⁹. In sum, Sweden has been asked to clarify a number of shortcomings concerning the sanctioning system, including the identification and qualification of infringements and the point system for serious infringements. The analysis of Sweden’s reply to the EU-Pilot letter⁷⁰ is ongoing.

⁶⁹ Ref. Ares(2022)4909982.

⁷⁰ Ref. Ares(2022)6874958.