

Sent Tuesday 11<sup>th</sup> February 2020

**BSAC recommendations on  
Commission's proposal COM/2018/368 final for a control regulation amending  
Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No  
768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139  
of the European Parliament and of the Council as regards fisheries control<sup>1</sup>**

## **Background**

During 2018 and 2019, the Baltic Sea Advisory Council has held three joint working groups to discuss and propose amendments to the revised Control Regulation (meeting on 23<sup>rd</sup> August 2018, 28<sup>th</sup> January 2019 and 29<sup>th</sup> October 2019).<sup>2</sup>

**The following paragraph is taken from the agreed summary document produced by the BSAC Secretariat in advance of the WG on 29<sup>th</sup> October 2019:**

The BSAC welcomes the proposal for a new control regulation. The BSAC underlines that there is a need for a level playing field, which means that there cannot be different rules applied in different regions of the EU, there cannot be different interpretations of the rules by the Member States, and there is no need for a regionalisation of the rules. The BSAC supports the list of infringements<sup>3</sup>, but is concerned about micro-management. The proposal does not bridge the gaps with the CFP and other policies and it increases the administrative burden. There are too many irrelevant rules which undermine the relevant ones and which in turn undermine compliance. Some of the OIG call for tighter and uniform control measures. The BSAC takes note that in the proposal there is increased focus on small-scale fisheries, whereby the proposed measures will make the operations of the small-scale fisheries more difficult.

**The BSAC recommends the following amendments to Article I of the Control Regulation:**

### **Article 4**

The BSAC recommends adding definitions on traceability.

A representative of small scale fisheries is of the opinion that selectivity in the trawl fishery is still too low; however implementation of traceability right down to the end user is excessive and will not bring about any real improvement.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018PC0368>

<sup>2</sup> Please find reports from these meetings on the BSAC website [www.bsac.dk](http://www.bsac.dk)

<sup>3</sup> Article 90 of the proposal

## **Article 6**

The BSAC notes that the new Article 6 allows for more initiative taking by the European Commission, but at the same time provides more flexibility in the decision-making process. (Article 6.5).

The BSAC notes that changes in reference to other acts are made to align the provisions of this regulation with the CFP.

## **Article 7 and Article 8**

The BSAC looks forward to a constructive dialogue with the Commission on rules for the marking of fishing gear and wants to be a part of this process.

A representative of small scale fisheries points out that a successful marking of fishing gears, in particular of parts of them, is not feasible.

## **Article 9**

The BSAC recommends that costly tracking methods (VMS) should not be imposed on all vessels, thus making the need for derogations on vessel size redundant.

Instead, the type of gear used, the type of fishery carried out, as well as the area where the fishery is carried out and the application of risk management should be used for vessel tracking regulations.

Nowadays, modern technology can help to solve network coverage problems. For vessel tracking, the concept of risk management needs to be defined and used. It should be the competence of the Member States to set the criteria for the risk management.

Two representatives of the OIG propose an addition to Article 9 paragraph 6 bis, whereby: *The provisions of this Article shall also apply to support vessels, fish processing vessels, vessels engaged in transshipment and carrier equipped for transportation of fishery products, flying the flag of a Member State.*

## **Articles 10-12**

The BSAC agrees that Automatic identification system (AIS) is a safety system and should not be used for control purposes. The obligation to monitor their fishing vessels lies within the competence of the Member States.

Two representatives of the OIG propose an amendment to Article 10 to the effect that: *“The automatic identification system shall be operated continuously by the master of the fishing vessel.*

*If the automatic identification system is turned off for reasons of force majeure or piracy, the master of the vessel shall immediately notify this to the competent authorities of its flag Member State and, when relevant, to the competent authorities of the coastal State.*

*Member States shall ensure that data from the automatic identification system is made available to their national fisheries control authorities for control purposes, including cross-checks of automatic identification system data with other available data, in accordance with Articles 109 and 110.”*

A representative of small scale fisheries is of the opinion that AIS on control is overrated, because it is not possible to see whether the vessel is fishing or not.

### **Articles 14-16**

#### **Logbooks:**

Several members of the BSAC note that the proposed measure to have an electronic logbook for all vessels is not fit for purpose. The same information that the proposal requires is already available in the landing declaration, prior notification and in the first sales note. The rules on electronic logbook reporting currently apply only to the vessels over 12 metres in length should remain in place. They recommend to delete Article 15.2 obliging the masters of vessels under 12 metres to report in electronic logbooks before entering into port: this is seen as a burdensome requirement for the small scale vessels.

Some members of the OIG underline several advantages of electronic logbooks and do not agree to delete Article 15.2.

#### **Margin of tolerance in Article 14.4:**

Several fisheries representatives note that the margin of tolerance takes account of the fact that the catch weight cannot be estimated accurately at sea. Fishermen should not be penalised for overestimating or underestimating the catch weight at sea. Such a rule is unrealistic, because fish lose weight overtime and very often fishermen will not be able to maintain the proposed margin of tolerance and will be punished for this. Accurate estimates of the catch composition cannot be given. The weight of the landings is the most important.

A representative of the OIG questions the fact that the margin of tolerance is limited to 10%. In the case of fish, which varies in weight over time, and considering that several different weighings constitute a chain of tolerances, the margin of tolerance should be as much as 25%.

Fisheries representatives question the need to report the estimated catch in the logbooks. It should be replaced by an obligation to report the catch weight only in the landing obligation and the sales note. They recommend to remove Article 14.4

Some representatives of the OIG recommend retaining Article 14.4.

### **Articles 17-19**

The BSAC is of the opinion that the obligation to notify by electronic means the competent authorities should not be extended from one to four hours.

More flexible rules with regard to prior notification are needed, so the necessity of three days prior notification for landing in third country ports is also questioned. In the case where the EU rules are not compliant with the third country rules, the provision contained in Article 19a could be applied.

Two representatives of the OIG propose an amendment to Article 17(6) (a) at the end of the sentence: "... taking into account the quantities and type of fisheries products to be landed, *and the risk of non-compliance with the rules of the common fisheries policy; In defining the risk, Member States should take into account whether serious infringements have already been committed by the vessels concerned.*"

Two representatives of the OIG propose to add the following text to Article 19a, point 4, after not complying with the rules of the Common Fisheries Policy: "*or with the rules applicable in the waters of the third country or in the high seas where the vessel is operating*".

### **Articles 23-25**

The BSAC is of the opinion that the content of different documents referred to in these articles should not be duplicated, and the redundant documents should be removed from the proposal. The use of electronic systems should be encouraged here in order to facilitate work.

### **Article 25a**

Relevant issues are covered under the BSAC reply to the SCIP consultation.<sup>4</sup>

In case CCTV systems become obligatory, the BSAC notes the need for detailed technical discussions.

The BSAC agrees to privacy concerns related to the use of CCTV systems.

Some representatives of the OIG support control of the landing obligation by means of CCTV.

Two representatives of the OIG propose an amendment to Article 25 a 1. Member States shall ensure effective control of the landing obligation. For this purpose, a minimum percentage of fishing vessels *that are identified under specific control and inspection programmes adopted pursuant to Article 95 as being of medium, high or very high risk of non-compliance with the landing obligation*, shall be equipped with continuously recording Closed-Circuit Television (CCTV), *net sensors, and systems incorporating data storage and/or the ability to send camera footage in real time.*

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<sup>4</sup> <http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-Joint-Demersal-Pelagic-WG>

### **Article 33**

With reference to Article 33.6 and 33.8, two representatives of the OIG propose an amendment to Article 33: delete the text in italics: Catches taken in the framework of scientific research which are marketed and sold including, where appropriate, those below the applicable minimum conservation reference size, shall be recorded by the Member States and the data on such catches submitted to the Commission. They shall be counted against the quota applicable to the flag Member State *insofar as they exceed 2% of the quotas concerned*. This paragraph shall not apply to catches taken during research surveys at sea as referred to in Article 5 (1) (b) of Regulation (EU) 2017/1004\*.

### **Articles 38-41**

The BSAC is of the opinion that the fishing capacity should be monitored and measured in an appropriate way, possibly in the framework of national fleet programmes. It will not be improved by changing the rules in the proposed amended Control Regulation.

The BSAC thus agrees that there is no need to have an engine power and capacity regime in the Control Regulation.

A representative of small scale fisheries disagrees with the above text. There is a need to demonstrate the engine power on vessels that operate towed gears. Due to current electronic adjustment mechanisms inside the fuel injection unit of modern engines, it is possible to run an engine with much more power than certificated. This means more catchability by using larger trawls, faster trawling speed, more impact on the seabed and less selectivity by higher water flow velocity inside the gear. The proposed monitoring of the actual engine power in Article 39a is thus long overdue and should remain unchanged.

### **Articles 42-54**

Several fisheries representatives call for the removal of Article 43 which imposes an obligation to land the catch in designated ports. The deletion of this obligation would help to keep the small ports alive.

With reference to Article 44, a fisheries representative questions the necessity to keep the existing obligation regarding separate stowage, whereby all catches of demersal stocks subject to a multiannual plan must be placed in boxes when retained on board a vessel of 12 metres' length overall or more.

A fisheries representative proposes to delete from Article 50 3. (b) the reference to the speed of at least 6 knots. The reason for this is that small vessels do not reach such a speed during transit.

A representative of the OIG is of the opinion that the wording in Article 50 should remain unchanged, including the speed limit.

The BSAC discussed in general the appropriateness of the existing rules in the Control Regulation on stowage. The BSAC is of the opinion that for clarity, the definition of the "stowed gear", included in the technical measures regulation should also be used in the Control Regulation.

### **Article 48**

Removal of lost fishing gears: A fisheries representative highlights the removal of the derogation in Article 48 5. of vessels under 12 metres from the control regulation. In his view, an assessment of the ability to retrieve lost gears by all categories of vessels should be carried out.

### **Article 55**

The BSAC welcomes the harmonisation of the rules on recreational fisheries. Nevertheless, they question the obligation to register all vessels and boats taking part in recreational fisheries.

A representative of the OIG notes that the obligation to report catches electronically on a daily basis, as well as report lost gears, could create problems for the anglers. As far as recreational anglers are concerned, this would be mainly lines, hooks and lures, which are practically impossible to retrieve if lost.

The requirement for both recreational anglers and recreational fishermen to provide daily catch reporting would be a disproportionate bureaucracy, considering that it is a hobby activity carried out for leisure. A yearly report as provided by hunters would be more acceptable and proportionate. A daily report could be acceptable for those vessels which organize and carry out fishing trips for more than ten anglers simultaneously.

Moreover, an obligation for recreational anglers and fishermen to report lost gear would be acceptable.

A representative of recreational anglers stresses the importance of giving Member States the freedom of choice between applying a registration system or a license system. In some EU Member States, an obligatory registration system or licensing system is already in place. Some schemes include a fee which must be paid by the recreational anglers, whereas others do not (e.g. Italy). The recreational anglers propose that Member States which do not have a registration scheme in place today should introduce such a system without cost. These Member States should consult with the national recreational fisheries organisations beforehand. If money derived from applying such fee were earmarked for initiatives and projects which support recreational fishing, then the recreational fisheries sector may be positive about paying such a fee. Imposing a fee without benefitting the recreational anglers or the resource will do damage to the angling participation rate as well as to the enterprises and communities which depend on recreational fisheries.

The obligatory catch reporting should be limited to those stocks which are subject to Union conservation measures. Priority should be given to electronic reporting in order to make it easy for the recreational anglers to report their catches after each fishing trip. However, some recreational anglers may prefer non-electronic reporting, and they should be allowed to use this.

## Registration of recreational vessels

The Commission proposal contains a provision in Article 55, point 2 (b) to “put in place a registration or licensing system for vessels used in such recreational fisheries, in addition to the registration or licensing system for natural and legal persons referred to in paragraph 1.” The recreational anglers find this provision unnecessary and highly impractical, because according to amendment 1 (a), all recreational fishers will already be obliged to be registered. Catches are regulated per individual recreational fisher, not per boat/vessel, as is the rule for commercial fishers. This measure is therefore unnecessary, as it gives no added value to fisheries management. A vessel as described in the current text may include rowing boats, kayaks etc. This regulation thus becomes impractical and a recreational boat register encompassing all boats creates no added value for fisheries management.

With respect to charter boats, there is a need for a definition and separate provisions for this segment.

There are two kinds of charter/chartered boats: 1) skippered charter boats, which escort recreational anglers to fishing spots at sea, 2) privately hired boats, which are used to fish from, without a skipper. Here we focus on 1) the skippered charter boats. The charter boat sector is directly and immediately affected by changes in fisheries management measures.

As such, it is an important and early indicator of the economic impact that fisheries management measures may have on the recreational fisheries sector as a whole. Charter boating has a growth potential, and it fits very well into the EU blue growth strategy. Charter boating is one of few businesses which can operate in marine protected areas and they generate much needed sustainable economic activity in these areas. The charter boat sector is not well organised nationally or at EU level. Having a definition of charter boat, and the inclusion of it in this control regulation could be a first important step in that direction. The registration and tracking of these (skippered) vessels could follow the same rules which apply to small commercial fishing vessels. However, the catches should not be counted or reported. The catches belong to the recreational anglers onboard, and who are obliged to register and to report their catches according to the provisions mentioned further above.

A representative of the OIG proposes an addition to Article 55 “*The reporting and retrieval of the gears lost in recreational fisheries should be enforced and implemented by the Member States.*”

The representative of the OIG supports renewed efforts to increase control on recreational fishing across the board. Special provisions for commercial style gear use are warranted. They could live with a tiered approach on this, whereby anglers would have one approach and users of commercial style gears another. Registration or license for all is fully supported. The proposed text and detail of required reporting (2. (a)) on species under conservation measures is understandable, but it is perhaps tough to demand daily reports; weekly reports should be adequate. A uniform approach, by website or app should be the basis to make reporting comparable and open.

A representative of recreational anglers also supports the reporting and retrieval of gears lost in recreational fisheries. However, this must include an exemption for rod and line fishing gears. The reporting and retrieving of every lost hook is impractical and unmanageable and creates no added value for fisheries management.

### **Article 58**

The BSAC is of the opinion that the proposed rules on traceability do not take account of the realities and practicalities whereby direct sales are carried out from the boats in the ports.

Moreover, it cannot be the responsibility of the fishermen to ensure what happens after the first sale if the fishing boat has observed the first sale rules.

Two representatives of the OIG propose amendments to Article 58.6 (d) in order to make it possible for the new traceability requirements to trace the fishery products imported into the EU back to the vessel which caught the fish and, as precisely as possible, to the area where the fish was caught. This Article is of relevance to the Baltic, because it refers to imported products.

The proposed amendment is: (d) the relevant geographical area(s) for fishery products caught at sea *reported according to the FAO statistical area/sub area/division where the catch was taken and indication whether the catch was taken on the high seas, RFMO regulatory area or within an EEZ*, or the catch or production area as defined in Article 38(1) of Regulation (EU) No 1379/2013 for fishery products caught in freshwater and aquaculture products; A new *litra* (i) is also proposed:

- (i) *for fishery products caught at sea, the IMO/Lloyds number or other unique vessel identification of the catching vessel.*

### **Article 59.3**

A fisheries representative draws attention to the fact that the exemption of only 5 kg (instead of the existing 30kg) of fish products used only for private consumption from first sale obligation is counterproductive. Several initiatives for small scale direct marketing of fisheries products have been funded by the EU in order to support small scale fisheries. This form of marketing works well. Consumers can buy fish directly from a boat and should be able to purchase more than 5 kg without the need to register with competent authorities.

At a BSAC Working Group meeting<sup>5</sup>, a representative of DG MARE commented that similar comments referring to the limit of the catch exempted from the first sale rule had been received by the Commission. The original limit of 30 kg is considered too high, but this could be something for discussion.

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<sup>5</sup> [http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-Joint-Working-Group-\(2\)](http://www.bsac.dk/Meetings/BSAC-meetings/BSAC-Joint-Working-Group-(2))



### **Article 59a**

A fisheries representative questions this new provision concerning weighing systems because it will be costly and labour-intensive for small-scale fishermen to apply. According to this proposed new Article, all fishery products, both regulated and unregulated species, will have to be weighed at landing.

### **Article 60**

With reference to the weighing of fishery products, several fisheries representatives underline that the obligation to weigh the catch at landing will have a negative impact on the quality of the fish, because of the increased time needed to carry out the weighing. They note that weighing fish already packed at sea again in the port would be highly impractical and costly. They cannot accept the proposal for obligatory weighing of fish at landing.

A representative of the OIG is of the opinion that the introduction of additional requirements on weighing of every landing by operators seems redundant. Buyers should be responsible for weighing.

Two representatives of the OIG propose the following amendment:

Weighing of fishery product

- Remove from Commission proposal the following parts -

*5. By way of derogation from paragraph 1, Member States may permit fisheries products to be weighed unsorted on landing if the following conditions are met:*

*(a) The weighing of the unsorted fisheries product is performed upon landing on a system operated or controlled by the competent authorities before transport, storage or placing on the market.*

*(b) In the case of unsorted landings not destined for human consumption: the Member State has adopted a risk-based sampling plan and the Commission has approved that plan.*

*(c) In the case of fishery products destined for human consumption: a second weighing per fisheries products is performed by a registered weigher. That second weighing may take place, after transport, at an auction centre, at the premises of a registered buyer or producer organisation. The result of that second weighing shall be transmitted to the master.*

A fisheries representative recommends that Article 60.5 should not be removed, because it contains derogations that are necessary in order to preserve the quality of the landed fish. He recommends moreover that these derogations also cover the products packed at sea.

### **Article 60a**

With respect to the detailed rules on weighing, a fisheries representative recommends that there should be instruments in place whereby proposed delegated acts can be taken to court by means of a rapid procedure.

### **Article 68**

Several fisheries representatives draw attention to potential problems that could arise from the provisions of this Article.

One fisheries representative highlights that the requirement to provide transportation documentation, especially documentation that needs to be submitted electronically before transportation begins, is a measure to the scale of small scale fisheries. It is a measure that does not result in any added effectiveness of the fisheries control.

### **Article 74**

The BSAC has some concerns with relation to the content and wording of this Article, especially referring to the conduct of inspections. The descriptions are too detailed and the inspection process too bureaucratic.

Two representatives of the OIG refer to the need to include measures that would allow the effective control of technical measures, in particular measures set out to minimise the impact of fishing activities on the marine environment. In this connection, referring to Article 73.2 (a), they propose to add "*Fisheries inspectors should be adequately trained for their tasks by the Member States*". Several fisheries representatives do not agree with this and recommend that the proposed wording in Article 73 is sufficient.

Two representatives of the OIG draw attention to the fact that the revised Article 74 proposes to take into account the need to align control with the introduction of new measures such as CCTV. The data provided on control measures gathered by the industry should be presented to the control authorities under Article 74.

### **Sanctions**

#### **Articles 89a and 90**

The BSAC proposes that sanctions should be in proportion with the impact of the infringements.

A representative of the OIG is of the opinion that in order to create a culture of compliance, it is essential that the current provisions on the penalty point system, serious infringements, immediate enforcement measures and accompanying sanctions are strengthened, not weakened.

## **Article 90**

Two representatives of the OIG propose an amendment to 2 (h) of Article 90. The list of operators supplying services to IUU fishing vessels needs to be further defined. In particular, insurance providers need to be explicitly integrated in the list; recent cases have shown that vessels listed in the EU IUU vessel list were, in the meantime, still insured by EU insurance providers. Their proposed amendment to point (h) is being involved in the operation, management, ownership of, or being hired on, a vessel engaged in IUU fishing as defined under Council Regulation (EC) No 1005/2008, in particular those listed in the IUU vessel list of the Union or of a regional fisheries management organisation as referred to in Articles 29 and 30 of Council Regulation (EC) No 1005/2008 or *benefitting from, supporting or engaging in IUU fishing including as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service provider*;

Two representatives of the OIG propose an amendment point 3 (d) of Article 90. Currently, not fulfilling obligations under the technical measures regulation, especially when they relate to the implementation of measures to mitigate against the accidental catches of sensitive species, is not considered a serious infringement of the rules of the Common Fisheries Policy. This should be corrected, as rules relating to the technical measures are part of the Common Fisheries Policy. Their amendment is (d) not fulfilling obligations related to the use of fishing gears as set in the rules of the common fisheries policy *or not fulfilling obligations related to technical measures and the protection of marine ecosystems and in particular the obligation to implement measures to mitigate against the accidental catches of sensitive species*;

Some fisheries representatives are concerned that changes in the properties of a fishing gear (mesh size) due to shrinkage of the netting material can be considered as a serious infringement. They recommend that responsibility should not be put on the fishermen. The fisheries inspectors should understand that the problem is caused by the properties of the materials used.

Another fisheries representative is of the opinion that the operator is responsible for the mesh size used and for ensuring compliance with the rules. The operator and not the Commission should take into account the properties of the different materials, in terms of, for example, shrinkage. There needs to be flexibility in qualifying serious infringements.

A representative of recreational anglers finds that the text in the Annex is not suited to the recreational fisheries. They suggest not to split the infringements into 'serious' and 'non-serious'. Such a split will not provide much added value, but instead complicates the control of recreational fisheries. Moreover, recreational fishers should not be severely fined for a first-time offense; fines should increase in line with repeated offenses. The Member States should decide the levels of fines, but there should be a possibility for the Commission to intervene if the control or the fines is not enforced, or does not work properly as a deterrent.

### **Article 91**

With reference to immediate enforcement measures for serious infringements, some fisheries representatives recommend that measures relating to serious infringement should be taken out of the Control Regulation, as they are superfluous. Legal punishment for serious infringements lies within the competence of the Member States. The existing Article 91 is sufficient.

### **Article 92**

Some fisheries representatives recommend that the level playing field in relation to the penalties and fines should first be implemented through the existing system in the current Regulation.

According to representatives of small scale fisheries, paragraphs 3 and 4 of Article 92 imply a double penalty for a single infringement.

### **Article 93**

A representative of recreational fisheries proposes not to accept the revised Article 93 because sharing the lists suspected infringers before confirming their guilt is considered a breach of confidentiality. It is the word "suspected" that is an unfortunate addition.

### **Article 104**

Two representatives of the OIG propose an amendment to Article 104 (1). (1)Where a Member State does not respect its obligations for the implementation of *rules on the common fisheries policy including rules on technical measures for the conservation of fishery resources and the protection of the marine ecosystems and rules under this Regulation*, and where the Commission has evidence that the failure to respect those obligations constitutes a threat to the conservation of a stock or group of stocks or *conservation status to a species or habitat*, the Commission may, by means of implementing acts, provisionally close the fisheries affected by those shortcomings for the Member State concerned. This suggested amendment better encompasses the scope of the new definition of "the rules of the Common Fisheries Policy" by allowing the Commission to close fisheries where technical measures are not respected and, as a result, threaten the conservation status of species (seabirds, turtles, marine mammals, etc...) or habitats.

### **Article 105**

Some fisheries representatives express concern about the methodology used by the Commission to verify compliance with the law and to apply the penalty system.

### **Article 111**

The BSAC expresses concerns about data accessibility.

There is no consensus how long the data should be kept. The fisheries representatives recommend that if the vessel name and fisherman's name are removed, all other data could be kept in order to carry out a historic investigation.

### **Article 119**

One representative of the OIG fully supports Article 119 as the key to the Control Regulation as a whole and it must be underlined as instrumental to make the framework workable.

**Article 119a**: The BSAC notes that this Article gives more flexibility and provides the Commission with more initiative. Delegated acts, compared to legislative acts, have the advantage of providing the possibility to react swiftly to a new situation.

### **ANNEX IV - Alternative criteria to qualify an infringement as serious, in accordance with Article 90(3) of this Regulation**

One representative of the OIG proposes an amendment to the third criterion in the list:

*“- the catches related to the suspected infringement correspond to quantities more than 5 kilos, when the infringement is related to any of the following species: “*

The reason for this proposal is that kilos are not a very practical measure for recreational fisheries. Using the number of fish is better:

*“- the catches related to the suspected infringement correspond to any number of fish exceeding the catch limit, when the infringement is related to any of the following species:  
“ ...*

This following sentence under litra b) should be deleted, because it is covered by the other sentences in that paragraph:

“all species subject to the landing obligation as referred to in Article 15 of Regulation (EU) No 1380/2013;”

The landing obligation does not apply to recreational fisheries, so this sentence could also create some confusion in that respect.

Secretariat note: there is an error in the Annex IV: reference is made here to Article 14 (3) and it should be Article 14 (4).