Reports of Cases

JUDGMENT OF THE COURT (Seventh Chamber)

30 October 2025 *

(Reference for a preliminary ruling – Common fisheries policy – Regulation (EC) No 1224/2009 – Weighing of fishery products – Article 60(2) – Weighing carried out on landing – Article 61(1) – Weighing carried out after transport from the place of landing – Place of weighing in the event of an inspection – Possibility for the competent authorities to require weighing of fisheries products at the place of landing before the fisheries products are transported elsewhere)

In Case C-546/24,

REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (Ireland), made by decision of 30 July 2024, received at the Court on 13 August 2024, in the proceedings

PN,

Killybegs Fishing Enterprises Ltd.,

Killybegs Seafoods Unlimited,

Killybegs Fishermen's Organisation Ltd.

v

Sea Fisheries Protection Authority,

THE COURT (Seventh Chamber),

composed of F. Schalin (Rapporteur), President of the Chamber, M. Gavalec and Z. Csehi, Judges,

Advocate General: L. Medina,

Registrar: A. Calot Escobar,

having regard to the written procedure,

* Language of the case: English.

after considering the observations submitted on behalf of:

– PN, Killybegs Fishing Enterprises Ltd., Killybegs Seafoods Unlimited and Killybegs Fishermen's Organisation Ltd., by D. Conlan Smyth, Senior Counsel, E. Sweetman, Barrister-at-Law, and R. McDonagh, Solicitor,

– Sea Fisheries Protection Authority, by T.F. Creed, Senior Counsel, P. McGarry, Senior Counsel, D. McCarthy, Barrister-at-Law, A. Cleary and C. Derrig, Solicitors,

– the European Commission, by A. Dawes and C. Perrin, acting as Agents,

having decided, after hearing the Advocate General, to proceed to judgment without an Opinion,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Article 60(2) and (6), and Article 61(1) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ 2009 L 343, p. 1 and Corrigendum OJ 2015 L 319, p. 21), as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 (OJ 2015 L 133, p. 1) ('Regulation No 1224/2009').

2 The request has been made in proceedings between, on the one hand, PN, the master of a fishing vessel, Killybegs Fishing Enterprises Ltd. and Killybegs Seafoods Unlimited, companies active in the fishing industry, and Killybegs Fishermen's Organisation Ltd., a representative organisation of fish producers, and, on the other, the Sea Fisheries Protection Authority (Ireland) ('the SFPA') concerning the latter's decision to weigh the fishery products caught by that fishing vessel at the place of landing in Ireland before being transported elsewhere.

Legal context

Regulation (EU) No 1380/2013

3 Article 2 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ 2013 L 354, p. 22), which sets out the objectives of the common fisheries policy (CFP), provides in paragraph 1 thereof:

'The CFP shall ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.'

Regulation No 1224/2009

4 Recital 29 of Regulation No 1224/2009 states:

'To ensure that all catches are properly controlled Member States should ensure that all fisheries products are first marketed or registered at an auction centre or to registered buyers or to producer organisations. As the exact weight of catches needs to be known to follow the utilisation of quotas, Member States should ensure that all fisheries products are weighed unless sampling plans based on a common methodology are in place.'

5 Pursuant to point 18 of Article 4 of that regulation:

'… The following definitions shall also apply:

18. "risk management" means the systematic identification of risks and the implementation of all measures necessary for limiting the occurrence of these risks. This includes activities such as collecting data and information, analysing and assessing risks, preparing and taking action, and regular monitoring and review of the process and its outcomes, based on international, Union and national sources and strategies.'

6 Article 5 of that regulation, entitled 'General principles', provides, in paragraphs 1 and 4 thereof:

'1. Member States shall control the activities carried out by any natural or legal person within the scope of the common fisheries policy on their territory and within waters under their sovereignty or jurisdiction, in particular fishing activities, transhipments, transfer of fish to cages or aquaculture installations including fattening installations, landing, import, transport, processing, marketing and storage of fisheries and aquaculture products.

…

4. Each Member State shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.'

7 Article 60 of that regulation, entitled 'Weighing of fishery products', provides in paragraphs 2 and 6 thereof:

'2. Without prejudice to specific provisions, the weighing shall be carried out on landing prior to the fisheries products being held in storage, transported or sold.

…

6. The competent authorities of a Member State may require that any quantity of fisheries products first landed in that Member State is weighed in the presence of officials before being transported elsewhere from the place of landing.'

8 Article 61 of that regulation, entitled 'Weighing of fisheries products after transport from the place of landing', provides, in paragraph 1 thereof:

'By way of derogation from Article 60(2), Member States may permit fisheries products to be weighed after transport from the place of landing provided that they are transported to a destination on the

territory of the Member State concerned and that this Member State has adopted a control plan approved by the [European] Commission and based on the risk-based methodology adopted by the Commission in accordance with the procedure referred to in Article 119.'

Implementing Regulation (EU) No 404/2011

9 Under Article 79 of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ 2011 L 112, p. 1):

'1. Catches of species referred to in Article 78 of this Regulation shall be weighed immediately on landing. However, catches of these species may be weighed after transport where:

– for a destination within a Member State the Member State concerned has adopted a control plan as referred to in Article 61(1) of [Regulation No 1224/2009] in accordance with the risk-based methodology described in Annex XXI,

…

and where this control plan or common control programme has been approved by the Commission[.]

…'

The dispute in the main proceedings and the question referred for a preliminary ruling

10 On 11 October 2020, PN, the master of a fishing vessel registered in Ireland, sent the SFPA a prior notification of arrival at port, in accordance with Article 17 of Regulation No 1224/2009, and sent the SFPA information regarding the weight of the fisheries products caught. On its arrival at the place of landing, that fishing vessel was selected for an inspection at the place of landing of the catches of fisheries products, in accordance with Article 60(6) of Regulation No 1224/2009. The master disputed that inspection, which, in his view, had the risk of affecting the quality of those fisheries products, in contrast to weighing carried out after transport from the place of landing, to the fish processing facility for those fisheries products.

11 It is apparent from the order for reference that, prior to that inspection, the SFPA did not carry out inspections at the place of landing, but that, in particular, following an audit carried out by the Commission which revealed irregularities and manipulation in the weighing of fisheries products in certain fish processing facilities in respect of those fisheries products, that authority announced that it would carry out more random inspections.

12 The applicants in the main proceedings brought an action before the High Court (Ireland) against the decision of the SFPA to carry out at the place of landing the weighing of fisheries products caught by that fishing vessel. In support of their action, they submitted that the derogation provided for in Article 61(1) of Regulation No 1224/2009, which permits the weighing of fisheries products after transport from the place of landing, prevails over the application of Article 60(6) of that regulation. By judgment of 3 November 2023, that court dismissed that action on the ground,

in essence, that, even though the weighing of the fisheries products is carried out in principle after transport from the place of landing, the competent authority retains the right to require that that weighing takes place at the place of landing.

13 The applicants in the main proceedings brought an appeal against that judgment before the Court of Appeal (Ireland), the referring court, which considers, relying on the literal interpretation of Article 61(1) of Regulation No 1224/2009 and the case-law on methods of interpretation, that their action must be dismissed while expressing doubts in that regard.

14 In those circumstances, the Court of Appeal decided to stay the proceedings and to refer the following question to the Court of Justice for a preliminary ruling:

'Where a Member State has exercised its right to derogate in Article 61(1) from the provisions of Article 60(2) of [Regulation No 1224/2009] establishing a Community control system for ensuring compliance with the rules of the [CFP] in accordance with the terms of a control plan approved by the [Commission], are the competent authorities of that [Member State] precluded from requiring that any quantity of fisheries products first landed in that Member State is weighed in the presence of officials of that authority before being transported elsewhere from the place of landing in accordance with the provisions of Article 60(6) of that Regulation?'

Consideration of the question referred

15 By its question, the referring court asks, in essence, whether Article 61(1) of Regulation No 1224/2009 must be interpreted as meaning that, where a Member State has provided for a derogation from Article 60(2) of that regulation by adopting a control plan approved by the Commission, the competent authority of that Member State may no longer require, on the basis of Article 60(6) of that regulation, that any quantity of fisheries products first landed in that Member State is weighed at the place of landing before being transported elsewhere.

16 According to settled case-law, in interpreting a provision of EU law it is necessary to consider not only its wording but also the context in which it occurs and the objectives pursued by the rules of which it is part (judgment of 10 February 2022, *Minister for Agriculture Food and the Marine and SFPA*, C-564/20, EU:C:2022:90, paragraph 27 and the case-law cited).

17 It is also apparent from the case-law that an interpretation of a provision of EU law cannot have the result of depriving the clear and precise wording of that provision of all effectiveness. Thus, where the meaning of a provision of EU law is absolutely plain from its very wording, the Court cannot depart from that interpretation (judgment of 20 September 2022, *VD and SR*, C-339/20 and C-397/20, EU:C:2022:703, paragraph 71 and the case-law cited).

18 In the first place, it is apparent from Article 60(2) of Regulation No 1224/2009 that, 'without prejudice to specific provisions', the weighing of the fisheries products is to be carried out on landing prior to the fisheries products being held in storage, transported or sold.

19 Article 61(1) of that regulation, as a specific provision, provides that, 'by way of derogation from Article 60(2)', Member States may permit fisheries products to be weighed after transport from the place of landing provided that those fisheries products are transported to a destination in the territory of the Member State concerned and that that Member State has adopted a control plan approved by the Commission.

20 In that regard, it should be noted that Ireland made use of that option and a control plan was approved by Commission Implementing Decision 2012/474/EU of 13 August 2012 on the approval by the Commission of sampling plans for the weighing of fisheries products in accordance with Article 60(1) and 60(3) of Council Regulation (EC) No 1224/2009 and of control plans for the weighing of fisheries products in accordance with Article 61(1) of Regulation (EC) No 1224/2009 (OJ 2012 L 218, p. 17).

21 In that context, the referring court questions whether the existence of such a control plan prevents the control authority concerned from carrying out a monitored weighing at the place of landing of fisheries products, on the basis of Article 60(6) of Regulation No 1224/2009.

22 In that regard, it should be noted that it is apparent from the wording of Article 61(1) of Regulation No 1224/2009 that it is only 'by way of derogation from Article 60(2)' thereof that the Member States may permit fisheries products to be weighed after transport from the place of landing of those fisheries products.

23 According to settled case-law, any derogation from a rule of principle must be interpreted narrowly.

24 It is clear from the unequivocal wording of Article 61(1) of Regulation No 1224/2009 that that provision introduces a derogation only with regard to Article 60(2) of that regulation and not with regard to other provisions of that regulation. No reference is made to other provisions, such as Article 60(6) of that regulation. It follows that that Article 61(1) must be interpreted as not derogating from Article 60(6), and that, therefore, the competent control authority may, under the latter provision, require the quayside weighing of the fisheries products, even if there is a control plan approved by the Commission, within the meaning of Article 61(1) of that regulation.

25 The literal interpretation of Article 61(1) of Regulation No 1224/2009, as set out in paragraphs 22 and 24 above, is supported, in the second place, by the context of that provision and by the objectives pursued by that regulation of which that provision forms part.

26 In that regard, as for the context, it should be noted that, according to Article 5(1) and (4) of Regulation No 1224/2009, Member States are to control the activities carried out within the scope of the CFP and each Member State is to ensure that control, inspection and enforcement are carried out, inter alia, on the basis of risk management. Point 18 of Article 4 of that regulation defines the concept of 'risk management' as 'the systematic identification of risks and the implementation of all measures necessary for limiting the occurrence of these risks' and as 'includ[ing] activities such as collecting data and information, analysing and assessing risks, preparing and taking action, and regular monitoring and review of the process and its outcomes, based on international, Union and national sources and strategies'. In that context, the weighing of fisheries products on landing, in accordance with Article 60(6) of Regulation No 1224/2009, is capable of constituting a valuable tool for the assessment of the risks.

27 As regards the objective pursued by Regulation No 1224/2009, it should be stated that that regulation forms part of the CFP, the objectives of which, in particular the objective of the conservation of living aquatic resources, are defined in Article 2(1) of Regulation No 1380/2013. According to that provision, the CFP seeks to ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. As the Commission submits in its written observations, Member

States can properly monitor the utilisation of fishing quotas and contribute to the achievement of the objectives of the CFP as set out in that provision only if they can ensure that they have accurate and comprehensive information and data on fishing opportunities and, as is apparent from recital 29 of Regulation No 1224/2009, on the exact weight of catches of fisheries products. From that perspective, it would be incompatible with the objective of the conservation of living aquatic resources of the CFP if the competent authority of a Member State did not have the power to require that any quantity of fisheries products first landed in that Member State is weighed in the presence of officials of that authority before being transported elsewhere from the place of landing, in accordance with Article 60(6) of Regulation No 1224/2009.

28 In the light of all the foregoing considerations, the answer to the question referred is that Article 61(1) of Regulation No 1224/2009 must be interpreted as meaning that, where a Member State has provided for a derogation from Article 60(2) of that regulation by adopting a control plan approved by the Commission, the competent authority of that Member State may nevertheless require, on the basis of Article 60(6) of that regulation, that any quantity of fisheries products first landed in that Member State is weighed at the place of landing before being transported elsewhere.

Costs

29 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Seventh Chamber) hereby rules:

Article 61(1) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, as amended by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015

must be interpreted as meaning that where a Member State has provided for a derogation from Article 60(2) of that regulation by adopting a control plan approved by the European Commission, the competent authority of that Member State may nevertheless require, on the basis of Article 60(6) of that regulation, that any quantity of fisheries products first landed in that Member State is weighed at the place of landing before being transported elsewhere.

[Signatures]