

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

## TITLE VII

### INSPECTION AND PROCEEDINGS

#### CHAPTER I

#### General provisions

#### *<sup>F1</sup>Article 74*

#### Conduct of inspections

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#### Textual Amendments

- F1** [Art. 74](#) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(74)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *Article 75*

#### Duties of the operator

1 The operator shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. It shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

[<sup>F2</sup> A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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#### Textual Amendments

- F2** [Art. 75\(2\)](#) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(23)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 1224/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## Article 76

### Inspection report

1 Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Where possible, this report shall be recorded and transmitted by electronic means.<sup>F3</sup> ... In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent without delay to the competent authorities of the third country concerned if an infringement has been found in the course of the inspection.<sup>F4</sup> ...

2 Officials shall communicate their findings from the inspection to the operator, who shall have the possibility to comment on the inspection and its findings. The operator's comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.

3 A copy of the inspection report shall be sent as soon as possible to the operator, and in any case no later than 15 working days after the completion of the inspection.

[<sup>F54</sup> A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F3** Words in Art. 76(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(75)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 76(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(75)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 76(4) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(24)**; 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F6</sup>Article 77

### Admissibility of inspection and surveillance reports

#### Textual Amendments

- F6** Art. 77 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(76)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 78

### Electronic database

1 [<sup>F7</sup>A fisheries administration must] set up and keep up to date an electronic database where they upload all inspection and surveillance reports drawn up by their officials.

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[<sup>F82</sup> A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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**Textual Amendments**

- F7** Words in Art. 78(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(77\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 78(2) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, [27\(25\)](#); 2020 c. 1, Sch. 5 para. 1(1)

*<sup>F10</sup> Article 79*

[<sup>F9</sup>Union] inspectors

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**Textual Amendments**

- F9** Substituted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98.](#)
- F10** Arts. 79-83 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(78\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)