

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

^{F1}Article 74

Conduct of inspections

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.

[^{F2} A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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)

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

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.^{F3} ... 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.^{F4} ...

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.

[^{F54} 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)

^{F6}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 [^{F7}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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[^{F82} A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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)

^{F10}Article 79

[^{F9}Union] inspectors

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)

CHAPTER II

Inspections outside the waters of the inspecting Member State

^{F10}Article 80

Inspections of fishing vessels outside the waters of the inspecting Member State

Textual Amendments

- 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)

^{F10}Article 81

Requests for authorisation

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

Textual Amendments

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)

CHAPTER III

Infringements detected in the course of inspections

^{F10}Article 82

Procedure in the event of an infringement

Textual Amendments

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)

^{F10}Article 83

Infringements detected outside the waters of the inspecting Member State

Textual Amendments

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)

Article 84

Enhanced follow-up with regard to certain serious infringements

- 1 ^{F11}A fisheries administration which suspects a fishing vessel] of having:
 - a misrecorded catches of stocks subject to a multiannual plan of more than 500 kg or 10 %, calculated as a percentage of the fishing logbook figures, whichever is the higher; or
 - b committed any of the serious infringements referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90(1) of this Regulation within one year of committing a first such serious infringement;

may require the fishing vessel to proceed immediately to a port for a full investigation, in addition to the measures referred to in Chapter IX of Regulation (EC) No 1005/2008.

- 2 ^{F12}A fisheries administration must] immediately and in compliance with its procedures under ^{F13}applicable] law notify the ^{F14}flag state] of the investigation referred to in paragraph 1.

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3 Officials may remain on board a fishing vessel until a full investigation as referred to in paragraph 1 has been undertaken.

4 The master of the fishing vessel referred to in paragraph 1 shall cease all fishing activities and proceed to port if he has been requested to do so.

Textual Amendments

- F11** Words in Art. 84(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(79)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 84(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(79)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Word in Art. 84(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(79)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 84(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(79)(b)(iii); 2020 c. 1, Sch. 5 para. 1(1)

^{F15}CHAPTER IV

Proceedings of infringements detected in the course of inspections

Article 85

Proceedings

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Article 86

Transfer of proceedings

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Article 87

Infringement detected by Union inspectors

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Article 88

**Corrective measures in the absence of proceedings
by the Member State of landing or transhipment**

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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](#)

Textual Amendments

F15 [Title 7 Ch. 4](#) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(80)**; 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](#)