

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

TITLE V

SURVEILLANCE

CHAPTER I

Surveillance reports

Article 92

Information to be recorded in the surveillance report

- 1 The surveillance reports referred to in Article 71(3) and (4) of the Control Regulation shall be established in accordance with Annex XXIII to this Regulation.
- 2 Member States shall upload the data contained in their surveillance reports into the electronic database referred to in Article 78 of the Control Regulation and provide for the functionalities referred to in Annex XXIV No 2 to this Regulation. The minimum information recorded in this database shall be that indicated in Annex XXIII. Paper surveillance reports may also additionally be scanned into the database.
- 3 The data from the reports shall be kept available in the database for at least 3 years.
- 4 Upon receipt of a surveillance report as referred to in paragraph 1 the flag Member State shall, as soon as possible, initiate an investigation on the activities of its fishing vessels to which the surveillance report refers.
- 5 Paragraph 1 shall apply without prejudice to the rules adopted by Regional Fisheries Management Organisations to which the European Union is a contracting party.

CHAPTER II

Control observers

Article 93

General rules concerning control observers

- 1 Without prejudice to special rules established by a Regional Fisheries Management Organisation or agreed with a third country, [^{F1}Union fishing vessels] identified for the application of a control observer scheme shall carry at least one control observer on board during the time fixed by the scheme.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. 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](#)

2 Member States shall designate control observers and ensure they are able to carry out their tasks. Member States shall ensure in particular the deployment of control observers to and from the [F1Union fishing vessel] concerned.

3 Control observers shall not perform other tasks than those established Article 73 of the Control Regulation and in Article 95 of this Regulation unless other tasks are to be performed pursuant to the EU control observer scheme or as a part of an observer programme under the scope of a Regional Fisheries Management Organisation or established in the framework of a bilateral agreement with a third country.

4 The competent authorities shall ensure that for the purposes of their mission control observers have means of communication independent from the communication system of the fishing vessel.

5 These rules do not affect the powers of the master of the fishing vessel as being in sole charge of the operations of the vessel.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 94

Independence of control observers

In order to be independent from the owner, the operator, the master of the [F1Union fishing vessel] and any crew member, as prescribed by Article 73(2) of the Control Regulation, control observers shall not be:

- a relative or an employee of the master of the [F1Union fishing vessel] or any other crew member, the representative of the master or the owner or the operator of the Union fishing vessel] to which he is assigned,
- an employee of a company controlled by the master, a crew member, the representative of the master or the owner or the operator of the [F1Union fishing vessel] to which he is assigned.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 95

Duties of control observers

1 Control observers shall verify the relevant documents and record the fishing activities of the [F1Union fishing vessel] in which they are embarked as are listed in Annex XXV.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. 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](#)

2 Control observers on board ^[F1]a^[F1] Union fishing vessel shall, where appropriate, brief the officials who are about to proceed to an inspection of that fishing vessel upon arrival on board. If the facilities on board the Union fishing vessel] so allow and where appropriate the brief shall take place in a closed meeting.

3 Control observers shall draw up the report referred to in Article 73(5) of the Control Regulation using the format established in Annex XXVI. They shall forward that report without delay and in any case within 30 days following completion of an assignment to his authorities and to the competent authorities of the flag Member State. Their competent authorities shall make the report available, on request, to the coastal Member State, the Commission or the body designated by it. Copies of reports made available to other Member States may not include the locations where the catches were taken in respect of start and finish positions of each fishing operation, but may include daily totals of catch in kilograms live weight equivalent by species and ICES division or other zone as appropriate.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

^{F2}Article 96

^[F2]Pilot projects]

Textual Amendments

- F2** Deleted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Changes to legislation:

There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 404/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulation continued by [S.I. 2019/739 reg. 5\(1\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Title 10 s. 3 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Title 10 s. 4 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Title 10 s. 5 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Art. 2(1) omitted by [S.I. 2019/739 reg. 5\(3\)\(a\)](#)
- Art. 2(2) omitted by [S.I. 2019/739 reg. 5\(3\)\(a\)](#)
- Art. 2(4) omitted by [S.I. 2019/739 reg. 5\(3\)\(b\)](#)
- Art. 2(12) words substituted by [S.I. 2019/739 reg. 5\(3\)\(c\)](#)
- Art. 2(14) omitted by [S.I. 2019/739 reg. 5\(3\)\(d\)](#)
- Art. 2(15) words substituted by [S.I. 2019/739 reg. 5\(3\)\(e\)](#)
- Art. 2(17) words omitted by [S.I. 2019/739 reg. 5\(3\)\(f\)](#)
- Art. 2(19) inserted by [S.I. 2019/739 reg. 5\(3\)\(g\)](#)
- Art. 7(1)(e) words substituted by [S.I. 2019/739 reg. 5\(9\)\(b\)\(iii\)](#)
- Art. 18(2)(a) words substituted by [S.I. 2019/739 reg. 5\(15\)\(c\)\(ii\)](#)
- Art. 23(c) words substituted by [S.I. 2019/739 reg. 5\(20\)\(c\)](#)
- Art. 33(1)(c) words substituted by [S.I. 2019/739 reg. 5\(30\)](#)
- Art. 39(2)(a) words substituted by [S.I. 2019/739 reg. 5\(35\)\(b\)\(i\)](#)
- Art. 39(2)(e) words substituted by [S.I. 2019/739 reg. 5\(35\)\(b\)\(ii\)](#)
- Art. 42(1)(a) words substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(ii\)](#)
- Art. 42(1)(b) word substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(iii\)](#)
- Art. 42(1)(c) word substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(iii\)](#)
- Art. 47(1)(e) words substituted by [S.I. 2019/739 reg. 5\(43\)\(a\)\(iii\)](#)
- Art. 62(1)(b) words omitted by [S.I. 2019/739 reg. 5\(52\)\(a\)\(iv\)](#)
- Art. 62(1)(c) words substituted by [S.I. 2019/739 reg. 5\(52\)\(a\)\(v\)](#)
- Art. 67(13)(a) words omitted by [S.I. 2019/739 reg. 5\(54\)\(c\)](#)
- Art. 80(1)(d) words substituted by [S.I. 2019/739 reg. 5\(63\)\(b\)\(iv\)](#)
- Art. 99(d) omitted by [S.I. 2019/739 reg. 5\(76\)](#)
- Art. 105(1)(b) words substituted by [S.I. 2019/739 reg. 5\(78\)\(a\)](#)
- Art. 113(2)(a) words substituted by [S.I. 2019/739 reg. 5\(84\)\(b\)](#)