

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 VI

INSPECTION

CHAPTER V

Union inspectors

Article 119

Notification of Union inspectors

- 1 Member States and the European Fisheries Control Agency shall notify the Commission electronically within 3 months after the entry into force of this Regulation of the names of their officials to be included in the list of Union inspectors referred to in Article 79 of the Control Regulation.
- 2 Officials to be included in the list shall:
 - a have a thorough experience in the field of fisheries control and inspection;
 - b have an in-depth knowledge of fisheries legislation of the European Union;
 - c have a thorough knowledge of one of the official languages of the European Union and a satisfactory knowledge of a second;
 - d be physically fit to perform their duties;
 - e have, where appropriate, received the necessary training with regard the safety at sea.

Article 120

List of Union inspectors

- 1 On the basis of the notifications of Member States and the European Fisheries Control Agency the Commission shall adopt a list of Union inspectors 6 months after the entry into force of this Regulation.
- 2 After the establishment of the initial list, Member States and the European Fisheries Control Agency shall notify to the Commission by October each year any amendment to the list which they wish to introduce for the following calendar year. The Commission shall amend the list accordingly by 31 December each year.
- 3 The list and amendment thereto shall be published on the official website of the European Fisheries Control Agency.

Article 121

Communication of Union inspectors to Regional Fisheries Management Organisations

The body designated by the Commission shall communicate to the secretariat of a Regional Fisheries Management Organisation the list of Union inspectors who are to carry out inspections in the framework of that Organisation.

Article 122

Powers and duties of Union inspectors

1 In the accomplishment of their tasks Union inspectors shall comply with the law of the European Union and, as far as applicable, the national law of the Member State where the inspection takes place or, where the inspection is carried out outside EU waters, of the flag Member State of the inspected fishing vessel and relevant international rules.

2 Union inspectors shall present a service card stating their identity and the capacity under which they operate. For this purpose they shall be provided with an identification document issued by the Commission or the European Fisheries Control Agency stating their identity and capacity.

3 Member States shall facilitate the execution of duties by Union inspectors and shall afford them such assistance as they need to fulfil their tasks.

4 Competent authorities of Member States may permit Union inspectors to assist national inspectors in the execution of their duties.

5 Articles 113 and 114 of this Regulation shall apply in a corresponding manner.

Article 123

Reports

1 Union inspectors shall submit a daily summary on their inspection activities, including the name and identification number of each fishing vessel or craft inspected and the type of inspection carried out, to the competent authorities of the Member State in whose waters the inspection took place or, where the inspection was carried outside EU waters, to the flag Member State of the inspected EU fishing vessel, and the European Fisheries Control Agency.

2 If Union inspectors detect an infringement in the course of an inspection, they shall without delay submit a summarised inspection report to the competent authorities of the coastal Member State or, where the inspection was carried outside EU waters, to competent authorities of the flag State of the inspected fishing vessel and the European Fisheries Control Agency. Such summarised inspection report shall specify at least the date and place of the inspection, identification of the inspection platform, identification of the inspected target and type of infringement detected.

3 Union inspectors shall submit a copy of the full inspection report noting the relevant items in the appropriate inspection module of the inspection report in Annex XXVII to the competent authorities of the flag State of the inspected fishing vessel or craft and of the Member State in whose waters the inspection took place, within 7 days from the date of inspection. If

the Union inspectors have detected an infringement, a copy of the full inspection report shall also be sent to the European Fisheries Control Agency.

4 Daily reports and inspection reports referred to in this Article shall be transmitted, upon request, to the Commission.

Article 124

Follow-up of reports

1 Member States shall act on reports submitted by the Union inspectors in accordance with Article 123 of this Regulation in the same way as they act on reports from their own officials.

2 The Member State that nominated the Union inspector or, where appropriate, the Commission or the European Fisheries Control Agency shall cooperate with the Member State acting on a report submitted by the Union inspector in order to facilitate judicial and administrative proceedings.

3 On request, a Union inspector shall assist and give evidence in infringement proceedings undertaken by any Member State.