

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 IX

DATA AND INFORMATION

CHAPTER I

Analysis and audit of data

Article 143

Subject matter

The computerised validation system referred to in Article 109(1) of the Control Regulation shall comprise in particular:

- (a) a database or databases storing all data to be validated by this system, as referred to in Article 144 of this Regulation;
- (b) validation procedures including data quality checks, analysis and cross-checks of all these data, as referred to in Article 145 of this Regulation;
- (c) procedures for the access to all these data by the Commission or a body designated by it, as referred to in Article 146 of this Regulation.

Article 144

Data to be validated

1 For the purpose of the computerised validation system, Member States shall ensure that all data referred to in Article 109(2) of the Control Regulation, are stored in a computerised database or databases. The minimum elements to be included are the items listed in Annex XXIII, those indicated as compulsory in Annex XXVII, the items in Annex XII and the items in Annex XXXII. The validation system may also take into account any other data deemed necessary for the purpose of the validation procedures.

2 The data in the databases referred to in paragraph 1 shall be accessible for the validation system on a continuous basis and in real-time. The validation system shall have direct access to all these databases without any human intervention. To this end all databases or systems in a Member State containing the data referred to in paragraph 1 shall be linked with each other.

3 If the data referred to in paragraph 1 are not stored automatically in a database, Member States shall foresee the manual entry or digitising into the databases, without delay and by respecting the deadlines set in the relevant legislation. The date of data receipt and data entry shall be correctly recorded in the database.

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Article 145

Validation procedures

1 The computerised validation system shall validate each dataset referred to in Article 144(1) of this Regulation on the basis of automated computerised algorithms and procedures in a continuous, systematic and thorough manner. The validation shall contain procedures to control the basic data quality, to check the data format and the minimal data requirements, as well as more advanced verification by analysing several records of a dataset into detail, using statistical methods, or cross-checking data from different sources.

2 For each validation procedure, there shall be a business rule or a set of business rules that defines which validations are executed by the procedure, as well as where the results of these validations are stored. Where applicable, the relevant reference to the legislation whose application is being verified shall be indicated. The Commission may define after consultation with Member States a standard set of business rules to be used.

3 All results of the computerised validation system, both positive and negative, shall be stored in a database. It shall be possible to identify immediately any inconsistency and non-compliance issue detected by the validation procedures, as well as the follow-up of these inconsistencies. It shall also be possible to retrieve the identification of fishing vessels, vessel masters or operators for which inconsistencies and possible non-compliance issues were detected repeatedly in the course of the past 3 years.

4 The follow-up of the inconsistencies detected by the validation system shall be linked with the validation results, indicating the date of validation and follow-up.

If the detected inconsistency is identified as the result of a wrong data entry, that data entry shall be corrected in the database, clearly marking the data as being corrected, as well as reporting the original value or entry and the reason for correcting the data.

If the detected inconsistency leads to a follow-up, the validation result shall contain a link to the inspection report, where appropriate, and the follow-up of it.

Article 146

Access by the Commission

1 Member States shall ensure that the Commission or the body designated by it have at any time real-time access to:

- a all the data referred in Article 144(1) of this Regulation;
- b all business rules defined for the validation system, containing the definition, the relevant legislation and the place where the validation results are stored;
- c all validation results and follow-up measures, with a marker if the data item has been corrected, and with a link to infringement procedures if applicable.

2 Member States shall ensure that the data referred to in paragraph 1(a), (b) and (c) can be accessed by the automated exchange of data via secure web services, as defined in Article 147 of this Regulation.

3 The data shall be made available for download according to the data exchange format and all data elements as defined in Annex XII and in the XML format. Other data items that

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shall be accessible and are not defined in Annex XII shall be available in the format as defined in Annex XXXII.

4 The Commission or the body designated by it shall be given the possibility to download the data referred to in paragraph 1 for any period and any geographical area for an individual fishing vessel or list of fishing vessels.

5 At the reasoned request of the Commission the Member State concerned shall correct without delay data for which the Commission has identified inconsistencies. The Member State concerned shall inform other relevant Member States about this correction without delay.

[^{F1}CHAPTER Ia

Rules for the exchange of data

[^{F2}Article 146a

This Chapter lays down detailed rules for the exchange of data as referred to in Articles 111 and 116 of the Control Regulation, the exchange of inspection and surveillance report data as referred to in Articles 71, 76 and 83 of the Control Regulation, as well as for the notification of catch data as referred to in Article 33(2) and (4) of the Control Regulation.]

Textual Amendments

- F2** Substituted by [Commission Implementing Regulation \(EU\) 2020/30 of 14 January 2020 amending Implementing Regulation \(EU\) No 404/2011 as regards detailed rules for the direct electronic exchange of information enacted under the rules of the Common Fisheries Policy.](#)

Article 146b

Definitions

For the purpose of this Chapter the following definitions shall apply:

- (a) ‘Transportation layer’ means the electronic network for fisheries data exchanges as made available by the Commission to all Member States and the body designated by it to exchange data in a standardised way;
- (b) ‘Report’ means the information recorded by electronic means;
- (c) ‘Message’ means the report in its format for transmission;
- (d) ‘Request’ means an electronic message containing a query for a set of reports.

Article 146c

General principles

1 All messages shall be exchanged based on the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) P1000 standard. Only data fields, core components, objects and well formatted Extensible Markup Language (XML) messages

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according to the XML Schema Definition (XSD) based on the UN/CEFACT standardisation libraries shall be used.

2 The report formats shall be based on the UN/CEFACT standards as referred to in Annex XII and shall be made available on the Master Data Register page of the European Commission Fisheries website.

3 The XSD and codes on the Master Data Register page of the European Commission Fisheries website shall be used for all messages.

4 Date and time shall be transmitted in Coordinated Universal Time (UTC).

5 All reports shall have a unique report identifier.

6 A unique human readable fishing trip identifier shall be used to link the fishing log-book data with landing declaration data, transshipment declaration data, sales note data, take-over declaration data and transport document data.

7 Reports related to Union fishing vessels shall include the identification number of the vessel as referred to in Article 10 of Commission Regulation (EC) No 26/2004⁽¹⁾.

8 Member States shall use the implementation documents available on the European Commission fisheries website to ensure exchange of messages.

Article 146d

Transmission of messages

[
layer.] All transmissions shall be fully automated and immediate, using the transportation

2 Before transmitting a message, the sender shall perform an automatic check to verify that the message is correct according to the minimum set of validation and verification rules available on the Master Data Register on the European Commission Fisheries website.

3 The receiver shall inform the sender on the reception of the message by transmitting a return message based on UN/CEFACT P1000-1: General Principles. Vessel monitoring system messages and replies to a request shall not receive a return message.

4 When a technical failure occurs on the sender side and the sender can no more exchange messages, the sender shall notify all receivers of the problem. The sender shall immediately take appropriate actions to correct the problem. All messages that have to be delivered to a receiver shall be stored until the problem is solved.

5 When a technical failure occurs on the receiver side and the receiver can no more receive messages, the receiver shall notify the all senders of the problem. The receiver shall immediately take appropriate actions to correct the problem.

6 After repair of a system failure related to a sender, the sender shall transmit unsent messages as soon as possible. A manual follow-up procedure may be applied.

7 After repair of a system failure related to the receiver, missing messages shall be accessible on request. A manual follow-up procedure may be applied.

8 All senders and receivers of messages and the Commission shall establish failover procedures for business continuity.

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Article 146e

Corrections

Corrections to reports shall be recorded in the same format as the original report, indicating that the report is a correction based on the UN/CEFACT P1000-1: General Principles.

Article 146f

Exchange of vessel monitoring system data

- 1 The format to be used to report vessel monitoring system data between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Vessel Position Domain XML Schema Definition based on the UN/CEFACT P1000-7.
- 2 Flag Member State systems shall be capable of sending vessel monitoring system messages.
- 3 Flag Member State systems shall also be capable of replying to requests for vessel monitoring system data for fishing trips that started during the previous 36 months.

Article 146g

Exchange of fishing activity data

- 1 The format to be used to exchange fishing logbook data, prior notification data, transshipment declaration data, and landing declaration data, as referred to in Articles 15, 17, 22 and 24 of the Control Regulation, between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Fishing Activity Domain XML Schema Definition based on the UN/CEFACT P1000-3.
- 2 Flag Member State systems shall be capable of sending fishing activity messages as well as of replying to requests for fishing activity data for fishing trips that started during the previous 36 months.

Article 146h

Exchange of sales related data

- 1 The format to be used to exchange sales notes data and take-over declarations data, as referred to in Articles 63 and 67 of the Control Regulation, between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Sales Domain XML Schema Definition based on the UN/CEFACT P1000-5.
- 2 When transport document data as referred to in Article 68 of the Control Regulation are exchanged between Member States, as well as between Member States and the Commission or the body designated by it, the format used shall also be based on the UN/CEFACT P1000-5.

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3 Member State systems shall be capable of sending sales notes and take-over declarations messages as well as of replying to requests for sales notes and take-over data for operations taken place in the previous 36 months.

Article 146i

Transmission of aggregated catch data

[^{F21} Flag Member States shall use the XML Schema Definition based on the UN/CEFACT P1000-12 as format to transmit to the Commission the aggregated catch data referred to in Article 33(2) and (4) of the Control Regulation.]

2 The catch report data shall be aggregated per month in which the species were caught.

[^{F23} The catch report quantities shall be based on the quantities landed. If catches are not yet landed, an estimate catch report shall be provided, with the indication 'retained on board'. A correction with the exact weight and landing place shall be transmitted before the 15th of the month following the landing.]

4 When the Union legislation requires the reporting of stocks or species in multiple catch reports at different aggregation levels, these stocks or species shall only be reported in the most detailed report required.

Textual Amendments

- F2** Substituted by [Commission Implementing Regulation \(EU\) 2020/30 of 14 January 2020 amending Implementing Regulation \(EU\) No 404/2011 as regards detailed rules for the direct electronic exchange of information enacted under the rules of the Common Fisheries Policy.](#)

Article 146j

Changes to XML formats and implementation documents

[^{F21} Amendments to XML formats and implementation documents to be used for all electronic data exchanges between Member States, and between Member States, the Commission or the body designated by it, including the amendments resulting from Articles 146f, 146g, 146h and 146k, shall be decided by the Commission in concert with Member States.]

2 The amendments referred to in paragraph 1 shall be clearly identified on the Master Data Register of the European Commission Fisheries website and marked with the date the amendment comes into effect. Such amendments shall not come into effect earlier than 6 months and no later than 18 months after they have been decided. The timing shall be decided by the Commission in concert with Member States.

Textual Amendments

- F2** Substituted by [Commission Implementing Regulation \(EU\) 2020/30 of 14 January 2020 amending Implementing Regulation \(EU\) No 404/2011 as regards detailed rules for the direct electronic exchange of information enacted under the rules of the Common Fisheries Policy.](#)

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F3 Article 146k

Exchange of inspection and surveillance related data

1 The format to be used to exchange inspection and surveillance report data, referred to in Articles 71, 76 and 83 of the Control Regulation, between Member States, as well as between Member States and the Commission or the body designated by it, shall be the Inspection and Surveillance Domain XML Schema Definition based on the UN/CEFACT P1000-8.

2 As from a date established in concert with Member States in accordance with Article 146j(2), Member State systems shall be capable of sending inspection and surveillance messages and of replying to requests for inspection and surveillance data in accordance with the Inspection and Surveillance Domain XML Schema Definition based on the UN/CEFACT P1000-8.]]

Textual Amendments

F3 Inserted by [Commission Implementing Regulation \(EU\) 2020/30 of 14 January 2020 amending Implementing Regulation \(EU\) No 404/2011 as regards detailed rules for the direct electronic exchange of information enacted under the rules of the Common Fisheries Policy.](#)

Textual Amendments

F1 Inserted 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.](#)

CHAPTER II

Websites of Member States

Article 147

Operation of websites and web services

1 For the purpose of the official websites referred to in Articles 115 and 116 of the Control Regulation Member States shall create web services. These web services shall generate real-time and dynamic content for the official websites and they shall provide automated access to the data. If necessary, Member States shall adapt their existing databases or create new databases in order to provide the required content of the web services.

2 This web services shall enable the Commission and the body designated by it to pull all available data referred to in Articles 148 and 149 of this Regulation at any time. That automated pulling mechanism shall be based on the electronic information exchange protocol and format referred to Annex XII. Web services shall be created according to international standards.

3 Every subpage of the official website referred to in paragraph 1 shall contain a menu at the left side where hyperlinks to all other subpages are listed. It shall also contain the definition of the related web service at the bottom of the subpage.

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4 Web services and websites shall be deployed in a centralised manner, providing only one unique access point per Member State.

5 The Commission may lay down common standards, technical specifications and procedures for the website's interface, technically compatible computerised systems and web services among Member States, the Commission and the body designated by it. The Commission shall coordinate the process to create those specifications and procedures after consultation with the Member States.

Article 148

Publicly accessible website and web services

1 The publicly accessible part of the website shall contain an overview page and different subpages. The public overview page shall list hyperlinks containing the references in Article 115(a) to (g) of the Control Regulation and referring to subpages providing the information referred to in that Article.

2 Each public subpage shall contain at least one of the information items listed in Article 115(a) to (g) of the Control Regulation. Subpages, as well as the related web services, shall contain at least the information set out in Annex XXXIII.

Article 149

Secured website and web services

1 The secure part of the website shall contain an overview page and different subpages. The secure overview page shall list hyperlinks containing the references in Article 116(1)(a) to (h) of the Control Regulation and referring to subpages providing the information referred to in that Article.

2 Each secure subpage shall contain at least one of the information items listed in Article 116(1)(a) to (h) of the Control Regulation. Subpages, as well as the related web services, shall contain at least the information set out in Annex XXIV.

3 Both the secure website as the secure web services shall make use of electronic certificates referred to in Article 116(3) of the Control Regulation.

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- (1) [^{F1}Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).]

Textual Amendments

- F1** Inserted 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.](#)

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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\(84\)\(b\)](#)