

Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

CHAPTER V

IDENTIFICATION OF FISHING VESSELS ENGAGED IN IUU FISHING

Article 25

Alleged IUU fishing

- 1 [F¹A fisheries administration], or a body designated by it, shall compile and analyse:
- a all information on IUU fishing obtained in accordance with Chapters II, III, IV, VIII, X and XI; and/or
 - b any other relevant information, as appropriate, such as:
 - (i) the catch data;
 - (ii) trade information obtained from national statistics and other reliable sources;
 - (iii) vessel registers and databases;
 - (iv) regional fisheries management organisation catch documents or statistical document programmes;
 - (v) reports on sightings or other activities of fishing vessels presumed to be engaged in IUU fishing as referred to in Article 3 and IUU vessel lists reported or adopted by regional fisheries management organisations;
 - (vi) reports under the terms of [F²Council Regulation 1224/2009] on fishing vessels presumed to be engaged in IUU fishing as referred to in Article 3;
 - (vii) any other relevant information obtained, *inter alia*, in the ports and on the fishing grounds.

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3 [F⁴A fisheries administration], or a body designated by it, shall keep a file in respect of each fishing vessel reported as allegedly involved in IUU fishing which shall be updated as new information is obtained.

[F⁵4. A fisheries administration must share the contents of the file it keeps under paragraph 3 with the other fisheries administrations and inform them each time the file is updated by providing the details of each update.]

Textual Amendments

- F1** Words in Art. 25(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(25)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 1005/2008, CHAPTER V. (See end of Document for details)

- F2** Words in Art. 25(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(25)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 25(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(25)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 25(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(25)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 25(4) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(25)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 26

Presumed IUU fishing

1 [F6A fisheries administration must] identify fishing vessels for which sufficient information has been obtained in accordance with Article 25 to presume that such fishing vessels may be engaged in IUU fishing, warranting an official enquiry with the flag [F7state] concerned.

[F81A A fisheries administration must inform the other fisheries administrations on each occasion it identifies a vessel which it believes should be subject to an official enquiry in accordance with this Article.

1B. In order to avoid duplication and any potential differences in information presented as part of an official enquiry, a fisheries administration must, jointly with the other fisheries administrations, agree—

- a whether an official enquiry should be carried out in respect of a vessel identified under paragraph 1; and
- b the information which should be presented as part of any official enquiry agreed to be carried out under paragraph (a).]

2 [F9The Secretary of State must] notify flag [F10states] whose fishing vessels are [F11agreed pursuant to paragraph 1B(a)] of an official request for an enquiry into the alleged IUU fishing of their flagged vessels concerned. The notification shall:

- a provide all information gathered [F12, and agreed pursuant to paragraph 1B(b),] on alleged IUU fishing;
- b issue an official request to the flag [F13state] that it takes all the necessary measures to investigate the alleged IUU fishing and share the results of this investigation with the [F14Secretary of State] on a timely basis;
- c issue an official request to the flag [F15state] to take immediate enforcement action should the allegation formulated against the fishing vessel concerned be proven to be founded, and to inform the [F16Secretary of State] of the measures taken;
- d ask the flag [F17state] to notify the owner and, where appropriate, the operator of the fishing vessel concerned of the detailed statement of reasons for the intended listing and of the consequences which would result should the fishing vessel be included in the [F18United Kingdom] IUU vessel list, as laid down in Article 37. Flag [F19states] shall also be requested to provide information to the [F20Secretary of State] as to the fishing vessel's owners and, where appropriate, operators so as to ensure that such persons can be heard, in accordance with Article 27(2);
- e advise the flag [F21state] on the provisions in Chapters VI and VII.

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Textual Amendments

- F6** Words in Art. 26(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in Art. 26(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 26(1A)(1B) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 26(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in Art. 26(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 26(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 26(2)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Word in Art. 26(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(v)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 26(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(v)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Word in Art. 26(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vi)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 26(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vi)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Word in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Word in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Word in Art. 26(2)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(viii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Art. 26(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Art. 26(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 27

Establishment of the ^[F24]United Kingdom] IUU vessel list

^[F25]1 The United Kingdom IUU vessel list is, subject to any amendments made by virtue of this Article or Article 28, the list contained in Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

1A. The Secretary of State may, by regulations, amend the United Kingdom IUU vessel list to include any vessel—

- a included in an IUU vessel list adopted by a regional fisheries management organisation;

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- b in relation to which, further to measures taken pursuant to Articles 25 and 26, the information obtained in accordance with this Regulation establishes is engaged in IUU fishing; and
- c whose flag state has not complied with the official request referred to in Article 26(2) (b) and (c) in response to an allegation of IUU fishing.

1B. The remaining paragraphs of this Article apply to the inclusion of a vessel on the United Kingdom IUU vessel list under points (b) and (c) of paragraph 1A.]

2 Before placing any fishing vessel on the [F26United Kingdom] IUU vessel list, the [F27Secretary of State must] provide the owner and, where appropriate, the operator of the fishing vessel concerned with a detailed statement of reasons for the intended listing and with all elements supporting the suspicion that the fishing vessel has carried out IUU fishing. The statement shall mention the right to ask for or to provide additional information, and give the owner, and, where appropriate, the operator the possibility of being heard and to defend their case, leaving them adequate time and facilities.

3 When a decision is taken to place a fishing vessel on the [F28United Kingdom] IUU vessel list, the [F29Secretary of State must] notify that decision, and the reasons for it, to the owner and, where appropriate, the operator of the fishing vessel.

4 The obligations imposed on the [F30Secretary of State] by paragraphs 2 and 3 shall apply without prejudice to the primary responsibility of the flag [F31state] over the fishing vessel, and only in so far as the relevant information on the identification of the fishing vessel owner and operator is at the disposal of the [F30Secretary of State].

5 The [F32Secretary of State must] notify the flag [F33state] of the inclusion of the fishing vessel on the [F34United Kingdom] IUU vessel list and shall provide the flag [F33state] with the detailed reasons for listing.

6 The [F35Secretary of State must] request flag [F36states] with fishing vessels on the [F37United Kingdom] IUU vessel list to:

- a notify the owner of the fishing vessel of its inclusion on the [F38United Kingdom] IUU vessel list, of the reasons justifying this inclusion and of the consequences resulting from it, as laid down in Article 37; and
- b take all the necessary measures to eliminate IUU fishing, including, if necessary, the withdrawal of the registration or the fishing licences of the fishing vessels concerned, and to inform the [F39Secretary of State] of the measures taken.

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Textual Amendments

F24 Words in Art. 27 heading substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(27)(a); 2020 c. 1, Sch. 5 para. 1(1)

F25 Art. 27(1)-(1B) substituted for Art. 27(1) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, 28(8); 2020 c. 1, Sch. 5 para. 1(1)

F26 Words in Art. 27(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(27)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)

F27 Words in Art. 27(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(27)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 1005/2008, CHAPTER V. (See end of Document for details)

- F28** Words in Art. 27(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 27(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 27(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Word in Art. 27(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in Art. 27(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Word in Art. 27(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 27(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 27(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Word in Art. 27(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 27(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 27(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Art. 27(6)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Art. 27 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Art. 28 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(g)**; 2020 c. 1, Sch. 5 para. 1(1)

*F*⁴² Article 28

Removal of fishing vessels from the United Kingdom IUU vessel list

1 Subject to paragraphs 2 and 3, the Secretary of State may, by regulations, remove a fishing vessel from the United Kingdom IUU vessel list in accordance with the provisions of paragraphs 4 to 7.

2 Where a vessel was added to the United Kingdom IUU vessel list because it was included in an IUU vessel list adopted by a regional fisheries management organisation, the Secretary of State must have regard to any decisions taken with regard to that vessel by the relevant regional fisheries management organisation when making any decision regarding the removal of that vessel from the United Kingdom IUU vessel list.

3 The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.

4. The Secretary of State may remove a fishing vessel under paragraph 1 if the Secretary of State is satisfied that the vessel's flag state has demonstrated that—

- a the vessel did not engage in any of the IUU fishing activities for which it was placed on the list; or
- b proportionate, dissuasive and effective sanctions have been applied in response to the IUU fishing activities in question.

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5. The owner or, where appropriate, the operator of a fishing vessel included on the United Kingdom IUU vessel list may submit a request to the Secretary of State to review the status of that vessel in case of inaction by the flag state under paragraph 4.

6. Where a request is submitted under paragraph 4, the Secretary of State may consider the removal of a fishing vessel under paragraph 1 if the owner or operator provides evidence as to the fact that the fishing vessel—

- a is no longer engaged in IUU fishing; or
- b has sunk or has been scrapped.

7. In all other cases, the Secretary of State may only consider removing a fishing vessel under paragraph 1 if the following conditions are fulfilled—

- a at least two years have elapsed since the fishing vessel was included on the United Kingdom IUU vessel list during which no further reports of alleged IUU fishing by the vessel have been received by a fisheries administration in accordance with Article 25;
- b the owner submits information relating to the current operation of the fishing vessel that demonstrates that it is operating in full conformity with relevant United Kingdom and international laws and any conservation and management measures that apply to any fisheries in which it is participating; and
- c the fishing vessel concerned, its owner or operator, maintain no operational or financial links, whether direct or indirect, with any other vessel, owner or operator presumed or confirmed to be engaged in IUU fishing.]

Textual Amendments

F42 Art. 28 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(9)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 29

[^{F43}Content and publicity of the United Kingdom IUU vessel list]

1 [^{F44}Regulations made by the Secretary of State under Article 27(1A) must contain the following information for each vessel included on the United Kingdom IUU vessel list—]

- a name and previous names, if any;
- b flag and previous flags, if any;
- c owner and where relevant previous owners, including beneficial owners, if any;
- d operator and where relevant previous operators, if any;
- e call sign and previous call signs, if any;
- f Lloyds/IMO number, where available;
- g photographs, where available;
- h date of first inclusion on it;
- i summary of activities which justify inclusion of the vessel on it, together with references to all relevant documents informing of and evidencing those activities.

[^{F45}2 The Secretary of State must take such measures as the Secretary of State feels necessary to ensure the publicity of the United Kingdom IUU vessel list as amended from time to time under Article 27(1A) or Article 28. In particular, the Secretary of State must publish the vessel list on a website that is accessible to the public.]

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008, CHAPTER V. (See end of Document for details)

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Textual Amendments

- F43** Art. 29 heading substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Art. 29(1) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F45** Art. 29(2) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Art. 29(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(10)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

F47 Article 30

IUU vessel lists adopted by regional fisheries management organisations

Textual Amendments

- F47** Art. 30 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(28)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Ch. 5 applied (with modifications) (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(3), **5**

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008, CHAPTER V.