

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

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>(2)</sup>,

After consulting the Committee of the Regions,

Whereas:

- (1) The Community is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 (Unclos), has ratified the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (UN Fish Stocks Agreement) and has accepted the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 of the Food and Agriculture Organization of the United Nations (FAO Compliance Agreement). Those provisions predominantly set out the principle that all States have a duty to adopt appropriate measures to ensure sustainable management of marine resources and to cooperate with each other to this end.
- (2) The objective of the common fisheries policy, as set out in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy<sup>(3)</sup>, is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.
- (3) Illegal, unreported and unregulated (IUU) fishing constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources and jeopardises the very foundation of the common fisheries policy and international efforts to

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promote better ocean governance. IUU fishing also represents a major threat to marine biodiversity which needs to be addressed in accordance with the objectives set out in the Communication from the Commission — Halting the loss of biodiversity by 2010 — and beyond.

- (4) The FAO adopted in 2001 an international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing, which the Community has endorsed. Furthermore, regional fisheries management organisations, with the active support of the Community, have established an array of measures designed to counteract illegal, unreported and unregulated fishing.
- (5) In line with its international commitments, and given the scale and urgency of the problem, the Community should substantially enhance its action against IUU fishing and adopt new regulatory measures designed to cover all facets of the phenomenon.
- (6) The action by the Community should be targeted primarily at behaviour falling under the definition of IUU fishing and which causes the most serious damage to the marine environment, the sustainability of fish stocks and the socioeconomic situation of fishermen abiding by the rules on conservation and management of fisheries resources.
- (7) In line with the definition of IUU fishing, the scope of this Regulation should extend to fishing activities carried out on the high seas and in maritime waters under the jurisdiction or sovereignty of coastal countries, including maritime waters under the jurisdiction or sovereignty of the Member States.
- (8) In order to properly address the internal dimension of IUU fishing, it is vital for the Community to adopt the necessary measures to improve compliance with the rules of the common fisheries policy. Pending the revision of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(4)</sup> provisions to this end should be inserted in this Regulation.
- (9) Community rules, and in particular Title II of Regulation (EEC) No 2847/93, provide for a comprehensive system designed to monitor the legality of catches from Community fishing vessels. The current system applying to fishery products caught by third country fishing vessels and imported into the Community does not ensure an equivalent level of control. This weakness constitutes an important incentive for foreign operators carrying out IUU fishing to trade their products in the Community and increase the profitability of their activities. As the world's largest market for, and importer of fishery products, the Community has a specific responsibility in making sure that fishery products imported into its territory do not originate from IUU fishing. A new regime should therefore be introduced to ensure a proper control of the supply chain for fishery products imported into the Community.
- (10) Community rules governing access to Community ports of fishing vessels flying the flag of a third country should be strengthened with a view to ensuring a proper control over the legality of the fishery products landed by fishing vessels flying the flag of a third country. This should notably imply that access to Community ports is only authorised for fishing vessels flying the flag of a third country which are able to provide accurate

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information on the legality of their catches and to have this information validated by their flag State.

- (11) Transshipments at sea escape any proper control by flag or coastal States and constitute a usual way for operators carrying out IUU fishing to dissimulate the illegal nature of their catches. It is therefore justified for the Community to authorise transshipment operations only if they occur within the designated ports of Member States, in ports of third countries between Community fishing vessels, or outside Community waters between Community fishing vessels and fishing vessels registered as carrier vessels under the auspices of a regional fisheries management organisation.
- (12) It is appropriate to lay down the conditions, procedure and frequency according to which checking, inspection and verification activities shall be carried out by Member States, on the basis of risk management.
- (13) Trade with the Community in fishery products stemming from IUU fishing should be prohibited. In order to make this prohibition effective and ensure that all traded fishery products imported into or exported from the Community have been harvested in compliance with international conservation and management measures and, where appropriate, other relevant rules applying to the fishing vessel concerned, a certification scheme applying to all trade in fishery products with the Community shall be put in place.
- (14) The Community should take into account the capacity constraints of developing countries for the implementation of the certification scheme.
- (15) It is appropriate that, under this scheme, a certificate be required as a precondition for the import of fishery products into the Community. That certificate should contain information demonstrating the legality of the products concerned. It should be validated by the flag State of the fishing vessels which caught the fish concerned, in line with its duty under international law to ensure that fishing vessels flying its flag comply with international rules on conservation and management of fisheries resources.
- (16) It is essential that this certification scheme apply to all imports of marine fishery products into the Community and exports from the Community. This scheme should also apply to fishery products which have been transported or processed in a country other than the flag State before reaching the territory of the Community. Specific requirements should therefore apply with respect to those products, in order to guarantee that the products arriving into the territory of the Community are not different from those the legality of which has been validated by the flag State.
- (17) It is important to ensure an equal level of control for all imported fishery products, without prejudice to the volume or frequency of trade, by introducing specific procedures for granting the status of approved economic operator.
- (18) The exportation of catches from fishing vessels flying the flag of a Member State should also be subject to the certification scheme under the framework of cooperation with third countries.

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- (19) Member States into which the products are intended to be imported should be able to check the validity of the catch certificates accompanying the consignment and be entitled to refuse the importation where the conditions laid down in this Regulation with respect to the catch certificate are not met.
- (20) It is important that checking, inspection and verification activities pertaining to fishery products in transit or transshipment be carried out primarily by the Member States of final destination in order to improve their efficiency.
- (21) In order to assist control authorities within Member States in their tasks of monitoring the legality of fishery products traded with the Community, as well as to warn Community operators, a Community alert system should be established, designed to spread information, where appropriate, about well-founded doubts as to compliance by certain third countries with applicable conservation and management rules.
- (22) It is essential that the Community adopt dissuasive measures against fishing vessels carrying out IUU fishing and which are not subject to appropriate action by their flag State in response to such IUU fishing.
- (23) To this end, the Commission, in collaboration with Member States, the Community Fisheries Control Agency, third States and other bodies, should identify fishing vessels suspected of carrying out IUU fishing, on the basis of risk management, and the Commission should seek information from the competent flag State as to the accuracy of the findings.
- (24) In order to facilitate enquiries pertaining to fishing vessels presumed to have carried out IUU fishing and prevent the continuation of the alleged infringement, those fishing vessels should be subject to specific control and inspection requirements by Member States.
- (25) When, on the basis of the information obtained, there are sufficient grounds to consider that fishing vessels flying the flag of a third country have been engaged in IUU fishing and that the competent flag States have not taken effective action in response to such IUU fishing, the Commission should place those vessels on the Community IUU vessel list.
- (26) When, on the basis of the information obtained, there are sufficient grounds to consider that Community fishing vessels have been engaged in IUU fishing and that the competent flag Member States have not taken effective action pursuant to this Regulation and to Regulation (EEC) No 2847/93 in response to such IUU fishing, the Commission should place those vessels on the Community IUU vessel list.
- (27) With a view to remedying the absence of effective action by flag States towards fishing vessels flying their flags and placed on the Community IUU vessel list, and to restrict the continuation of fishing activities by those vessels, Member States should apply appropriate measures against those vessels.
- (28) To safeguard the rights of the fishing vessels placed on the Community IUU vessel list and of their flag States, the procedure for the listing should give the flag State the opportunity to inform the Commission of the measures taken and, where possible, give

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the owner or operators concerned the possibility of being heard at each stage of the procedure and allow for the delisting of a fishing vessel when the criteria for its listing are no longer met.

- (29) In order to provide for a single framework within the Community and to avoid proliferation of lists pertaining to fishing vessels involved in IUU fishing, fishing vessels included in the IUU lists adopted by regional fisheries management organisations should automatically be included in the corresponding list drawn up by the Commission.
- (30) The failure by some States to discharge the duty incumbent on them under international law as flag, port, coastal or market States, to take appropriate measures to ensure compliance by their fishing vessels or nationals with rules on the conservation and management of fisheries resources is one of the main drivers of IUU fishing and should be addressed by the Community.
- (31) To this end, in addition to its action at international and regional levels, the Community should be entitled to identify those non-cooperating States, on the basis of transparent, clear and objective criteria relying on international standards, and, after giving them adequate time and to respond to a prior notification, adopt non-discriminatory, legitimate and proportionate measures with respect to those States, including trade measures.
- (32) It is for the Council to adopt trade measures in respect of other States. As the establishment of a list of non-cooperating States should entail trade counter-measures in respect of the States concerned, it is appropriate that the Council reserve itself the right to exercise implementing powers directly in this specific case.
- (33) It is essential that nationals of Member States be effectively deterred from engaging in or supporting IUU fishing by fishing vessels flying the flag of third countries and active outside the Community, without prejudice to the primacy of the responsibility of the flag State. Member States should therefore put in place the necessary measures and cooperate between themselves and with third countries to identify their nationals carrying out IUU fishing, make sure that they are adequately sanctioned and verify the activities of their nationals involved with third country fishing vessels, outside the Community.
- (34) The persistence of a high number of serious infringements against the rules of the common fisheries policy within Community waters or by Community operators lies to a large extent in the non-deterrent level of sanctions prescribed within Member States' legislation in relation to serious infringements to those rules. This weakness is compounded by the wide variety of sanctions levels across Member States, which encourages illegal operators to operate in maritime waters or the territory of the Member States where these are the lowest. To address this weakness, building upon the provisions set out in Regulations (EC) No 2371/2002 and (EEC) No 2847/93 in this area, it is appropriate to approximate within the Community the maximum levels of administrative sanctions foreseen in relation to serious infringements against common fisheries policy rules, taking into account the value of the fishery products obtained by committing the serious infringement, their repetition and the value of the prejudice

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to the fishing resources and the marine environment concerned, as well as to foresee immediate enforcement measures and complementary measures.

- (35) In addition to behaviour constitutive of a serious infringement against rules on fishing activities, the conduct of business directly connected to IUU fishing, including the trade in or the importation of fishery products stemming from IUU fishing, or the falsification of documents, should also be considered as serious infringements requiring the adoption of harmonised maximum levels of administrative sanctions by Member States.
- (36) The sanctions for serious infringements of this Regulation should also apply to legal persons as those infringements are committed, to a large extent, in the interest of legal persons or for their benefit.
- (37) Provisions pertaining to sightings of fishing vessels at seas adopted within certain regional fisheries management organisations should be implemented in a harmonised manner within the Community.
- (38) Cooperation between Member States, the Commission, and with third countries is essential to ensure that IUU fishing is properly investigated and sanctioned and that the measures laid down in this Regulation can be applied. A system for mutual assistance should be established to enhance such cooperation.
- (39) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of eliminating IUU fishing to lay down rules on the measures foreseen in this Regulation. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with the third paragraph of Article 5 of the Treaty.
- (40) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(5)</sup>.
- (41) This Regulation identifies IUU fishing as a violation of applicable laws, rules or regulations of particular gravity, as it seriously undermines the attainment of the objectives of the violated rules and jeopardises the sustainability of the stocks concerned or the conservation of the marine environment. Given its restricted scope, the implementation of this Regulation must build upon, and be complementary to that of Regulation (EEC) No 2847/93, which establishes the basic framework for the control and monitoring of fishing activities under the common fisheries policy. Accordingly, this Regulation reinforces the rules of Regulation (EEC) No 2847/93 in the area of port inspections of third country fishing vessels, which are now repealed and replaced by the port inspection regime established in Chapter II of this Regulation. In addition, this Regulation provides for a regime of sanctions in Chapter IX that applies specifically to IUU fishing activities. The provisions of Regulation (EEC) No 2847/93 relating to sanctions remain thus applicable to violations of the rules of the common fisheries policy other than those addressed by this Regulation.
- (42) The protection of individuals with regard to the processing of personal data is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of

personal data by the Community institutions and bodies and on the free movement of such data<sup>(6)</sup>, which is fully applicable to the processing of personal data for the purposes of this Regulation, in particular as regards the rights of data subjects to access, rectification, blocking and erasure of data and notification to third parties, which have not in consequence been further particularised in this Regulation.

- (43) The entry into force of provisions of this Regulation on matters covered by Council Regulations (EEC) No 2847/93, (EC) No 1093/94<sup>(7)</sup>, (EC) No 1447/1999<sup>(8)</sup>, (EC) No 1936/2001<sup>(9)</sup> and (EC) No 601/2004<sup>(10)</sup> should result in the repeal of parts or the entirety of those Regulations,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

#### **Subject matter and scope**

1 This Regulation establishes a <sup>F1</sup>... system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

<sup>F2</sup> .....

[<sup>F3</sup> The system laid down in paragraph 1 applies to all IUU fishing and associated activities carried out in United Kingdom waters, within maritime waters under the jurisdiction or sovereignty of third countries and on the high seas.]

#### **Textual Amendments**

- F1** Word in Art. 1(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 1(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(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 1(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *Article 2*

#### **Definitions**

For the purposes of this Regulation:

1. 'illegal, unreported and unregulated fishing' or 'IUU fishing' means fishing activities which are illegal, unreported or unregulated;
2. 'illegal fishing' means fishing activities:

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- (a) conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a [F<sup>4</sup>state], without the permission of that [F<sup>4</sup>state], or in contravention of its laws and regulations;
  - (b) conducted by fishing vessels flying the flag of [F<sup>4</sup>states] that are contracting parties to a relevant regional fisheries management organisation, but which operate in contravention of the conservation and management measures adopted by that organisation and by which those [F<sup>4</sup>states] are bound, or of relevant provisions of the applicable international law; or
  - (c) conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating [F<sup>4</sup>states] to a relevant regional fisheries management organisation;
3. ‘unreported fishing’ means fishing activities:
- (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
  - (b) which have been undertaken in the area of competence of a relevant regional fisheries management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation;
4. ‘unregulated fishing’ means fishing activities:
- (a) conducted in the area of application of a relevant regional fisheries management organisation by fishing vessels without nationality, by fishing vessels flying the flag of a [F<sup>5</sup>state] not party to that organisation or by any other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
  - (b) conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with [F<sup>5</sup>state] responsibilities for the conservation of living marine resources under international law;
5. F<sup>6</sup> ...
6. F<sup>7</sup> ...
7. ‘fishing authorisation’ means entitlement to engage in fishing activities during a specified period, in a given area or for a given fishery;
8. ‘fishery products’ mean any products which fall under Chapter 03 and Tariff headings 1604 and 1605 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(11)</sup>, with the exception of the products listed in Annex I of this Regulation;
9. ‘conservation and management measures’ mean measures to conserve and manage one or more species of living marine resources and that are adopted and in force in accordance with the relevant rules of [F<sup>8</sup>the applicable law];
10. ‘transhipment’ means the unloading of all or any fishery products on board a fishing vessel to another fishing vessel;



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11. 'importation' means the introduction of fishery products into the territory of the [F<sup>9</sup>United Kingdom], including for transshipment purposes at ports in [F<sup>10</sup>the United Kingdom];
12. 'indirect importation' means the importation from the territory of a third country other than the flag [F<sup>11</sup>state] of the fishing vessel responsible for the catch;
13. [F<sup>12</sup>'exportation' means any movement to a third country of fishery products harvested by United Kingdom fishing vessels wherever the fishery products were harvested;]
14. [F<sup>13</sup>'re-exportation' means any movement from the United Kingdom of fishery products which had been previously imported into the United Kingdom;]
15. 'regional fisheries management organisation' means a subregional, regional or a similar organisation with competence, as recognised under international law, to establish conservation and management measures for living marine resources placed under its responsibility by virtue of the convention or agreement by which it was established;
16. 'contracting party' means a contracting party to the international convention or agreement establishing a regional fisheries management organisation, as well as [F<sup>14</sup>states], fishing entities or any other entities that cooperate with such an organisation and have been granted cooperating non-contracting party status with respect to such an organisation;
17. [F<sup>15</sup>'sighting' means any observation by the competent authorities of a fisheries administration or by the master of a United Kingdom or third country fishing vessel of a fishing vessel that may fall under one or several of the criteria referred to in Article 3(1);]
18. 'joint fishing operation' means any operation between two or more fishing vessels where catch is transferred from the fishing gear of one fishing vessel to another or where the technique used by those fishing vessels requires one common fishing gear;
19. 'legal person' means any legal entity having such status under the applicable national law, with the exception of [F<sup>16</sup>states] or public bodies in the exercise of [F<sup>16</sup>state] authority and public organisations;
20. 'risk' means the likelihood of an event that may occur, with regard to fishery products imported into or exported from the territory of the [F<sup>17</sup>United Kingdom], which prevents the correct application of this Regulation or of the conservation and management measures;
21. 'risk management' means the systematic identification of risk and the implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescribing and taking action, and regular monitoring and review of the process and its outcomes, based on international <sup>F<sup>18</sup></sup>... or national sources or strategies;
22. 'high seas' means all the part of the sea as defined in Article 86 of the United Nations Convention of the Law of the Sea (Unclos);
23. 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee.

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### Textual Amendments

- F4** Words in Art. 2(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 2(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 2(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 2(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 2(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 2(11) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 2(11) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in Art. 2(12) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(13) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Art. 2(14) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in Art. 2(16) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 2(17) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 2(19) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 2(20) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(k)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in Art. 2(21) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(l)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 3

#### Fishing vessels engaged in IUU fishing

1 A fishing vessel shall be presumed to be engaged in IUU fishing if it is shown that, contrary to the conservation and management measures applicable in the fishing area concerned, it has:

- a fished without a valid licence, authorisation or permit issued by the flag [<sup>F19</sup>state] or the relevant coastal [<sup>F19</sup>state]; or
- b not fulfilled its obligations to record and report catch or catch-related data, including data to be transmitted by satellite vessel monitoring system, or prior notices under Article 6; or
- c fished in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth; or
- d engaged in directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited; or
- e used prohibited or non-compliant fishing gear; or

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- f falsified or concealed its markings, identity or registration; or
- g concealed, tampered with or disposed of evidence relating to an investigation; or
- h obstructed the work of officials in the exercise of their duties in inspecting for compliance with the applicable conservation and management measures; or the work of observers in the exercise of their duties of observing compliance with the applicable <sup>F20</sup>... rules; or
- i taken on board, transhipped or landed undersized fish in contravention of the legislation in force; or
- j transhipped or participated in joint fishing operations with, supported or re-supplied other fishing vessels identified as having engaged in IUU fishing under this Regulation, in particular those included in the [<sup>F21</sup>United Kingdom] IUU vessel list or in the IUU vessel list of a regional fisheries management organisation; or
- k carried out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a [<sup>F22</sup>state] not party to that organisation, or not cooperating with that organisation as established by that organisation; or
- l no nationality and is therefore a stateless vessel, in accordance with international law.

2 The activities set out in paragraph 1 shall be considered as serious infringements in accordance with Article 42 depending on the gravity of the infringement in question which shall be determined by the competent authority of [<sup>F23</sup>a fisheries administration], taking into account the criteria such as the damage done, its value, the extent of the infringement or its repetition.

#### Textual Amendments

- F19** Word in Art. 3(1)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Word in Art. 3(1)(h) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 3(1)(j) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in Art. 3(1)(k) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 3(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C1** Ch. 1 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. (See end of Document for details)*

## CHAPTER II

### INSPECTIONS OF THIRD COUNTRY FISHING VESSELS IN [F24UNITED KINGDOM] PORTS

#### SECTION 1

#### Conditions for access to port by third country fishing vessels

##### Article 4

##### Inspection in port schemes

1 With a view to prevent, deter and eliminate IUU fishing, an effective scheme of inspections in port for third country fishing vessels calling at the ports of [F25the United Kingdom] shall be maintained.

2 Access to ports of [F26the United Kingdom], the provision of port services, and the conduct of landing or transshipment operations in such ports shall be prohibited for third country fishing vessels unless they meet the requirements laid down in this Regulation, except in cases of *force majeure* or distress within the meaning of Article 18 of the Unclos (*force majeure* or distress) for services strictly necessary to remedy those situations.

3 Transshipments between third country fishing vessels or between the latter and [F27United Kingdom fishing vessels] shall be prohibited in [F28United Kingdom] waters and shall take place only in port, in accordance with the provisions of this Chapter.

4 [F29United Kingdom fishing vessels] shall not be authorised to tranship at sea catches from third country fishing vessels outside [F30United Kingdom] waters unless the fishing vessels are registered as carrier vessels under the auspices of a regional fisheries management organisation.

#### Textual Amendments

- F25** Words in Art. 4(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 4(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 4(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 4(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 4(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 4(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(d)(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. (See end of Document for details)*

## Article 5

### Designated ports

1 [F31A fisheries administration must] designate ports, or places close to the shore, where landings or transshipment operations of fishery products and port services referred to in Article 4(2) are permitted.

2 Access to port services and the conduct of landing or transshipment operations by third country fishing vessels shall be authorised only in designated ports.

[F323 A fisheries administration must publish on a website that is accessible to the public a list of ports, or places close to the shore, designated under paragraph 1.]

F334 .....

#### Textual Amendments

- F31** Words in Art. 5(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(7)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Art. 5(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(7)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Art. 5(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(7)(c); 2020 c. 1, Sch. 5 para. 1(1)

## Article 6

### Prior notice

1 Masters of third country fishing vessels or their representatives shall notify the competent authorities of [F34a fisheries administration when they wish to use a port or landing facility designated under Article 5] at least three working days before the estimated time of arrival at the port, of the following information:

- a vessel identification;
- b name of the designated port of destination and the purposes of the call, landing, transshipment or access to services;
- c fishing authorisation or, where appropriate, authorisation to support fishing operations or to tranship fishery products;
- d dates of the fishing trip;
- e estimated date and time of arrival at port;
- f the quantities of each species retained on board or, where appropriate, a negative report;
- g the zone or zones where the catch was made or where transshipment took place, whether in [F35United Kingdom] waters, in zones under the jurisdiction or sovereignty of a third country or on the high seas;
- h the quantities for each species to be landed or transhipped.

Masters of third country fishing vessels or their representatives shall be exempted from notifying information contained in points (a), (c), (d), (g) and (h), where a catch certificate has been validated in accordance with Chapter III for the full catch to be landed or transhipped in the [F36United Kingdom].

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2 The notification set out in paragraph 1 shall be accompanied by a catch certificate validated in accordance with Chapter III if the third country fishing vessel carries on board fishery products. The provisions laid down in [<sup>X1</sup>Article 13] on the recognition of catch documents or port State control forms which are part of catch documentation or port State control schemes adopted by regional fisheries management organisations shall apply *mutatis mutandis*.

3 [<sup>F37</sup>A fisheries administration may, by regulations,] exempt certain categories of third country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, *inter alia*, the type of fishery product, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.

4 This Article shall apply without prejudice to special provisions set forth in fisheries agreements concluded between the [<sup>F38</sup>United Kingdom] and third countries.

#### Editorial Information

- X1** Substituted by Corrigendum to 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 (Official Journal of the European Union L 286 of 29 October 2008).

#### Textual Amendments

- F34** Words in Art. 6(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 6(1)(g) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Art. 6(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(8)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 6(3) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 6(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 7

#### Authorisation

1 Without prejudice to point 5 of Article 37, a third country fishing vessel shall be granted authorisation to access the port only if the information set out in Article 6(1) is complete and, if the third country vessel carries on board fishery products, is accompanied by the catch certificate referred to in Article 6(2).

2 Authorisation to commence landing or transshipment operations in port shall be subject to a check to determine the completeness of the information submitted as prescribed in paragraph 1 and, where appropriate, to an inspection carried out in accordance with Section 2.

3 By way of derogation to paragraphs 1 and 2 of this Article [<sup>F39</sup>a fisheries administration] may authorise port access and all or part of a landing in cases where the information set out in Article 6(1) is not complete or its check or verification is pending, but

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

shall, in such cases, keep the fishery products concerned in storage under the control of the competent authorities. The fishery products shall only be released to be sold, taken over or transported once the information set out in Article 6(1) has been received or the checking or verification process is completed. If this process is not completed within 14 days of the landing, [F39 a fisheries administration] may confiscate and dispose of the fishery products in accordance with [F40 applicable law]. The cost of storage shall be borne by the operators.

#### Textual Amendments

- F39** Words in Art. 7(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(9)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 7(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(9)(b); 2020 c. 1, Sch. 5 para. 1(1)

### Article 8

#### Recording of landing or transhipment operations

1 Masters of third country fishing vessels or their representative shall submit to the authorities of [F41 a fisheries administration, in circumstances when they use landing or transhipment facilities in the United Kingdom], if possible by electronic means prior to landing or transhipment operations, a declaration indicating the quantity of fishery products by species to be landed or transhipped, and the date and place of each catch. Masters and their representatives shall be held responsible for the accuracy of such declarations.

2 [F42 A fisheries administration must] keep the originals of the declarations set out in paragraph 1, or a hard copy when transmitted electronically, for a period of three years or longer in accordance with national rules.

[F43 A fisheries administration may, by regulations, specify landing and transhipment declaration procedures and forms.

3A. Subject to paragraph 3B, the Secretary of State may, by regulations, specify landing and transhipment declaration procedures and forms.

3B. Where the exercise of the power to make regulations under paragraph 3 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 3A the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

F44 . . . . .



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

### Textual Amendments

- F41** Words in Art. 8(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 8(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Art. 8(3)-(3B) substituted for Art. 8(3) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Art. 8(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(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## SECTION 2

### Port inspections

#### Article 9

### General principles

1 [F45 A fisheries administration must] carry out inspections in [F46 its] designated ports of at least 5 % of landing and transhipment operations by third country fishing vessels each year [F47]. A fisheries administration may, by regulations, specify benchmarks for such inspections determined on the basis of risk management. Benchmarks specified in regulations made under this paragraph are] without prejudice to the higher thresholds adopted by regional fisheries management organisations.

2 The following fishing vessels shall be inspected in all cases:

- <sup>F48</sup>a .....
- <sup>F49</sup>b .....
- c fishing vessels identified <sup>F50</sup>... as presumed to have engaged in IUU fishing in accordance with Article 25;
- d fishing vessels appearing in a IUU vessel list adopted by a regional fisheries management organisation notified to [F51 the United Kingdom].

### Textual Amendments

- F45** Words in Art. 9(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(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Word in Art. 9(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(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 9(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(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Art. 9(2)(a) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Art. 9(2)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)



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- F50** Words in Art. 9(2)(c) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 9(2)(d) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(11)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 10

### Inspection procedure

- 1 Officials in charge of inspections (officials) shall be able to examine all relevant areas, decks and rooms of the fishing vessel, catches processed or not, nets or other gear, equipment and any relevant documents which officials deem it necessary to verify in compliance with applicable laws, regulations or international management and conservation measures. Officials may also question persons deemed to have information on the matter subject to inspection.
- 2 Inspections shall involve the monitoring of the entire landing or transshipment operations and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped.
- 3 Officials shall sign their inspection report in the presence of the master of the fishing vessel, who shall have the right to add or cause to be added any information that he considers relevant. Officials shall indicate in the logbook that an inspection has been made.
- 4 A copy of the inspection report shall be handed over to the master of the fishing vessel, who may forward it to the owner.
- 5 The master shall cooperate with and assist in the inspections of the fishing vessel and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

## Article 11

### Procedure in the event of infringements

- 1 If the information collected during the inspection provides evidence to the official to believe that a fishing vessel has engaged in IUU fishing in accordance with the criteria set out in Article 3, the official shall:
  - a record the suspected infringement in the inspection report;
  - b take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;
  - c immediately forward the inspection report to the competent authority.
- 2 If the results of the inspection provide evidence that a third country fishing vessel has engaged in IUU fishing in accordance with the criteria set out in Article 3, [<sup>F52</sup>a fisheries administration] shall not authorise such vessels to land or tranship their catch.
- 3 The [<sup>F53</sup>fisheries administration must] immediately notify its decision not to authorise landing or transshipment operations taken in accordance with paragraph 2, accompanied by a copy of the inspection report, to <sup>F54</sup>... the competent authority of the flag [<sup>F55</sup>state] of the inspected fishing vessel with a copy to the flag [<sup>F55</sup>state] or [<sup>F55</sup>states] of donor vessels where the inspected fishing vessel has engaged in transshipment operations. Where appropriate, a copy of the notification shall also be communicated to the Executive Secretary of the regional fisheries management organisation in whose area of competence the catch was made.

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

<sup>F564</sup> Where the suspected breach has taken place in the high seas, and the United Kingdom is the port state, a fisheries administration must co-operate with the flag state in carrying out an investigation into it and, where appropriate, must apply the sanctions provided for under the law applying in the relevant part of the United Kingdom, under the condition that, in accordance with international law, that flag state has expressly agreed to transfer its jurisdiction. In addition, where the suspected breach has taken place in the maritime waters of a third country, a fisheries administration must also co-operate with the coastal state in carrying out an investigation into it and, where appropriate, must apply the sanctions provided for under the law applying in the relevant part of the United Kingdom, under the condition that, in accordance with international law, that coastal state has expressly agreed to transfer its jurisdiction.]

#### Textual Amendments

- F52** Words in Art. 11(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 11(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 11(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(12)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Word in Art. 9(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Art. 11(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

- F24** Words in Ch. 2 heading substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(5)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C2** Ch. 2 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**

## CHAPTER III

### CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

#### Article 12

#### Catch certificates

1 The importation into the <sup>F57</sup>United Kingdom] of fishery products obtained from IUU fishing shall be prohibited.

2 <sup>F58</sup>Subject to paragraph 2A] to ensure the effectiveness of the prohibition established in paragraph 1, fishery products shall only be imported into the <sup>F59</sup>United Kingdom] when accompanied by a catch certificate in conformity with this Regulation.

[<sup>F60</sup>2A. Catches made by fishing vessels registered under the law of the Isle of Man or any of the Channel Islands which are imported into the United Kingdom are not required to be accompanied by a catch certificate.]

3 The catch certificate referred to in paragraph 2 shall be validated by the flag [<sup>F61</sup>state] of the fishing vessel or fishing vessels which made the catches from which the fishery products have been obtained. It shall be used to certify that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures.

4 The catch certificate shall contain all the information specified in the specimen shown in Annex II, and shall be validated by a public authority of the flag [<sup>F62</sup>state] with the necessary powers to attest the accuracy of the information. <sup>F63</sup> ...

[<sup>F64</sup>4A. The Secretary of State may enter into arrangements with other flags states to the effect that, for fisheries products obtained from catches made by fishing vessels flying the flag of the state in question, the catch certificate may be—

- (a) in a form which does not contain all of the information specified in the specimen shown in Annex 2; or
- (b) replaced by electronic traceability systems,

provided the Secretary of State is satisfied that the same level of control by authorities is ensured.

4B. Before entering into arrangements under paragraph 4A, the Secretary of State must consult—

- (a) the Scottish Ministers;
- (b) the Welsh Ministers; and
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

[<sup>F65</sup>5 A fisheries administration may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

6. Subject to paragraph 7, the Secretary of State may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

7. Where the exercise of the power to make regulations under paragraph 5 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 6 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

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#### Textual Amendments

**F57** Words in Art. 12(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(13)(a); 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. (See end of Document for details)*

- F58** Words in Art. 12(2) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 12(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Art. 12(2A) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F61** Word in Art. 12(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F62** Word in Art. 12(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 12(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(13)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Art. 12(4A)(4B) inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F65** Art. 12(5)-(7) substituted for Art. 12(5) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(5)**; 2020 c. 1, Sch. 5 para. 1(1)

### *Article 13*

#### **Catch documentation schemes agreed and in force in the framework of a regional fisheries management organisation**

1 Catch documents, and any related documents, validated in conformity with catch documentation schemes adopted by a regional fisheries management organisation which are recognised as complying with the requirements laid down in this Regulation, shall be accepted as catch certificates in respect of the fishery products from species to which such catch documentation schemes apply and shall be subject to the check and verification requirements incumbent upon <sup>F66</sup>a fisheries administration, when the fishery products are to be imported into the United Kingdom] in accordance with Articles 16 and 17 and to the provisions on refusal of importation laid down in Article 18. <sup>F67</sup>...

<sup>F68</sup>2 Paragraph 1 is without prejudice to any enactment implementing such catch documentation schemes in the United Kingdom.]

#### **Textual Amendments**

- F66** Words in Art. 13(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(14)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F67** Words in Art. 13(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(14)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F68** Art. 13(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 14

### Indirect importation of fishery products

1 In order to import fishery products constituting one single consignment, transported in the same form to the [F<sup>69</sup>United Kingdom] from a third country [F<sup>70</sup>...], the importer shall submit to [F<sup>71</sup>a fisheries administration]:

- a the catch certificate(s) validated by the flag [F<sup>72</sup>state]; and
- b documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good and genuine condition, and remained under the surveillance of the competent authorities in that third country.

Documented evidence shall be provided by means of:

- (i) where appropriate, the single transport document issued to cover the passage from the territory of the flag [F<sup>73</sup>state] through that third country; or
- (ii) a document issued by the competent authorities of that third country:
  - giving an exact description of the fishery products, the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and
  - indicating the conditions under which the fishery products remained in that third country.

Where the species concerned are subject to a regional fisheries management organisation catch documentation scheme which has been recognised under Article 13, the documents referred to above may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly.

2 In order to import fishery products constituting one single consignment and which have been processed in a third country other than the flag [F<sup>74</sup>state], the importer shall submit to [F<sup>75</sup>a fisheries administration] a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form in Annex IV:

- a giving an exact description of the unprocessed and processed products and their respective quantities;
- b indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag [F<sup>74</sup>state]; and
- c accompanied by:
  - i the original catch certificate(s) where the totality of the catches concerned has been used for the processing of the fishery products exported in a single consignment; or
  - ii a copy of the original catch certificate(s), where part of the catches concerned has been used for the processing of the fishery products exported in a single consignment.

Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been recognised under Article 13, the statement may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country of processing has fulfilled its notification requirements accordingly.

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

F763

#### Textual Amendments

- F69** Words in Art. 14(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in Art. 14(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F71** Words in Art. 14(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Word in Art. 14(1)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Word in Art. 14(b)(i) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F74** Word in Art. 14(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in Art. 14(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F76** Art. 14(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(15)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 15

#### Exportation of catches made by [<sup>F77</sup>United Kingdom fishing vessels]

1 [<sup>F78</sup>Where the Secretary of State has entered into arrangements under paragraph 3, the] exportation of catches made by [<sup>F79</sup>United Kingdom fishing vessels] shall be subject to the validation of a catch certificate by the competent authorities of [<sup>F80</sup>a fisheries administration], as established in Article 12(4) <sup>F81</sup>....

F822

[<sup>F83</sup>3. The Secretary of State may enter into arrangements with other states to the effect that exports of fisheries products obtained from catches made by United Kingdom fishing vessels to the state in question will be subject to the validation of a catch certificate.

4. Before entering into arrangements under paragraph 3, the Secretary of State must consult—

- (a) the Scottish Ministers;
- (b) the Welsh Ministers; and
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

#### Textual Amendments

- F77** Words in Art. 15 heading substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Words in Art. 15(1) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in Art. 15(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(b)(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. (See end of Document for details)

- F80** Words in Art. 15(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 15(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Art. 15(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(16)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Art. 15(3)(4) inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 16

### Submission and checks of catch certificates

1 The validated catch certificate shall be submitted by the importer to the competent authorities of [<sup>F84</sup>a fisheries administration] at least three working days before the estimated time of arrival at the place of entry into the territory of the [<sup>F85</sup>United Kingdom]. The deadline of three working days may be adapted according to the type of fishery product, the distance to the place of entry into the territory of the [<sup>F85</sup>United Kingdom] or the transport means used. Those competent authorities shall, on the basis of risk management, check the catch certificate in the light of the information provided in the notification received from the flag [<sup>F86</sup>state] in accordance with [<sup>F87</sup>Article 20].

2 By way of derogation to paragraph 1, importers who have been granted the status of approved economic operator may advise the competent authorities of [<sup>F88</sup>a fisheries administration] of the arrival of the products within the deadline referred to in paragraph 1 and keep the validated catch certificate and related documents as referred to in Article 14 available to the authorities for the purposes of checks in accordance with paragraph 1 of this Article or verifications in accordance with Article 17.

3 The criteria for granting the status of approved economic operator to an importer by the competent authorities of a [<sup>F89</sup>fisheries administration] shall include:

- a the establishment of the importer on the territory of [<sup>F90</sup>the United Kingdom];
- b a sufficient number and volume of import operations to justify the implementation of the procedure referred to in paragraph 2;
- c an appropriate record of compliance with the requirements of conservation and management measures;
- d a satisfactory system of managing commercial and, where appropriate, transport and processing records, which enables the appropriate checks and verifications to be carried out for the purposes of this Regulation;
- e the existence of facilities with regard to the conduct of those checks and verifications;
- f where appropriate, practical standards of competence or professional qualifications directly related to the activities carried out; and
- g where appropriate, proven financial solvency.

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#### Textual Amendments

- F84** Words in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(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. (See end of Document for details)*

- F85** Words in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Word in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in Art. 16(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F89** Words in Art. 16(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in Art. 16(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Art. 16(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(17)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 16(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(6)**; 2020 c. 1, Sch. 5 para. 1(1)

### *<sup>F93</sup>Article 16A*

#### **Regulations relating to the status of approved economic operator**

1. A fisheries administration may, by regulations, specify rules relating to the status of approved economic operator.
2. Subject to paragraph 3, the Secretary of State may, by regulations, specify rules relating to the status of approved economic operator
3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 the Secretary of State must obtain the consent of—
  - a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
  - b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
  - c the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

#### **Textual Amendments**

- F93** Art. 16A inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(7)**; 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. (See end of Document for details)*

## Article 17

### Verifications

1 The competent authorities of [F<sup>94</sup>a fisheries administration] may carry out all of the verifications they deem necessary to ensure that the provisions of this Regulation are correctly applied.

2 Verifications may, in particular, consist in examining the products, verifying declaration data and the existence and authenticity of documents, examining the accounts of operators and other records, inspecting means of transport, including containers and storage places of the products and carrying out official enquiries and other similar acts, in addition to the inspection of fishing vessels at port under Chapter II.

3 Verifications shall be focused towards risk identified on the basis of criteria developed at national <sup>F<sup>95</sup></sup>... level under risk management. <sup>F<sup>96</sup></sup>....

4 Verifications shall be carried out, in any case, where:

- a the verifying authority of [F<sup>97</sup>a fisheries administration] has grounds to question the authenticity of the catch certificate itself, of the validation seal or of the signature of the relevant authority of the flag [F<sup>98</sup>state]; or
- b the verifying authority of [F<sup>97</sup>a fisheries administration] is in possession of information that questions the compliance by the fishing vessel with applicable laws, regulations or conservation and management measures, or the fulfilment of other requirements of this Regulation; or
- c fishing vessels, fishing companies or any other operators have been reported in connection with presumed IUU fishing, including those fishing vessels which have been reported to a regional fisheries management organisation under the terms of an instrument adopted by that organisation to establish lists of vessels presumed to have carried out illegal, unreported and unregulated fishing; or
- d flag [F<sup>99</sup>states] or re-exporting countries have been reported to a regional fisheries management organisation under the terms of an instrument adopted by that organisation to implement trade measures vis-à-vis flag [F<sup>99</sup>states]; or

<sup>F<sup>100</sup></sup>e .....

5 [F<sup>101</sup>A fisheries administration] may decide to carry out verifications at random, in addition to the verifications referred to in paragraphs 3 and 4.

6 For the purpose of a verification, the competent authorities of a [F<sup>102</sup>fisheries administration] may request the assistance of the competent authorities of the flag [F<sup>103</sup>state] or of a third country other than the flag [F<sup>103</sup>state] as referred to in Article 14, in which case:

- a the request for assistance shall state the reasons why the competent authorities of the [F<sup>104</sup>fisheries administration] have well-founded doubts as to the validity of the certificate, of the statements contained therein and/or the compliance of the products with conservation and management measures. A copy of the catch certificate and any information or documents suggesting that the information on the certificate is inaccurate shall be forwarded in support of the request for assistance. The request shall be sent without delay to the competent authorities of the flag [F<sup>105</sup>state] or of a third country other than the flag [F<sup>105</sup>state] as referred to in Article 14;

<sup>F<sup>106</sup></sup>b .....

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

7 The release of the products onto the market shall be suspended while awaiting the results of the verification procedures referred to in paragraphs (1) to (6). The cost of storage shall be borne by the operator.

F107g

#### Textual Amendments

- F94** Words in Art. 17(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 17(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(18)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in Art. 17(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(18)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F97** Words in Art. 17(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F98** Word in Art. 17(4)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Word in Art. 17(4)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Art. 17(4)(e) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in Art. 17(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 17(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Word in Art. 17(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in Art. 17(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F105** Word in Art. 17(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Art. 17(6)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Art. 17(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 18

#### Refusal of importation

1 The competent authorities of [<sup>F108</sup>a fisheries administration must], where appropriate, refuse the importation into the [<sup>F109</sup>United Kingdom] of fishery products without having to request any additional evidence or send a request for assistance to the flag [<sup>F110</sup>state] where they become aware that:

- a the importer has not been able to submit a catch certificate for the products concerned or to fulfil his obligations under Article 16(1) or (2);
- b the products intended for importation are not the same as those mentioned in the catch certificate;
- c the catch certificate is not validated by the public authority of the flag [<sup>F110</sup>state] referred to in Article 12(3);

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

- d the catch certificate does not indicate all the required information;
- e the importer is not in a position to prove that the fishery products comply with the conditions of Article 14(1) or (2);
- f a fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the [<sup>F111</sup>United Kingdom] IUU vessel list or in the IUU vessel lists [<sup>F112</sup>adopted by regional fisheries management organisations];
- g the catch certificate has been validated by the authorities of a flag [<sup>F110</sup>state] identified as a non-cooperating [<sup>F110</sup>state] in accordance with Article 31.

2 The competent authorities of [<sup>F113</sup>a fisheries administration must], where appropriate, refuse the importation of any fishery products into the [<sup>F114</sup>United Kingdom], following a request for assistance pursuant to Article 17(6), where:

- a they have received a reply according to which the exporter was not entitled to request the validation of a catch certificate; or
- b they have received a reply according to which the products do not comply with the conservation and management measures, or other conditions under this Chapter are not met; or
- c they have not received a reply within the stipulated deadline; or
- d they have received a reply which does not provide pertinent answers to the questions raised in the request.

3 In the event that the importation of fishery products is refused pursuant to paragraphs 1 or 2, [<sup>F115</sup>a fisheries administration] may confiscate and destroy, dispose of or sell such fishery products in accordance with national law. The profits from the sale may be used for charitable purposes.

4 Any person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraphs 1, 2 or 3 which concern him. <sup>F116</sup>...

[<sup>F1175</sup> A fisheries administration must notify the flag state and, where appropriate, the third country other than the flag state as referred to in Article 14, of refusals of importation.]

#### Textual Amendments

- F108** Words in Art. 18(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F109** Words in Art. 18(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Word in Art. 18(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in Art. 18(1)(f) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(iv)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in Art. 18(1)(f) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(iv)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F113** Words in Art. 18(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F114** Words in Art. 18(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F115** Words in Art. 18(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F116** Words in Art. 18(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(19)(d)**; 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. (See end of Document for details)

**F117** Art. 18(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

### *F118* Article 19

## Transit and transhipment

### Textual Amendments

**F118** Art. 19 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(20)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 20

## Flag State notifications and cooperation with third countries

1 The acceptance of catch certificates validated by a given flag [<sup>F119</sup>state] for the purposes of this Regulation shall be subject to the condition that [<sup>F120</sup>a fisheries administration] has received a notification from the flag [<sup>F119</sup>state] concerned certifying that:

- a it has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures which must be complied with by its fishing vessels;
- b its public authorities are empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from [<sup>F121</sup>a fisheries administration]. The notification shall also include the necessary information to identify those authorities.

2 The information to be given in the notification laid down in paragraph 1 is set forth in Annex III.

3 [<sup>F122</sup>A fisheries administration must] inform the flag [<sup>F123</sup>state] of the receipt of the notification sent pursuant to paragraph 1. If all elements mentioned in paragraph 1 are not provided by the flag [<sup>F123</sup>state], [<sup>F122</sup>a fisheries administration must] indicate to the flag [<sup>F123</sup>state] which elements are missing and request that it provide a new notification.

<sup>F124</sup>4 .....

<sup>F125</sup>5 .....

### Textual Amendments

**F119** Word in Art. 20(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F120** Words in Art. 20(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F121** Words in Art. 20(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F122** Words in Art. 20(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(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. (See end of Document for details)

- F123** Word in Art. 20(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F124** Art. 20(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(21)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F125** Art. 20(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 21

### Re-exportation

1 The re-exportation of products imported under a catch certificate in accordance with this Chapter shall be authorised through the validation by the competent authorities of [<sup>F126</sup>a fisheries administration] of the section ‘re-export’ of the catch certificate or a copy thereof where the fishery products to be re-exported are a part of the products imported.

2 The procedure defined in Article 16(2) shall apply *mutatis mutandis* where the fishery products are re-exported by an approved economic operator.

<sup>F127</sup>3 .....

#### Textual Amendments

- F126** Words in Art. 21(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(22)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F127** Art. 21(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(22)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 22

### Record keeping and dissemination

<sup>F128</sup>1 .....

<sup>F128</sup>2 .....

<sup>F128</sup>3 .....

4 [<sup>F129</sup>A fisheries administration must] keep originals of the catch certificates submitted for importation, the catch certificates validated for exportation and the validated re-export sections of catch certificates for a period of three years or longer <sup>F130</sup> .....

5 Approved economic operators shall keep the original of the documents referred to in paragraph 4 for a period of three years or longer <sup>F131</sup> .....

#### Textual Amendments

- F128** Art. 22(1)-(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(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F129** Words in Art. 22(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(23)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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

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**F130** Words in Art. 22(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(23)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F131** Words in Art. 22(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(23)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F132</sup>CHAPTER IV

### COMMUNITY ALERT SYSTEM

#### <sup>F132</sup>Article 23

#### Issuance of alerts

.....

#### <sup>F132</sup>Article 24

#### Action following issuance of alerts

.....

#### Textual Amendments

**F132** 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, **9(24)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER V

### IDENTIFICATION OF FISHING VESSELS ENGAGED IN IUU FISHING

#### Article 25

#### Alleged IUU fishing

- 1     <sup>F133</sup>A 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;

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

- (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 [<sup>F134</sup>Council 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.

<sup>F135</sup>2 .....

3 [<sup>F136</sup>A 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.

[<sup>F137</sup>4. 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

**F133** 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)

**F134** 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)

**F135** 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)

**F136** 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)

**F137** 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 [<sup>F138</sup>A 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 [<sup>F139</sup>state] concerned.

[<sup>F140</sup>1A 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).]



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

- 2 [F141The Secretary of State must] notify flag [F142states] whose fishing vessels are [F143agreed 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 [F144, and agreed pursuant to paragraph 1B(b),] on alleged IUU fishing;
  - b issue an official request to the flag [F145state] that it takes all the necessary measures to investigate the alleged IUU fishing and share the results of this investigation with the [F146Secretary of State] on a timely basis;
  - c issue an official request to the flag [F147state] to take immediate enforcement action should the allegation formulated against the fishing vessel concerned be proven to be founded, and to inform the [F148Secretary of State] of the measures taken;
  - d ask the flag [F149state] 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 [F150United Kingdom] IUU vessel list, as laid down in Article 37. Flag [F151states] shall also be requested to provide information to the [F152Secretary 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 [F153state] on the provisions in Chapters VI and VII.

F1543 .....

F1554 .....

#### Textual Amendments

- F138** 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)
- F139** 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)
- F140** 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)
- F141** 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)
- F142** 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)
- F143** 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)
- F144** 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)
- F145** 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)
- F146** 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)
- F147** 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)
- F148** 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)
- F149** 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)
- F150** 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)



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- F151** 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)
- F152** 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)
- F153** 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)
- F154** 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)
- F155** 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 [<sup>F156</sup>United Kingdom] IUU vessel list

[<sup>F157</sup>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;
- 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 [<sup>F158</sup>United Kingdom] IUU vessel list, the [<sup>F159</sup>Secretary 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 [<sup>F160</sup>United Kingdom] IUU vessel list, the [<sup>F161</sup>Secretary 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 [<sup>F162</sup>Secretary of State] by paragraphs 2 and 3 shall apply without prejudice to the primary responsibility of the flag [<sup>F163</sup>state] 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 [<sup>F162</sup>Secretary of State].

5 The [<sup>F164</sup>Secretary of State must] notify the flag [<sup>F165</sup>state] of the inclusion of the fishing vessel on the [<sup>F166</sup>United Kingdom] IUU vessel list and shall provide the flag [<sup>F165</sup>state] with the detailed reasons for listing.

6 The [<sup>F167</sup>Secretary of State must] request flag [<sup>F168</sup>states] with fishing vessels on the [<sup>F169</sup>United Kingdom] IUU vessel list to:

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

- a notify the owner of the fishing vessel of its inclusion on the [<sup>F170</sup>United 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 [<sup>F171</sup>Secretary of State] of the measures taken.

F172<sup>7</sup> .....

F173<sup>8</sup> .....

### Textual Amendments

- F156** 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)
- F157** 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)
- F158** 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)
- F159** 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)
- F160** 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)
- F161** 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)
- F162** 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)
- F163** 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)
- F164** 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)
- F165** 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)
- F166** 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)
- F167** 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)
- F168** 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)
- F169** 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)
- F170** 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)
- F171** 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)
- F172** 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)
- F173** 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)

## <sup>F174</sup> 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.

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

**F174** 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)

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

## Article 29

### [<sup>F175</sup>Content and publicity of the United Kingdom IUU vessel list]

1 [<sup>F176</sup>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.

[<sup>F1772</sup> 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.]

<sup>F1783</sup> .....

#### Textual Amendments

- F175** 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)
- F176** 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)
- F177** 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)
- F178** 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)

## <sup>F179</sup>Article 30

### IUU vessel lists adopted by regional fisheries management organisations

#### Textual Amendments

- F179** 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)**

- C3** 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)

## CHAPTER VI

**NON-COOPERATING THIRD COUNTRIES***Article 31***Identification of non-cooperating third countries**

[<sup>F180</sup>1 A fisheries administration must, jointly with the other fisheries administrations, agree—

- a whether a particular country should be identified as a non-cooperating third country in fighting IUU fishing and therefore notified by the Secretary of State in accordance with Article 32; and
- b the reason, or reasons for any identification and the supporting evidence that should be submitted with any notification under Article 32.]

2 The identification set out in paragraph 1 shall be based on the review of all information obtained pursuant to Chapters II, III, IV, V, VIII, X and XI, or, as appropriate, any other relevant information, such as the catch data, trade information obtained from national statistics and other reliable sources, vessel registers and databases, catch documents or statistical document programmes and IUU vessel lists adopted by regional fisheries management organisations, as well as any other information obtained in the ports and on the fishing grounds.

3 A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market [<sup>F181</sup>state], to take action to prevent, deter and eliminate IUU fishing.

4 For the purposes of paragraph 3, [<sup>F182</sup>a fisheries administration must] primarily rely on the examination of measures taken by the third country concerned in respect of:

- a recurrent IUU fishing suitably documented as carried out or supported by fishing vessels flying its flag or by its nationals, or by fishing vessels operating in its maritime waters or using its ports; or
- b access of fisheries products stemming from IUU fishing to its market.

5 For the purposes of paragraph 3, [<sup>F183</sup>a fisheries administration must] take into account:

- [<sup>F184</sup>a whether the country concerned effectively cooperates with the United Kingdom, by providing a response to requests made by a fisheries administration to investigate, provide feedback or follow-up to IUU fishing and associated activities;]
- b whether the third country concerned has taken effective enforcement measures in respect of the operators responsible for IUU fishing, and in particular whether sanctions of sufficient severity to deprive the offenders of the benefits accruing from IUU fishing have been applied;
  - c the history, nature, circumstances, extent and gravity of the manifestations of IUU fishing considered;
  - d for developing countries, the existing capacity of their competent authorities.

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

6 For the purposes of paragraph 3, [F185 a fisheries administration must] also consider the following elements:

- a the ratification of, or accession of the third countries concerned to, international fisheries instruments, and in particular the Unclos, the UN Fish Stocks Agreement and the FAO Compliance Agreement;
- b the status of the third country concerned as a contracting party to regional fisheries management organisations, or its agreement to apply the conservation and management measures adopted by them;
- c any act or omission by the third country concerned that may have diminished the effectiveness of applicable laws, regulations or international conservation and management measures.

7 Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article.

#### Textual Amendments

- F180** Art. 31(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F181** Word in Art. 31(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F182** Words in Art. 31(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F183** Words in Art. 31(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(d)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F184** Art. 31(5)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(d)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F185** Words in Art. 31(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(e); 2020 c. 1, Sch. 5 para. 1(1)

### Article 32

#### F186 ... Countries identified as non-cooperating third countries

1 [F187 The Secretary of State must, without delay, notify any country identified in accordance with Article 31(1). The Secretary of State must include in the notification the following information—]

- a the reason or reasons for the identification with all available supporting evidence;
- b the opportunity to respond to the [F188 Secretary of State] in writing with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action to improve and the measures taken to rectify the situation;
- c the right to ask for, or to provide, additional information;
- d the consequences of its identification as non-cooperating third country, as provided in Article 38.

2 The [F189 Secretary of State must] also include in the notification referred to in paragraph 1 a request that the third country concerned take any necessary measures for the cessation of the IUU fishing activities in question and the prevention of any future such activities, and rectify any act or omission referred to in Article 31(6)(c).



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

3 The [F190Secretary of State must], by more than one means of communication, transmit its notification and request to the third country concerned. The [F190Secretary of State must] seek to obtain confirmation from that country that it has received the notification.

4 The [F191Secretary of State must] give to the third country concerned adequate time to answer the notification and a reasonable time to remedy the situation.

#### Textual Amendments

- F186** Words in Art. 32 heading omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F187** Words in Art. 32(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F188** Words in Art. 32(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F189** Words in Art. 32(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F190** Words in Art. 32(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F191** Words in Art. 32(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[F192* Article 33

#### **Establishment of a list of non-cooperating countries**

1 Subject to paragraph 2, the Secretary of State may, by regulations, amend the United Kingdom list of non-cooperating countries to add any country to the list as a result of the provisions of Articles 31 and 32.

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

3 The Secretary of State must, without delay, notify any country added to the United Kingdom list of non-cooperating countries by regulations made under paragraph 1 of—

- a its inclusion on the list, and
- b the measures applied in accordance with Article 38,

and request the country to rectify the current situation and to advise on the measures taken to ensure compliance with conservation and management measures by its fishing vessels.

4. The “United Kingdom list of non-cooperating countries” is the list contained in Council Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 subject to any amendments made by virtue of this Article or Article 34.]

#### Textual Amendments

- F192** Art. 33 substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(11)**; 2020 c. 1, Sch. 5 para. 1(1)

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

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### *[<sup>F193</sup> Article 34*

#### **Removal from the list of non-cooperating countries**

1 The Secretary of State may, by regulations, remove a country from the United Kingdom list of non-cooperating countries where the Secretary of State is satisfied that the country has demonstrated that the situation that warranted its inclusion on the list has been rectified.

2 In reaching a decision under paragraph 1, the Secretary of State must take into consideration whether the country concerned has taken concrete measures capable of achieving the lasting improvement of the situation.

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

#### **Textual Amendments**

**F193** Art. 34 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(11)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[<sup>F194</sup> Article 35*

#### **Publicity of the list of non-cooperating third countries**

The Secretary of State must take such measures as the Secretary of State feels necessary to ensure the publicity of any list of non-cooperating third countries contained in regulations made under Article 33(1). In particular, the Secretary of State must publish the list on a website that is accessible to the public.]

#### **Textual Amendments**

**F194** Art. 35 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(31)** (as amended by [S.I. 2019/1312](#), regs. 1(2), **8(3)**); 2020 c. 1, Sch. 5 para. 1(1)

### *Article 36*

#### **Emergency measures**

<sup>F195</sup>1 If there is evidence that the measures adopted by a third country undermine the conservation and management measures adopted by a regional fisheries management organisation, a fisheries administration may adopt, in line with the international obligations of the United Kingdom, emergency measures which must last no more than six months. A fisheries administration may take a new decision to extend the emergency measures for no more than six months.]

2 The emergency measures referred to in paragraph 1 may include, *inter alia*, that:



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

- a fishing vessels authorised to fish and flying the flag of the third country concerned shall not be granted access to the ports of [<sup>F196</sup>the United Kingdom], except in case of *force majeure* or distress as referred to in Article 4(2) for services strictly necessary to remedy those situations;
- b [<sup>F197</sup>United Kingdom fishing vessels] shall not be authorised to engage in joint fishing operations with vessels flying the flag of the third country concerned;
- c [<sup>F198</sup>United Kingdom fishing vessels] shall not be authorised to fish in maritime waters under the jurisdiction of the third country concerned, without prejudice to the provisions set out in bilateral fishing agreements;
- d provision of live fish for fish farming in maritime waters under the jurisdiction of the third country concerned shall not be authorised;
- e live fish caught by fishing vessels flying the flag of the third country concerned shall not be accepted for the purposes of fish farming in [<sup>F199</sup>United Kingdom waters].

[<sup>F200</sup>3 Emergency measures have immediate effect. A fisheries administration must notify the country concerned and publish the measures on a website that is accessible to the public.]

<sup>F201</sup>4 .....

<sup>F202</sup>5 .....

#### Textual Amendments

- F195** Art. 36(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F196** Words in Art. 36(2)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F197** Words in Art. 36(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F198** Words in Art. 36(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F199** Words in Art. 36(2)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F200** Art. 36(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F201** Art. 36(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(32)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F202** Art. 36(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER VII

### MEASURES IN RESPECT OF FISHING VESSELS AND STATES INVOLVED IN IUU FISHING

#### Article 37

#### Action in respect of fishing vessels included in the <sup>F203</sup>... IUU vessel list

The following measures shall apply to the fishing vessels included in the [<sup>F204</sup>United Kingdom] IUU vessel list (IUU fishing vessels):

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

1. <sup>F205</sup> ...
2. current fishing authorisations or special fishing permits issued by [<sup>F206</sup>a fisheries administration] in respect of IUU fishing vessels shall be withdrawn;
3. IUU fishing vessels <sup>F207</sup> ... shall not be authorised to fish in [<sup>F208</sup>United Kingdom] waters and shall be prohibited to be chartered;
4. [<sup>F209</sup>United Kingdom fishing vessels] shall not in any way assist, engage in fish processing operations or participate in any transshipment or joint fishing operations with IUU fishing vessels;
5. [<sup>F210</sup>IUU fishing vessels must not be authorised to enter into a port in the United Kingdom, except in case of force majeure or distress. Alternatively, a fisheries administration may authorise the entry into a United Kingdom port on the condition that the catches on board and, where appropriate, fishing gear prohibited pursuant to conservation and management measures adopted by regional fisheries management organisations, are confiscated. A fisheries administration may also confiscate catches and, where appropriate, fishing gear prohibited pursuant to those measures, on board IUU fishing vessels which have been authorised to enter a United Kingdom port for reason of force majeure or distress.]
6. IUU fishing vessels <sup>F211</sup> ... shall not be supplied in ports with provisions, fuel or other services, except in case of *force majeure* or distress;
7. IUU fishing vessels <sup>F212</sup> ... shall not be authorised to change the crew, except as necessary in case of *force majeure* or distress;
8. <sup>F213</sup> ...
9. the importation of fishery products caught by IUU fishing vessels shall be prohibited, and accordingly catch certificates accompanying such products shall not be accepted or validated;
10. the exportation and re-exportation of fishery products from IUU fishing vessels for processing shall be prohibited;
11. IUU fishing vessels with no fish and crew on board shall be authorised to enter a port for its scrapping, but without prejudice to any prosecutions and sanctions imposed against that vessel and any legal or natural person concerned.

#### Textual Amendments

- F203** Word in Art. 37 heading omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F204** Words in Art. 37 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F205** Art. 37(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F206** Words in Art. 37(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F207** Words in Art. 37(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(33)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F208** Words in Art. 37(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(e)(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. (See end of Document for details)

- F209** Words in Art. 37(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F210** Art. 37(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F211** Words in Art. 37(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F212** Words in Art. 37(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F213** Art. 37(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(j)**; 2020 c. 1, Sch. 5 para. 1(1)

**Modifications etc. (not altering text)**

- C4** Art. 37 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**

*Article 38*

**Action in respect of non-cooperating third countries**

The following measures shall apply to non-cooperating third countries:

1. the importation into the [<sup>F214</sup>United Kingdom] of fishery products caught by fishing vessels flying the flag of such countries shall be prohibited, and accordingly catch certificates accompanying such products shall not be accepted. In the event that the identification of a non-cooperating third country pursuant to Article 31 is justified by the lack of appropriate measures adopted by this third country in relation to IUU fishing affecting a given stock or species, the prohibition of importation may only apply in respect of this stock or species;
2. the purchase by [<sup>F215</sup>United Kingdom] operators of a fishing vessel flying the flag of such countries shall be prohibited;
3. [<sup>F216</sup>the reflagging of a United Kingdom fishing vessel to such countries is prohibited;]
4. [<sup>F217</sup>A fisheries administration must] not authorise the conclusion of chartering agreements with such countries <sup>F218</sup>...;
5. the exportation of [<sup>F219</sup>United Kingdom] fishing vessels to such countries shall be prohibited;
6. private trade arrangements between nationals of [<sup>F220</sup>the United Kingdom] and such countries in order for a [<sup>F221</sup>United Kingdom fishing vessel] to use the fishing possibilities of such countries shall be prohibited;
7. joint fishing operations involving [<sup>F222</sup>United Kingdom fishing vessels] with a fishing vessel flying the flag of such countries shall be prohibited;
8. <sup>F223</sup> ...
9. the [<sup>F224</sup>Secretary of State] shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries.

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

**Textual Amendments**

- F214** Words in Art. 38(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F215** Words in Art. 38(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F216** Art. 38(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F217** Words in Art. 38(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F218** Words in Art. 38(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(34)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F219** Words in Art. 38(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F220** Words in Art. 38(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F221** Words in Art. 38(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F222** Words in Art. 38(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F223** Art. 38(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F224** Words in Art. 38(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(34)(h)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VIII

NATIONALS

Article 39

**Nationals supporting or engaged in IUU fishing**

1 Nationals subject to the jurisdiction of [<sup>F225</sup>the United Kingdom] shall neither support nor engage in IUU fishing, including by engagement on board or as operators or beneficial owners of fishing vessels included in the [<sup>F226</sup>United Kingdom] IUU vessel list.

- <sup>F227</sup><sub>2</sub> .....
- <sup>F227</sup><sub>3</sub> .....
- <sup>F227</sup><sub>4</sub> .....

**Textual Amendments**

- F225** Words in Art. 39(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(35)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F226** Words in Art. 39(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(35)(a)(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. (See end of Document for details)*

**F227** Art. 39(2)-(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(35)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 40

### Prevention and sanction

1 <sup>F228</sup> A fisheries administration must] encourage nationals to notify any information pertaining to legal, beneficial or financial interests in, or control of, fishing vessels flagged to a third country which they hold and the names of the vessels concerned.

2 Nationals shall not sell or export any fishing vessel to operators involved in the operation, management or ownership of fishing vessels included in the <sup>F229</sup>United Kingdom] IUU vessel list.

3 Without prejudice to other provisions laid down in <sup>F230</sup>... law pertaining to public funds, <sup>F231</sup>a fisheries administration must] not grant any public aid under national aid regimes <sup>F232</sup>... to operators involved in the operation, management or ownership of fishing vessels included in the <sup>F233</sup>United Kingdom IUU vessel list].

4 <sup>F234</sup> A fisheries administration must] endeavour to obtain information on the existence of any arrangement between nationals and a third country allowing the reflagging of <sup>F235</sup>United Kingdom fishing vessels] to such third country. <sup>F236</sup>....

#### Textual Amendments

**F228** Words in Art. 40(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F229** Words in Art. 40(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**F230** Word in Art. 40(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(36)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F231** Words in Art. 40(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F232** Words in Art. 40(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(36)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F233** Words in Art. 40(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

**F234** Words in Art. 40(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F235** Words in Art. 40(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F236** Words in Art. 40(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(36)(d)(iii)**; 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. (See end of Document for details)*

## CHAPTER IX

### IMMEDIATE ENFORCEMENT MEASURES, SANCTIONS AND ACCOMPANYING SANCTIONS

#### Article 41

##### Scope

This Chapter shall apply in relation to:

1. [<sup>F237</sup>serious infringements committed in United Kingdom waters;]
2. [<sup>F238</sup>serious infringements committed by United Kingdom fishing vessels or nationals of the United Kingdom;]
3. serious infringements detected within the <sup>F239</sup>... waters as referred to in point 1 of this Article but which have been committed on the high seas or within the jurisdiction of a third country and are being sanctioned pursuant to Article 11(4).

#### Textual Amendments

- F237** Art. 41(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(37)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F238** Art. 41(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(37)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F239** Words in Art. 41(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(37)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 42

##### Serious infringements

- 1 For the purpose of this Regulation, serious infringement means:
  - a the activities considered to constitute IUU fishing in accordance with the criteria set out in Article 3;
  - b the conduct of business directly connected to IUU fishing, including the trade in/or the importation of fishery products;
  - c the falsification of documents referred to in this Regulation or the use of such false or invalid documents.
- 2 The serious character of the infringement shall be determined by [<sup>F240</sup>a fisheries administration] taking into account the criteria set out in Article 3(2).

#### Textual Amendments

- F240** Words in Art. 42(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(38)**; 2020 c. 1, Sch. 5 para. 1(1)



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

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### Article 43

#### Immediate enforcement measures

1 Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such an infringement, [<sup>F241</sup>a fisheries administration must] start a full investigation of the infringement and, in conformity with [<sup>F242</sup>applicable law] and depending on the gravity of the infringement, take immediate enforcement measures such as in particular:

- a the immediate cessation of fishing activities;
- b the rerouting to port of the fishing vessel;
- c the rerouting of the transport vehicle to another location for inspection;
- d the ordering of a bond;
- e the seizure of fishing gear, catches or fisheries products;
- f the temporary immobilisation of the fishing vessel or transport vehicle concerned;
- g the suspension of the authorisation to fish.

2 The enforcement measures shall be of such nature as to prevent the continuation of the serious infringement concerned and to allow the competent authorities to complete its investigation.

#### Textual Amendments

**F241** Words in Art. 43(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(39)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F242** Words in Art. 43(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(39)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F243</sup> Article 44

#### Sanctions for serious infringements

#### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F243</sup> Article 45

#### Accompanying sanctions



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

#### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

*F243 Article 46*

### Overall level of sanctions and accompanying sanctions

#### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

*F243 Article 47*

### Liability of legal persons

#### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER X

### IMPLEMENTATION OF PROVISIONS ADOPTED WITHIN CERTAIN REGIONAL FISHERIES MANAGEMENT ORGANISATIONS PERTAINING TO FISHING VESSEL SIGHTINGS

*F243 Article 48*

### Sightings at sea

#### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 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. (See end of Document for details)*

*F243 Article 49*

**Submission of information regarding sighted fishing vessels**

**Textual Amendments**

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

*F243 Article 50*

**Investigation of sighted fishing vessels**

**Textual Amendments**

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER XI

**MUTUAL ASSISTANCE**

*F243 Article 51*

**Mutual assistance**

**Textual Amendments**

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 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. (See end of Document for details)

## CHAPTER XII

### FINAL PROVISIONS

#### <sup>F243</sup> Article 52

#### Implementation

##### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F243</sup> Article 53

#### Financial support

##### Textual Amendments

**F243** Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F244</sup> Article 54

#### Regulations

- 1 Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
- 2 For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.
- 3 Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- 4 Such regulations may—
  - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
  - (b) make different provision for different purposes.

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

#### Textual Amendments

**F244** Arts. 54-54D substituted for Art. 54 (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

**C5** Art. 54 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**

### Article 54A

#### Regulations: the Secretary of State

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
2. A statutory instrument containing regulations made by the Secretary of State under Article 8(3) or (3A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

#### Textual Amendments

**F244** Arts. 54-54D substituted for Art. 54 (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

**C6** Art. 54A 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**

### Article 54B

#### Regulations: the Welsh Ministers

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of National Assembly for Wales.
2. A statutory instrument containing regulations made by the Welsh Ministers under Article 8(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

#### Textual Amendments

**F244** Arts. 54-54D substituted for Art. 54 (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

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

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### Article 54C

#### Regulations: the Scottish Ministers

1. Except as specified in paragraph 2, regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
2. Regulations made by the Scottish Ministers under Article 8(3) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

#### Textual Amendments

**F244** Arts. 54-54D substituted for Art. 54 (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 54D

#### Regulations: Northern Ireland

1. Except as specified in paragraph 2, regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
2. Regulations may not be made by the Department under Article 8(3) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.]

#### Textual Amendments

**F244** Arts. 54-54D substituted for Art. 54 (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

**C7** Art. 54D 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**

### <sup>F245</sup> Article 55

#### Reporting obligations

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

**Textual Amendments**

**F245** Arts. 55-57 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(41)**; 2020 c. 1, Sch. 5 para. 1(1)

*F245* Article 56

**Repeals**

**Textual Amendments**

**F245** Arts. 55-57 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(41)**; 2020 c. 1, Sch. 5 para. 1(1)

*F245* Article 57

**Entry into force**

**Textual Amendments**

**F245** Arts. 55-57 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(41)**; 2020 c. 1, Sch. 5 para. 1(1)

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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

## [<sup>F246</sup> ANNEX I

### Textual Amendments

**F246** Substituted by [Commission Regulation \(EU\) No 202/2011 of 1 March 2011 amending Annex I to Council Regulation \(EC\) No 1005/2008 as regards the definition of fishery products and amending Regulation \(EC\) No 1010/2009 as regards prior notification templates, benchmarks for port inspections and recognised catch documentation schemes adopted by regional fisheries management organisations.](#)

### LIST OF PRODUCTS EXCLUDED FROM THE DEFINITION OF 'FISHERY PRODUCTS' SET OUT IN POINT 8 OF ARTICLE 2

ex Chapter 3 ex 1604 ex 1605	Aquaculture products obtained from fry or larvae
ex Chapter 3 ex 1604	Livers, roes, tongues, cheeks, heads and wings
0301 10 <sup>a</sup>	Ornamental fish, live
ex 0301 91	Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> ), live, <b>caught in freshwater</b>
ex 0301 92 00	Eels ( <i>Anguilla</i> spp.), live, <b>caught in freshwater</b>
0301 93 00	Carp, live
ex 0301 99 11	Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), live, <b>caught in freshwater</b>
0301 99 19	Other freshwater fish, live
ex 0302 11	Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> ), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0302 12 00	Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i>

<sup>a</sup> (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]



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

	and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0302 19 00	Other <i>Salmonidae</i> , fresh or chilled, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0302 66 00	Eels ( <i>Anguilla</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
0302 69 11	Carp, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 69 15	Tilapia ( <i>Oreochromis</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302 69 18	Other freshwater fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
ex 0303 11 00	Sockeye salmon (red salmon) ( <i>Oncorhynchus nerka</i> ), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0303 19 00	Other Pacific salmon ( <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0303 21	Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> ), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0303 22 00	Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
ex 0303 29 00	Other salmonidae, excluding livers and roes, frozen, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>

<sup>a</sup> (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]

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

ex 0303 76 00	Eels ( <i>Anguilla</i> spp.), frozen, excluding fish fillets and other fish meat of heading 0304, <b>caught in freshwater</b>
0303 79 11	Carp, frozen, excluding fish fillets and other fish meat of heading 0304
0303 79 19	Other freshwater fish, frozen, excluding fish fillets and other fish meat of heading 0304
0304 19 01	Fish fillets, fresh or chilled, of Nile perch ( <i>Lates niloticus</i> )
0304 19 03	Fish fillets, fresh or chilled, of pangasius ( <i>Pangasius</i> spp.)
ex 0304 19 13	Fish fillets, fresh or chilled, of Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), <b>caught in freshwater</b>
ex 0304 19 15	Fish fillets, fresh or chilled, of the species <i>Oncorhynchus mykiss</i> weighing more than 400 g each, <b>caught in freshwater</b>
ex 0304 19 17	Fish fillets, fresh or chilled, of trout of the species <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> (weighing 400 g or less), <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> and <i>Oncorhynchus gilae</i> , <b>caught in freshwater</b>
0304 19 18	Fish fillets, fresh or chilled, of other freshwater fish
0304 19 91	Other fish meat (whether or not minced), fresh or chilled, of freshwater fish
0304 29 01	Frozen fillets of Nile perch ( <i>Lates niloticus</i> )
0304 29 03	Frozen fillets of pangasius ( <i>Pangasius</i> spp.)
0304 29 05	Frozen fillets of Tilapia ( <i>Oreochromis</i> spp.)
ex 0304 29 13	Frozen fillets of Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), <b>caught in freshwater</b>

**a** (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]

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

ex 0304 29 15	Frozen fillets of <i>Oncorhynchus mykiss</i> weighing more than 400 g each, <b>caught in freshwater</b>
ex 0304 29 17	Frozen fillets of trout of the species <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> (weighing 400 g or less), <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> and <i>Oncorhynchus gilae</i> , <b>caught in freshwater</b>
0304 29 18	Frozen fillets of other freshwater fish
0304 99 21	Other fish meat (whether or not minced), frozen, of freshwater fish
0305 10 00	Flours, meals and pellets of fish, fit for human consumption
ex 0305 30 30	Fish fillets, salted or in brine, of Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), <b>caught in freshwater</b>
ex 0305 30 90	Fish fillets, dried, salted or in brine, but not smoked, of other freshwater fish
ex 0305 41 00	Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), smoked, including fillets, <b>caught in freshwater</b>
ex 0305 49 45	Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> ), smoked, including fillets, <b>caught in freshwater</b>
ex 0305 49 50	Eels ( <i>Anguilla</i> spp.), smoked, including fillets, <b>caught in freshwater</b>
ex 0305 49 80	Other freshwater fish, smoked, including fillets
ex 0305 59 80	Other freshwater fish, dried, whether or not salted, but not smoked
ex 0305 69 50	Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus</i>

**a** (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]

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

	<i>keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> ), in brine or salted but not dried or smoked, <b>caught in freshwater</b>
ex 0305 69 80	Other freshwater fish, in brine or salted but not dried or smoked
0306 19 10	Freshwater crayfish, frozen
ex 0306 19 90	Flours, meals and pellets of crustaceans, frozen, fit for human consumption
ex 0306 21 00	Rock lobster and other sea crawfish ( <i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), ornamental
ex 0306 22 10	Lobsters ( <i>Homarus</i> spp.), ornamental, live
ex 0306 23 10	Shrimps and prawns of the family Pandalidae, ornamental, live
ex 0306 23 31	Shrimps of the genus Crangon, ornamental, live
ex 0306 23 90	Other shrimps and prawns, ornamental, live
ex 0306 24	Crabs, ornamental, live
0306 29 10	Freshwater crayfish, live, fresh, chilled, dried, salted or in brine, in shell, cooked by steaming or by boiling in water, whether or not chilled, dried salted or in brine
ex 0306 29 30	Norway lobsters ( <i>Nephrops norvegicus</i> ), ornamental, live
ex 0306 29 90	Other ornamental crustaceans, live
ex 0306 29 90	Flours, meals and pellets of crustaceans, not frozen, fit for human consumption
0307 10	Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine
0307 21 00	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , live, fresh or chilled
0307 29	Scallops, including queen scallops, of the genera <i>Pecten</i> , <i>Chlamys</i> or <i>Placopecten</i> , other than live, fresh or chilled
0307 31	Mussels ( <i>Mytilus</i> spp., <i>Perna</i> spp.), live, fresh or chilled
0307 39	Mussels ( <i>Mytilus</i> spp., <i>Perna</i> spp.), other than live, fresh or chilled

**a** (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]

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

ex 0307 41	Cuttle fish ( <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> , <i>Sepiola</i> spp.) and squid ( <i>Ommastrephes</i> spp., <i>Loligo</i> spp., <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.), ornamental
ex 0307 51	Octopus ( <i>Octopus</i> spp.), ornamental
0307 60 00	Snails, other than sea snails, live, fresh, chilled, frozen, dried, salted or in brine
ex 0307 91 00	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except <i>Illex</i> spp., cuttlefish of the species <i>Sepia pharaonis</i> and sea snails of the species <i>Strombus</i> , live (other than ornamental), fresh or chilled
0307 99 13	Striped venus and other species of the family Veneridae, frozen
0307 99 15	Jellyfish ( <i>Rhopilema</i> spp.), frozen
ex 0307 99 18	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00 and 0307 99 11 to 0307 99 15, except cuttlefish of the species <i>Sepia pharaonis</i> and sea snails of the species <i>Strombus</i> , including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, frozen
ex 0307 99 90	Other aquatic invertebrates other than crustaceans and those molluscs specified or included in subheadings 0307 10 10 to 0307 60 00, except <i>Illex</i> spp., cuttlefish of the species <i>Sepia pharaonis</i> and sea snails of the species <i>Strombus</i> , including flours, meal and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, dried, salted or in brine
ex 1604 11 00	Salmon, <b>caught in freshwater</b> , prepared or preserved, whole or in pieces, but not minced
ex 1604 19 10	Salmonidae, other than salmon, <b>caught in freshwater</b> , prepared or preserved, whole or in pieces, but not minced
ex 1604 20 10	Salmon, <b>caught in freshwater</b> , otherwise prepared or preserved (other than whole or in pieces, but not minced)

a (CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]

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

ex 1604 20 30	Salmonidae, other than salmon, <b>caught in freshwater</b> , otherwise prepared or preserved (other than whole or in pieces, but not minced)
ex 1604 19 91	Fillets of freshwater fish, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen
1604 30 90	Caviar substitutes
ex 1605 40 00	Freshwater crayfish, prepared or preserved
1605 90	Other molluscs and other aquatic invertebrates, prepared or preserved
<b>a</b>	(CN codes correspond to Commission Regulation (EC) No 948/2009 (OJ L 287, 31.10.2009).]

## ANNEX II

### F247F248 ... Catch Certificate and Re-export Certificate

#### Textual Amendments

- F247** The words "European Community" in "European Community Catch Certificate" and "European Community Re-Export Certificate" in [Annex 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(42)**; 2020 c. 1, Sch. 5 para. 1(1)
- F248** Words in [Annex 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(42)**; 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. (See end of Document for details)

EUROPEAN COMMUNITY CATCH CERTIFICATE							
Document number				Validating authority			
1. Name		Address			Tel. Fax		
2. Fishing vessel name		Flag – Home port and registration number		Call sign	IMO/Lloyd's number (if issued)		
Fishing licence No – Valid to		Inmarsat No, Fax No, Telephone No, E-mail address (if issued)					
3. Description of product		Type of processing authorised on board		4. References of applicable conservation and management measures			
Species	Product code	Catch area(s) and dates	Estimated live weight (kg)	Estimated weight to be landed (kg)	Verified weight landed (kg) where appropriate		
5. Name of master of fishing vessel – Signature – Seal:							
6. Declaration of transhipment at sea Name of master of fishing vessel			Signature and date	Transhipment date/area/position	Estimated weight (kg)		
Master of receiving vessel		Signature	Vessel name	Call sign	IMO/Lloyds number (if issued)		
7. Transhipment authorisation within a port area							
Name	Authority	Signature	Address	Tel.	Port of landing	Date of landing	Seal (stamp)
8. Name and address of exporter		Signature		Date		Seal	
9. Flag State authority validation:							
Name/title		Signature		Date		Seal (stamp)	



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

<b>10. Transport details</b> (see Appendix)					
<b>11. Importer declaration</b>					
<b>Name and address of importer</b>	<b>Signature</b>	<b>Date</b>		<b>Seal</b>	<b>Product CN code</b>
<b>Documents under Articles 14(1), (2) of Regulation (EC) No 1005/2008</b>	<b>References</b>				
<b>12. Import control — authority</b>	<b>Place</b>	<b>Importation authorised (*)</b>	<b>Importation suspended (*)</b>	<b>Verification requested – date</b>	
<b>Customs declaration (if issued)</b>	<b>Number</b>		<b>Date</b>	<b>Place</b>	
(*) Tick as appropriate.					

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

EUROPEAN COMMUNITY RE-EXPORT CERTIFICATE			
Certificate number	Date	Member State	
1. Description of re-exported product		Weight (kg)	
Species	Product code	Balance from total quantity declared in the catch certificate	
2. Name of re-exporter	Address	Signature	Date
3. Authority			
Name/title	Signature	Date	Seal/stamp
4. Re-export control			
Place	Re-export authorised (*)	Verification requested (*)	Re-export declaration number and date
(*) Tick as appropriate.			

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

## Appendix

### Transport details

<b>1. Country of exportation</b>  <b>Port/airport/other place of departure</b>	<b>2. Exporter signature</b>			
<b>Vessel name and flag</b>  <b>Flight number/airway bill number</b>  <b>Truck nationality and registration number</b>  <b>Railway bill number</b>  <b>Other transport document</b>	<b>Container number(s)</b>  <b>list attached</b>	<b>Name</b>	<b>Address</b>	<b>Signature</b>

## ANNEX III

### Flag State notifications

#### 1. Content of flag State notifications pursuant to Article 20

[<sup>F249</sup>A fisheries administration] shall request flag States to notify the names, addresses and official seal prints of the public authorities situated in their territory which are empowered to:

#### Textual Amendments

**F249** Words in [Annex 3](#) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(43)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

- (a) register fishing vessels under their flag;
- (b) grant, suspend and withdraw fishing licences to their fishing vessels;
- (c) attest the veracity of information provided in the catch certificates referred to in [<sup>X1</sup>Article 12] and validate such certificates;
- (d) implement, control and enforce laws, regulations and conservation and management measures which must be complied with by their fishing vessels;
- (e) <sup>F250</sup> ...
- (f) communicate sample forms of their catch certificate in accordance with the specimen in Annex II; and
- (g) update such notifications.

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

### Textual Amendments

**F250** Annex 3 para. 1(e) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(43)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

2. Catch documentation schemes adopted by regional fishery management organisations referred to in Article 13:

Where a catch documentation scheme adopted by a regional fishery management organisation has been recognised as a catch certification scheme for the purposes of this Regulation, the flag State notifications made under such catch documentation schemes are deemed to be done in accordance with the provisions laid down in paragraph 1 of this Annex and the provisions of this Annex are deemed to apply *mutatis mutandis*.

## ANNEX IV

Statement under Article 14(2) of Council [<sup>X1</sup>Regulation (EC) No 1005/2008] of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

I confirm that the processed fishery products: ... (product description and Combined Nomenclature code) have been obtained from catches imported under the following catch certificate(s):

Catch certificate number	Vessel name(s) and flag(s)	Validation date(s)	Catch description	Total landed weight (kg)	Catch processed (kg)	Processed fishery product (kg)

Name and address of the processing plant:

...

...

...

Name and address of the exporter (if different from the processing plant):

...

...

...

Approval number of the processing plant:

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

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...

Health certificate number and date:

...

Responsible person of the processing plant:	Signature:	Date:	Place:
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Endorsement by the competent authority:

...

Official:	Signature and seal:	Date:	Place:
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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008. (See end of Document for details)

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- (1) Opinion delivered on 23 May 2008 (not yet published in the Official Journal).
- (2) Opinion delivered on 29 May 2008 (not yet published in the Official Journal). Opinion delivered following non-compulsory consultation.
- (3) [OJ L 358, 31.12.2002, p. 59.](#)
- (4) [OJ L 261, 20.10.1993, p. 1.](#)
- (5) [OJ L 184, 17.7.1999, p. 23.](#)
- (6) [OJ L 8, 12.1.2001, p. 1.](#)
- (7) Council Regulation (EC) No 1093/94 of 6 May 1994 setting the terms under which fishing vessels of a third country may land directly and market their catches at Community ports ([OJ L 121, 12.5.1994, p. 3.](#)).
- (8) Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy ([OJ L 167, 2.7.1999, p. 5.](#)).
- (9) Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish ([OJ L 263, 3.10.2001, p. 1.](#)).
- (10) Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources ([OJ L 97, 1.4.2004, p. 16.](#)).
- (11) [OJ L 256, 7.9.1987, p. 1.](#)

**Changes to legislation:**

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