
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Common Fisheries Policy (Amendment
etc.) (EU Exit) (No. 2) Regulations 2020**

Application of Regulation (EC) No 1005/2008 to Northern Ireland

5.—(1) Subject to the modifications in paragraph (3), the provisions of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing⁽¹⁾ listed in paragraph (2) have effect in Northern Ireland.

(2) The provisions are—

- (a) Chapter 1, so far as relevant for the purposes of the other provisions listed in this paragraph;
- (b) Chapter 2;
- (c) Chapter 5;
- (d) Article 37;
- (e) Articles 54, 54A and 54D.

(3) The modifications are that—

- (a) Article 2 is to be read as if—
 - (i) in point 20, for “the United Kingdom” there were substituted “Northern Ireland”, and
 - (ii) after point 23, there were inserted—

“24. ‘EU fishing vessel’ means a fishing vessel flying the flag of a member state of the European Union and registered in the European Union.”;

- (b) the heading to Chapter 2 is to be read as if—
 - (i) for “THIRD COUNTRY” there were substituted “EU”, and
 - (ii) for “UNITED KINGDOM PORTS” there were substituted “PORTS IN NORTHERN IRELAND”;
- (c) the heading to Section 1 of Chapter 2 is to be read as if, for “third country” there were substituted “EU”;
- (d) Article 4 is to be read as if—
 - (i) in paragraph 1—
 - (aa) for “third country” there were substituted “EU”, and
 - (bb) for “the ports of the United Kingdom” there were substituted “ports in Northern Ireland”;
 - (ii) in paragraph 2—
 - (aa) for “of the United Kingdom” there were substituted “in Northern Ireland”,
 - (bb) for “third country” there were substituted “EU”, and

(1) EUR 2008/1005, as amended by S.I. 2019/739 and S.I. 2019/753.

- (cc) at the end, there were inserted “(For rules corresponding to those in this Chapter and applicable to the conduct of landing or transshipment operations by other third country fishing vessels in ports in Northern Ireland, see Chapter II of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.)”, and
- (iii) for paragraph 3 there were substituted—
- “3.** Transshipments between third country vessels or between such vessels and United Kingdom vessels are prohibited in United Kingdom waters.
- 3A.** Despite paragraph 3, transshipments between EU fishing vessels may take place in port, where authorised in accordance with the provisions of this Chapter.”;
- (e) Article 5 is to be read as if, in paragraph 2, for “third country” there were substituted “EU”;
- (f) Article 6 is to be read as if—
- (i) in paragraph 1—
- (aa) for “third country” there were substituted “EU”, and
- (bb) the words after point (h) were omitted,
- (ii) paragraph 2 were omitted,
- (iii) in paragraph 3, for “third country” there were substituted “EU”;
- (g) Article 7 is to be read as if, for paragraph 1, there were substituted—
- “1.** Without prejudice to point 5 of Article 37, an EU fishing vessel shall be granted authorisation to access a port only if the information set out in Article 6(1) is complete.”;
- (h) Article 8 is to be read as if—
- (i) in paragraph 1—
- (aa) for “third country” there were substituted “EU”, and
- (bb) for “the United Kingdom” there were substituted “Northern Ireland”, and
- (ii) for paragraph 3B there were substituted—
- “3B.** Where the exercise of the power to make regulations under paragraph 3 would be within the jurisdiction of the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, under Article 1(5) 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 that Department.”;
- (i) Article 9 is to be read as if, in paragraph 1, for “third country” there were substituted “EU”;
- (j) Article 11 is to be read as if, in paragraph 2, for “a third country” there were substituted “an EU”;
- (k) Article 25 is to be read as if, in paragraph 1(a), for “Chapters II, III, IV, VIII, X and XI” there were substituted “Chapter 2”;
- (l) Article 37 is to be read as if—
- (i) points 2 to 4 were omitted,
- (ii) in point 5—
- (aa) for “the United Kingdom” substitute “Northern Ireland”, and

- (bb) for “United Kingdom port”, in both places it occurs, substitute “port in Northern Ireland”, and
- (iii) points 9 and 10 were omitted;
- (m) Article 54 is to be read as if—
 - (i) in paragraph 1, “or the Welsh Ministers” were omitted, and
 - (ii) paragraph 2 were omitted.