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STATUTORY INSTRUMENTS

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**2019 No. 753**

The Common Fisheries Policy and Aquaculture  
(Amendment etc.) (EU Exit) Regulations 2019

PART 2

AMENDMENT OF THE REGIONAL FISHERIES  
MANAGEMENT ORGANISATIONS REGULATIONS

**Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries**

5.—(1) Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries is amended as follows.

- (2) In Article 1 for “Union” substitute “United Kingdom”.
- (3) In Article 2 for “EU” substitute “United Kingdom”.
- (4) In Article 3, at the end insert—

“14. “United Kingdom fishing vessel” means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995<sup>(1)</sup>. A reference to the ‘fleet’ of a fisheries administration is a reference to all United Kingdom fishing vessels which are—

- (a) in the case of the Secretary of State and the Marine Management Organisation, registered to a port in England;
- (b) in the case of the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, registered to a port in Northern Ireland;
- (c) in the case of the Scottish Ministers, registered to a port in Scotland; or
- (d) in the case of the Welsh Ministers registered to a port in Wales.”.

- (5) In Article 4—
  - (a) in paragraph 1 for “Member States shall” substitute “A fisheries administration must”;
  - (b) in paragraph 3—
    - (i) for “Member States shall” substitute “A fisheries administration must”, and
    - (ii) omit “the Commission or to the body designated by it and to”;
  - (c) in paragraph 4 omit “the Commission or to the body designated by it and to”; and
  - (d) omit paragraph 5.
- (6) In Article 5—

- (a) in the heading for “Union” substitute “United Kingdom”;
  - (b) for paragraph 1 substitute—
    - “1. A fisheries administration must send to the NEAFC Secretary, in a computer-readable form, a list of United Kingdom fishing vessels in its fleet which are authorised to fish in the Regulatory Area, in particular the vessels authorised to fish directly for one or more regulated resources together with any amendments to the list. This information shall be sent no later than 31 December each year or no later than 5 days before the vessel enters the Regulatory Area.”; and
  - (c) omit paragraph 2.
- (7) In Article 6—
- (a) for paragraph 1 substitute—
    - “1. A fisheries administration must ensure that gear used by fishing vessels in its fleet in the Regulatory Area is marked in accordance with [Commission Implementing Regulation \(EU\) No. 404/2011](#).”; and
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “A fisheries administration”, and
    - (ii) for “Regulation (EC) No 356/2005” substitute “[Regulation \(EU\) No. 404/2011](#)”.
- (8) In Article 7—
- (a) in paragraph 1 for “the flag Member State shall” substitute “a fisheries administration must”; and
  - (b) in paragraph 2—
    - (i) for “Member States shall” substitute “A fisheries administration must”, and
    - (ii) for “vessels flying their flag” substitute “United Kingdom fishing vessels”.
- (9) In Article 8—
- (a) in paragraph 1—
    - (i) for “Article 6 of [Council Regulation \(EEC\) No 2847/93](#) of 12 October 1993” substitute “Articles 14 and 15 of [Council Regulation \(EC\) No 1224/2009](#)”,
    - (ii) omit “establishing a control system applicable to the common fisheries policy”, and
    - (iii) for “EU” substitute “United Kingdom”;
  - (b) in paragraph 2 for “EU” substitute “United Kingdom”; and
  - (c) in paragraph 3 for “Member States” substitute “a fisheries administration”.
- (10) In Article 9—
- (a) in paragraph 1—
    - (i) for “EU” substitute “United Kingdom”, and
    - (ii) omit “The data contained in such reports shall be accessible to the Commission on request.”;
  - (b) for paragraph 3 substitute—
    - “3. A fisheries administration must record the data contained in the catch reports in a computerised database.”; and
  - (c) omit paragraph 4.
- (11) In Article 10—
- (a) for paragraphs 1 and 2 substitute—

“1. A fisheries administration must inform the NEAFC Secretary by computer transmission before the 30th day of each month of the quantities of fishery resources caught in the Regulatory Area by United Kingdom fishing vessels which have been landed or transhipped during the preceding month.

2. A fisheries administration must also inform the NEAFC Secretary by computer transmission before the 15th day of each month of the quantities of regulated resources caught in areas under the national fisheries jurisdiction of third countries and within United Kingdom waters of the Convention Area by United Kingdom fishing vessels which have been landed or transhipped during the preceding month.”; and

(b) omit paragraphs 3 and 4.

(12) In Article 11—

(a) for “Member States shall” substitute “A fisheries administration must”;

(b) for “vessels flying their flag” substitute “United Kingdom fishing vessels”;

(c) omit “the format and the specifications of these transmissions shall be determined in accordance with Article 50(2).”; and

(d) for “each Member State shall” in both places it occurs, substitute “a fisheries administration must”.

(13) In Article 12—

(a) in paragraph 1—

(i) for “Member States shall” in both places it occurs, substitute “A fisheries administration must”, and

(ii) for “the flag Member State” substitute “a fisheries administration”; and

(b) in paragraph 2 for “Member States shall” substitute “A fisheries administration must”.

(14) In Article 13—

(a) in paragraph 1—

(i) for “EU” substitute “United Kingdom”, and

(ii) for “in their flag Member State” substitute “of a fisheries administration”;

(b) in paragraph 2 for “EU” substitute “United Kingdom”; and

(c) in paragraph 3 for “EU” substitute “United Kingdom”.

(15) In Article 14 for “EU” substitute “United Kingdom”.

(16) In Article 16—

(a) in paragraph 1 for “Member States whose fishing vessels” substitute “A fisheries administration that has fishing vessels in its fleet which”; and

(b) in paragraph 2—

(i) for “Member States shall” substitute “A fisheries administration must”, and

(ii) omit the final sentence.

(17) In Article 17—

(a) omit paragraph 1;

(b) in paragraph 2—

(i) for “Member States shall” substitute “A fisheries administration must”, and

(ii) for “their” substitute “its”;

- (c) in paragraph 3 for “The Commission or the body designated by it shall” substitute “A fisheries administration must”;
  - (d) in paragraph 4—
    - (i) for “Member States shall” substitute “A fisheries administration must”, and
    - (ii) for “vessels flying their flag” substitute “United Kingdom fishing vessels”; and
  - (e) in paragraph 5 for “national provisions” substitute “applicable laws”.
- (18) In Article 18—
- (a) in paragraph 1 for “Member States shall” substitute “A fisheries administration must”;
  - (b) in paragraph 2—
    - (i) for “The Commission or body designated by it shall” substitute “A fisheries administration must”,
    - (ii) for “Member States are” substitute “a fisheries administration is”, and
    - (iii) omit the words from “Where appropriate this list shall be taken from” to the end; and
  - (c) in paragraph 4—
    - (i) for “Union” substitute “United Kingdom”, and
    - (ii) for “the Commission or the body designated by it shall” substitute “a fisheries administration must”.
- (19) In Article 19(1) omit “to the Commission or the body designated by it”.
- (20) In Article 20—
- (a) in paragraph 8 for “a Member State shall” substitute “a fisheries administration must”; and
  - (b) in paragraph 9 omit “the Commission or the body designated by it. The Commission or the body designated by it shall forward the copy promptly to”.
- (21) In Article 22 for “Member States” substitute “the United Kingdom”.
- (22) For Article 23 substitute—

*“Article 23*

*Designated ports*

**1.** A fisheries administration must designate and notify the NEAFC Secretary of ports where the landing or transshipment of fishery resources, caught in the Convention Area by fishing vessels flying the flag of a Contracting Party other than the United Kingdom, or the provision of port services to such vessels, are permitted. A fisheries administration must notify the NEAFC Secretary of any changes to the list of ports designated, at least 15 days before the change comes into force.

**2.** A fisheries administration must allow landings and transshipments of fish caught in the Convention Area by fishing vessels flying the flag of a Contracting Party other than the United Kingdom, as well as the provision of port services to such vessels, only in designated ports.”.

- (23) In Article 24—
- (a) in paragraph 1—
    - (i) for “the Member State” substitute “a fisheries administration”,
    - (ii) for “Member State” substitute “fisheries administration”, and
    - (iii) for “the Member State shall inform the Commission, or the body designated by it, and” substitute “a fisheries administration must inform”;

- (b) in paragraph 2—
    - (i) for “Member State” substitute “fisheries administration”, and
    - (ii) for “the Member State shall inform the Commission, or the body designated by it, and” substitute “a fisheries administration must inform”;
  - (c) in paragraph 3 for “the port Member State shall” substitute “a fisheries administration must”; and
  - (d) omit the final sentence.
- (24) In Article 25—
- (a) in paragraph 1 for “Union” substitute “United Kingdom”;
  - (b) in paragraph 2 omit “Member State”;
  - (c) in paragraph 3—
    - (i) for “the port Member State” in both places it occurs, substitute “a fisheries administration”, and
    - (ii) for “national rules” substitute “applicable laws”;
  - (d) in paragraph 3a for “the port Member State” substitute “a fisheries administration”;
  - (e) in paragraph 4 for “the port Member State” substitute “a fisheries administration”; and
  - (f) omit paragraph 5.
- (25) In Article 26—
- (a) in paragraph 1 for “Each Member State shall” substitute “A fisheries administration must”;
  - (b) in paragraph 2a for “Each Member State shall” substitute “A fisheries administration must”;
  - (c) in paragraph 3 omit “National”;
  - (d) in paragraph 3a omit “National”; and
  - (e) in paragraph 4 for “The port Member State” substitute “A fisheries administration”.
- (26) In Article 27(3) omit “, to the Commission or the body designated by it”.
- (27) In Article 28 for “EU” substitute “United Kingdom”.
- (28) In Article 29—
- (a) in paragraph 1(d) for “the Commission or body designated by it” substitute “a fisheries administration”; and
  - (b) in paragraph 2—
    - (i) for “The Member State carrying out the inspection shall” in both places it occurs, substitute “A fisheries administration must”, and
    - (ii) omit “and to the Commission or the body designated by it”;
  - (c) in paragraph 3—
    - (i) for “The Member State carrying out the inspection shall” substitute “A fisheries administration must”, and
    - (ii) omit “the Commission or the body designated by it, which shall forward a copy to”.
- (29) For Article 30 substitute—

*“Article 30**Follow-up in the case of infringement*

**1.** Where a fisheries administration is notified by a Contracting Party of an infringement committed by a United Kingdom fishing vessel in its fleet, that administration must promptly obtain and consider the evidence of the infringement and conduct any further investigation necessary for the follow-up to the infringement, and where possible, inspect the fishing vessel concerned.

**2.** A fisheries administration must designate a competent authority which is to receive evidence of infringements, and a fisheries administration must inform the NEAFC Secretary of the address of that authority and of any change in that information.”.

(30) In Article 32(1) omit “the Commission or the body designated by it,”.

(31) In Article 33—

(a) in the heading for “an EU” substitute “a United Kingdom”;

(b) in paragraph 1—

(i) for “Flag Member States shall” substitute “A fisheries administration must”, and

(ii) for “in the flag Member State and to the Commission or the body designated by it” substitute “of the fisheries administration”;

(c) in paragraph 2—

(i) for “flag Member States shall” substitute “a fisheries administration must”,

(ii) for “that flag Member State” substitute “a fisheries administration”, and

(iii) omit “under its authority”;

(d) in paragraph 3—

(i) for “The flag Member State” substitute “A fisheries administration”, and

(ii) for “the flag Member State” substitute “a fisheries administration”;

(e) for paragraph 4 substitute—

“**4.** If the fishing vessel is not called to port, a fisheries administration must provide due justification in a timely manner to the inspecting state and must forward such justification to the NEAFC Secretary.”;

(f) in paragraph 5 for “the flag Member State of the fishing vessel” substitute “a fisheries administration”; and

(g) omit paragraphs 6 and 7.

(32) In Article 34 for paragraph 1 substitute—

“**1.** By 1 March each year, a fisheries administration must report to the NEAFC Secretary on the status of the proceedings concerning infringements of the conservation and management measures adopted by NEAFC which were committed during the previous calendar year. The infringements must continue to be listed in each subsequent report until the proceedings are concluded.”.

(33) In Article 35 for “Without prejudice to Article 77 of Regulation (EC) No 1224/2009, Member States shall collaborate with each other and” substitute “a fisheries administration must collaborate”.

(34) In Article 36—

(a) in paragraph 1 for “Each Member State shall report to the Commission or the body designated by it by 15 February” substitute “A fisheries administration must report to the NEAFC Secretary by 1 March”; and

- (b) omit paragraph 2.
- (35) In Article 38—
- (a) in paragraph 1—
    - (i) for “Member States shall” substitute “A fisheries administration must”,
    - (ii) for “Commission or any body designated by it” substitute “NEAFC Secretary”, and
    - (iii) omit the final sentence; and
  - (b) in paragraph 2 for “The Member State which sighted the non-Contracting Party vessel shall” substitute “If a fisheries administration sights a non-Contracting Party vessel it must”.
- (36) In Article 39—
- (a) in paragraph 2—
    - (i) omit “the Commission or the body designated by it,”
    - (ii) for “Member State” substitute “fisheries administration”, and
    - (iii) omit the final sentence; and
  - (b) in paragraph 3 omit “the Commission or the body designated by it thereof. In turn the Commission or the body designated by it shall promptly inform”.
- (37) In Article 40—
- (a) for paragraph 1 substitute—

“1. If, in accordance with Article 24, the master of a non-Contracting Party fishing vessel notifies a fisheries administration of intention to call into a port designated by a fisheries administration in accordance with Article 23, a fisheries administration must forward this information without delay to the flag state of the vessel and to the NEAFC Secretary.”;
  - (b) in paragraph 2—
    - (i) for “The port Member State shall” substitute “A fisheries administration must”, and
    - (ii) for “its” substitute “United Kingdom”; and
  - (c) in paragraph 3—
    - (i) for “the port Member State” substitute “a fisheries administration”, and
    - (ii) omit “the Commission or the body designated by it. In turn, the Commission or the body designated by it shall forward that information to”.
- (38) In Article 41—
- (a) in paragraph 1—
    - (i) for “Member States shall” substitute “A fisheries administration must”, and
    - (ii) for “their” substitute “its”; and
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “the United Kingdom”, and
    - (ii) omit “the Commission or the body designated by it, which shall forward such information to”.
- (39) In Article 42—
- (a) in paragraph 1 for “the port State” substitute “a fisheries administration”;
  - (b) in paragraph 2—
    - (i) for “Member State shall” substitute “a fisheries administration must”,

- (ii) in point (d), for “Member States have” substitute “a fisheries administration has”, and
- (iii) in point (e), for “Member States have” substitute “a fisheries administration has”;
- (c) in paragraph 3 for “the Member States” substitute “a fisheries administration”;
- (d) in paragraph 4—
  - (i) for “Member States shall” substitute “a fisheries administration must”,
  - (ii) for “their” substitute “its”, and
  - (iii) omit “to the Commission or the body designated by it. It turn, the Commission or the body designated by it shall without delay forward this information”;
- (e) in paragraph 5—
  - (i) for “Member States shall” substitute “A fisheries administration must”, and
  - (ii) for “their” substitute “its”; and
- (f) in paragraph 6—
  - (i) for “Member State” substitute “fisheries administration”, and
  - (ii) omit the final sentence.
- (40) In Article 43—
  - (a) in paragraph 1—
    - (i) for “Each Member State shall” substitute “A fisheries administration must”, and
    - (ii) for “Commission or the body designated by it by 15 February” substitute “NEAFC Secretary by 1 March”;
  - (b) in paragraph 2—
    - (i) for “Member States” substitute “a fisheries administration”, and
    - (ii) for “Commission or the body designated by it” substitute “NEAFC Secretary”; and
  - (c) omit paragraph 3.
- (41) In Article 44(1) for “Member States shall” substitute “A fisheries administration must”.
- (42) In Article 45—
  - (a) in paragraph 1 for “In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States shall” substitute “A fisheries administration must”; and
  - (b) omit paragraph 2.
- (43) Omit Articles 46 to 49.
- (44) In Article 50 omit paragraph 1.
- (45) Omit Articles 51 and 53.
- (46) In Annex 1 omit the Appendix.
- (47) In Annex 2—
  - (a) in the heading omit “PORT MEMBER STATE”;
  - (b) for “each port Member State” substitute “a fisheries administration”; and
  - (c) omit “port Member State” in the second place it occurs.
- (48) In Annex 3—
  - (a) in the heading omit “PORT MEMBER STATE”; and
  - (b) omit “National”.



