

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

CHAPTER III

CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

Article 12

Catch certificates

1 The importation into the [F¹United Kingdom] of fishery products obtained from IUU fishing shall be prohibited.

2 [F²Subject to paragraph 2A] to ensure the effectiveness of the prohibition established in paragraph 1, fishery products shall only be imported into the [F³United Kingdom] when accompanied by a catch certificate in conformity with this Regulation.

[F⁴2A. 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 [F⁵state] 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 [F⁶state] with the necessary powers to attest the accuracy of the information. F⁷...

[F⁸4A. 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.]

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[^{F95} 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.]

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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 [F10a 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. F11...

[F122 Paragraph 1 is without prejudice to any enactment implementing such catch documentation schemes in the United Kingdom.]

Textual Amendments

- F10** 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)
- F11** 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)
- F12** 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 [F13United Kingdom] from a third country F14..., the importer shall submit to [F15a fisheries administration]:

- a the catch certificate(s) validated by the flag [F16state]; 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 [F17state] 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 [F18state], the importer shall submit to [F19a 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:

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- 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 [^{F18}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.

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Textual Amendments	
F13	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)
F14	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)
F15	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)
F16	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)
F17	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)
F18	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)
F19	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)
F20	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 [^{F21}United Kingdom fishing vessels]

1 [^{F22}Where the Secretary of State has entered into arrangements under paragraph 3, the] exportation of catches made by [^{F23}United Kingdom fishing vessels] shall be subject to the validation of a catch certificate by the competent authorities of [^{F24}a fisheries administration], as established in Article 12(4) ^{F25}....

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[^{F27}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

- F21** 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)
- F22** 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)
- F23** 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)
- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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 [^{F28}a fisheries administration] at least three working days before the estimated time of arrival at the place of entry into the territory of the [^{F29}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 [^{F29}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 [^{F30}state] in accordance with [^{F31}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 [^{F32}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 [^{F33}fisheries administration] shall include:

- a the establishment of the importer on the territory of [^{F34}the United Kingdom];

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- 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

- F28** 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)
- F29** 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)
- F30** 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)
- F31** 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)
- F32** 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)**
- F33** 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)
- F34** 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)
- F35** 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)
- F36** 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)

^{F37}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—

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- 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

F37 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)

Article 17

Verifications

1 The competent authorities of [^{F38}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 ^{F39}... level under risk management. ^{F40}....

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

- a the verifying authority of [^{F41}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 [^{F42}state]; or
- b the verifying authority of [^{F41}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 [^{F43}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 [^{F43}states]; or

^{F44}e

5 [^{F45}A fisheries administration] may decide to carry out verifications at random, in addition to the verifications referred to in paragraphs 3 and 4.

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

6 For the purpose of a verification, the competent authorities of a [^{F46}fisheries administration] may request the assistance of the competent authorities of the flag [^{F47}state] or of a third country other than the flag [^{F47}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 [^{F48}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 [^{F49}state] or of a third country other than the flag [^{F49}state] as referred to in Article 14;

^{F50}b

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.

^{F51}g

Textual Amendments

- F38** 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)
- F39** 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)
- F40** 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)
- F41** 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)
- F42** 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)
- F43** 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)
- F44** 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)
- F45** 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)
- F46** 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)
- F47** 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)
- F48** 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)
- F49** 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)
- F50** 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)
- F51** 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 [F52 a fisheries administration must], where appropriate, refuse the importation into the [F53 United Kingdom] of fishery products without having to request any additional evidence or send a request for assistance to the flag [F54 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 [F54 state] referred to in Article 12(3);
- 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 [F55 United Kingdom] IUU vessel list or in the IUU vessel lists [F56 adopted by regional fisheries management organisations];
- g the catch certificate has been validated by the authorities of a flag [F54 state] identified as a non-cooperating [F54 state] in accordance with Article 31.

2 The competent authorities of [F57 a fisheries administration must], where appropriate, refuse the importation of any fishery products into the [F58 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, [F59 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. ^{F60}...

[F615 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

F52 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)

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

- F53** 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)
- F54** 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)
- F55** 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)
- F56** 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)
- F57** 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)
- F58** 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)
- F59** 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)
- F60** 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)
- F61** 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)

^{F62}Article 19

Transit and transshipment

Textual Amendments

- F62** 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 [^{F63}state] for the purposes of this Regulation shall be subject to the condition that [^{F64}a fisheries administration] has received a notification from the flag [^{F63}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 [^{F65}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 [^{F66}A fisheries administration must] inform the flag [^{F67}state] of the receipt of the notification sent pursuant to paragraph 1. If all elements mentioned in paragraph 1 are not

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provided by the flag [F67state], [F66a fisheries administration must] indicate to the flag [F67state] which elements are missing and request that it provide a new notification.

F68 4

F69 5

Textual Amendments

- F63** 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)
- F64** 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)
- F65** 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)
- F66** 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)
- F67** 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)
- F68** 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)
- F69** 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 [F70a 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.

F71 3

Textual Amendments

- F70** 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)
- F71** 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

F72 1

F72 2

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^{F72}3

4 [^{F73}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 ^{F74}....

5 Approved economic operators shall keep the original of the documents referred to in paragraph 4 for a period of three years or longer ^{F75}....

Textual Amendments

- F72** 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)
- F73** 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)
- F74** 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)
- F75** 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)

Changes to legislation:

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