

Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

COUNCIL REGULATION (EC) No 1224/2009

of 20 November 2009

establishing a [F1[X1Union]] control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

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>,

Having regard to the opinion of the Committee of the Regions<sup>(3)</sup>,

Having regard to the opinion of the European Data Protection Supervisor<sup>(4)</sup>,

Whereas:

- (1) 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>(5)</sup>, is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.
- (2) Given that the success of the common fisheries policy involves implementing an effective system of control, the measures provided for in this Regulation seek to establish a Community system for control, inspection, and enforcement with a global and integrated approach in accordance with the principle of proportionality, so as to ensure compliance with all the rules of the common fisheries policy in order to provide for the sustainable exploitation of living aquatic resources by covering all aspects of this policy.

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- (3) The experience gained in the application of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the Common Fisheries Policy<sup>(6)</sup> has shown that the current control system no longer suffices to ensure compliance with the rules of the common fisheries policy.
- (4) Currently control provisions are contained in a wide number of overlapping and complex legal texts. Some parts of the control system are poorly implemented by Member States which results in insufficient and divergent measures in response to infringements of the rules of the common fisheries policy thereby undermining the creation of a level playing field for fishermen across the Community. Accordingly the existing regime and all the obligations therein should be consolidated, rationalised and simplified, in particular through reduction of double regulation and administrative burdens.
- (5) In view of the scale of the depletion of marine aquatic resources, it is vital for the Community to adopt the necessary measures to develop a culture of compliance among all operators with the rules of the common fisheries policy, and with the objectives set out by the World Summit on Sustainable Development in 2002 as well as the European Council's Sustainable Development Strategy. To achieve this aim, the rules for control, inspection, and enforcement of conservation as well as resource management measures, structural measures and measures on the common organisation of the market should be reinforced, harmonised and strengthened.
- (6) Given that Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing<sup>(7)</sup>, obliges the Member States to take appropriate measures to ensure the effectiveness of the fight against all illegal, unreported and unregulated (IUU) fishing and associated activities and given that Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters<sup>(8)</sup> establishes provisions on authorisations for Community fishing vessels to engage in fishing activities outside Community waters and on authorisations for third country fishing vessels to engage in fishing activities in Community waters, this Regulation should be complementary to these Regulations and ensure that there is no discrimination between Member States' and third country nationals.
- (7) This Regulation should affect neither special provisions contained in international agreements or applicable in the framework of regional fisheries management organisations nor any national control provisions which fall within the scope of this Regulation but go beyond its minimum provisions, provided that such national provisions are in conformity with Community law.
- (8) Modern technologies, such as the vessel monitoring system, the vessel detection system and the automatic identification system, should be exploited since they allow effective monitoring, systematic and automated cross-checks in a rapid manner, and facilitate the administrative procedures for both the national authorities and the operators and thus allow timely risk analyses and global assessments of all relevant control information.

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The control system should therefore allow Member States to combine the use of the various control instruments to ensure the most efficient method of control.

- (9) A new, common approach to fisheries control should be introduced that includes comprehensive monitoring of catches, with a view to ensuring a level playing field for the fishing sector that takes into account the differences across the segments of the fleet. To this end common criteria for the implementation of fisheries control and in particular standardised and coordinated inspection procedures at sea, on land and throughout the market chain should be established. As part of the new approach the respective responsibilities of the Member States, the Commission and the Community Fisheries Control Agency should be clarified.
- (10) Management of fishery resources at Community level is based in particular on total allowable catches (TACs), quotas, effort regimes and technical measures. Appropriate steps should be taken to ensure that Member States adopt the necessary measures to implement these management measures in an effective manner.
- (11) Control activities and methods should be based on risk management using cross-checking procedures in a systematic and comprehensive way by Member States. It is also necessary for Member States to exchange relevant information.
- (12) Cooperation and coordination between Member States, the Commission and the Community Fisheries Control Agency should be intensified in order to promote compliance with the rules of the common fisheries policy.
- (13) To ensure that fishing activities are only undertaken in line with the rules of the common fisheries policy such activities should be subject to a fishing licence and, when specific conditions apply, to a fishing authorisation. Also rules on the marking and identification of fishing vessels and their gear should apply.
- (14) To ensure an effective control, Member States should operate a vessel monitoring system and fishing vessels of 12 metres' length overall or more should be equipped with a device allowing Member States to automatically locate and identify those vessels. Furthermore fishing vessels should be equipped with an automatic identification system in accordance with Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system<sup>(9)</sup>, and Member States should use the data of such a system for cross-checking purposes.
- (15) Cooperation among Community agencies and among authorities of Member States should be strengthened. For this purpose, it should be possible to transmit data from the vessel monitoring system, automatic identification system and the vessel detection system to Community agencies and competent authorities of Member States engaged in surveillance operations for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.
- (16) It should be for the Council to decide on the future use of electronic monitoring devices and traceability tools such as genetic analysis and other fisheries control technologies if these technologies lead to an improved compliance with rules of the common fisheries policy in a cost effective way.

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- (17) Member States should monitor the activities of their fishing vessels in and outside Community waters. To facilitate effective monitoring masters of Community fishing vessels of 10 metres' length overall or more should be obliged to keep a fishing logbook and submit landing and transshipment declarations. In order to make use of modern technologies, for fishing vessels of 12 metres' length overall or more, the fishing logbook should be in electronic form and the landing and transshipment declarations should be submitted electronically.
- (18) The information contained in the fishing logbooks of fishing vessels should be verified at the time of landing. Accordingly, those involved in the landing and marketing of fish and fishery products should be required to declare the quantities landed, transhipped, offered for sale or purchased.
- (19) For small fishing vessels of less than 10 metres' length overall an obligation to keep a fishing logbook or to complete a landing declaration would constitute a disproportionate burden in relation to their fishing capacity. In order to ensure an adequate level of control over such vessels, Member States should monitor their activities by the implementation of a sampling plan.
- (20) Transshipments at sea escape any proper control by flag or coastal states and therefore constitute a possible way for operators to carry illegal catch. To improve controls, transshipment operations in the Community should be authorised only in designated ports.
- (21) The Member States' authorities should be able to monitor landings in their ports. To that end fishing vessels engaged in fisheries on stocks subject to a multiannual plan that are under the obligation to record fishing logbook data electronically should be required to pre-notify those authorities of their intention to land in their ports. Member States should be allowed to deny access if the required information is not complete.
- (22) Since the management of fishing resources is based on fishing opportunities it should be ensured that catches and deployed effort are correctly recorded and that the catches and deployed effort are charged against the quotas and effort allocations of the flag Member State. Fisheries should be closed if the available quota or effort allocation have been exhausted.
- (23) In view of the capacity requirements in the Community fishing fleet as contained in Article 13 of Regulation (EC) No 2371/2002, Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions<sup>(10)</sup>, Commission Regulation (EC) No 1438/2003 of 12 August 2003 laying down implementing rules on the Community Fleet Policy as defined in Chapter III of Council Regulation (EC) No 2371/2002<sup>(11)</sup> and Commission Regulation (EC) No 2104/2004 of 9 December 2004 laying down detailed implementation rules for Council Regulation (EC) No 639/2004<sup>(12)</sup>, instruments should be introduced for the control of the fleet capacity which should include the monitoring of the engine power and of the use of fishing gear. For that reason Member States should take measures to ensure that the total capacity of the fishing licences does not exceed the maximum capacity levels and ensure that the propulsion engine power of fishing vessels does

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- not exceed the certified engine power of those vessels. Member States should for this purpose certify the propulsion engine power of fishing vessels whose propulsion engine power exceeds 120 kW and also verify on the basis of a sampling plan the consistency of engine power with other available information.
- (24) Particular measures should apply in case of multiannual plans as a particular form to protect the concerned stocks. Transshipments of catches of stocks subject to a multiannual plan should be allowed only in designated ports and only if these catches have been weighed.
- (25) Special provisions should be foreseen that only allowed gears are used and that lost gear is retrieved.
- (26) Special rules should apply to fishing restricted areas. The procedure for the establishment and lifting of real time closures for fishing grounds should be clearly established.
- (27) As recreational fisheries can have a significant impact on fish resources, Member States should ensure that they are conducted in a manner compatible with the objectives of the common fisheries policy. For stocks under a recovery plan Member States should collect catch data of recreational fisheries. Where such fisheries have a significant impact on the resources, the Council should have the possibility to decide on specific management measures.
- (28) In order to establish a comprehensive control regime, the whole chain of production and marketing should be covered by such a regime. It should include a coherent traceability system complementing the provisions contained in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(13)</sup>, and an enhanced control of producer organisations. It should also protect the interests of consumers by providing the information concerning the commercial designation, the production method and the catch area at each stage of the marketing as contained in Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products<sup>(14)</sup>. It should ensure the monitoring of producer organisations in accordance with Commission Regulation (EC) No 2508/2000 of 15 November 2000 laying down the detailed rules for the application of Council Regulation (EC) No 104/2000 as regards operational programmes in the fisheries sector<sup>(15)</sup>.
- (29) To ensure that all catches are properly controlled Member States should ensure that all fisheries products are first marketed or registered at an auction centre or to registered buyers or to producer organisations. As the exact weight of catches needs to be known to follow the utilisation of quotas, Member States should ensure that all fisheries products are weighed unless sampling plans based on a common methodology are in place.
- (30) In order to follow the way of the catch and to be able to verify their coherence with catch data, registered buyers, registered auctions or other bodies or persons authorised by

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Member States should submit sales notes. If they have an annual turnover in first sales of fisheries products of more than EUR 200 000 the sales notes should be transmitted electronically.

- (31) In order to ensure compliance with Community conservation and trade measures, steps should be taken to require all fishery products for which neither a sales note nor a take-over declaration has been submitted and which are transported to a place other than that of landing to be accompanied by a transport document identifying their nature, origin and weight unless a transport document has been transmitted electronically before the transport.
- (32) Member States should carry out regular checks on producer organisations to ensure that they meet the legal requirements. They should also carry out checks regarding the price and intervention arrangements.
- (33) Member States should carry out surveillance in Community waters and take the necessary measures if a sighting or detection does not correspond to the information available to them.
- (34) The concept and the tasks of control observers should be clearly established for future control observer schemes. At the same time rules should also be established on the conduct of inspections.
- (35) For the consistent and effective prosecution of infringements, provision should be made to enable inspection and surveillance reports drawn up by Commission officials, Community inspectors and officials of Member States to be used in the same way as national reports. At the same time Member States should set up an electronic database providing the inspection and surveillance reports of their officials.
- (36) To enhance a common level of control in Community waters a list of Community inspectors should be established and their tasks and competences should be clarified. For the same reason inspections of fishing vessels outside the waters of the inspecting Member State should be possible under certain conditions.
- (37) In the case of an infringement it should be ensured that the appropriate measures are taken and that the infringement can effectively be followed up irrespective of where it occurs. In certain cases of serious infringements there should be an enhanced follow-up to enable immediate investigation. In this respect Member States should also be obliged to take appropriate measures where an infringement has been discovered by a Community inspector. Under certain conditions it should be possible to transfer the proceedings to the flag Member State or the Member State of which the offender holds the citizenship.
- (38) Nationals of Member States should be deterred from committing infringements of the rules of the common fisheries policy. Since action taken following infringements of those rules differs widely from one Member State to another, thereby causing discrimination and unfair competition rules for fishermen and given that the absence of dissuasive, proportionate and effective sanctions in certain Member States reduces the effectiveness of controls, it is appropriate to introduce administrative sanctions in combination with a point system for serious infringements to provide a real deterrent.

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- (39) The persistence of a high number of serious infringements of the rules of the common fisheries policy within Community waters or by Community operators is to a large extent attributable to the non-deterrent level of sanctions for serious infringements of those rules laid down in national legislation. That weakness is compounded by the wide discrepancy in the levels of sanctions between Member States, which encourages illegal operators to operate in waters or within the territory of the Member States where the sanctions are lowest. It is therefore appropriate to complement the maximum levels of sanctions for serious infringements of the rules of the common fisheries policy as laid down in Article 44 of Regulation (EC) No 1005/2008 with dissuasive sanctions, taking into account the nature of the damage, value of the fishery products obtained by committing the serious infringement, the economic situation of the offender and any repetition of an infringement. Immediate enforcement measures and complementary measures should also be laid down.
- (40) The establishment of sanctions should be complemented by a point system for serious infringements on the basis of which a fishing licence should be suspended if a certain number of points have been attributed to the holder of a fishing licence following the imposition of sanctions for serious infringements. If the fishing licences have been suspended five times on the basis of this system and again the number of points are attributed the fishing licence should be withdrawn altogether. In this context Member States should enter in a national register all infringements of the rules of the common fisheries policy.
- (41) To ensure the achievement of the objectives of the common fisheries policy the Commission should be able to take effective corrective measures. To this end the management capacity of the Commission and its capacity to intervene in a manner proportionate to the level of non-compliance by a Member State should be strengthened. The Commission should be empowered to undertake inspections without prior notice and in an independent way, so as to verify the control operations carried out by the competent authorities of Member States.
- (42) For the purposes of protecting the Community financial interest and securing the overriding interest in the conservation of fisheries resources, the financial assistance in the framework of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund<sup>(16)</sup> and Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of Sea<sup>(17)</sup> should be made conditional upon compliance by Member States with their obligations in the fields of fisheries control and thus suspension and cancellation of such financial assistance should be foreseen in cases of an inadequate implementation of the rules of common fisheries policy by Member States which affects the effectiveness of the measures being financed.
- (43) Powers should be conferred to the Commission to close a fishery when the quota of a Member State or a TAC itself is exhausted. The Commission should also be empowered to deduct quotas and effort allocations to ensure the limitation of fishing opportunities are fully complied with. The Commission should also have the capacity to take emergency measures if there is evidence that fishing activities or measures of a

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- Member State undermine the conservation and management measures of management plans or threaten the marine eco-system.
- (44) The exchange of data in electronic form with other Member States and the Commission or the body designated by it should be ensured. The Commission or the body designated by it should be in a position to access directly the fisheries data of Member States to enable it to verify that Member States comply with their obligations and to intervene where inconsistencies are identified.
- (45) For a better communication the competent authorities of Member States should set up websites with general information available on a publicly accessible part and operational information on a secure part of the website. It should also be ensured that the competent authorities of Member States for the implementation of this Regulation cooperate with each other, the Commission, the body designated by the Commission and the competent authorities of third countries.
- (46) 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>(18)</sup>. All measures adopted by the Commission to implement this Regulation should comply with the proportionality principle.
- (47) The mandate of the Community Fisheries Control Agency should be adjusted and extended to support the uniform implementation of the control system of the common fisheries policy, to ensure the organisation of operational cooperation, to provide assistance to Member States and to enable it to set up an emergency unit where a serious risk to the common fisheries policy is identified. It should also be enabled to provide itself with the necessary equipment to carry out joint deployment plans and to cooperate in the implementation of the EU Integrated Maritime Policy.
- (48) Data collected and exchanged in the framework of this Regulation should be treated in accordance with applicable rules on confidentiality. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(19)</sup> should apply to the processing of personal data activities carried out by the Member States when applying this Regulation. 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>(20)</sup> should govern the processing of personal data activities carried out by the Commission in the application of this Regulation.
- (49) In order to bring the Community legislation in line with this Regulation certain Regulations pertaining to control provisions should be amended.
- (50) As this Regulation will establish a new, comprehensive control regime, Regulation (EEC) No 2847/93, Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits<sup>(21)</sup>, and Council Regulation (EC) No 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing<sup>(22)</sup> should be repealed.



## TITLE I

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- (51) In order to provide the Member States with the necessary time to adapt to some of the new obligations laid down in this Regulation, it is convenient to defer the applicability of certain provisions to a later date,

HAS ADOPTED THIS REGULATION:

### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98 \(Official Journal of the European Union L 133 of 29 May 2015\).](#)

### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98.](#)

### Modifications etc. (not altering text)

- C1** Regulation applied (with modifications) (1.10.2023) by [The Windsor Framework \(Retail Movement Scheme: Public Health, Marketing and Organic Product Standards and Miscellaneous Provisions\) Regulations 2023 \(S.I. 2023/959\)](#), regs. 1(2), 4(a), **Sch. 1** (with regs. 7, 8)

## TITLE I

### GENERAL PROVISIONS

#### Article 1

#### Subject matter

This Regulation establishes a <sup>F2</sup>... [<sup>F1</sup>system for control, inspection and enforcement]<sup>F3</sup>... to ensure compliance with [<sup>F4</sup>Fisheries Rules].

### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98.](#)
- F2** Word in Art. 1 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 1 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F4** Words in Art. 1 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

*F5* Article 2

**Scope**

**Textual Amendments**

- F5** Art. 2 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(3)**; 2020 c. 1, Sch. 5 para. 1(1)

*F6* Article 2a

**Application of the Union control system to certain segments of the fleet of Mayotte as an outermost region**

**Textual Amendments**

- F6** Art. 2a omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

*F7* Article 3

**Relationship with international and national provisions**

This Regulation applies without prejudice to special provisions contained in fisheries agreements concluded between the United Kingdom and other countries or applicable in the framework of regional fisheries management organisations or similar agreements to which the United Kingdom is a Contracting Party or a non-contracting Cooperating Party.]

**Textual Amendments**

- F7** Art. 3 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 4

**Definitions**

For the purposes of this Regulation, the definitions set out in [<sup>F8</sup>Regulation (EU) No 1380/2013] shall apply. The following definitions shall also apply:

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1. ‘fishing activity’ means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fisheries products;
2. [<sup>F9</sup>‘Fisheries Rules’ means relevant retained direct EU legislation;]
3. ‘control’ means monitoring and surveillance;
4. ‘inspection’ means any check which is carried out by officials regarding compliance with [<sup>F10</sup>Fisheries Rules] and which is noted in an inspection report;
5. ‘surveillance’ means the observation of fishing activities on the basis of sightings by inspection vessels or official aircrafts and technical detection and identification methods;
6. ‘official’ means a person authorised by a [<sup>F11</sup>fisheries administration] to carry out an inspection;
7. <sup>F12</sup> .....
8. ‘control observer’ means a person authorised by a [<sup>F13</sup>fisheries administration] to observe the implementation of [<sup>F14</sup>Fisheries Rules];
9. ‘fishing licence’ means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of living aquatic resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a <sup>F15</sup>... fishing vessel;
10. ‘fishing authorisation’ means a fishing authorisation issued in respect of a <sup>F16</sup>... fishing vessel in addition to its fishing licence, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;
11. ‘automatic identification system’ means an autonomous and continuous vessel identification and monitoring system which provides means for ships to electronically exchange with other nearby ships and authorities ashore ship data including identification, position, course and speed;
12. <sup>F17</sup> .....
13. ‘vessel detection system’ means a satellite based remote sensing technology which can identify vessels and detect their positions at sea;
14. [<sup>F18</sup>‘fishing restricted area’ means any marine area defined in retained direct EU legislation where fishing activities are either limited or banned;]
15. ‘fisheries monitoring centre’ means an operational centre established by a [<sup>F19</sup>fisheries administration] and equipped with computer hardware and software enabling automatic data reception, processing and electronic data transmission;
16. ‘transshipment’ means the unloading of all or any fisheries or aquaculture products on board a vessel to another vessel;
17. ‘risk’ means the likelihood of an event that may occur and would constitute a violation of [<sup>F20</sup>Fisheries Rules];
18. ‘risk management’ means the systematic identification of risks and the implementation of all measures necessary for limiting the occurrence of these risks. This includes

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activities such as collecting data and information, analysing and assessing risks, preparing and taking action, and regular monitoring and review of the process and its outcomes, based on international <sup>F21</sup>... and national sources and strategies;

19. ‘operator’ means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
20. ‘lot’ means a quantity of fisheries and aquaculture products of a given species of the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, or the same aquaculture production unit;
21. ‘processing’ means the process by which the presentation was prepared. It includes filleting, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner;
22. ‘landing’ means the initial unloading of any quantity of fisheries products from on board a fishing vessel to land;
23. ‘retail’ means the handling and/or processing of products of living aquatic resources and their storage at the point of sale or delivery to the final consumer, and includes distribution;
24. [<sup>F22</sup>‘multiannual plans’ means recovery plans and plans providing for specific management measures for particular fish stocks for several years;]
25. ‘coastal State’ means the State in the waters under the sovereignty or jurisdiction or in the ports of which an activity takes place;
26. ‘enforcement’ means any actions taken to ensure compliance with [<sup>F23</sup>Fisheries Rules];
27. ‘certified engine power’ means the maximum continuous engine power which can be obtained at the output flange of an engine according to the [<sup>F24</sup>entry for the vessel in question recorded in the register maintained under Part 2 of the Merchant Shipping Act 1995];
28. ‘recreational fisheries’ means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;
29. ‘relocation’ means fishing operations where the catch or part thereof is transferred or moved from shared fishing gear to a vessel or from a fishing vessel’s hold or its fishing gear to a keep net, container or cage outside the vessel in which the live catch is kept until landing;
30. ‘relevant geographical area’ means a sea area that is considered as a unit for the purposes of geographical classification in fisheries expressed by reference to a FAO sub-area, division or sub-division, or where applicable an ICES statistical rectangle, fishing effort zone, economic zone or area bounded by geographical coordinates;
31. ‘fishing vessel’ means any vessel equipped for commercial exploitation of living aquatic resources;
32. ‘fishing opportunity’ means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort.

## TITLE II

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**Textual Amendments**

- F8** Words in Art. 4 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 4(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** 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, **4(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 4(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 4(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 4(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 4(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Word in Art. 4(9) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in Art. 4(10) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Art. 4(12) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Art. 4(14) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 4(15) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(k)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 4(17) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(l)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Word in Art. 4(18) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(m)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Art. 4(24) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(n)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 4(26) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(o)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 4(27) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(6)(p)**; 2020 c. 1, Sch. 5 para. 1(1)

## F25 TITLE II

**GENERAL PRINCIPLES***Article 5***General principles**

.....

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Textual Amendments

F25 Title 2 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(7); 2020 c. 1, Sch. 5 para. 1(1)

TITLE III

GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES

Article 6

Fishing licence

1 A [F26United Kingdom] fishing vessel may be used for commercial exploitation of living aquatic resources only if it has a valid fishing licence.

2 [F27A fisheries administration must] ensure that the information contained in the fishing licence is accurate and consistent with that contained in the F28... fishing fleet register referred to in [F29Commission Implementing Regulation (EU) 2017/218].

3 [F30A fisheries administration must] suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that [F31fisheries administration] or which has had its fishing authorisation suspended F32...

4 [F33A fisheries administration must] withdraw permanently the fishing licence of a vessel F34... which has had its fishing authorisation withdrawn F35...

F365 .....

Textual Amendments

F26 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, 4(8)(a); 2020 c. 1, Sch. 5 para. 1(1)

F27 Words in Art. 6(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)

F28 Word in Art. 6(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

F29 Words in Art. 6(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(b)(iii); 2020 c. 1, Sch. 5 para. 1(1)

F30 Words in Art. 6(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(c)(i); 2020 c. 1, Sch. 5 para. 1(1)

F31 Words in Art. 6(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(c)(ii); 2020 c. 1, Sch. 5 para. 1(1)

F32 Words in Art. 6(3) omitted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(c)(iii) (as inserted by S.I. 2020/1542, regs. 1(2), 11(3)(a)(i)(cc)); 2020 c. 1, Sch. 5 para. 1(1)

F33 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, 4(8)(d)(i); 2020 c. 1, Sch. 5 para. 1(1)

F34 Words in Art. 6(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(8)(d)(ii); 2020 c. 1, Sch. 5 para. 1(1)

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- F35** Words in Art. 6(4) omitted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(d)(iii)** (as inserted by S.I. 2020/1542, regs. 1(2), **11(3)(a)(ii)(bb)**); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Art. 6(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 7

### Fishing authorisation

1 A [<sup>F1</sup>[<sup>F37</sup>United Kingdom] fishing vessel operating in [<sup>F37</sup>United Kingdom]] waters shall be authorised to carry out specific fishing activities only insofar as they are indicated in a valid fishing authorisation when the fisheries or fishing zones where the activities are authorised are subject to:

- a a fishing effort regime;
- b a multiannual plan;
- c a fishing restricted area;
- d fishing for scientific purposes;
- e other cases laid down in [<sup>F38</sup>relevant retained direct EU] legislation.

<sup>F39</sup>2 .....

<sup>F40</sup>3 .....

4 A fishing authorisation shall not be issued if the fishing vessel concerned does not have a fishing licence obtained in accordance with Article 6 or if its fishing licence has been suspended or withdrawn. A fishing authorisation shall be automatically withdrawn where the fishing licence corresponding to the vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.

[<sup>F41</sup>5 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F37** Words in Art. 7(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 7(1)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Art. 7(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Art. 7(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Art. 7(5) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(2)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 8

### Marking of the fishing gear

1 The master of a fishing vessel shall respect conditions and restrictions relating to the marking and identification of fishing vessels and their gear.

[<sup>F42</sup> A fisheries administration may make regulations specifying detailed rules for the marking and identification of fishing vessels and their gear.]

#### Textual Amendments

**F42** Art. 8(2) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/753), regs. 1, **27(3)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 9

### Vessel monitoring system

1 [<sup>F43</sup>A fisheries administration must] operate a satellite-based vessel monitoring system for effective monitoring of fishing activities of [<sup>F44</sup>its fleet] wherever those vessels may be and of fishing activities in [<sup>F45</sup>United Kingdom] waters.

2 Without prejudice to specific provisions contained in multiannual plans, a fishing vessel of 12 metres' length overall or more shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at regular intervals. It shall also allow the fisheries monitoring centre of [<sup>F46</sup>a fisheries administration] to poll the fishing vessel. For fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall this Article shall apply as from 1 January 2012.

<sup>F47</sup>3 .....

4 If a [<sup>F48</sup>United Kingdom] fishing vessel operates [<sup>F49</sup>in the waters of a third country or in areas of the high sea where the fishing resources are managed by an international organisation and, if the agreement with that third country or the applicable rules of that international organisation so provide, those data shall also be made available to that country or organisation.

5 A [<sup>F49</sup>fisheries administration] may exempt [<sup>F50</sup>United Kingdom] fishing vessels of less than 15 metres' length overall <sup>F51</sup>... from the requirement to be fitted with a vessel monitoring system if they:

- a operate exclusively within the territorial seas of the [<sup>F52</sup>United Kingdom] ; or
- b never spend more than 24 hours at sea from the time of departure to the return to port.

6 Third country fishing vessels of 12 metres' length overall or more and third country auxiliary fishing vessels engaged in activities ancillary to fishing activities operating in [<sup>F1</sup>[<sup>F53</sup>United Kingdom] waters shall have installed on board a fully functioning device which allows such a vessel to be automatically located and identified by the vessel monitoring system by transmitting position data at regular intervals in the same way as [<sup>F53</sup>United Kingdom]] fishing vessels.



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[<sup>F54</sup>7 A fisheries administration must establish and operate a fisheries monitoring centre, which must monitor fishing activities and fishing effort. The fisheries monitoring centre must monitor the fisheries administration's fleet whatever the waters in which they are operating or the port they are in, as well as other fishing vessels to which vessel monitoring systems apply when they are operating within United Kingdom waters.]

8 [<sup>F55</sup>A fisheries administration must] appoint the competent authorities responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. [<sup>F56</sup>A fisheries administration must] provide for back-up and recovery procedures in case of system failure. <sup>F57</sup> ...

<sup>F58</sup>9 .....

[<sup>F59</sup>10 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F43** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 9(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Art. 9(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Words in Art. 9(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 9(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 9(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 9(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 9(5)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 9(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F54** Art. 9(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Art. 9(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(h)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in Art. 9(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(h)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 9(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(h)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F58** Art. 9(9) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Art. 9(10) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(4)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 10

### Automatic identification system

1 <sup>F60</sup>... A fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation according to chapter V, Regulation 19, section 2.4.5 of the 1974 SOLAS Convention.

<sup>F61</sup>2 .....

<sup>F62</sup>3 .....

#### Textual Amendments

- F60** Words in Art. 10(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F61** Art. 10(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F62** Art. 10(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 11

### Vessel detection system

Where [<sup>F63</sup>a fisheries administration has] clear evidence of a cost benefit in relation to the traditional control means in the detection of fishing vessels, [<sup>F64</sup>it must] use a vessel detection system allowing [<sup>F65</sup>it] to match the positions derived by remotely sensed images sent to earth by satellites or other equivalent systems with the data received by vessel monitoring system or automatic identification system, in order to assess the presence of fishing vessels in the area. [<sup>F66</sup>A fisheries administration must] ensure that [<sup>F67</sup>its] fisheries monitoring centres possess the technical capacity to use a vessel detection system.

#### Textual Amendments

- F63** Words in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Words in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F65** Word in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F66** Words in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F67** Word in Art. 11 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(12\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## Article 12

### Transmission of data for surveillance operations

Data from the vessel monitoring system, the automatic identification system and the vessel detection system collected in the framework of this Regulation may be transmitted to <sup>F68</sup>... agencies and competent authorities [<sup>F69</sup>in the United Kingdom] engaged in surveillance operations for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.

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#### Textual Amendments

- F68** Word in Art. 12 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(13\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F69** Words in Art. 12 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(13\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F70</sup> Article 13

### New technologies

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#### Textual Amendments

- F70** Art. 13 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(14\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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## TITLE IV

### CONTROL OF FISHERIES

#### CHAPTER I

#### Control of the use of fishing opportunities

##### Section 1

##### General provisions

##### Article 14

#### Completion and submission of the fishing logbook

[<sup>F1</sup> Without prejudice to specific provisions contained in multiannual plans, the master of each [<sup>F71</sup>United Kingdom] fishing vessel of 10 metres' length overall or more shall keep a fishing logbook of operations, indicating specifically, for each fishing trip, all quantities of each species caught and kept on board above 50 kg of live-weight equivalent. The 50 kg threshold shall apply as soon as catches of a species exceed 50 kg.]

2 The fishing logbook referred to in paragraph 1 shall contain in particular the following information:

- a the external identification number and the name of the fishing vessel;
- b the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- c the date of catches;
- d the date of departure from and of arrival to port, and the duration of the fishing trip;
- e the type of gear, mesh size and dimension;
- [<sup>F1</sup>f the estimated quantities of each species in kilograms live weight, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;]
- g the number of fishing operations.

3 The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % for all species.

[<sup>F14</sup> Masters of [<sup>F72</sup>United Kingdom] fishing vessels shall record in their fishing logbook all estimated discards above 50 kg of live-weight equivalent in volume for any species not subject to the landing obligation.

Masters of [<sup>F72</sup>United Kingdom] fishing vessels shall also record in their fishing logbook all estimated discards in volume for any species not subject to the landing obligation pursuant to Article 15 <sup>F73</sup>... of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(23)</sup>.]

5 In fisheries subject to a <sup>F74</sup>... [<sup>F1</sup>regime of fishing effort, masters of][<sup>F75</sup>United Kingdom] fishing vessels shall record and account in their fishing logbooks for the time spent in an area as follows:

- a with regard to towed gear:

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- (i) entry into, and exit from the port located in that area;
  - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
  - (iii) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area;
- b with regard to static gear:
- (i) entry into, and exit from the port located in that area;
  - (ii) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply;
  - (iii) the date and time of setting or re-setting of the static gear in these areas;
  - (iv) the date and time of the completion of fishing operations using the static gear;
  - (v) the catch retained on board by species in kilograms live weight at the time of exit from that area or before entry into a port located in that area.

6 Masters of [F76United Kingdom] fishing vessels shall submit the fishing logbook information as soon as possible and not later than 48 hours after landing:

- a to [F77a fisheries administration]; and
- b [F78:if the landing has taken place in the port of a third country, to the competent authorities of the port country concerned].

7 To convert stored or processed fish weight into live fish weight, masters of [F79United Kingdom] fishing vessels shall apply the conversion factor established in accordance with [F80Commission Implementing Regulation (EU) No 404/2011].

8 Masters of third country fishing vessels operating in [F81United Kingdom][F1waters shall record the information referred to in this Article in the same way as masters of][F81United Kingdom] fishing vessels.

9 The accuracy of the data recorded in the fishing logbook shall be the responsibility of the master.

[F8210 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- 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, 4(15)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F72** Words in Art. 14(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(15)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F73** Words in Art. 14(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(15)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

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- F74** Word in Art. 14(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in Art. 14(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F76** Words in Art. 14(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in Art. 14(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Art. 14(6)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in Art. 14(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in Art. 14(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 14(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(15)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Art. 14(10) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(5)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 15

### Electronic completion and transmission of fishing logbook data

1 Masters of [<sup>F83</sup>United Kingdom] fishing vessels of 12 metres' length overall or more shall record by electronic means the information referred to in Article 14, and shall send it by electronic means to the competent authority of [<sup>F84</sup>a fisheries administration] at least once a day.

2 Masters of [<sup>F85</sup>United Kingdom] fishing vessels of 12 metres' length overall or more shall send the information referred to in Article 14 at the request of the competent authority of the [<sup>F86</sup>a fisheries administration], and shall in any event transmit the relevant fishing logbook data after the last fishing operation has been completed and before entering port.

<sup>F87</sup>3 .....

4 [<sup>F88</sup>A fisheries administration] may exempt masters of [<sup>F89</sup>fishing vessels in its fleet] of less than 15 metres' length overall <sup>F90</sup>... from paragraph 1 if they:

- a operate exclusively within the territorial seas of the [<sup>F91</sup>United Kingdom]; or
- b never spend more than 24 hours at sea from the time of departure to the return to port.

5 Masters of [<sup>F92</sup>United Kingdom] fishing vessels that electronically record and report data on their fishing activities shall be exempt from the obligation to complete a paper fishing logbook, a landing declaration and a transshipment declaration.

<sup>F93</sup>6 .....

7 A [<sup>F94</sup>fisheries administration] may oblige or authorise masters of fishing vessels flying its flag as of 1 January 2010 to electronically record and transmit the data referred to in Article 14.

<sup>F95</sup>8 .....

[<sup>F96</sup>9 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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### Textual Amendments

- F83** 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, **4(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F84** 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, **4(16)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F85** Words in Art. 15(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Words in Art. 15(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Art. 15(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in Art. 15(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F89** Words in Art. 15(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in Art. 15(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Art. 15(4)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(d)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 15(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F93** Art. 15(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in Art. 15(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Art. 15(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(16)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F96** Art. 15(9) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(6)**; 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F97</sup>Article 16

### Fishing vessels not subject to fishing logbook requirements

### Textual Amendments

- F97** Art. 16 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(17)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 17

### Prior notification

1 Masters of [<sup>F98</sup>United Kingdom] fishing vessels of 12 metres' length overall or more engaged in fisheries on stocks subject to a multiannual plan, which are under the obligation to record fishing logbook data electronically in accordance with Article 15, shall notify the

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competent authorities of [<sup>F99</sup>a fisheries administration] at least four hours before the estimated time of arrival at port of the following information:

- a the external identification number and the name of the fishing vessel;
- b the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services;
- c the dates of the fishing trip and the relevant geographical areas in which the catches were taken;
- d the estimated date and time of arrival at port;
- [<sup>F1</sup>e the quantities of each species recorded in the fishing logbook, including those below the applicable minimum conservation reference size, as a separate entry;
- f the quantities of each species to be landed or trans-shipped, including those below the applicable minimum conservation reference size, as a separate entry.]

[<sup>F100</sup>2 When a United Kingdom fishing vessel intends to enter a port which is not a United Kingdom port, a fisheries administration must immediately upon receipt forward the electronic prior notification to the competent authorities of the relevant coastal state.]

[<sup>F101</sup>3 .....

4 The electronic fishing logbook data referred to in Article 15 and the electronic prior notification may be sent in a single electronic transmission.

5 The accuracy of the data recorded in the electronic prior notification shall be the responsibility of the master.

6 [<sup>F102</sup>A fisheries administration may, by regulations,] exempt certain categories of fishing vessels from the obligation set out in paragraph 1 for a limited period, which may be renewed, or make provision for another notification period taking into account, inter alia, the type of fisheries products, the distance between the fishing grounds, landing places and ports where the vessels in question are registered.

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F98** 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, **4(18)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** 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, **4(18)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Art. 17(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(18)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** 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, **4(18)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 17(6) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(7)**; 2020 c. 1, Sch. 5 para. 1(1)



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### <sup>F103</sup>Article 18

#### **Prior notification of landing in another Member State**

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##### **Textual Amendments**

**F103** Art. 18 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(19)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 19

#### **Authorisation to access to port**

The competent authorities of [<sup>F104</sup>a fisheries administration] may deny access to port to fishing vessels if the information referred to in [<sup>F105</sup>Article 17] is not complete, except in cases of force majeure.

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##### **Textual Amendments**

**F104** Words in Art. 19 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(20)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F105** Words in Art. 19 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(20)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 20

#### **Transshipment operations**

1 Transshipments at sea shall be prohibited in [<sup>F106</sup>United Kingdom] waters. They shall be allowed only subject to an authorisation and to the conditions laid down in this Regulation in ports or places close to the shore <sup>F107</sup>... designated for this purpose, and in accordance with the conditions laid down in Article 43(5).

2 If the transshipment operation is interrupted, permission may be required before the transshipment operation is resumed.

3 For the purposes of this Article, relocation, pair trawling activities and fishing operations involving joint action by two or more [<sup>F108</sup>United Kingdom] fishing vessels shall not be considered as transshipment.

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##### **Textual Amendments**

**F106** 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, **4(21)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F107** Words in Art. 20(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(21)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F108** 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, **4(21)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 21

### Completion and submission of the transhipment declaration

1 Without prejudice to specific provisions contained in multiannual plans, masters of <sup>[F109]</sup>United Kingdom] fishing vessels of 10 metres' length overall or more involved in a transhipment operation shall complete a transhipment declaration, indicating specifically all quantities of each species transhipped or received above 50 kg of live-weight equivalent.

2 The transhipment declaration referred to in paragraph 1 shall contain at least the following information:

- a the external identification number and the name of both the transshipping and the receiving fishing vessels;
- b the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- <sup>[F1c]</sup> the estimated quantities of each species in kilograms in product weight, broken down by type of product presentation, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;]
- d the port of destination of the receiving fishing vessel;
- e the designated port of transhipment.

3 The permitted margin of tolerance in estimates recorded in the transhipment declaration of the quantities in kilograms of fish transhipped or received shall be 10 % for all species.

4 The masters of both the transshipping and the receiving fishing vessel shall each submit a transhipment declaration, as soon as possible and not later than 48 hours after transhipment:

- a to <sup>[F110]</sup>a fisheries administration]; and
- <sup>[F111]</sup>b if the transhipment has taken place in a port of a third country, to the competent authorities of that country.]

5 The masters of both the transshipping and the receiving fishing vessel shall each be responsible for the accuracy of the data recorded in their transhipment declaration.

6 <sup>[F112]</sup>A fisheries administration may, by regulations,] exempt certain categories of fishing vessels from the obligation laid down 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 products and the distance between the fishing grounds, transshipping places and ports where the vessels in question are registered.

<sup>[F113]</sup>7 A fisheries administration may, by regulations, specify transhipment procedures and forms.]

#### Textual Amendments

**F1** Substituted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\)](#)

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No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

- F109** 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, **4(22)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in Art. 21(4)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(22)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Art. 21(4)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(22)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in Art. 21(6) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F113** Art. 21(7) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 22

### Electronic completion and transmission of transhipment declaration data

1 Masters of [<sup>F114</sup>United Kingdom] fishing vessels of 12 metres' length overall or more shall record by electronic means the information referred to in Article 21 and shall send it by electronic means to the competent authority of [<sup>F115</sup>a fisheries administration] within 24 hours after completion of the transhipment operation.

<sup>F116</sup>2 .....

3 A [<sup>F117</sup>fisheries administration] may exempt masters of [<sup>F118</sup>United Kingdom] fishing vessels of less than 15 metres' length overall <sup>F119</sup>... from paragraph 1 if they:

- a operate exclusively within the territorial seas of the [<sup>F120</sup>United Kingdom]; or
- b never spend more than 24 hours at sea from the time of departure to the return to port.

<sup>F121</sup>4 .....

[<sup>F122</sup>5 When a United Kingdom fishing vessel tranships its catches in another country, the competent authorities of a fisheries administration must immediately upon receipt forward the transhipment declaration data by electronic means to the competent authorities of the country where the catch was transhipped and where the catch is destined.]

<sup>F123</sup>6 .....

[<sup>F124</sup>7 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F114** Words in Art. 22(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F115** Words in Art. 22(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F116** Art. 22(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F117** Words in Art. 22(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F118** Words in Art. 22(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F119** Words in Art. 22(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F120** Words in Art. 22(3)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F121** 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, **4(23)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F122** Art. 22(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F123** Art. 22(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(23)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F124** Art. 22(7) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(9)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 23

#### Completion and submission of the landing declaration

1 Without prejudice to specific provisions contained in multiannual plans, the master of a <sup>F125</sup>[United Kingdom] fishing vessel of 10 metres' length overall or more, or his representative, shall complete a landing declaration, indicating specifically all quantities of each species landed.

2 The landing declaration referred to in paragraph 1 shall contain at least the following information:

- a the external identification number and the name of the fishing vessel;
- b the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- <sup>F1</sup>c the quantities of each species in kilograms in product weight broken down by type of product presentation, or, where appropriate, the number of individuals, including the quantities or individuals below the applicable minimum conservation reference size, as a separate entry;]
- d the port of landing.

3 The master of a <sup>F126</sup>[United Kingdom] fishing vessel or his representative shall submit the landing declaration, as soon as possible and not later than 48 hours after the completion of the landing:

- a to <sup>F127</sup>[the competent authorities of a fisheries administration]; and
- <sup>F128</sup>b if the landing has taken place in a port of a third country to the competent authorities of that country.]

4 The accuracy of the data recorded in the landing declaration shall be the responsibility of the master.

<sup>F129</sup>5 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU)

**Changes to legislation:** This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](http://legislation.gov.uk). (See end of Document for details)

No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

- F125** Words in Art. 23(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(24)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F126** Words in Art. 23(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(24)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F127** Words in Art. 23(3)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(24)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F128** Art. 23(3)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(24)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F129** Art. 23(5) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(10)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 24

### Electronic completion and transmission of landing declaration data

1 The master of a [<sup>F130</sup>United Kingdom] fishing vessel of 12 metres' length overall or more, or his representative, shall record by electronic means the information referred to in Article 23, and shall send it by electronic means to the competent authority of [<sup>F131</sup>a fisheries administration] within 24 hours after completion of the landing operation.

<sup>F132</sup>2 .....

3 A [<sup>F133</sup>fisheries administration] may exempt masters of [<sup>F134</sup>United Kingdom] fishing vessels of less than 15 metres' length overall <sup>F135</sup>... from paragraph 1 if they:

- a operate exclusively within the territorial seas of the [<sup>F136</sup>fisheries administration]; or
- b never spend more than 24 hours at sea from the time of departure to the return to port.

<sup>F137</sup>4 When a United Kingdom fishing vessel lands its catches in a third country, the competent authorities of a fisheries administration must immediately upon receipt forward the landing declaration data by electronic means to the competent authorities of the country where the catch was landed.]

5 The master of a [<sup>F138</sup>United Kingdom] fishing vessel, or his representative, who records by electronic means the information referred to in Article 23 and who lands his catch in a [<sup>F139</sup>third country] shall be exempt from the requirement to submit a paper landing declaration to [<sup>F140</sup>a fisheries administration].

6 A [<sup>F141</sup>fisheries administration] may oblige or authorise masters of [<sup>F142</sup>United Kingdom fishing vessels] as of 1 January 2010 to electronically record and transmit the data referred to in Article 23.

<sup>F143</sup>7 .....

<sup>F144</sup>8 A fisheries administration may, by regulations, specify landing declaration procedures and forms.]

#### Textual Amendments

- F130** Words in Art. 24(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F131** Words in Art. 24(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F132** Art. 24(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F133** Words in Art. 24(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F134** Words in Art. 24(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F135** Words in Art. 24(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F136** Words in Art. 24(3)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F137** Art. 24(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F138** Words in Art. 24(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F139** Words in Art. 24(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F140** Words in Art. 24(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F141** Words in Art. 24(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F142** Words in Art. 24(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F143** Art. 24(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(25)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F144** Art. 24(8) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(11)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *F145* Article 25

### Vessels not subject to landing declaration requirements

#### Textual Amendments

- F145** Art. 25 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(26)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Section 2

### Control of fishing effort

#### Article 26

#### Monitoring of fishing effort

[<sup>F146</sup>1 A fisheries administration must control the compliance with fishing effort regimes in geographical areas where maximum allowable fishing effort applies.]

2 Without prejudice to special rules, where a fishing vessel carrying on board or, where appropriate, deploying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime crosses during the same day two or more geographical areas subject to that fishing effort regime, the fishing effort deployed shall be counted against the maximum allowable fishing effort related to such fishing gear or such fishery and to the geographical area in which the largest proportion of time was spent during that day.

3 Where a [<sup>F147</sup>fisheries administration] has authorised a fishing vessel in accordance with Article 27(2) to use more than one fishing gear or gears belonging to more than one grouping of fishing gears subject to a fishing effort regime during a certain fishing trip in a geographical area subject to that fishing effort regime, the fishing effort deployed during that trip shall be counted simultaneously against the maximum allowable fishing effort available <sup>F148</sup>... and related to each of such gears or groupings of fishing gears and to such geographical area.

4 Where fishing gears belong to the same grouping of fishing gears subject to the fishing effort regime, the fishing effort deployed in a geographical area by fishing vessels when carrying those gears on board shall be counted only once against the maximum allowable fishing effort related to such grouping of fishing gears and to such geographical area.

<sup>F149</sup>5 .....

6 A day present within an area shall be any continuous period of 24 hours or part thereof during which a fishing vessel is present within the geographical area and absent from port or where appropriate deploying its fishing gear. The time from which the continuous period of a day present in the area is measured is at the discretion of [<sup>F150</sup>a fisheries administration]. A day absent from port shall be any continuous period of 24 hours or part thereof during which the fishing vessel is absent from port.

#### Textual Amendments

**F146** Art. 26(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(a); 2020 c. 1, Sch. 5 para. 1(1)

**F147** Words in Art. 26(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)

**F148** Words in 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, 4(27)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

**F149** Art. 26(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(c); 2020 c. 1, Sch. 5 para. 1(1)

**F150** Words in Art. 26(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(d); 2020 c. 1, Sch. 5 para. 1(1)

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## Article 27

### Notification of fishing gear

1 Without prejudice to specific rules, in relevant geographical areas subject to a fishing effort regime where gear restrictions apply or where maximum allowable fishing effort were set for different fishing gears or groupings of fishing gears, the master of a fishing vessel or his representative shall notify to the competent authorities of [F151a fisheries administration] before a period to which maximum allowable fishing effort applies which fishing gear or, where applicable, fishing gears he intends to use during the forthcoming period. Until such notification is provided the fishing vessel shall not be entitled to fish within the geographical areas to which the fishing effort regime applies.

2 Where a fishing effort regime allows the use of gears belonging to more than one grouping of fishing gears in a geographical area, the use of more than one fishing gear during a fishing trip shall be subject to a prior authorisation by [F152a fisheries administration].

#### Textual Amendments

**F151** Words in Art. 27(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(28)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F152** 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, **4(28)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 28

### Fishing effort report

1 When [F153a fisheries administration] so decides for [F154United Kingdom][F1 fishing vessels which are not equipped with a functioning vessel monitoring system as referred to in Article 9 or which do not transmit fishing logbook data electronically as referred to in Article 15 and which are subject to a fishing effort regime, the masters of these fishing vessels shall communicate by telex, fax, telephone message or e-mail duly recorded by the recipient or by radio via a radio station approved under][F155rules made by a fisheries administration] the following information in the form of a fishing effort report to the competent authorities of [F156a fisheries administration] and, where appropriate, to the [F157coastal state] immediately before each entry into and exit from a geographical area subject to that fishing effort regime:

- a the name, external identification mark, radio call sign and name of the master of the fishing vessel;
- b the geographical location of the fishing vessel to which the communication refers;
- c the date and time of each entry into and exit from the area and, where applicable, parts thereof;
- d the catch retained on board by species in kilograms live weight.

F158 2 .....

#### Textual Amendments

**F1** Substituted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\)](#)



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No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

- F153** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(29)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F154** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(29)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F155** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(29)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F156** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(29)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F157** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(29)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F158** Art. 28(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(29)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 29

### Exemptions

1 A fishing vessel carrying on board fishing gears subject to a fishing effort regime may transit across a geographical area subject to that fishing effort regime if it has no fishing authorisation to operate in that geographical area or it has first notified its competent authorities of its intention to transit. While the fishing vessel is within that geographical area, any fishing gear subject to that fishing effort regime and carried on board shall be lashed and stowed in accordance with conditions laid down in Article 47.

2 A [<sup>F159</sup>fisheries administration] may choose not to count against any available maximum allowable fishing effort the activity of a fishing vessel undertaking non-fishing related activities in a geographical area subject to a fishing effort regime provided that the fishing vessel first notifies its [<sup>F160</sup>fisheries administration] of its intention to do so, of the nature of its activity and that it surrenders its fishing authorisation for that time. Such fishing vessels shall not carry any fishing gear or fish during that time.

3 A [<sup>F161</sup>fisheries administration] may choose not to count against any maximum allowable fishing effort the activity of a fishing vessel in a geographical area subject to a fishing effort regime which has been present in that geographical area but was unable to fish because it was assisting another fishing vessel in need of emergency aid or because it was transporting an injured person for emergency medical aid. <sup>F162</sup>...

#### Textual Amendments

- F159** Words in Art. 29(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F160** Words in Art. 29(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F161** Words in Art. 29(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F162** Words in Art. 29(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 30

### Exhaustion of fishing effort

1 Without prejudice to Articles 29 and 31, in a geographical area where fishing gears are subject to a fishing effort regime a <sup>[F163]</sup>United Kingdom] fishing vessel carrying on board such fishing gear or gears shall remain in port or out of that geographical area for the remainder of a period in which such fishing effort regime applies if:

- a it has exhausted the share of the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears that has been assigned to it; or
- b the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears available to <sup>[F164]</sup>United Kingdom fishing vessels] has been exhausted.

2 Without prejudice to Article 29, in a geographical area where a fishery is subject to a fishing effort regime, a <sup>[F165]</sup>United Kingdom] fishing vessel shall not operate in that fishery in that area if:

- a it has exhausted the share of the maximum allowable fishing effort related to that geographical area and to that fishery that has been assigned to it; or
- b the maximum allowable fishing effort related to that geographical area and to that fishery available to <sup>[F166]</sup>United Kingdom fishing vessels] has been exhausted.

#### Textual Amendments

**F163** Words in Art. 30(1) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(31)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

**F164** Words in Art. 30(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(31)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)

**F165** Words in Art. 30(2) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(31)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)

**F166** Words in Art. 30(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(31)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

## Article 31

### Fishing vessels excluded from the application of a fishing effort regime

This Section shall not apply to fishing vessels to the extent that they are exempted from the application of a fishing effort regime.

## <sup>[F167]</sup>Article 32

### Detailed rules

A fisheries administration may make regulations specifying detailed rules for the application of this Section.]

**Changes to legislation:** This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](http://legislation.gov.uk). (See end of Document for details)

**Textual Amendments**

**F167** Art. 32 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(12)**; 2020 c. 1, Sch. 5 para. 1(1)

Section 3

**Recording [<sup>F168</sup>of catches and fishing effort data]**

*Article 33*

**Recording of catches and fishing effort**

1 [<sup>F169</sup>A fisheries administration must] record all relevant data, in particular data referred to in Articles 14, 21, 23, 28 and 62, on fishing opportunities as referred to in this Chapter, expressed both in terms of landings and, where appropriate, fishing effort, and shall keep the originals of those data for a period of three years or longer in accordance with national rules.

<sup>F170</sup>2 .....

<sup>F170</sup>3 .....

<sup>F170</sup>4 .....

5 All catches of a stock or a group of stocks subject to quota made by [<sup>F171</sup>United Kingdom] fishing vessels shall be charged against the quotas applicable to the [<sup>F172</sup>United Kingdom] for the stock or group of stocks in question, irrespective of the place of landing.

[<sup>F16</sup> Catches taken in the framework of scientific research which are marketed and sold, including, where appropriate, those below the applicable minimum conservation reference size, shall be counted against the quota applicable to the [<sup>F173</sup>United Kingdom] insofar as they exceed 2 % of the quotas concerned. [<sup>F174</sup>Article 5(5) of Regulation (EU) 2017/1004 of the European Parliament and of the Council] shall not apply to scientific research voyages during which such catches are taken.]

<sup>F175</sup>7 .....

8 Except for effort deployed by fishing vessels that are excluded from the application of a fishing effort regime, all fishing effort deployed by [<sup>F176</sup>United Kingdom] fishing vessels when carrying on board or, where appropriate, using a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such geographical area and to such fishing gear or such fishery available to [<sup>F177</sup>United Kingdom fishing vessels].

9 Fishing effort deployed in the framework of scientific research by a vessel carrying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime in a geographical area subject to that fishing effort regime shall be counted against the maximum allowable fishing effort related to such fishing gear or gears or such fishery and to such geographical area of [<sup>F178</sup>the United Kingdom] if the catches taken during the deployment of this effort are marketed and sold insofar as they exceed 2 % of the fishing effort allocated. [<sup>F179</sup>Article 5(5) of Regulation (EU) 2017/1004 of the European Parliament and of the Council] shall not apply to scientific research voyages during which such catches are taken.

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F180<sup>10</sup> .....

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F169** Words in Art. 33(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F170** Art. 33(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, **4(33)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F171** Words in Art. 33(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F172** Words in Art. 33(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F173** Words in Art. 33(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F174** Words in Art. 33(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F175** Art. 33(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F176** Words in Art. 33(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F177** Words in Art. 33(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F178** Words in Art. 33(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(g)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F179** Words in Art. 33(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(g)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F180** Art. 33(10) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(33)(h)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F181</sup> Article 34

#### Data on the exhaustion of fishing opportunities

#### Textual Amendments

- F181** Art. 34 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(34)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

- F168** Words in Title 4 Ch. 1 Section 3 heading substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(32)**; 2020 c. 1, Sch. 5 para. 1(1)

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<sup>F182</sup>Section 4

**Closure of fisheries**

*Article 35*

**Closure of fisheries by Member States**

.....

*Article 36*

**Closure of fisheries by the Commission**

.....

*Article 37*

**Corrective measures**

.....

**Textual Amendments**

**F182** Title 4 Ch. 1 Section 4 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(35\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

CHAPTER II

**Control of fleet management**

<sup>F183</sup>Section 1

**Fishing capacity**

*Article 38*

**Fishing capacity**

.....

**Textual Amendments**

**F183** Title 4 Ch. 2 Section 1 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(36\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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## Section 2

### Engine power

#### Article 39

#### Monitoring of engine power

1 It shall be prohibited to fish with a fishing vessel that is equipped with an engine the power of which exceeds the one established in the fishing licence.

[<sup>F184</sup>2 A fisheries administration must ensure that the certified engine power is not exceeded.]

3 [<sup>F185</sup>A fisheries administration] may charge parts or all costs arising from the certification of engine power to the operators of the fishing vessels.

#### Textual Amendments

**F184** Art. 39(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(37)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F185** Words in Art. 39(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(37)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 40

#### Certification of engine power

1 [<sup>F186</sup>A fisheries administration is] responsible for certifying engine power and issuing engine certificates for [<sup>F187</sup>United Kingdom] fishing vessels whose propulsion engine power exceeds 120 kilowatts (kW), except vessels using exclusively static gear or dredge gear, auxiliary vessels and vessels used exclusively in aquaculture.

2 A new propulsion engine, a replacement propulsion engine and a propulsion engine that has been technically modified of fishing vessels referred to in paragraph 1 shall be officially certified by [<sup>F188</sup>a fisheries administration's] competent authorities as not being capable of developing more maximum continuous engine power than stated in the engine certificate. Such a certificate shall only be issued if the engine is not capable of developing more than the stated maximum continuous engine power.

3 [<sup>F189</sup>A fisheries administration's] competent authorities may assign the certification of engine power to classification societies or to other operators having the necessary expertise for the technical examination of engine power. Those classification societies or other operators shall only certify a propulsion engine as not being capable of exceeding the officially stated power if there is no possibility to increase the performance of the propulsion engine above the certified power.

4 It shall be prohibited to use a new propulsion engine, a replacement propulsion engine or a propulsion engine that has been technically modified if such engine has not been officially certified by [<sup>F190</sup>a fisheries administration].

<sup>F191</sup>5 .....

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[<sup>F192</sup>6 A fisheries administration may make regulations specifying detailed rules for the application of this Section.]

#### Textual Amendments

- F186** 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, **4(38)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F187** 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, **4(38)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F188** 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, **4(38)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F189** 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, **4(38)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F190** 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, **4(38)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F191** Art. 40(5) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(38)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F192** Art. 40(6) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(13)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 41

#### Verification of engine power

1 [<sup>F193</sup>A fisheries administration] shall undertake, following a risk analysis, data verification, established on a sampling plan <sup>F194</sup>... of the consistency of engine power using all the information available to the administration concerning the technical characteristics of the vessel concerned. In particular they shall verify the information contained in:

- a vessel monitoring system records;
- b the fishing logbook;
- c the Engine International Air Pollution Prevention (EIAPP) Certificate issued for the engine in accordance with Annex VI to the Marpol 73/78 Convention;
- d class certificates issued by a recognised ship inspection and survey organisation within the meaning of Directive [<sup>F195</sup>2009/15/EC];
- e the sea trial certificate;
- f the [<sup>F196</sup>United Kingdom] Fishing Fleet Register; and
- g any other documents providing relevant information on vessel power or any related technical characteristics.

2 Following the analysis of the information referred to in paragraph 1, where there are indications that the engine power of a fishing vessel is greater than the power stated on its fishing licence, [<sup>F197</sup>a fisheries administration must] proceed to a physical verification of the engine power.

#### Textual Amendments

- F193** Words in Art. 41(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(39)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F194** Words in Art. 41(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(39)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F195** Word in Art. 41(1)(d) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(39\)\(a\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F196** Words in Art. 41(1)(f) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(39\)\(a\)\(iv\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F197** Words in Art. 41(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(39\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER III

### Control of multiannual plans

#### <sup>F198</sup> Article 42

#### Transhipment in port

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#### Textual Amendments

- F198** Art. 42 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(40\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Article 43

#### Designated ports

<sup>F199</sup>1 .....

[<sup>F200</sup>2 Where a multiannual plan contains a threshold, applicable to the live weight of species subject to the plan, above which catches of such species must be landed in a designated port or place close to the shore, the master of a United Kingdom fishing vessel must ensure that landings of fish above the threshold are only made in a designated port or place close to the shore.]

3 When the multiannual plan is applied in the framework of a regional fisheries management organisation, the landings or transhipments may take place in the ports of a Contracting Party or a non-contracting Cooperating Party of that organisation, in accordance with the rules laid down by that regional fisheries management organisation.

4 [<sup>F201</sup>A fisheries administration must] designate ports or places close to the shore in which landings referred to in paragraph 2 shall take place.

5 For a port or place close to the shore to be determined as a designated port, the following conditions shall be met:

- a established landing or transhipment times;
- b established landing or transhipment places;
- c established inspection and surveillance procedures.

6 Where a port or place close to the shore has been determined as a designated port for the landing of a given species subject to a multiannual plan, it may be used for the landing of any other species.



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7 [F202A fisheries administration is exempt] from paragraph 5(c) if the F203... control action programme adopted in accordance with Article 46 contains a plan on how to perform control in designated ports, ensuring the same level of control by competent authorities. F204...

#### Textual Amendments

- F199** Art. 43(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(41)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F200** Art. 43(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(41)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F201** Words in Art. 43(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(41)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F202** Words in Art. 43(7) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(41)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F203** Word in Art. 43(7) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(41)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F204** Words in Art. 43(7) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(41)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 44

#### Separate stowage of demersal catches subject to multiannual plans

1 All catches of demersal stocks subject to a multiannual plan retained on board a [F205United Kingdom] fishing vessel of 12 metres' length overall or more shall be placed in boxes, compartments or containers separately for each of such stocks in such a way that they are identifiable from other boxes, compartments or containers.

2 Masters of [F205United Kingdom] fishing vessels shall keep the catches of demersal stocks subject to a multiannual plan according to a stowage plan that describes the location of the different species in the holds.

3 It shall be prohibited to retain on board a [F205United Kingdom] fishing vessel in any box, compartment or container any quantity of catches of demersal stocks subject to a multiannual plan mixed with any other fisheries product.

#### Textual Amendments

- F205** Words in Art. 44 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(42)**; 2020 c. 1, Sch. 5 para. 1(1)

#### F206 Article 45

#### Real time use of quotas

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#### Textual Amendments

**F206** Art. 45 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(43\)](#); 2020 c. 1, Sch. 5 para. 1(1)

### Article 46

#### <sup>F207</sup> ... Control action programmes

[<sup>F208</sup>1 A fisheries administration must define a control action programme applicable to each multiannual plan.]

2 [<sup>F209</sup>A fisheries administration must] set out specific inspection benchmarks in accordance with Annex I. Such benchmarks shall be defined in accordance with risk management and shall be revised periodically after an analysis of the results achieved has been made. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Annex I are reached.

#### Textual Amendments

**F207** Word in Art. 46 heading omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(44\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F208** Art. 46(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(44\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F209** Words in Art. 46(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(44\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER IV

### Control of technical measures

#### Section 1

#### Use of fishing gear

### Article 47

#### Fishing gear

In fisheries in which it is not allowed to use more than one type of gear, any other gear shall be lashed and stowed so that it may not readily be used, in accordance with the following conditions:

- (a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes;
- (b) nets which are on or above deck shall be securely lashed and stowed;
- (c) longlines shall be stowed in lower decks.

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## Article 48

### Retrieval of lost gear

- 1 A <sup>F210</sup>[United Kingdom] fishing vessel shall have the equipment on board to retrieve lost gear.
- 2 The master of a <sup>F211</sup>[United Kingdom] fishing vessel that has lost gear or part of it shall attempt to retrieve it as soon as possible.
- 3 <sup>F212</sup>[If the lost gear cannot be retrieved, the master of the vessel must inform the competent authorities of a fisheries administration, which must then inform the competent authority of the coastal state if the gear is lost in waters outside United Kingdom waters, within 24 hours of the following:]
  - a the external identification number and the name of the fishing vessel;
  - b the type of lost gear;
  - c the time when the gear was lost;
  - d the position where the gear was lost;
  - e the measures undertaken to retrieve the gear.
- 4 If the gear that is retrieved by the competent authorities of <sup>F213</sup>a fisheries administration] has not been reported as lost, these authorities may recover the cost from the master of the fishing vessel that lost the gear.
- 5 A <sup>F214</sup>[fisheries administration] may exempt <sup>F215</sup>[United Kingdom] fishing vessels of less than 12 metres' length overall <sup>F216</sup>... from the requirement set out in paragraph 1 if they:
  - a operate exclusively within the territorial seas of the <sup>F217</sup>[United Kingdom]; or
  - b never spend more than 24 hours at sea from the time of departure to the return to port.

#### Textual Amendments

- F210** Words in Art. 48(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F211** Words in Art. 48(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F212** Words in Art. 48(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F213** Words in Art. 48(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F214** Words in Art. 48(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F215** Words in Art. 48(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F216** Words in Art. 48(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F217** Words in Art. 48(5)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(45)(e)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 49

### Catch composition

1 If catches which have been retained on board any [<sup>F218</sup>United Kingdom] fishing vessel have been taken with nets with different minimum mesh sizes during the same voyage, the species composition shall be calculated for each part of the catch which has been taken under different conditions. To that end, all changes from the mesh size previously used as well as the catch composition on board at the moment of any such change shall be entered into the fishing logbook.

<sup>F219</sup>2 .....

#### Textual Amendments

**F218** Words in Art. 49(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(46)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F219** Art. 49(2) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(46)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F220</sup>Article 49a

### Separate stowage of catches below the minimum conservation reference sizes

1 All catches below the applicable minimum conservation reference size retained on board a [<sup>F221</sup>United Kingdom] fishing vessel shall be placed in boxes, compartments or containers in such a way that they are identifiable from other boxes, compartments or containers. Those catches shall not be mixed with any other fishery products.

2 Paragraph 1 shall not apply:

- [<sup>F222</sup>a where the catches contain more than 80% of one or more of the following species—
- i) mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine, sprat (i.e. small pelagic fisheries);
  - ii) capelin, sandeel, Norwegian pout (i.e. fisheries for industrial purposes);]
- b to fishing vessels of less than 12 metres' length overall where catches below the minimum conservation reference size have been sorted, estimated and recorded in accordance with Article 14 of this Regulation.

3 In the cases referred to in paragraph 2, [<sup>F223</sup>a fisheries administration must] monitor the catch composition by way of sampling.

#### Textual Amendments

**F220** Inserted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98.](#)

**F221** Words in Art. 49a(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(47)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F222** Art. 49a(2)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(47)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F223** Words in Art. 49a(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(47)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 49b

#### De minimis rule

[<sup>F224</sup>A fisheries administration must] ensure that catches falling under the *de minimis* exemption referred to in point (c) of Article 15(5) of Regulation (EU) No 1380/2013 do not exceed the percentage of the exemption established in the relevant <sup>F225</sup>... measure.

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#### Textual Amendments

- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F224** Words in Art. 49b substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(48)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F225** Word in Art. 49b omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(48)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 49c

#### Landing of catches below the minimum conservation reference sizes

Where catches below the applicable minimum conservation reference size are landed, those catches shall be stored separately and be treated in such a way that they are distinguished from fishery products destined for direct human consumption. <sup>F226</sup>...]

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#### Textual Amendments

- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F226** Words in Art. 49c omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(49)** (as substituted by S.I. 2019/1312, regs. 1(2), 8(2)(a)); 2020 c. 1, Sch. 5 para. 1(1)

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## Section 2

### Control of fishing restricted areas

#### Article 50

### Control of fishing restricted areas

1 Fishing activities of [<sup>F227</sup>United Kingdom] fishing vessels and third country fishing vessels in fishing zones [<sup>F228</sup>within United Kingdom waters] where a fishing restricted area has been established <sup>F229</sup>... shall be controlled by the fisheries monitoring centre of [<sup>F230</sup>a fisheries administration], which shall have a system to detect and record the vessels' entry into, transit through and exit from the fishing restricted areas.

<sup>F231</sup>2 .....

3 The frequency of data transmissions shall be of at least once every 30 minutes when a fishing vessel enters a fishing restricted area.

4 Transit through a fishing restricted area is allowed for all fishing vessels that are not authorised to fish in such areas subject to the following conditions:

- a all gears carried on board are lashed and stowed during the transit; and
- b the speed during transit is not less than six knots except in case of force majeure or adverse conditions. In such cases, the master shall immediately inform the fisheries monitoring centre of [<sup>F232</sup>a fisheries administration].

5 This Article shall apply to [<sup>F233</sup>United Kingdom] fishing vessels and third country fishing vessels of 12 metres' length overall or more.

#### Textual Amendments

**F227** Words in Art. 50(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F228** Words in Art. 50(1) inserted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F229** Words in Art. 50(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(a\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F230** Words in Art. 50(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(a\)\(iv\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F231** Art. 50(2) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F232** Words in Art. 50(4)(b) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F233** Words in Art. 50(5) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(50\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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<sup>F234</sup>Section 3

<sup>F234</sup>**Real-time closure of fisheries**

<sup>F234</sup>Article 51

**General provisions**

.....

<sup>F234</sup>Article 52

**Trigger catch in two hauls**

.....

<sup>F234</sup>Article 53

**Real-time closure by Member States**

.....

<sup>F234</sup>Article 54

**Real-time closure by the Commission]**

.....

**Textual Amendments**

**F234** Deleted by [Regulation \(EU\) 2019/1241](#) of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.

<sup>F235</sup>Section 4

***On-board processing and pelagic fisheries***

*Article 54a*

**On-board processing**

1 The carrying out on board a fishing vessel of any physical or chemical processing of fish to produce fish-meal, fish-oil, or similar products or to tranship catches of fish for such purposes shall be prohibited.

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- 2 Paragraph 1 shall not apply to:
- a the processing or transhipment of offal; or
  - b the production on board a fishing vessel of surimi.

#### *Article 54b*

#### **Catch handling and discharge restrictions on pelagic vessels**

1 The maximum space between bars in the water separator on board pelagic fishing vessels targeting mackerel, herring and horse mackerel operating in the NEAFC Convention Area as defined in Article 3(2) of Regulation (EU) No 1236/2010 shall be 10 mm.

The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 mm. Holes in the chutes before the water separator shall not exceed 15 mm in diameter.

2 Pelagic vessels operating in the NEAFC Convention Area shall be prohibited from discharging fish under their water line from buffer tanks or refrigerated seawater (RSW) tanks.

3 Drawings related to the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the NEAFC Convention Area <sup>F236</sup>... , as well as any modifications thereto, shall be sent by the master of the vessel to the [<sup>F237</sup>competent authorities of a fisheries administration]. The competent authorities of [<sup>F238</sup>a fisheries administration must] carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board the vessel at all times.

#### **Textual Amendments**

**F236** Words in Art. 54b(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(54)(a)** (as substituted by S.I. 2019/1312, regs. 1(2), 3(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

**F237** Words in Art. 54b(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(54)(b)** (as substituted by S.I. 2019/1312, regs. 1(2), 3(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

**F238** Words in Art. 54b(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(54)(c)** (as substituted by S.I. 2019/1312, regs. 1(2), 3(2)(b)); 2020 c. 1, Sch. 5 para. 1(1)

#### *Article 54c*

#### **Restrictions on the use of automatic grading equipment**

1 The carrying or use on board a fishing vessel of equipment which is capable of automatically grading, by size or by sex, herring or mackerel or horse mackerel shall be prohibited.

- 2 However, the carrying and use of such equipment shall be permitted provided that:
- a the vessel does not simultaneously carry or use on board either towed gear of mesh size less than 70 mm or one or more purse seines or similar fishing gear; or
  - b the whole of the catch which may be lawfully retained on board:
    - (i) is stored in a frozen state;



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- (ii) the graded fish are frozen immediately after grading and no graded fish are returned to the sea; and
- (iii) the equipment is installed and located on the vessel in such a way as to ensure immediate freezing and not to allow the return of marine species to the sea.

3 By way of derogation from paragraphs 1 and 2 of this Article, any vessel authorised to fish in the Baltic Sea, the Belts or the Sound may carry automatic grading equipment in the Kattegat provided that a fishing authorisation has been issued in accordance with Article 7. The fishing authorisation shall define the species, areas, time periods and any other required conditions applicable to the use and carriage on board of the grading equipment.

4 This Article shall not apply in the Baltic Sea.]

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#### Textual Amendments

**F235** Inserted by [Regulation \(EU\) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations \(EC\) No 1967/2006, \(EC\) No 1224/2009 and Regulations \(EU\) No 1380/2013, \(EU\) 2016/1139, \(EU\) 2018/973, \(EU\) 2019/472 and \(EU\) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations \(EC\) No 894/97, \(EC\) No 850/98, \(EC\) No 2549/2000, \(EC\) No 254/2002, \(EC\) No 812/2004 and \(EC\) No 2187/2005.](#)

## <sup>F239</sup>CHAPTER V

### Control of recreational fisheries

#### *Article 55*

#### Recreational fisheries

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#### Textual Amendments

**F239** Title 4 Ch. 5 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(55)**; 2020 c. 1, Sch. 5 para. 1(1)

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## TITLE V

### CONTROL OF MARKETING

#### CHAPTER I

##### General provisions

###### Article 56

##### Principles for the control of marketing

[<sup>F1</sup> [<sup>F240</sup>A fisheries administration is] responsible for controlling <sup>F241</sup>... the application of [<sup>F242</sup>Fisheries Rules] at all stages of the marketing of fisheries and aquaculture products [<sup>F243</sup>in the United Kingdom], from the first sale to the retail sale, including transport. [<sup>F244</sup>In particular, a fisheries administration must] ensure that the use of fishery products below the applicable minimum conservation reference size that are subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013 is restricted to purposes other than direct human consumption.]

2 Where a minimum size has been fixed for a given species in [<sup>F245</sup>relevant retained direct EU] legislation, operators responsible for purchasing, selling, stocking or transporting shall be able to prove the relevant geographical area of origin of the products.

3 [<sup>F246</sup>A fisheries administration must] ensure that all fisheries and aquaculture products from catching or harvesting are put into lots prior to the first sale.

4 Quantities of less than 30 kg per single species coming from the same management area from several fishing vessels may be put into lots by the producer organisation of which the operator of the fishing vessel is a member or by a registered buyer prior to the first sale. The producer organisation and the registered buyer shall keep records for at least three years on the origin of the contents of the lots in which catches of several fishing vessels are put.

[<sup>F220</sup>5 Quantities of fishery products of several species, consisting of individuals below the applicable minimum conservation reference size coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, may be put into lots prior to the first sale.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F240** Words in Art. 56(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F241** Words in Art. 56(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F242** Words in Art. 56(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F243** Words in Art. 56(1) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F244** Words in Art. 56(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F245** Words in Art. 56(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F246** Words in Art. 56(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(56)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 57

#### Common marketing standards

1 <sup>[F247]</sup>A fisheries administration must] ensure that the products to which common marketing standards apply are displayed for first sale, offered for first sale, sold or otherwise marketed only if they comply with these standards. <sup>[F248]</sup><sup>[F247]</sup>A fisheries administration must] undertake checks to ensure compliance. The checks may take place at all marketing stages and during transport.]

2 Products withdrawn from the market in accordance with Regulation <sup>[F249]</sup>(EU) No 1379/2013] shall respect common marketing standards, in particular freshness categories.

3 Operators responsible for purchasing, selling, stocking or transporting lots of fisheries and aquaculture products shall be able to prove that the products comply with the minimum marketing standards at all stages.

#### Textual Amendments

- F247** Words in Art. 57(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(57)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F248** Inserted by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000.
- F249** Words in Art. 57(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(57)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 58

#### Traceability

1 Without prejudice to Regulation (EC) No 178/2002, all lots of fisheries and aquaculture products shall be traceable at all stages of production, processing and distribution, from catching or harvesting to retail stage.

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2 Fisheries and aquaculture products placed on the market or likely to be placed on the market in the [<sup>F250</sup>United Kingdom] shall be adequately labelled to ensure the traceability of each lot.

3 Lots of fisheries and aquaculture products may be merged or split after first sale only if it is possible to trace them back to catching or harvesting stage.

4 [<sup>F251</sup>A fisheries administration must] ensure that operators have in place systems and procedures to identify any operator from whom they have been supplied with lots of fisheries and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.

5 The minimum labelling and information requirements for all lots of fisheries and aquaculture products shall include:

- a the identification number of each lot;
- b the external identification number and name of the fishing vessel or the name of the aquaculture production unit;
- c the FAO alpha-3 code of each species;
- d the date of catches or the date of production;
- e the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals;
- [<sup>F220</sup>ea in cases where fish below the applicable minimum conservation reference size are present in the quantities referred to in point (e), separate information on the quantities of each species in kilograms expressed in net weight, or the number of individuals;]
- f the name and address of the suppliers;
- [<sup>F252</sup>g the information to consumers provided for in Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>(24)</sup>;
- [<sup>F253</sup>h whether the fisheries products have been previously frozen or not.]

[<sup>X2</sup>6. [<sup>F254</sup>A fisheries administration must] ensure that the information listed in point (g) of paragraph 5 is available to the consumer at retail sale stage.]

7 The information listed in points (a) to (f) of paragraph 5 shall not apply to fisheries and aquaculture products imported into the [<sup>F255</sup>United Kingdom] with catch certificates submitted in accordance with Regulation (EC) No 1005/2008.

8 [<sup>F256</sup>A fisheries administration] may exempt from the requirements set out in this Article small quantities of products sold directly from fishing vessels to consumers, provided that these do not exceed the value of [<sup>F257</sup>£45] per day. [<sup>F258</sup>A fisheries administration may amend this threshold by regulations.]

[<sup>F259</sup>9 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Editorial Information

- X2** Substituted by [Corrigendum to Council Regulation \(EC\) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations \(EC\) No 847/96, \(EC\) No 2371/2002, \(EC\) No 811/2004, \(EC\) No 768/2005, \(EC\) No 2115/2005, \(EC\) No 2166/2005, \(EC\) No 388/2006, \(EC\) No 509/2007, \(EC\) No 676/2007, \(EC\) No 1098/2007, \(EC\) No 1300/2008, \(EC\) No 1342/2008 and repealing Regulations \(EEC\) No 2847/93, \(EC\) No 1627/94 and \(EC\) No 1966/2006 \(Official Journal of the European Union L 343 of 22 December 2009\).](#)

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### Textual Amendments

- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F250** Words in Art. 58(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(58)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F251** Words in Art. 58(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(58)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F252** Substituted by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000.
- F253** Deleted by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000.
- F254** Words in Art. 58(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(58)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F255** Words in Art. 58(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(58)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F256** Words in Art. 58(8) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F257** Sum in Art. 58(8) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(16)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F258** Words in Art. 58(8) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(16)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F259** Art. 58(9) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER II

### Post-landing activities

#### Article 59

#### First sale of fisheries products

1 <sup>[F260]</sup>A fisheries administration must] ensure that all fisheries products are first marketed or registered at an auction centre or to registered buyers or to producer organisations.

2 The buyer of fisheries products from a fishing vessel at first sale shall be registered with the competent authorities of <sup>[F261]</sup>a fisheries administration, in circumstances where the first sale takes place in the United Kingdom]. For the purpose of registration, each buyer shall be identified according to its VAT number, tax identification number or other unique identifier in national databases.

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3 A buyer acquiring fisheries products up to an amount of 30 kg which are not thereafter placed on the market but used only for private consumption shall be exempted from this Article. <sup>F262</sup>A fisheries administration may amend this threshold by regulations.]

#### Textual Amendments

- F260** Words in Art. 59(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(59)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F261** Words in Art. 59(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(59)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F262** Words in Art. 59(3) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(17)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 60

#### Weighing of fishery products

1 <sup>F263</sup>A fisheries administration must ensure that all fishery products are weighed on systems approved by its competent authorities unless it has adopted a sampling plan based on risk-based methodology in accordance with regulations made under paragraph 7.]

2 Without prejudice to specific provisions, the weighing shall be carried out on landing prior to the fisheries products being held in storage, transported or sold.

3 By way of derogation from paragraph 2, <sup>F264</sup>a fisheries administration] may permit fisheries products to be weighed on board the fishing vessel subject to a sampling plan as referred to in paragraph 1.

4 Registered buyers, registered auctions or other bodies or persons which are responsible for the first marketing of fisheries products in <sup>F265</sup>the United Kingdom] shall be responsible for the accuracy of the weighing operation unless, in accordance with paragraph 3, the weighing takes place on board a fishing vessel, in which case it shall be the master's responsibility.

5 The figure resulting from the weighing shall be used for the completion of landing declarations, transport document, sales notes and take-over declarations.

6 The competent authorities of a <sup>F266</sup>fisheries administration] may require that any quantity of fisheries products first landed in <sup>F267</sup>the United Kingdom] is weighed in the presence of officials before being transported elsewhere from the place of landing.

<sup>F268</sup>7 A fisheries administration may make regulations specifying detailed rules on the risk-based methodology and procedure of weighing.]

#### Textual Amendments

- F263** Art. 60(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(60)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F264** Words in Art. 60(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(60)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F265** Words in Art. 60(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(60)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F266** Words in Art. 60(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(60)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F267** Words in Art. 60(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(60)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F268** Art. 60(7) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(18)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 61

### Weighing of fisheries products after transport from the place of landing

1 By way of derogation from Article 60(2), [<sup>F269</sup>a fisheries administration] may permit fisheries products to be weighed after transport from the place of landing provided that they are transported to a destination [<sup>F270</sup>in the United Kingdom] and that [<sup>F271</sup>the fisheries administration] has adopted a control plan [<sup>F272</sup>in accordance with the risk-based methodology described in Annex XIX to Commission Implementing Regulation (EU) No 404/2011].

<sup>F273</sup>2 .....

#### Textual Amendments

- F269** Words in Art. 61(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(61)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F270** Words in Art. 61(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(61)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F271** Words in Art. 61(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(61)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F272** Words in Art. 61(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(61)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F273** Art. 61(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(61)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 62

### Completion and submission of sales notes

1 Registered buyers, registered auctions or other bodies or persons authorised by [<sup>F274</sup>a fisheries administration] with an annual financial turnover in first sales of fisheries products of less than [<sup>F275</sup>£175,000] which are responsible for the first marketing of fisheries products landed in [<sup>F276</sup>the United Kingdom], shall submit, if possible electronically, within 48 hours after the first sale, a sales note to the competent authorities of [<sup>F277</sup>a fisheries administration]. The accuracy of the sales note shall be the responsibility of these buyers, auctions, bodies or persons.

2 [<sup>F278</sup>A fisheries administration] may oblige or authorise registered buyers, registered auctions or other bodies or persons authorised by [<sup>F279</sup>a fisheries administration] with an annual financial turnover in first sales of fisheries products of less than [<sup>F280</sup>£175,000] to electronically record and transmit the data mentioned in Article 64(1).

<sup>F281</sup>3 If the first sale of fish landed by a fishing vessel of a third country takes place in the United Kingdom, a fisheries administration must ensure that a copy of the sales note is

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submitted, if possible, electronically, to the competent authorities of the flag state of the fishing vessel upon receipt of the relevant information.]

[<sup>F2824</sup> If the first marketing of fisheries products takes place in the United Kingdom, but the products were not landed in the United Kingdom, a fisheries administration must ensure a copy of the sales note is submitted, if possible electronically, to the competent authorities responsible for controlling the landing of the products concerned and to the competent authorities of the flag state of the fishing vessel upon receipt of the sales note.]

5 When the landing takes place outside the [<sup>F283</sup>United Kingdom] and the first sale takes place in a third country, the master of [<sup>F284</sup>a United Kingdom fishing vessel] or his representative shall forward, if possible electronically, a copy of the sales note or any equivalent document containing the same level of information to the competent authority of [<sup>F285</sup>a fisheries administration] within 48 hours after the first sale.

<sup>F286</sup>6 .....

#### Textual Amendments

- F274** Words in Art. 62(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F275** Sum in Art. 62(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F276** Words in Art. 62(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(a\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F277** Words in Art. 62(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(a\)\(iv\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F278** Words in Art. 62(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F279** Words in Art. 62(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F280** Sum in Art. 62(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(b\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F281** Art. 62(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F282** Art. 62(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F283** Words in Art. 62(5) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(e\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F284** Words in Art. 62(5) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(e\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F285** Words in Art. 62(5) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(e\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F286** Art. 62(6) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(62\)\(f\)](#); 2020 c. 1, Sch. 5 para. 1(1)

### Article 63

#### Electronic completion and transmission of sales notes data

1 Registered buyers, registered auctions or other bodies or persons authorised by [<sup>F287</sup>a fisheries administration] with an annual financial turnover in first sales of fisheries products



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of [F288£175,000] or more shall record by electronic means the information referred to in Article 64(1), and shall send it by electronic means within 24 hours after completion of the first sale to the competent authorities of [F289a fisheries administration].

2 [F290A fisheries administration must] transmit in the same way, by electronic means, information on sales notes referred to in Article 62(3) and (4).

#### Textual Amendments

**F287** Words in Art. 63(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(63)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

**F288** Sum in Art. 63(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(63)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)

**F289** Words in Art. 63(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(63)(a)(iii); 2020 c. 1, Sch. 5 para. 1(1)

**F290** Words in Art. 63(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(63)(b); 2020 c. 1, Sch. 5 para. 1(1)

### Article 64

#### Content of the sales notes

- 1 The sales notes referred to in Articles 62 and 63 shall contain the following data:
  - a the external identification number and the name of the fishing vessel that has landed the product concerned;
  - b the port and date of landing;
  - c the name of the fishing vessel's operator or master and, if different, the name of the seller;
  - d the name of the buyer and its VAT number, its tax identification number, or other unique identifier;
  - e the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
  - f the quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
  - g for all products subject to marketing standards, as appropriate, the individual size or weight, grade, presentation and freshness;
  - [F1h where appropriate, the destination of products withdrawn from the market for storage F291 ... ;
  - ha where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size, and the destination thereof;]
  - i the place and the date of the sale;
  - j where possible, the reference number and date of invoice and, where appropriate, the sales contract;
  - k where applicable, reference to the take-over declaration referred to in Article 66 or the transport document referred to in Article 68;
  - l the price.

[F292 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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Textual Amendments

- F1 Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
F291 Words in Art. 64(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, 4(64); 2020 c. 1, Sch. 5 para. 1(1)
F292 Art. 64(2) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, 27(19); 2020 c. 1, Sch. 5 para. 1(1)

Article 65

Exemptions from sales notes requirements

F293 1 .....

2 A buyer acquiring products up to an amount of 30 kg which are not thereafter placed on the market but used only for private consumption shall be exempted from the provisions laid down in Articles 62, 63 and 64. [F294 A fisheries administration may amend this threshold by regulations.]

Textual Amendments

- F293 Art. 65(1) 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, 27(20)(a); 2020 c. 1, Sch. 5 para. 1(1)
F294 Words in Art. 65(2) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, 27(20)(b); 2020 c. 1, Sch. 5 para. 1(1)

Article 66

Take-over declaration

1 Without prejudice to specific provisions contained in multiannual plans, when the fisheries products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons with an annual financial turnover in first sales of fisheries products of less than [F295 £175,000] which are responsible for the first marketing of fisheries products landed in [F296 the United Kingdom] shall submit within 48 hours after completion of landing a take-over declaration to the competent authorities of [F297 a fisheries administration]. The submission of the take-over declaration and its accuracy shall be the responsibility of these buyers, auctions or other bodies or persons.

F298 2 .....

3 The take-over declaration referred to in paragraph 1 shall contain at least the following information:

- a the external identification number and name of the fishing vessel that has landed the products;

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- b the port and date of landing;
- c the name of the vessel's operator or master;
- d the FAO alpha-3 code of each species and its relevant geographical area in which the catches were taken;
- e the quantities of each species stored in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
- f the name and address of the facilities where the products are stored;
- g where applicable, reference to the transport document specified to in Article 68<sup>[F1]</sup>;
- <sup>[F220]</sup>h where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size.]

**Textual Amendments**

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F295** Sum in Art. 66(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(65)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F296** Words in Art. 66(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(65)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F297** Words in Art. 66(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(65)(a)(iii); 2020 c. 1, Sch. 5 para. 1(1)
- F298** Art. 66(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(65)(b); 2020 c. 1, Sch. 5 para. 1(1)

*Article 67*

**Electronic completion and transmission of take over declaration data**

1 Without prejudice to specific provisions contained in multiannual plans, when the fisheries products are intended for sale at a later stage, registered buyers, registered auctions or other bodies or persons with an annual financial turnover in first sales of fisheries products of <sup>[F299]</sup>£175,000] or more which are responsible for the first marketing of fisheries products landed in <sup>[F300]</sup>the United Kingdom] shall record by electronic means the information referred to in Article 66 and shall send it within 24 hours by electronic means to the competent authorities of <sup>[F301]</sup>a fisheries administration].

<sup>F302</sup>2 .....

**Textual Amendments**

- F299** Sum in Art. 67(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(66)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

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- F300** Words in Art. 67(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(66)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F301** Words in Art. 67(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(66)(a)(iii); 2020 c. 1, Sch. 5 para. 1(1)
- F302** Art. 67(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(66)(b); 2020 c. 1, Sch. 5 para. 1(1)

## Article 68

### Completion and submission of the transport document

1 Fisheries products landed into the [F303United Kingdom], either unprocessed or after having been processed on board, for which neither a sales note nor a take-over declaration has been submitted in accordance with Articles 62, 63, 66 and 67 and which are transported to a place other than that of landing, shall be accompanied by a document drawn up by the transporter until the first sale has taken place. The transporter shall submit, within 48 hours after the loading, a transport document to the competent authorities of [F304a fisheries administration].

2 The transporter shall be exempted from the requirement of having the transport document accompanying the fisheries products if a transport document has been transmitted electronically, before the transport begins, to the competent authorities of the [F305a fisheries administration] which shall, in the event that the products are transported to a [F306country] other than the [F306country] of landing, immediately upon receipt forward the transport document to the competent authorities of the [F306country] in whose territory the first marketing is declared to take place.

3 In the event that the products are transported to a [F307country] other than the [F307country] of landing, the transporter shall also transmit, within 48 hours following the loading of the fisheries products, a copy of the transport document to the competent authorities of the [F307country] in whose territory the first marketing is declared to take place. <sup>F308</sup> ...

4 The transporter shall be responsible for the accuracy of the transport document.

5 The transport document shall indicate:

- a the place of destination of the consignment(s) and the identification of the transport vehicle;
- b the external identification number and name of the fishing vessel that has landed the products;
- c the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- d the quantities of each species transported in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals;
- e the name(s) and address(es) of the consignee(s);
- f the place and date of loading[F1;]
- [F220g where appropriate, the quantities in kilograms expressed in net weight, or the number of individuals, below the applicable minimum conservation reference size.]

6 The competent authorities of [F309a fisheries administration] may grant exemptions from the obligation set out in paragraph 1 if the fisheries products are transported within a port area or not more than 20 km from the place of landing.

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7 Where fisheries products that have been declared as sold in a sales note are transported to a location other than the place of landing, the transporter shall be able to prove with a document that a sales transaction has taken place.

8 The transporter shall be exempt from the obligation laid down in this Article if the transport document is replaced by a copy of the landing declaration provided for in Article 23 pertaining to the quantities transported, or any equivalent document containing the same level of information.

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F303** Words in Art. 68(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F304** Words in Art. 68(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F305** Words in Art. 68(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F306** Word in Art. 68(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F307** Word in Art. 68(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(c)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F308** Words in Art. 68(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(c)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F309** Words in Art. 68(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(67)(d); 2020 c. 1, Sch. 5 para. 1(1)

## CHAPTER III

### Producer organisations and price and intervention arrangements

#### Article 69

#### Monitoring of producer organisations

1 In accordance with [F310 Article 18 of Regulation (EU) 1379/2013], [F311 a fisheries administration must] carry out checks at regular intervals to ensure that:

- a producer organisations comply with the terms and conditions for recognition;
- b recognition of a producer organisation may be withdrawn if the conditions set out in [F312 Article 14 of Regulation (EU) 1379/2013] are no longer fulfilled or if recognition is based on wrong information;

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- c recognition is immediately withdrawn retroactively if the organisation obtains or benefits from recognition by fraudulent means.

F313<sup>2</sup> .....

F314<sup>3</sup> .....

#### Textual Amendments

- F310** Words in Art. 69(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(68)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F311** Words in Art. 69(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(68)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F312** Words in Art. 69(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(68)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F313** Art. 69(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(68)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F314** Art. 69(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(68)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### F315 Article 70

### Monitoring of price and intervention arrangements

#### Textual Amendments

- F315** Art. 70 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(69)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE VI

### SURVEILLANCE

#### Article 71

#### Sightings at sea and detection <sup>F316</sup>...

1 [<sup>F317</sup>A fisheries administration must] carry out surveillance in [<sup>F318</sup>United Kingdom waters] based on:

- a sightings of fishing vessels by inspection vessels or surveillance aircrafts;
- b a vessel monitoring system as referred to in Article 9; or
- c any other detection and identification methods.

2 If the sighting or detection does not correspond to other information available to the [<sup>F319</sup>fisheries administration], it shall undertake any investigations that may be necessary to determine the appropriate follow-up.

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[<sup>F320</sup>3 If the sighting or detection refers to a fishing vessel of a third country, and the information does not correspond to any other information that is available to the competent authority of a fisheries administration, and if the authority is not in a position to undertake further action, it shall record its findings in a surveillance report and shall transmit that report without delay, if possible by electronic means, to the flag state concerned.]

4 In the event that an official <sup>F321</sup>... sights or detects a fishing vessel engaged in activities that may be considered to be an infringement of [<sup>F322</sup>Fisheries Rules], he shall without delay issue a surveillance report and send it to his competent authorities.

[<sup>F323</sup>5 A fisheries administration may, by regulations, specify the content of the surveillance report.]

#### Textual Amendments

- F316** Words in Art. 71 heading omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F317** Words in Art. 71(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F318** Words in Art. 71(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F319** Words in Art. 71(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F320** Art. 71(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F321** Words in Art. 71(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F322** Words in Art. 71(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(70)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F323** Art. 71(5) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(21)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 72

### Action to be taken upon information on sightings and detection

[<sup>F324</sup>1 A fisheries administration must, upon receipt of a surveillance report from a third country, take prompt action on it and undertake such further investigation as is necessary to allow it to determine appropriate follow up.]

<sup>F325</sup>2 .....

3 [<sup>F326</sup>A fisheries administration] shall also examine suitably documented information regarding sighted vessels submitted by individual citizens, civil society organisations, including environmental organisations, as well as representatives of fisheries or fish trade stakeholder interests.

#### Textual Amendments

- F324** Art. 72(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(71)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F325** Art. 72(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(71)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F326** Words in Art. 72(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(71)(c); 2020 c. 1, Sch. 5 para. 1(1)

## Article 73

### Control observers

1 Where a <sup>F327</sup>... control observer scheme has been established by [<sup>F328</sup>a fisheries administration], control observers on board fishing vessels shall verify the fishing vessel's compliance with [<sup>F329</sup>Fisheries Rules]. They shall implement all the tasks of the observer scheme and in particular verify and record the vessel's fishing activities and relevant documents.

2 Control observers shall be qualified for their tasks. They shall be independent of the owner, the master of the fishing vessel and any crew member. They shall not have any economic link with the operator.

3 As far as possible, control observers shall ensure that their presence on board fishing vessels does not hinder or interfere with the fishing activities and the normal operations of the vessel.

4 In the event a control observer notices a serious infringement, he shall inform without delay the competent authorities of [<sup>F330</sup>a fisheries administration].

5 Control observers shall draw up an observer report, if possible electronically, and forward it without delay, using if deemed necessary electronic means of transmission on board the fishing vessel, to their competent authorities and to the competent authorities of the [<sup>F331</sup>flag state]. [<sup>F332</sup>A fisheries administration must] insert the report in the database referred to in Article 78.

6 In the event that the observer report indicates that the vessel observed has engaged in fishing activities contrary to [<sup>F333</sup>Fisheries Rules], the competent authorities referred to in paragraph 4 shall take all appropriate action to investigate the matter.

7 Masters of [<sup>F334</sup>United Kingdom][<sup>F1</sup>fishing vessels shall provide adequate accommodation for assigned control observers, facilitate their work and avoid interference with the discharge of their duties. Masters of][<sup>F334</sup>United Kingdom] fishing vessels shall also provide control observers access to relevant parts of the vessel, including the catch, and to the vessel's documents including electronic files.

[<sup>F335</sup>8 All costs arising from the operation of control observers in respect of United Kingdom fishing vessels shall be borne by a fisheries administration. A fisheries administration may charge those costs, in part or in full, to the operators of United Kingdom fishing vessels involved in the relevant fishery.]

[<sup>F336</sup>9 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU)



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No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

- F327** Word in Art. 73(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F328** Words in Art. 73(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F329** Words in Art. 73(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F330** Words in Art. 73(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F331** Words in Art. 73(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F332** Words in Art. 73(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F333** Words in Art. 73(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F334** Words in Art. 73(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F335** Art. 73(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(72)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F336** Art. 73(9) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(22)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F220</sup>Article 73a

#### Control observers for the monitoring of the landing obligation

Without prejudice to Article 73(1) of this Regulation, [<sup>F337</sup>a fisheries administration] may deploy control observers on board fishing vessels <sup>F338</sup>... for the monitoring of fisheries subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Article 73(2) to (9) of this Regulation shall apply to those control observers.]

#### Textual Amendments

- F220** Inserted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F337** Words in Art. 73a substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(73)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F338** Words in Art. 73a omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(73)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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## TITLE VII

### INSPECTION AND PROCEEDINGS

#### CHAPTER I

#### General provisions

##### <sup>F339</sup> Article 74

#### Conduct of inspections

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#### Textual Amendments

**F339** Art. 74 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(74)**; 2020 c. 1, Sch. 5 para. 1(1)

##### Article 75

#### Duties of the operator

1 The operator shall facilitate the safe access to the vessel, transport vehicle or room where the fisheries products are stored, processed or marketed. It shall ensure the safety of the officials and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

[<sup>F340</sup>2 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

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#### Textual Amendments

**F340** Art. 75(2) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(23)**; 2020 c. 1, Sch. 5 para. 1(1)

##### Article 76

#### Inspection report

1 Officials shall draw up an inspection report after each inspection and shall forward it to their competent authorities. Where possible, this report shall be recorded and transmitted by electronic means. <sup>F341</sup>... In the case of the inspection of a fishing vessel flying the flag of a third country, a copy of the inspection report shall be sent without delay to the competent authorities of the third country concerned if an infringement has been found in the course of the inspection. <sup>F342</sup>...

2 Officials shall communicate their findings from the inspection to the operator, who shall have the possibility to comment on the inspection and its findings. The operator's

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comments shall be reflected in the inspection report. Officials shall indicate in the fishing logbook that an inspection has been made.

3 A copy of the inspection report shall be sent as soon as possible to the operator, and in any case no later than 15 working days after the completion of the inspection.

[<sup>F343</sup>4 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

**F341** Words in Art. 76(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(75)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F342** Words in Art. 76(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(75)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**F343** Art. 76(4) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(24)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F344</sup> Article 77

### Admissibility of inspection and surveillance reports

#### Textual Amendments

**F344** Art. 77 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(76)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 78

### Electronic database

1 [<sup>F345</sup>A fisheries administration must] set up and keep up to date an electronic database where they upload all inspection and surveillance reports drawn up by their officials.

[<sup>F346</sup>2 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

#### Textual Amendments

**F345** Words in Art. 78(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(77)**; 2020 c. 1, Sch. 5 para. 1(1)

**F346** Art. 78(2) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(25)**; 2020 c. 1, Sch. 5 para. 1(1)

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*F347* Article 79

[<sup>F1</sup>Union] inspectors

.....

**Textual Amendments**

**F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

**F347** Arts. 79-83 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(78); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER II

**Inspections outside the waters of the inspecting Member State**

*F347* Article 80

**Inspections of fishing vessels outside the waters of the inspecting Member State**

.....

**Textual Amendments**

**F347** Arts. 79-83 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(78); 2020 c. 1, Sch. 5 para. 1(1)

*F347* Article 81

**Requests for authorisation**

.....

**Textual Amendments**

**F347** Arts. 79-83 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(78); 2020 c. 1, Sch. 5 para. 1(1)

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## CHAPTER III

### Infringements detected in the course of inspections

#### <sup>F347</sup> Article 82

#### Procedure in the event of an infringement

.....

#### Textual Amendments

**F347** Arts. 79-83 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(78)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F347</sup> Article 83

#### Infringements detected outside the waters of the inspecting Member State

.....

#### Textual Amendments

**F347** Arts. 79-83 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(78)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 84

#### Enhanced follow-up with regard to certain serious infringements

- 1 <sup>F348</sup>A fisheries administration which suspects a fishing vessel] of having:
  - a misrecorded catches of stocks subject to a multiannual plan of more than 500 kg or 10 %, calculated as a percentage of the fishing logbook figures, whichever is the higher; or
  - b committed any of the serious infringements referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90(1) of this Regulation within one year of committing a first such serious infringement;may require the fishing vessel to proceed immediately to a port for a full investigation, in addition to the measures referred to in Chapter IX of Regulation (EC) No 1005/2008.
- 2 <sup>F349</sup>A fisheries administration must] immediately and in compliance with its procedures under <sup>F350</sup>applicable] law notify the <sup>F351</sup>flag state] of the investigation referred to in paragraph 1.
- 3 Officials may remain on board a fishing vessel until a full investigation as referred to in paragraph 1 has been undertaken.
- 4 The master of the fishing vessel referred to in paragraph 1 shall cease all fishing activities and proceed to port if he has been requested to do so.

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#### Textual Amendments

- F348** Words in Art. 84(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(79\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F349** Words in Art. 84(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(79\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F350** Word in Art. 84(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(79\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F351** Words in Art. 84(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [4\(79\)\(b\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

## <sup>F352</sup>CHAPTER IV

### Proceedings of infringements detected in the course of inspections

#### *Article 85*

#### **Proceedings**

.....

#### *Article 86*

#### **Transfer of proceedings**

.....

#### *Article 87*

#### **Infringement detected by Union inspectors**

.....

#### *Article 88*

#### **Corrective measures in the absence of proceedings by the Member State of landing or transhipment**

.....

#### Textual Amendments

- F352** Title 7 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, [4\(80\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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## TITLE VIII

## ENFORCEMENT

*F353* Article 89**Measures to ensure compliance****Textual Amendments**

**F353** Art. 89 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(81)**; 2020 c. 1, Sch. 5 para. 1(1)

*Article 90***Sanctions for serious infringements**

1 In addition to Article 42 of Regulation (EC) No 1005/2008, the following activities shall also be considered as serious infringements for the purpose of this Regulation depending on the gravity of the infringement in question which shall be determined by the competent authority of [<sup>F354</sup>a fisheries administration], taking into account criteria such as the nature of the damage, its value, the economic situation of the offender and the extent of the infringement or its repetition:

- a the non-transmission of a landing declaration or a sales note when the landing of the catch has taken place in the port of a third country;
- b the manipulation of an engine with the aim of increasing its power beyond the maximum continuous engine power according to the engine certificate;
- [<sup>F1</sup>c the failure to bring and retain on board the fishing vessel and to land any catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, unless the bringing and retention on board and the landing of such catches would be contrary to obligations or subject to exemptions provided for in [<sup>F355</sup>Fisheries Rules] in fisheries or fishing zones where such rules apply.]

2 [<sup>F356</sup>A fisheries administration must] ensure that a natural person having committed or a legal person held liable for a serious infringement is punishable by effective, proportionate and dissuasive administrative sanctions, in accordance with <sup>F357</sup>... Chapter IX of Regulation (EC) No 1005/2008.

3 [<sup>F358</sup>A fisheries administration must] impose a sanction that is effectively dissuasive and, as appropriate, calculated on the value of the fisheries products obtained by committing a serious infringement.

4 In fixing the sanction, [<sup>F359</sup>a fisheries administration must] also take into account the value of the prejudice to the fishing resources and the marine environment concerned.

5 [<sup>F360</sup>A fisheries administration] may also, or alternatively, use effective, proportionate and dissuasive criminal sanctions.

6 The sanctions provided for in this Chapter may be accompanied by other sanctions or measures <sup>F361</sup>... .

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### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F354** Words in Art. 90(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F355** Words in Art. 90(1)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F356** Words in Art. 90(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(b)(i)** (as substituted by S.I. 2020/1542, regs. 1(2), **11(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F357** Words in Art. 90(2) omitted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(b)(ii)** (as substituted by S.I. 2020/1542, regs. 1(2), **11(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F358** Words in Art. 90(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F359** Words in Art. 90(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F360** Words in Art. 90(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F361** Words in Art. 90(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(82)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 91

### Immediate enforcement measures

[<sup>F362</sup>A fisheries administration must] take immediate measures to prevent masters of fishing vessels or other natural persons and legal persons caught in the act of committing a serious infringement, as defined in Article 42 of Regulation (EC) No 1005/2008, from continuing to do so.

### Textual Amendments

- F362** Words in Art. 91 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(83)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 92

### Point system for serious infringements

[<sup>F11</sup> [<sup>F363</sup>A fisheries administration must] apply a point system for serious infringements as referred to in point (a) of Article 42(1) of Regulation (EC) No 1005/2008 and for violations of the landing obligation referred to in point (c) of Article 90(1) of this Regulation, on the basis of which the holder of a fishing licence is assigned the appropriate number of points as a result of an infringement of [<sup>F364</sup>Fisheries Rules].]



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2 When a natural person has committed or a legal person is held liable for a serious infringement of [<sup>F365</sup>Fisheries Rules], the appropriate number of points shall be assigned to the holder of the fishing licence as a result of the infringement. The points assigned shall be transferred to any future holder of the fishing licence for the fishing vessel concerned where the vessel is sold, transferred or otherwise changes ownership after the date of the infringement. The holder of the fishing licence shall be entitled to review proceedings in accordance with national law.

3 When the total number of points equals or exceeds a specified number of points, the fishing licence shall be automatically suspended for a period of at least two months. That period shall be four months if the fishing licence is suspended a second time, eight months if the fishing licence is suspended a third time and one year if the fishing licence is suspended a fourth time as a consequence of a licence holder being assigned the specified number of points. In case of the holder being assigned the specified number of points for a fifth time, the fishing licence shall be permanently withdrawn.

4 If the holder of a fishing licence does not commit, within three years from the date of the last serious infringement, another serious infringement, all points on the fishing licence shall be deleted.

[<sup>F3665</sup> A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

6 [<sup>F367</sup>A fisheries administration must] also establish a point system under which the master of a vessel is assigned the appropriate number of points as a result of a serious infringement of [<sup>F368</sup>Fisheries Rules] committed by him.

#### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F363** Words in Art. 92(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(84)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F364** Words in Art. 92(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(84)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F365** Words in Art. 92(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(84)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F366** Art. 92(5) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(26)**; 2020 c. 1, Sch. 5 para. 1(1)
- F367** Words in Art. 92(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(84)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F368** Words in Art. 92(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(84)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 93

#### National register of infringements

[<sup>F3691</sup> A fisheries administration must enter in a national register all infringements of Fisheries Rules committed by United Kingdom fishing vessels or by United Kingdom

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nationals, including the sanctions they incurred and the number of points assigned. A fisheries administration must also enter infringements by United Kingdom fishing vessels and United Kingdom nationals prosecuted in other countries.]

<sup>F370</sup>2 .....

<sup>F371</sup>3 .....

4 The data contained in the national register of infringements shall be stored only for as long as necessary for the purpose of this Regulation, but always for a minimum of three calendar years, starting from the year following that in which the information is recorded.

#### Textual Amendments

- F369** Art. 93(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(85)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F370** Art. 93(2) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(85)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F371** Art. 93(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(85)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE IX

### CONTROL PROGRAMMES

#### <sup>F372</sup>Article 94

#### Common control programmes

.....

#### Textual Amendments

- F372** Art. 94 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(86)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 95

#### Specific control and inspection programmes

1 [<sup>F373</sup>A fisheries administration may, by regulations,] determine which fisheries shall be subject to specific control and inspection programmes.

2 The specific control and inspection programmes referred to in paragraph 1 shall state the objectives, priorities and procedures as well as benchmarks for inspection activities. Such benchmarks shall be established based on risk management and revised periodically after an analysis has been made of the results achieved.

3 When a multiannual plan has entered into force and before a specific control and inspection programme has become applicable, [<sup>F374</sup>a fisheries administration must] establish risk management based target benchmarks for inspection activities.

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4 [F375The fisheries administration concerned must] adopt the necessary measures to ensure the implementation of the specific control and inspection programmes, particularly as regards required human and material resources and the periods and zones where these are to be deployed.

**Textual Amendments**

- F373** Words in Art. 95(1) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(27)**; 2020 c. 1, Sch. 5 para. 1(1)
- F374** Words in Art. 95(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(87)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F375** Words in Art. 95(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(87)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F376 TITLE X

**EVALUATION AND CONTROL BY THE COMMISSION**

*Article 96*

**General principles**

.....

*Article 97*

**Competences of Commission officials**

.....

*Article 98*

**Verifications**

.....

*Article 99*

**Autonomous inspections**

.....

*Article 100*

**Audits**

.....

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*Article 101*

**Verification, autonomous inspection and audit reports**

.....

*Article 102*

**Follow-up of verification, autonomous inspection and audit reports**

.....

**Textual Amendments**

**F376** Titles 10-12 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(88)**; 2020 c. 1, **Sch. 5 para. 1(1)**

<sup>F376</sup>TITLE XI

**MEASURES TO ENSURE COMPLIANCE BY MEMBER STATES WITH COMMON FISHERIES POLICY OBJECTIVES**

CHAPTER I

**Financial measures**

*Article 103*

**Suspension and cancellation of Community financial assistance**

.....

CHAPTER II

**Closure of fisheries**

*Article 104*

**Closure of fisheries for failure to comply with the common fisheries policy objectives**

.....

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## CHAPTER III

### **Deduction and transfers of quotas and fishing effort**

#### *Article 105*

#### **Deduction of quotas**

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#### *Article 106*

#### **Deduction of fishing effort**

.....

#### *Article 107*

#### **Deduction of quotas for failure to comply with the rules of the common fisheries policy**

.....

## CHAPTER IV

### **Emergency measures**

#### *Article 108*

#### **Emergency measures**

.....

## <sup>F376</sup>TITLE XII

### **DATA AND INFORMATION**

#### CHAPTER I

#### **Analysis and audit of data**

#### *Article 109*

#### **General principles for the analysis of data**

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*Article 110*

**Access to data**

.....

*Article 111*

**Exchange of data**

.....

CHAPTER II

**Confidentiality of data**

*Article 112*

**Protection of personal data**

.....

*Article 113*

**Confidentiality of professional and commercial secrecy**

.....

CHAPTER III

**Official websites**

*Article 114*

**Official websites**

.....

*Article 115*

**The publicly accessible part of the website**

.....

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## Article 116

### The secure part of the website

.....

## TITLE XIII

### IMPLEMENTATION

#### <sup>F378</sup> Article 117

### Administrative cooperation

.....

#### Textual Amendments

**F378** Art. 117 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(89)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F379</sup> Article 118

### Reporting obligations

.....

#### Textual Amendments

**F379** Art. 118 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(89)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F380</sup> Article 119

### 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 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.

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5 A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6 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).

7 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.

8 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.]

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**Textual Amendments**

**F380** Art. 119 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(28)**; 2020 c. 1, Sch. 5 para. 1(1)

TITLE XIV

**AMENDMENTS AND REPEALS**

*<sup>F381</sup>Article 120*

**[<sup>F381</sup>Amendments to Regulation (EC) No 768/2005]**

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**Textual Amendments**

**F381** Deleted by [Regulation \(EU\) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency \(codification\)](#).

*Article 121*

**Amendments to other Regulations**

1 In Regulation (EC) No 847/96, Article 5 shall be deleted.

2 Regulation (EC) No 2371/2002 is amended as follows:

- a Article 21 shall be replaced by the following:



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## Article 21

### Community control and enforcement system

Access to waters and resources and the pursuit of activities as set out in Article 1 shall be controlled and compliance with the rules of the common fisheries policy enforced. For this purpose a Community system for the control, inspection and enforcement of the rules of the common fisheries policy shall be established.;

b Articles 22 to 28 shall be deleted.

3 In Council Regulation (EC) No 811/2004 of 21 April 2004 establishing measures for the recovery of the northern hake stock<sup>(25)</sup>, Articles 7, 8, 10, 11, 12 and 13 shall be deleted.

4 In Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation<sup>(26)</sup>, Article 7 shall be deleted.

5 In Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula<sup>(27)</sup>, Chapter IV shall be deleted.

6 In Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay<sup>(28)</sup>, Chapter IV shall be deleted.

7 In Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel<sup>(29)</sup>, Chapter IV shall be deleted.

8 In Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multiannual plan for fisheries exploiting stocks of plaice and sole in the North Sea<sup>(30)</sup>, Chapter IV shall be deleted.

9 In Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks<sup>(31)</sup>, Article 10(3) and (4), Article 11(2) and (3), Articles 12, 13, 15, Article 18(2) and (3), Articles 19 and 20, Article 22 second paragraph, Articles 23, 24 and 25 shall be deleted.

10 In Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock<sup>(32)</sup>, Articles 5 and 6 shall be deleted.

11 In Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks<sup>(33)</sup>, Articles 18, 19, 20, 21, 22, 23, 24, 26, 27, 28 and 29 shall be deleted.

## Article 122

### Repeals

1 Regulation (EEC) No 2847/93 shall be repealed, except for Articles 6, 8 and 11, which shall be repealed with effect from the date of entry into force of the rules implementing Articles 14, 21 and 23 of this Regulation, and for Article 5, Article 9(5) and Articles 13, 21 and 34, which shall be repealed with effect from 1 January 2011.

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2 Regulation (EC) No 1627/94 shall be repealed with effect from the date of entry into force of the rules implementing Article 7 of this Regulation.

3 Regulation (EC) No 1966/2006 shall be repealed with effect from 1 January 2011.

### *Article 123*

#### **References**

References to the repealed Regulations and the provisions deleted in accordance with Article 121 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

### F382 TITLE XV

#### **FINAL PROVISIONS**

### *Article 124*

#### **Entry into force**

.....

#### **Textual Amendments**

**F382** Title 15 (including binding words) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/739), regs. 1, **4(90)**; 2020 c. 1, Sch. 5 para. 1(1)

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## ANNEX I

## SPECIFIC INSPECTION BENCHMARKS FOR MULTIANNUAL PLANS

## Objective

1. [<sup>F383</sup>A fisheries administration must] set specific inspection benchmarks in accordance with this Annex.

**Textual Amendments**

**F383** Words in Annex 1 para. 1 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(91)(a); 2020 c. 1, Sch. 5 para. 1(1)

## Strategy

2. Inspection and surveillance of fishing activities shall concentrate on fishing vessels likely to catch species subject to a multiannual plan. Random inspections of transport and marketing of species subject to a multiannual plan shall be used as a complementary cross-checking mechanism to test the effectiveness of inspection and surveillance.

## Priorities

3. Different gear types shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing opportunity limits. <sup>F384</sup> ...

**Textual Amendments**

**F384** Words in Annex 1 para. 3 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(91)(b); 2020 c. 1, Sch. 5 para. 1(1)

## Target benchmarks

4. <sup>F385</sup> ...

**Textual Amendments**

**F385** Words in Annex 1 para. 4 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(91)(c)(i); 2020 c. 1, Sch. 5 para. 1(1)

4. [<sup>F386</sup>A fisheries administration must] specify and describe which sampling strategy will be applied.

**Textual Amendments**

**F386** Words in Annex 1 para. 4 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(91)(c)(ii); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F387</sup> ...

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### Textual Amendments

**F387** Words in Annex 1 para. 4 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(91)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

(a) Level of inspection in ports

As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20 % of all landings of species subject to a multiannual plan by weight in [<sup>F388</sup>the United Kingdom].

(b) Level of inspection of marketing

Inspection of 5 % of the quantities of species subject to a multiannual plan offered for sale at auction.

(c) Level of inspection at sea

Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer to the number of patrol days at sea in the management areas, possibly with a separate benchmark for days patrolling specific areas.

(d) Level of aerial surveillance

Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources <sup>F389</sup> ... into consideration.

### Textual Amendments

**F388** Words in Annex 1 para. 4(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(91)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

**F389** Words in Annex 1 para. 4(d) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(91)(c)(v)**; 2020 c. 1, Sch. 5 para. 1(1)

## ANNEX II

### CORRELATION TABLE

Regulation (EEC) No 2847/93	This Regulation
Article 1(1)	Articles 1 and 2
Article 1(2)	Article 5(3)
Article 1(3)	Article 2
Article 2	Article 5
Article 3	Article 9
Article 4(1)	Article 5

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Article 4(2)	Article 75
Article 5(a) and (b)	Article 74
Article 5(c)	Article 8
Article 6	Articles 14, 15 and 16
Article 7	Articles 17 and 18
Article 8	Articles 23, 24 and 25
Article 9(1), (2), (3), (4), (4a), (5), (6), (7), (8) and (9)	Articles 62, 63, 64, 65 and 68
Article 9(4b) and (5)	Articles 66 and 67
Article 11	Articles 20, 21 and 22
Article 13	Article 68
Article 14	Article 59
Article 15(1), (2) and (4)	Articles 33 and 34
Article 15(3)	Article 36
Article 16	Article 117
Article 17	Articles 5
Article 19	Articles 112 and 113
Title IIA	Title IV, Chapter I, Section 2
Article 20(1)	Article 47
Article 20(2)	Article 49
Article 21(1)	Article 33
Article 21(2)	Article 35
Article 21(3)	Article 36
Article 21(4)	Article 37
Article 21a	Article 35
Article 21b	Article 34
Article 21c	Article 36
Article 23	Article 105
Title V	Title IV, Chapter II, and Article 109
Article 28(1)	Article 56
Article 28(2)	Articles 57 and 70
Article 28(2a)	Article 56
Article 29	Articles 96, 97, 98 and 99
Article 30	Article 102

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Article 31(1) and (2)	Articles 89 and 90
Article 31(4)	Article 86
Article 32(1)	Article 85
Article 32(2)	Article 88
Article 33	Article 86
Article 34	Article 117
Article 34a	Article 117
Article 34b	Article 98
Article 34c	Article 95
Article 35	Article 118
Article 36	Article 119
Article 37	Articles 112 and 113
Article 38	Article 3
Article 39	Article 122
Article 40	Article 124
<b>Regulation (EC) No 1627/94</b>	<b>This Regulation</b>
The entire Regulation	Article 7
<b>Regulation (EC) No 847/96</b>	<b>This Regulation</b>
Article 5	Article 106
<b>Regulation (EC) No 2371/2002</b>	<b>This Regulation</b>
Article 21	Articles 1 and 2
Article 22(1)	Articles 6, 7, 8, 9, 14 and 75
Article 22(2)	Articles 58, 59, 62, 68 and 75
Article 23(3)	Article 5(3), Article 5(5) and Article 11
Article 23(4)	Articles 105 and 106
Article 24	Article 5, Title VII and Articles 71 and 91
Article 25	Chapters III and IV of Title VII and Article 89
Article 26(1)	Article 96
Article 26(2)	Article 108
Article 26(4)	Article 36
Article 27(1)	Articles 96 to 99
Article 27(2)	Articles 101 and 102
Article 28(1)	Article 117
Article 28(3)	Articles 80, 81 and 83

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Article 28(4)	Article 79
Article 28(5)	Article 74
<b>Regulation (EC) No 811/2004</b>	<b>This Regulation</b>
Article 7	Article 14(2)
Article 8	Article 17
Article 10	Article 14(3)
Article 11	Article 44
Article 12	Article 60(6)
<b>Regulation (EC) No 2166/2005</b>	<b>This Regulation</b>
Article 9	Article 14(3)
Article 10	Article 60(1)
Article 12	Article 44
Article 13	Article 60(6)
<b>Regulation (EC) No 2115/2005</b>	<b>This Regulation</b>
Article 7	Article 14(3)
<b>Regulation (EC) No 388/2006</b>	<b>This Regulation</b>
Article 7	Article 14(3)
Article 8	Article 60(1)
Article 10	Article 44
Article 11	Article 60(6)
<b>Regulation (EC) No 509/2007</b>	<b>This Regulation</b>
Article 6	Article 14(3)
Article 8	Article 44
Article 9	Article 60(6)
<b>Regulation (EC) No 676/2007</b>	<b>This Regulation</b>
Article 10	Article 14(2)
Article 11	Article 14(3)
Article 12	Article 60(1)
Article 14	Article 44
Article 15	Article 60(6)
<b>Regulation (EC) No 1098/2007</b>	<b>This Regulation</b>
Article 15	Article 14(3)
Article 19	Article 60(1)
Article 24	Article 46
<b>Regulation (EC) No 1342/2008</b>	<b>This Regulation</b>
Article 19(1)	Article 109(2)

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Article 19(2)	Article 115
Article 20	Article 60
Article 22	Article 42
Article 23	Article 46
Article 24	Article 17
Article 25	Article 43
Article 26	Article 14(2)
Article 27	Article 44
Article 28	Article 60(6)



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- (1) Opinion of 22 April 2009 (not yet published in the Official Journal).
- (2) Opinion of 15 May 2009 (not yet published in the Official Journal).
- (3) [OJ C 211, 4.9.2009, p. 73.](#)
- (4) [OJ C 151, 3.7.2009, p. 11.](#)
- (5) [OJ L 358, 31.12.2002, p. 59.](#)
- (6) [OJ L 261, 20.10.1993, p. 1.](#)
- (7) [OJ L 286, 29.10.2008, p. 1.](#)
- (8) [OJ L 286, 29.10.2008, p. 33.](#)
- (9) [OJ L 208, 5.8.2002, p. 10.](#)
- (10) [OJ L 102, 7.4.2004, p. 9.](#)
- (11) [OJ L 204, 13.8.2003, p. 21.](#)
- (12) [OJ L 365, 10.12.2004, p. 19.](#)
- (13) [OJ L 31, 1.2.2002, p. 1.](#)
- (14) [OJ L 278, 23.10.2001, p. 6.](#)
- (15) [OJ L 289, 16.11.2000, p. 8.](#)
- (16) [OJ L 223, 15.8.2006, p. 1.](#)
- (17) [OJ L 160, 14.6.2006, p. 1.](#)
- (18) [OJ L 184, 17.7.1999, p. 23.](#)
- (19) [OJ L 281, 23.11.1995, p. 31.](#)
- (20) [OJ L 8, 12.1.2001, p. 1.](#)
- (21) [OJ L 171, 6.7.1994, p. 7.](#)
- (22) [OJ L 408, 30.12.2006, p. 1.](#)
- (23) [<sup>F1</sup>Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22.](#))]
- (24) [<sup>F252</sup>Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 december 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 ([OJ L 354, 28.12.2013, p. 1.](#))]
- (25) [OJ L 150, 30.4.2004, p. 1.](#)
- (26) [OJ L 340, 23.12.2005, p. 3.](#)
- (27) [OJ L 345, 28.12.2005, p. 5.](#)
- (28) [OJ L 65, 7.3.2006, p. 1.](#)
- (29) [OJ L 122, 11.5.2007, p. 7.](#)
- (30) [OJ L 157, 19.6.2007, p. 1.](#)
- (31) [OJ L 248, 22.9.2007, p. 1.](#)
- (32) [OJ L 344, 20.12.2008, p. 6.](#)
- (33) [OJ L 348, 24.12.2008, p. 20.](#)

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### Textual Amendments

- F1** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F252** Substituted by Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000.

**Changes to legislation:**

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