

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

CHAPTER I **U.K.**

GENERAL PROVISIONS

Article 3 **U.K.**

Fishing vessels engaged in IUU fishing

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

- a fished without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State; or
- b not fulfilled its obligations to record and report catch or catch-related data, including data to be transmitted by satellite vessel monitoring system, or prior notices under Article 6; or
- c fished in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth; or
- d engaged in directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited; or
- e used prohibited or non-compliant fishing gear; or
- f falsified or concealed its markings, identity or registration; or
- g concealed, tampered with or disposed of evidence relating to an investigation; or
- h obstructed the work of officials in the exercise of their duties in inspecting for compliance with the applicable conservation and management measures; or the work of observers in the exercise of their duties of observing compliance with the applicable Community rules; or
- i taken on board, transhipped or landed undersized fish in contravention of the legislation in force; or
- j transhipped or participated in joint fishing operations with, supported or re-supplied other fishing vessels identified as having engaged in IUU fishing under this Regulation, in particular those included in the Community IUU vessel list or in the IUU vessel list of a regional fisheries management organisation; or
- k carried out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a State not party to that organisation, or not cooperating with that organisation as established by that organisation; or
- l no nationality and is therefore a stateless vessel, in accordance with international law.

2 The activities set out in paragraph 1 shall be considered as serious infringements in accordance with Article 42 depending on the gravity of the infringement in question which shall

Status: Point in time view as at 29/07/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008, Article 3. (See end of Document for details)

be determined by the competent authority of the Member State, taking into account the criteria such as the damage done, its value, the extent of the infringement or its repetition.

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Changes to legislation:

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