

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 1 **U.K.**

Subject matter and scope

1 This Regulation establishes a ^{F1}... system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

^{F2}

[^{F3} The system laid down in paragraph 1 applies to all IUU fishing and associated activities carried out in United Kingdom waters, within maritime waters under the jurisdiction or sovereignty of third countries and on the high seas.]

Textual Amendments

- F1** Word in Art. 1(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 1(2) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 1(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 2 **U.K.**

Definitions

For the purposes of this Regulation:

1. ‘illegal, unreported and unregulated fishing’ or ‘IUU fishing’ means fishing activities which are illegal, unreported or unregulated;
2. ‘illegal fishing’ means fishing activities:
 - (a) conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a [^{F4}state], without the permission of that [^{F4}state], or in contravention of its laws and regulations;
 - (b) conducted by fishing vessels flying the flag of [^{F4}states] that are contracting parties to a relevant regional fisheries management organisation, but which operate in contravention of the conservation and management measures

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- adopted by that organisation and by which those [F⁴states] are bound, or of relevant provisions of the applicable international law; or
- (c) conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating [F⁴states] to a relevant regional fisheries management organisation;
3. ‘unreported fishing’ means fishing activities:
- (a) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (b) which have been undertaken in the area of competence of a relevant regional fisheries management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation;
4. ‘unregulated fishing’ means fishing activities:
- (a) conducted in the area of application of a relevant regional fisheries management organisation by fishing vessels without nationality, by fishing vessels flying the flag of a [F⁵state] not party to that organisation or by any other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
- (b) conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with [F⁵state] responsibilities for the conservation of living marine resources under international law;
5. F⁶ ...
6. F⁷ ...
7. ‘fishing authorisation’ means entitlement to engage in fishing activities during a specified period, in a given area or for a given fishery;
8. ‘fishery products’ mean any products which fall under Chapter 03 and Tariff headings 1604 and 1605 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, with the exception of the products listed in Annex I of this Regulation;
9. ‘conservation and management measures’ mean measures to conserve and manage one or more species of living marine resources and that are adopted and in force in accordance with the relevant rules of [F⁸the applicable law];
10. ‘transhipment’ means the unloading of all or any fishery products on board a fishing vessel to another fishing vessel;
11. ‘importation’ means the introduction of fishery products into the territory of the [F⁹United Kingdom], including for transhipment purposes at ports in [F¹⁰the United Kingdom];
12. ‘indirect importation’ means the importation from the territory of a third country other than the flag [F¹¹state] of the fishing vessel responsible for the catch;

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13. [^{F12}‘exportation’ means any movement to a third country of fishery products harvested by United Kingdom fishing vessels wherever the fishery products were harvested;]
14. [^{F13}‘re-exportation’ means any movement from the United Kingdom of fishery products which had been previously imported into the United Kingdom;]
15. ‘regional fisheries management organisation’ means a subregional, regional or a similar organisation with competence, as recognised under international law, to establish conservation and management measures for living marine resources placed under its responsibility by virtue of the convention or agreement by which it was established;
16. ‘contracting party’ means a contracting party to the international convention or agreement establishing a regional fisheries management organisation, as well as [^{F14}‘states’], fishing entities or any other entities that cooperate with such an organisation and have been granted cooperating non-contracting party status with respect to such an organisation;
17. [^{F15}‘sighting’ means any observation by the competent authorities of a fisheries administration or by the master of a United Kingdom or third country fishing vessel of a fishing vessel that may fall under one or several of the criteria referred to in Article 3(1);]
18. ‘joint fishing operation’ means any operation between two or more fishing vessels where catch is transferred from the fishing gear of one fishing vessel to another or where the technique used by those fishing vessels requires one common fishing gear;
19. ‘legal person’ means any legal entity having such status under the applicable national law, with the exception of [^{F16}‘states’] or public bodies in the exercise of [^{F16}‘state’] authority and public organisations;
20. ‘risk’ means the likelihood of an event that may occur, with regard to fishery products imported into or exported from the territory of the [^{F17}United Kingdom], which prevents the correct application of this Regulation or of the conservation and management measures;
21. ‘risk management’ means the systematic identification of risk and the implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescribing and taking action, and regular monitoring and review of the process and its outcomes, based on international ^{F18}... or national sources or strategies;
22. ‘high seas’ means all the part of the sea as defined in Article 86 of the United Nations Convention of the Law of the Sea (Unclos);
23. ‘consignment’ means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee.

Textual Amendments

- F4** Words in Art. 2(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(3)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 2(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(3)(a); 2020 c. 1, Sch. 5 para. 1(1)

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- F6** Art. 2(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 2(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 2(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 2(11) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 2(11) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in Art. 2(12) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(13) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Art. 2(14) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in Art. 2(16) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 2(17) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 2(19) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 2(20) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(k)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in Art. 2(21) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(3)(l)**; 2020 c. 1, **Sch. 5 para. 1(1)**

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 [^{F19}state] or the relevant coastal [^{F19}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 ^{F20}... rules; or

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- 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 [^{F21}United Kingdom] 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 [^{F22}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 be determined by the competent authority of [^{F23}a fisheries administration], taking into account the criteria such as the damage done, its value, the extent of the infringement or its repetition.

Textual Amendments

- F19** Word in Art. 3(1)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Word in Art. 3(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, **9(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 3(1)(j) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in Art. 3(1)(k) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 3(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Ch. 1 applied (with modifications) (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1599), regs. 1(3), **5**

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CHAPTER II **U.K.**

INSPECTIONS OF THIRD COUNTRY FISHING VESSELS IN ^{F24}UNITED KINGDOM] PORTS

SECTION 1 **U.K.**

Conditions for access to port by third country fishing vessels

Article 4 **U.K.**

Inspection in port schemes

1 With a view to prevent, deter and eliminate IUU fishing, an effective scheme of inspections in port for third country fishing vessels calling at the ports of ^{F25}the United Kingdom] shall be maintained.

2 Access to ports of ^{F26}the United Kingdom], the provision of port services, and the conduct of landing or transhipment operations in such ports shall be prohibited for third country fishing vessels unless they meet the requirements laid down in this Regulation, except in cases of *force majeure* or distress within the meaning of Article 18 of the Unclos (*force majeure* or distress) for services strictly necessary to remedy those situations.

3 Transhipments between third country fishing vessels or between the latter and ^{F27}United Kingdom fishing vessels] shall be prohibited in ^{F28}United Kingdom] waters and shall take place only in port, in accordance with the provisions of this Chapter.

4 ^{F29}United Kingdom fishing vessels] shall not be authorised to tranship at sea catches from third country fishing vessels outside ^{F30}United Kingdom] waters unless the fishing vessels are registered as carrier vessels under the auspices of a regional fisheries management organisation.

Textual Amendments

- F25** Words in Art. 4(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 4(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 4(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 4(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** 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, **9(6)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** 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, **9(6)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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Article 5 **U.K.**

Designated ports

1 [^{F31}A fisheries administration must] designate ports, or places close to the shore, where landings or transshipment operations of fishery products and port services referred to in Article 4(2) are permitted.

2 Access to port services and the conduct of landing or transshipment operations by third country fishing vessels shall be authorised only in designated ports.

[^{F32} A fisheries administration must publish on a website that is accessible to the public a list of ports, or places close to the shore, designated under paragraph 1.]

^{F33}4

Textual Amendments

- F31** Words in Art. 5(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(7)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Art. 5(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(7)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Art. 5(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(7)(c); 2020 c. 1, Sch. 5 para. 1(1)

Article 6 **U.K.**

Prior notice

1 Masters of third country fishing vessels or their representatives shall notify the competent authorities of [^{F34}a fisheries administration when they wish to use a port or landing facility designated under Article 5] at least three working days before the estimated time of arrival at the port, of the following information:

- a vessel identification;
- b name of the designated port of destination and the purposes of the call, landing, transshipment or access to services;
- c fishing authorisation or, where appropriate, authorisation to support fishing operations or to tranship fishery products;
- d dates of the fishing trip;
- e estimated date and time of arrival at port;
- f the quantities of each species retained on board or, where appropriate, a negative report;
- g the zone or zones where the catch was made or where transshipment took place, whether in [^{F35}United Kingdom] waters, in zones under the jurisdiction or sovereignty of a third country or on the high seas;
- h the quantities for each species to be landed or transhipped.

Masters of third country fishing vessels or their representatives shall be exempted from notifying information contained in points (a), (c), (d), (g) and (h), where a catch certificate has been validated in accordance with Chapter III for the full catch to be landed or transhipped in the [^{F36}United Kingdom].

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2 The notification set out in paragraph 1 shall be accompanied by a catch certificate validated in accordance with Chapter III if the third country fishing vessel carries on board fishery products. The provisions laid down in [^{X1}Article 13] on the recognition of catch documents or port State control forms which are part of catch documentation or port State control schemes adopted by regional fisheries management organisations shall apply *mutatis mutandis*.

3 [^{F37}A fisheries administration may, by regulations,] exempt certain categories of third country fishing vessels from the obligation stipulated 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 product, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.

4 This Article shall apply without prejudice to special provisions set forth in fisheries agreements concluded between the [^{F38}United Kingdom] and third countries.

Editorial Information

- X1** Substituted by Corrigendum to 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 (Official Journal of the European Union L 286 of 29 October 2008).

Textual Amendments

- F34** 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, **9(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 6(1)(g) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** 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, **9(8)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 6(3) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** 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, **9(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 7 **U.K.**

Authorisation

1 Without prejudice to point 5 of Article 37, a third country fishing vessel shall be granted authorisation to access the port only if the information set out in Article 6(1) is complete and, if the third country vessel carries on board fishery products, is accompanied by the catch certificate referred to in Article 6(2).

2 Authorisation to commence landing or transshipment operations in port shall be subject to a check to determine the completeness of the information submitted as prescribed in paragraph 1 and, where appropriate, to an inspection carried out in accordance with Section 2.

3 By way of derogation to paragraphs 1 and 2 of this Article [^{F39}a fisheries administration] may authorise port access and all or part of a landing in cases where the information set out in Article 6(1) is not complete or its check or verification is pending, but

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shall, in such cases, keep the fishery products concerned in storage under the control of the competent authorities. The fishery products shall only be released to be sold, taken over or transported once the information set out in Article 6(1) has been received or the checking or verification process is completed. If this process is not completed within 14 days of the landing, [^{F39}a fisheries administration] may confiscate and dispose of the fishery products in accordance with [^{F40}applicable law]. The cost of storage shall be borne by the operators.

Textual Amendments

- F39** Words in Art. 7(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(9)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 7(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(9)(b); 2020 c. 1, Sch. 5 para. 1(1)

Article 8 **U.K.**

Recording of landing or transhipment operations

1 Masters of third country fishing vessels or their representative shall submit to the authorities of [^{F41}a fisheries administration, in circumstances when they use landing or transhipment facilities in the United Kingdom], if possible by electronic means prior to landing or transhipment operations, a declaration indicating the quantity of fishery products by species to be landed or transhipped, and the date and place of each catch. Masters and their representatives shall be held responsible for the accuracy of such declarations.

2 [^{F42}A fisheries administration must] keep the originals of the declarations set out in paragraph 1, or a hard copy when transmitted electronically, for a period of three years or longer in accordance with national rules.

[^{F43} A fisheries administration may, by regulations, specify landing and transhipment declaration procedures and forms.

3A. Subject to paragraph 3B, the Secretary of State may, by regulations, specify landing and transhipment declaration procedures and forms.

3B. Where the exercise of the power to make regulations under paragraph 3 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 3A the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

^{F44}4

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

Textual Amendments

- F41** Words in Art. 8(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 8(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Art. 8(3)-(3B) substituted for Art. 8(3) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Art. 8(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

SECTION 2 **U.K.**

Port inspections

Article 9 **U.K.**

General principles

1 ^[F45] A fisheries administration must] carry out inspections in ^[F46]its] designated ports of at least 5 % of landing and transhipment operations by third country fishing vessels each year ^[F47]. A fisheries administration may, by regulations, specify benchmarks for such inspections determined on the basis of risk management. Benchmarks specified in regulations made under this paragraph are] without prejudice to the higher thresholds adopted by regional fisheries management organisations.

2 The following fishing vessels shall be inspected in all cases:

- ^{F48}a
^{F49}b
 c fishing vessels identified ^{F50}... as presumed to have engaged in IUU fishing in accordance with Article 25;
 d fishing vessels appearing in a IUU vessel list adopted by a regional fisheries management organisation notified to ^{F51}the United Kingdom].

Textual Amendments

- F45** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Word in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F48** Art. 9(2)(a) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Art. 9(2)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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

- F50** Words in Art. 9(2)(c) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(11)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 9(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(11)(c); 2020 c. 1, Sch. 5 para. 1(1)

Article 10 **U.K.**

Inspection procedure

1 Officials in charge of inspections (officials) shall be able to examine all relevant areas, decks and rooms of the fishing vessel, catches processed or not, nets or other gear, equipment and any relevant documents which officials deem it necessary to verify in compliance with applicable laws, regulations or international management and conservation measures. Officials may also question persons deemed to have information on the matter subject to inspection.

2 Inspections shall involve the monitoring of the entire landing or transshipment operations and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped.

3 Officials shall sign their inspection report in the presence of the master of the fishing vessel, who shall have the right to add or cause to be added any information that he considers relevant. Officials shall indicate in the logbook that an inspection has been made.

4 A copy of the inspection report shall be handed over to the master of the fishing vessel, who may forward it to the owner.

5 The master shall cooperate with and assist in the inspections of the fishing vessel and shall not obstruct, intimidate or interfere with the officials in the performance of their duties.

Article 11 **U.K.**

Procedure in the event of infringements

1 If the information collected during the inspection provides evidence to the official to believe that a fishing vessel has engaged in IUU fishing in accordance with the criteria set out in Article 3, the official shall:

- a record the suspected infringement in the inspection report;
- b take all necessary action to ensure safekeeping of the evidence pertaining to such suspected infringement;
- c immediately forward the inspection report to the competent authority.

2 If the results of the inspection provide evidence that a third country fishing vessel has engaged in IUU fishing in accordance with the criteria set out in Article 3, [^{F52}a fisheries administration] shall not authorise such vessels to land or tranship their catch.

3 The [^{F53}fisheries administration must] immediately notify its decision not to authorise landing or transshipment operations taken in accordance with paragraph 2, accompanied by a copy of the inspection report, to ^{F54}... the competent authority of the flag [^{F55}state] of the inspected fishing vessel with a copy to the flag [^{F55}state] or [^{F55}states] of donor vessels where the inspected fishing vessel has engaged in transshipment operations. Where appropriate, a copy of the notification shall also be communicated to the Executive Secretary of the regional fisheries management organisation in whose area of competence the catch was made.

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

[^{F56} Where the suspected breach has taken place in the high seas, and the United Kingdom is the port state, a fisheries administration must co-operate with the flag state in carrying out an investigation into it and, where appropriate, must apply the sanctions provided for under the law applying in the relevant part of the United Kingdom, under the condition that, in accordance with international law, that flag state has expressly agreed to transfer its jurisdiction. In addition, where the suspected breach has taken place in the maritime waters of a third country, a fisheries administration must also co-operate with the coastal state in carrying out an investigation into it and, where appropriate, must apply the sanctions provided for under the law applying in the relevant part of the United Kingdom, under the condition that, in accordance with international law, that coastal state has expressly agreed to transfer its jurisdiction.]

Textual Amendments

- F52** Words in Art. 11(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 11(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 11(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Word in Art. 9(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Art. 11(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(12)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F24** Words in Ch. 2 heading substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C2** Ch. 2 applied (with modifications) (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(3), **5**

CHAPTER III **U.K.**

CATCH CERTIFICATION SCHEME FOR IMPORTATION AND EXPORTATION OF FISHERY PRODUCTS

Article 12 **U.K.**

Catch certificates

1 The importation into the [^{F57}United Kingdom] of fishery products obtained from IUU fishing shall be prohibited.

2 [^{F58}Subject to paragraph 2A] to ensure the effectiveness of the prohibition established in paragraph 1, fishery products shall only be imported into the [^{F59}United Kingdom] when accompanied by a catch certificate in conformity with this Regulation.

[^{F60}2A. Catches made by fishing vessels registered under the law of the Isle of Man or any of the Channel Islands which are imported into the United Kingdom are not required to be accompanied by a catch certificate.]

3 The catch certificate referred to in paragraph 2 shall be validated by the flag [^{F61}state] of the fishing vessel or fishing vessels which made the catches from which the fishery products have been obtained. It shall be used to certify that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures.

4 The catch certificate shall contain all the information specified in the specimen shown in Annex II, and shall be validated by a public authority of the flag [^{F62}state] with the necessary powers to attest the accuracy of the information. ^{F63} ...

[^{F64}4A. The Secretary of State may enter into arrangements with other flags states to the effect that, for fisheries products obtained from catches made by fishing vessels flying the flag of the state in question, the catch certificate may be—

- (a) in a form which does not contain all of the information specified in the specimen shown in Annex 2; or
- (b) replaced by electronic traceability systems,

provided the Secretary of State is satisfied that the same level of control by authorities is ensured.

4B. Before entering into arrangements under paragraph 4A, the Secretary of State must consult—

- (a) the Scottish Ministers;
- (b) the Welsh Ministers; and
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

[^{F65}5 A fisheries administration may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

6. Subject to paragraph 7, the Secretary of State may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

7. Where the exercise of the power to make regulations under paragraph 5 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 6 the Secretary of State must obtain the consent of—

- (a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
- (b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
- (c) the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

Textual Amendments

F57 Words in Art. 12(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(13)(a); 2020 c. 1, Sch. 5 para. 1(1)

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

- F58** Words in Art. 12(2) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 12(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F60** Art. 12(2A) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F61** Word in Art. 12(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F62** Word in Art. 12(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in Art. 12(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(13)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Art. 12(4A)(4B) inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F65** Art. 12(5)-(7) substituted for Art. 12(5) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13 **U.K.**

Catch documentation schemes agreed and in force in the framework of a regional fisheries management organisation

1 Catch documents, and any related documents, validated in conformity with catch documentation schemes adopted by a regional fisheries management organisation which are recognised as complying with the requirements laid down in this Regulation, shall be accepted as catch certificates in respect of the fishery products from species to which such catch documentation schemes apply and shall be subject to the check and verification requirements incumbent upon ^{F66}a fisheries administration, when the fishery products are to be imported into the United Kingdom] in accordance with Articles 16 and 17 and to the provisions on refusal of importation laid down in Article 18. ^{F67}...

^{F68}2 Paragraph 1 is without prejudice to any enactment implementing such catch documentation schemes in the United Kingdom.]

Textual Amendments

- F66** Words in Art. 13(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(14)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F67** Words in Art. 13(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(14)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F68** Art. 13(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 14 **U.K.**

Indirect importation of fishery products

1 In order to import fishery products constituting one single consignment, transported in the same form to the [F⁶⁹United Kingdom] from a third country [F⁷⁰...], the importer shall submit to [F⁷¹a fisheries administration]:

- a the catch certificate(s) validated by the flag [F⁷²state]; and
- b documented evidence that the fishery products did not undergo operations other than unloading, reloading or any operation designed to preserve them in good and genuine condition, and remained under the surveillance of the competent authorities in that third country.

Documented evidence shall be provided by means of:

- (i) where appropriate, the single transport document issued to cover the passage from the territory of the flag [F⁷³state] through that third country; or
- (ii) a document issued by the competent authorities of that third country:
 - giving an exact description of the fishery products, the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used, and
 - indicating the conditions under which the fishery products remained in that third country.

Where the species concerned are subject to a regional fisheries management organisation catch documentation scheme which has been recognised under Article 13, the documents referred to above may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country has fulfilled its notification requirements accordingly.

2 In order to import fishery products constituting one single consignment and which have been processed in a third country other than the flag [F⁷⁴state], the importer shall submit to [F⁷⁵a fisheries administration] a statement established by the processing plant in that third country and endorsed by its competent authorities in accordance with the form in Annex IV:

- a giving an exact description of the unprocessed and processed products and their respective quantities;
- b indicating that the processed products have been processed in that third country from catches accompanied by catch certificate(s) validated by the flag [F⁷⁴state]; and
- c accompanied by:
 - i the original catch certificate(s) where the totality of the catches concerned has been used for the processing of the fishery products exported in a single consignment; or
 - ii a copy of the original catch certificate(s), where part of the catches concerned has been used for the processing of the fishery products exported in a single consignment.

Where the species concerned are subject to a regional fisheries management organisations catch documentation scheme which has been recognised under Article 13, the statement may be replaced by the re-export certificate of that catch documentation scheme, provided that the third country of processing has fulfilled its notification requirements accordingly.

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

F763

Textual Amendments

- F69** Words in Art. 14(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in Art. 14(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- 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, **9(15)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F72** Word in Art. 14(1)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Word in Art. 14(b)(i) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F74** Word in Art. 14(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in Art. 14(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F76** Art. 14(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(15)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 15 **U.K.**

Exportation of catches made by [^{F77}United Kingdom fishing vessels]

1 [^{F78}Where the Secretary of State has entered into arrangements under paragraph 3, the] exportation of catches made by [^{F79}United Kingdom fishing vessels] shall be subject to the validation of a catch certificate by the competent authorities of [^{F80}a fisheries administration], as established in Article 12(4) ^{F81}....

F822

[^{F83}3. The Secretary of State may enter into arrangements with other states to the effect that exports of fisheries products obtained from catches made by United Kingdom fishing vessels to the state in question will be subject to the validation of a catch certificate.

4. Before entering into arrangements under paragraph 3, the Secretary of State must consult—

- (a) the Scottish Ministers;
- (b) the Welsh Ministers; and
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.]

Textual Amendments

- F77** Words in Art. 15 heading substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Words in Art. 15(1) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in Art. 15(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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

- F80** Words in Art. 15(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 15(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Art. 15(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(16)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Art. 15(3)(4) inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **41(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 16 **U.K.**

Submission and checks of catch certificates

1 The validated catch certificate shall be submitted by the importer to the competent authorities of [^{F84}a fisheries administration] at least three working days before the estimated time of arrival at the place of entry into the territory of the [^{F85}United Kingdom]. The deadline of three working days may be adapted according to the type of fishery product, the distance to the place of entry into the territory of the [^{F85}United Kingdom] or the transport means used. Those competent authorities shall, on the basis of risk management, check the catch certificate in the light of the information provided in the notification received from the flag [^{F86}state] in accordance with [^{F87}Article 20].

2 By way of derogation to paragraph 1, importers who have been granted the status of approved economic operator may advise the competent authorities of [^{F88}a fisheries administration] of the arrival of the products within the deadline referred to in paragraph 1 and keep the validated catch certificate and related documents as referred to in Article 14 available to the authorities for the purposes of checks in accordance with paragraph 1 of this Article or verifications in accordance with Article 17.

3 The criteria for granting the status of approved economic operator to an importer by the competent authorities of a [^{F89}fisheries administration] shall include:

- a the establishment of the importer on the territory of [^{F90}the United Kingdom];
- b a sufficient number and volume of import operations to justify the implementation of the procedure referred to in paragraph 2;
- c an appropriate record of compliance with the requirements of conservation and management measures;
- d a satisfactory system of managing commercial and, where appropriate, transport and processing records, which enables the appropriate checks and verifications to be carried out for the purposes of this Regulation;
- e the existence of facilities with regard to the conduct of those checks and verifications;
- f where appropriate, practical standards of competence or professional qualifications directly related to the activities carried out; and
- g where appropriate, proven financial solvency.

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Textual Amendments

- F84** Words in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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

- F85** Words in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Word in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in Art. 16(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Words in Art. 16(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F89** Words in Art. 16(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in Art. 16(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F91** Words in Art. 16(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(17)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 16(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(6)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F93} Article 16A **U.K.**

Regulations relating to the status of approved economic operator

1. A fisheries administration may, by regulations, specify rules relating to the status of approved economic operator.
2. Subject to paragraph 3, the Secretary of State may, by regulations, specify rules relating to the status of approved economic operator
3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 the Secretary of State must obtain the consent of—
 - a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;
 - b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;
 - c the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) of that Regulation.]

Textual Amendments

- F93** Art. 16A inserted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(7)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 17 **U.K.**

Verifications

1 The competent authorities of [^{F94}a fisheries administration] may carry out all of the verifications they deem necessary to ensure that the provisions of this Regulation are correctly applied.

2 Verifications may, in particular, consist in examining the products, verifying declaration data and the existence and authenticity of documents, examining the accounts of operators and other records, inspecting means of transport, including containers and storage places of the products and carrying out official enquiries and other similar acts, in addition to the inspection of fishing vessels at port under Chapter II.

3 Verifications shall be focused towards risk identified on the basis of criteria developed at national ^{F95}... level under risk management. ^{F96}....

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

- a the verifying authority of [^{F97}a fisheries administration] has grounds to question the authenticity of the catch certificate itself, of the validation seal or of the signature of the relevant authority of the flag [^{F98}state]; or
- b the verifying authority of [^{F97}a fisheries administration] is in possession of information that questions the compliance by the fishing vessel with applicable laws, regulations or conservation and management measures, or the fulfilment of other requirements of this Regulation; or
- c fishing vessels, fishing companies or any other operators have been reported in connection with presumed IUU fishing, including those fishing vessels which have been reported to a regional fisheries management organisation under the terms of an instrument adopted by that organisation to establish lists of vessels presumed to have carried out illegal, unreported and unregulated fishing; or
- d flag [^{F99}states] or re-exporting countries have been reported to a regional fisheries management organisation under the terms of an instrument adopted by that organisation to implement trade measures vis-à-vis flag [^{F99}states]; or

^{F100}e

5 [^{F101}A fisheries administration] may decide to carry out verifications at random, in addition to the verifications referred to in paragraphs 3 and 4.

6 For the purpose of a verification, the competent authorities of a [^{F102}fisheries administration] may request the assistance of the competent authorities of the flag [^{F103}state] or of a third country other than the flag [^{F103}state] as referred to in Article 14, in which case:

- a the request for assistance shall state the reasons why the competent authorities of the [^{F104}fisheries administration] have well-founded doubts as to the validity of the certificate, of the statements contained therein and/or the compliance of the products with conservation and management measures. A copy of the catch certificate and any information or documents suggesting that the information on the certificate is inaccurate shall be forwarded in support of the request for assistance. The request shall be sent without delay to the competent authorities of the flag [^{F105}state] or of a third country other than the flag [^{F105}state] as referred to in Article 14;

^{F106}b

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

7 The release of the products onto the market shall be suspended while awaiting the results of the verification procedures referred to in paragraphs (1) to (6). The cost of storage shall be borne by the operator.

F107g

Textual Amendments

- F94** Words in Art. 17(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 17(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in Art. 17(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F97** Words in Art. 17(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F98** Word in Art. 17(4)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Word in Art. 17(4)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Art. 17(4)(e) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in Art. 17(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 17(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Word in Art. 17(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in Art. 17(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F105** Word in Art. 17(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Art. 17(6)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(e)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Art. 17(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(18)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 18 **U.K.**

Refusal of importation

1 The competent authorities of [^{F108}a fisheries administration must], where appropriate, refuse the importation into the [^{F109}United Kingdom] of fishery products without having to request any additional evidence or send a request for assistance to the flag [^{F110}state] where they become aware that:

- a the importer has not been able to submit a catch certificate for the products concerned or to fulfil his obligations under Article 16(1) or (2);
- b the products intended for importation are not the same as those mentioned in the catch certificate;
- c the catch certificate is not validated by the public authority of the flag [^{F110}state] referred to in Article 12(3);

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- d the catch certificate does not indicate all the required information;
- e the importer is not in a position to prove that the fishery products comply with the conditions of Article 14(1) or (2);
- f a fishing vessel figuring on the catch certificate as vessel of origin of the catches is included in the [^{F111}United Kingdom] IUU vessel list or in the IUU vessel lists [^{F112}adopted by regional fisheries management organisations];
- g the catch certificate has been validated by the authorities of a flag [^{F110}state] identified as a non-cooperating [^{F110}state] in accordance with Article 31.

2 The competent authorities of [^{F113}a fisheries administration must], where appropriate, refuse the importation of any fishery products into the [^{F114}United Kingdom], following a request for assistance pursuant to Article 17(6), where:

- a they have received a reply according to which the exporter was not entitled to request the validation of a catch certificate; or
- b they have received a reply according to which the products do not comply with the conservation and management measures, or other conditions under this Chapter are not met; or
- c they have not received a reply within the stipulated deadline; or
- d they have received a reply which does not provide pertinent answers to the questions raised in the request.

3 In the event that the importation of fishery products is refused pursuant to paragraphs 1 or 2, [^{F115}a fisheries administration] may confiscate and destroy, dispose of or sell such fishery products in accordance with national law. The profits from the sale may be used for charitable purposes.

4 Any person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraphs 1, 2 or 3 which concern him. ^{F116}...

[^{F1175} A fisheries administration must notify the flag state and, where appropriate, the third country other than the flag state as referred to in Article 14, of refusals of importation.]

Textual Amendments

- F108** Words in Art. 18(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F109** Words in Art. 18(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Word in Art. 18(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in Art. 18(1)(f) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(iv)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in Art. 18(1)(f) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(a)(iv)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F113** Words in Art. 18(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F114** Words in Art. 18(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F115** Words in Art. 18(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F116** Words in Art. 18(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

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

F117 Art. 18(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(19)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F118}Article 19 **U.K.**

Transit and transhipment

Textual Amendments

F118 Art. 19 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(20)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 20 **U.K.**

Flag State notifications and cooperation with third countries

1 The acceptance of catch certificates validated by a given flag [^{F119}state] for the purposes of this Regulation shall be subject to the condition that [^{F120}a fisheries administration] has received a notification from the flag [^{F119}state] concerned certifying that:

- a it has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures which must be complied with by its fishing vessels;
- b its public authorities are empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from [^{F121}a fisheries administration]. The notification shall also include the necessary information to identify those authorities.

2 The information to be given in the notification laid down in paragraph 1 is set forth in Annex III.

3 [^{F122}A fisheries administration must] inform the flag [^{F123}state] of the receipt of the notification sent pursuant to paragraph 1. If all elements mentioned in paragraph 1 are not provided by the flag [^{F123}state], [^{F122}a fisheries administration must] indicate to the flag [^{F123}state] which elements are missing and request that it provide a new notification.

^{F124}4

^{F125}5

Textual Amendments

F119 Word in Art. 20(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F120 Words in Art. 20(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F121 Words in Art. 20(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F122 Words in Art. 20(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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

- F123** Word in Art. 20(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F124** Art. 20(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F125** Art. 20(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(21)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 21 **U.K.**

Re-exportation

1 The re-exportation of products imported under a catch certificate in accordance with this Chapter shall be authorised through the validation by the competent authorities of [^{F126}a fisheries administration] of the section ‘re-export’ of the catch certificate or a copy thereof where the fishery products to be re-exported are a part of the products imported.

2 The procedure defined in Article 16(2) shall apply *mutatis mutandis* where the fishery products are re-exported by an approved economic operator.

^{F127}3

Textual Amendments

- F126** Words in Art. 21(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(22)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F127** Art. 21(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(22)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 22 **U.K.**

Record keeping and dissemination

^{F128}1

^{F128}2

^{F128}3

4 [^{F129}A fisheries administration must] keep originals of the catch certificates submitted for importation, the catch certificates validated for exportation and the validated re-export sections of catch certificates for a period of three years or longer ^{F130}

5 Approved economic operators shall keep the original of the documents referred to in paragraph 4 for a period of three years or longer ^{F131}

Textual Amendments

- F128** Art. 22(1)-(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F129** Words in Art. 22(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(23)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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

F130 Words in Art. 22(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(23)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F131 Words in Art. 22(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(23)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F132}CHAPTER IV **U.K.**

COMMUNITY ALERT SYSTEM

^{F132}Article 23 **U.K.**

Issuance of alerts

^{F132}Article 24 **U.K.**

Action following issuance of alerts

Textual Amendments

F132 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, **9(24)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER V **U.K.**

IDENTIFICATION OF FISHING VESSELS ENGAGED IN IUU FISHING

Article 25 **U.K.**

Alleged IUU fishing

- 1 ^{F133}A fisheries administration], or a body designated by it, shall compile and analyse:
 - a all information on IUU fishing obtained in accordance with Chapters II, III, IV, VIII, X and XI; and/or
 - b any other relevant information, as appropriate, such as:
 - (i) the catch data;
 - (ii) trade information obtained from national statistics and other reliable sources;
 - (iii) vessel registers and databases;
 - (iv) regional fisheries management organisation catch documents or statistical document programmes;

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

- (v) reports on sightings or other activities of fishing vessels presumed to be engaged in IUU fishing as referred to in Article 3 and IUU vessel lists reported or adopted by regional fisheries management organisations;
- (vi) reports under the terms of [F134 Council Regulation 1224/2009] on fishing vessels presumed to be engaged in IUU fishing as referred to in Article 3;
- (vii) any other relevant information obtained, *inter alia*, in the ports and on the fishing grounds.

F135²

3 [F136 A fisheries administration], or a body designated by it, shall keep a file in respect of each fishing vessel reported as allegedly involved in IUU fishing which shall be updated as new information is obtained.

[F137 4. A fisheries administration must share the contents of the file it keeps under paragraph 3 with the other fisheries administrations and inform them each time the file is updated by providing the details of each update.]

Textual Amendments

F133 Words in Art. 25(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(25)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)

F134 Words in Art. 25(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(25)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)

F135 Art. 25(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(25)(b); 2020 c. 1, Sch. 5 para. 1(1)

F136 Words in Art. 25(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(25)(c); 2020 c. 1, Sch. 5 para. 1(1)

F137 Art. 25(4) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(25)(d); 2020 c. 1, Sch. 5 para. 1(1)

Article 26 U.K.

Presumed IUU fishing

1 [F138 A fisheries administration must] identify fishing vessels for which sufficient information has been obtained in accordance with Article 25 to presume that such fishing vessels may be engaged in IUU fishing, warranting an official enquiry with the flag [F139 state] concerned.

[F140 1A A fisheries administration must inform the other fisheries administrations on each occasion it identifies a vessel which it believes should be subject to an official enquiry in accordance with this Article.

1B. In order to avoid duplication and any potential differences in information presented as part of an official enquiry, a fisheries administration must, jointly with the other fisheries administrations, agree—

- a whether an official enquiry should be carried out in respect of a vessel identified under paragraph 1; and
- b the information which should be presented as part of any official enquiry agreed to be carried out under paragraph (a).]

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

2 ^{F141}The Secretary of State must] notify flag ^{F142}states] whose fishing vessels are ^{F143}agreed pursuant to paragraph 1B(a)] of an official request for an enquiry into the alleged IUU fishing of their flagged vessels concerned. The notification shall:

- a provide all information gathered ^{F144}, and agreed pursuant to paragraph 1B(b),] on alleged IUU fishing;
- b issue an official request to the flag ^{F145}state] that it takes all the necessary measures to investigate the alleged IUU fishing and share the results of this investigation with the ^{F146}Secretary of State] on a timely basis;
- c issue an official request to the flag ^{F147}state] to take immediate enforcement action should the allegation formulated against the fishing vessel concerned be proven to be founded, and to inform the ^{F148}Secretary of State] of the measures taken;
- d ask the flag ^{F149}state] to notify the owner and, where appropriate, the operator of the fishing vessel concerned of the detailed statement of reasons for the intended listing and of the consequences which would result should the fishing vessel be included in the ^{F150}United Kingdom] IUU vessel list, as laid down in Article 37. Flag ^{F151}states] shall also be requested to provide information to the ^{F152}Secretary of State] as to the fishing vessel's owners and, where appropriate, operators so as to ensure that such persons can be heard, in accordance with Article 27(2);
- e advise the flag ^{F153}state] on the provisions in Chapters VI and VII.

^{F154}3

^{F155}4

Textual Amendments

F138 Words in Art. 26(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F139 Word in Art. 26(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F140 Art. 26(1A)(1B) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F141 Words in Art. 26(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F142 Word in Art. 26(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F143 Words in Art. 26(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F144 Words in Art. 26(2)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

F145 Word in Art. 26(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(v)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

F146 Words in Art. 26(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(v)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

F147 Word in Art. 26(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vi)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

F148 Words in Art. 26(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vi)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

F149 Word in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

F150 Words in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

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

- F151** Word in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F152** Words in Art. 26(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(vii)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)
- F153** Word in Art. 26(2)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(c)(viii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F154** 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, **9(26)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F155** Art. 26(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(26)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 27 **U.K.**

Establishment of the [^{F156}United Kingdom] IUU vessel list

^{F157} The United Kingdom IUU vessel list is, subject to any amendments made by virtue of this Article or Article 28, the list contained in Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

1A. The Secretary of State may, by regulations, amend the United Kingdom IUU vessel list to include any vessel—

- a included in an IUU vessel list adopted by a regional fisheries management organisation;
- b in relation to which, further to measures taken pursuant to Articles 25 and 26, the information obtained in accordance with this Regulation establishes is engaged in IUU fishing; and
- c whose flag state has not complied with the official request referred to in Article 26(2) (b) and (c) in response to an allegation of IUU fishing.

1B. The remaining paragraphs of this Article apply to the inclusion of a vessel on the United Kingdom IUU vessel list under points (b) and (c) of paragraph 1A.]

2 Before placing any fishing vessel on the [^{F158}United Kingdom] IUU vessel list, the [^{F159}Secretary of State must] provide the owner and, where appropriate, the operator of the fishing vessel concerned with a detailed statement of reasons for the intended listing and with all elements supporting the suspicion that the fishing vessel has carried out IUU fishing. The statement shall mention the right to ask for or to provide additional information, and give the owner, and, where appropriate, the operator the possibility of being heard and to defend their case, leaving them adequate time and facilities.

3 When a decision is taken to place a fishing vessel on the [^{F160}United Kingdom] IUU vessel list, the [^{F161}Secretary of State must] notify that decision, and the reasons for it, to the owner and, where appropriate, the operator of the fishing vessel.

4 The obligations imposed on the [^{F162}Secretary of State] by paragraphs 2 and 3 shall apply without prejudice to the primary responsibility of the flag [^{F163}state] over the fishing vessel, and only in so far as the relevant information on the identification of the fishing vessel owner and operator is at the disposal of the [^{F162}Secretary of State].

5 The [^{F164}Secretary of State must] notify the flag [^{F165}state] of the inclusion of the fishing vessel on the [^{F166}United Kingdom] IUU vessel list and shall provide the flag [^{F165}state] with the detailed reasons for listing.

6 The [^{F167}Secretary of State must] request flag [^{F168}states] with fishing vessels on the [^{F169}United Kingdom] IUU vessel list to:

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

- a notify the owner of the fishing vessel of its inclusion on the [^{F170}United Kingdom] IUU vessel list, of the reasons justifying this inclusion and of the consequences resulting from it, as laid down in Article 37; and
- b take all the necessary measures to eliminate IUU fishing, including, if necessary, the withdrawal of the registration or the fishing licences of the fishing vessels concerned, and to inform the [^{F171}Secretary of State] of the measures taken.

F172⁷

F173⁸

Textual Amendments

- F156** Words in Art. 27 heading substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F157** Art. 27(1)-(1B) substituted for Art. 27(1) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(8)**; 2020 c. 1, Sch. 5 para. 1(1)
- F158** 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, **9(27)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F159** 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, **9(27)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F160** Words in Art. 27(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F161** Words in Art. 27(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F162** Words in Art. 27(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F163** Word in Art. 27(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F164** Words in Art. 27(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F165** Word in Art. 27(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F166** Words in Art. 27(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F167** Words in Art. 27(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F168** Word in Art. 27(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F169** Words in Art. 27(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F170** Words in Art. 27(6)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F171** Words in Art. 27(6)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(f)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F172** Art. 27 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F173** Art. 28 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(27)(g)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F174} Article 28 **U.K.**

Removal of fishing vessels from the United Kingdom IUU vessel list

1 Subject to paragraphs 2 and 3, the Secretary of State may, by regulations, remove a fishing vessel from the United Kingdom IUU vessel list in accordance with the provisions of paragraphs 4 to 7.

2 Where a vessel was added to the United Kingdom IUU vessel list because it was included in an IUU vessel list adopted by a regional fisheries management organisation, the Secretary of State must have regard to any decisions taken with regard to that vessel by the relevant regional fisheries management organisation when making any decision regarding the removal of that vessel from the United Kingdom IUU vessel list.

3 The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.

4. The Secretary of State may remove a fishing vessel under paragraph 1 if the Secretary of State is satisfied that the vessel's flag state has demonstrated that—

- a the vessel did not engage in any of the IUU fishing activities for which it was placed on the list; or
- b proportionate, dissuasive and effective sanctions have been applied in response to the IUU fishing activities in question.

5. The owner or, where appropriate, the operator of a fishing vessel included on the United Kingdom IUU vessel list may submit a request to the Secretary of State to review the status of that vessel in case of inaction by the flag state under paragraph 4.

6. Where a request is submitted under paragraph 4, the Secretary of State may consider the removal of a fishing vessel under paragraph 1 if the owner or operator provides evidence as to the fact that the fishing vessel—

- a is no longer engaged in IUU fishing; or
- b has sunk or has been scrapped.

7. In all other cases, the Secretary of State may only consider removing a fishing vessel under paragraph 1 if the following conditions are fulfilled—

- a at least two years have elapsed since the fishing vessel was included on the United Kingdom IUU vessel list during which no further reports of alleged IUU fishing by the vessel have been received by a fisheries administration in accordance with Article 25;
- b the owner submits information relating to the current operation of the fishing vessel that demonstrates that it is operating in full conformity with relevant United Kingdom and international laws and any conservation and management measures that apply to any fisheries in which it is participating; and
- c the fishing vessel concerned, its owner or operator, maintain no operational or financial links, whether direct or indirect, with any other vessel, owner or operator presumed or confirmed to be engaged in IUU fishing.]

Textual Amendments

F174 Art. 28 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(9)**; 2020 c. 1, Sch. 5 para. 1(1)

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

Article 29 **U.K.**

[^{F175}Content and publicity of the United Kingdom IUU vessel list]

1 [^{F176}Regulations made by the Secretary of State under Article 27(1A) must contain the following information for each vessel included on the United Kingdom IUU vessel list—]

- a name and previous names, if any;
- b flag and previous flags, if any;
- c owner and where relevant previous owners, including beneficial owners, if any;
- d operator and where relevant previous operators, if any;
- e call sign and previous call signs, if any;
- f Lloyds/IMO number, where available;
- g photographs, where available;
- h date of first inclusion on it;
- i summary of activities which justify inclusion of the vessel on it, together with references to all relevant documents informing of and evidencing those activities.

[^{F1772} The Secretary of State must take such measures as the Secretary of State feels necessary to ensure the publicity of the United Kingdom IUU vessel list as amended from time to time under Article 27(1A) or Article 28. In particular, the Secretary of State must publish the vessel list on a website that is accessible to the public.]

^{F1783}

Textual Amendments

F175 Art. 29 heading substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F176 Words in Art. 29(1) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F177 Art. 29(2) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F178 Art. 29(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(10)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F179}Article 30 **U.K.**

IUU vessel lists adopted by regional fisheries management organisations

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Textual Amendments

F179 Art. 30 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(28)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C3** Ch. 5 applied (with modifications) (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(3), 5)

CHAPTER VI **U.K.**

NON-COOPERATING THIRD COUNTRIES

Article 31 **U.K.**

Identification of non-cooperating third countries

^[F180] A fisheries administration must, jointly with the other fisheries administrations, agree—

- a whether a particular country should be identified as a non-cooperating third country in fighting IUU fishing and therefore notified by the Secretary of State in accordance with Article 32; and
- b the reason, or reasons for any identification and the supporting evidence that should be submitted with any notification under Article 32.]

2 The identification set out in paragraph 1 shall be based on the review of all information obtained pursuant to Chapters II, III, IV, V, VIII, X and XI, or, as appropriate, any other relevant information, such as the catch data, trade information obtained from national statistics and other reliable sources, vessel registers and databases, catch documents or statistical document programmes and IUU vessel lists adopted by regional fisheries management organisations, as well as any other information obtained in the ports and on the fishing grounds.

3 A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market ^[F181]state], to take action to prevent, deter and eliminate IUU fishing.

4 For the purposes of paragraph 3, ^[F182]a fisheries administration must] primarily rely on the examination of measures taken by the third country concerned in respect of:

- a recurrent IUU fishing suitably documented as carried out or supported by fishing vessels flying its flag or by its nationals, or by fishing vessels operating in its maritime waters or using its ports; or
- b access of fisheries products stemming from IUU fishing to its market.

5 For the purposes of paragraph 3, ^[F183]a fisheries administration must] take into account:

- ^[F184]a whether the country concerned effectively cooperates with the United Kingdom, by providing a response to requests made by a fisheries administration to investigate, provide feedback or follow-up to IUU fishing and associated activities;]
- b whether the third country concerned has taken effective enforcement measures in respect of the operators responsible for IUU fishing, and in particular whether sanctions of sufficient severity to deprive the offenders of the benefits accruing from IUU fishing have been applied;
- c the history, nature, circumstances, extent and gravity of the manifestations of IUU fishing considered;
- d for developing countries, the existing capacity of their competent authorities.

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

6 For the purposes of paragraph 3, [F185 a fisheries administration must] also consider the following elements:

- a the ratification of, or accession of the third countries concerned to, international fisheries instruments, and in particular the Unclos, the UN Fish Stocks Agreement and the FAO Compliance Agreement;
- b the status of the third country concerned as a contracting party to regional fisheries management organisations, or its agreement to apply the conservation and management measures adopted by them;
- c any act or omission by the third country concerned that may have diminished the effectiveness of applicable laws, regulations or international conservation and management measures.

7 Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article.

Textual Amendments

- F180** Art. 31(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F181** Word in Art. 31(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(b); 2020 c. 1, Sch. 5 para. 1(1)
- F182** Words in Art. 31(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F183** Words in Art. 31(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(d)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F184** Art. 31(5)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(d)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F185** Words in Art. 31(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(29)(e); 2020 c. 1, Sch. 5 para. 1(1)

Article 32 U.K.

F186 ... Countries identified as non-cooperating third countries

1 [F187 The Secretary of State must, without delay, notify any country identified in accordance with Article 31(1). The Secretary of State must include in the notification the following information—]

- a the reason or reasons for the identification with all available supporting evidence;
- b the opportunity to respond to the [F188 Secretary of State] in writing with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action to improve and the measures taken to rectify the situation;
- c the right to ask for, or to provide, additional information;
- d the consequences of its identification as non-cooperating third country, as provided in Article 38.

2 The [F189 Secretary of State must] also include in the notification referred to in paragraph 1 a request that the third country concerned take any necessary measures for the cessation of the IUU fishing activities in question and the prevention of any future such activities, and rectify any act or omission referred to in Article 31(6)(c).

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

3 The [F190Secretary of State must], by more than one means of communication, transmit its notification and request to the third country concerned. The [F190Secretary of State must] seek to obtain confirmation from that country that it has received the notification.

4 The [F191Secretary of State must] give to the third country concerned adequate time to answer the notification and a reasonable time to remedy the situation.

Textual Amendments

- F186** Words in Art. 32 heading omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F187** Words in Art. 32(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F188** Words in Art. 32(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F189** Words in Art. 32(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F190** Words in Art. 32(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F191** Words in Art. 32(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(30)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

[F192Article 33 **U.K.**

Establishment of a list of non-cooperating countries

1 Subject to paragraph 2, the Secretary of State may, by regulations, amend the United Kingdom list of non-cooperating countries to add any country to the list as a result of the provisions of Articles 31 and 32.

2 The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.

3 The Secretary of State must, without delay, notify any country added to the United Kingdom list of non-cooperating countries by regulations made under paragraph 1 of—

- a its inclusion on the list, and
- b the measures applied in accordance with Article 38,

and request the country to rectify the current situation and to advise on the measures taken to ensure compliance with conservation and management measures by its fishing vessels.

4. The “United Kingdom list of non-cooperating countries” is the list contained in Council Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 subject to any amendments made by virtue of this Article or Article 34.]

Textual Amendments

- F192** Art. 33 substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(11)**; 2020 c. 1, Sch. 5 para. 1(1)

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

^{F193} Article 34 U.K.

Removal from the list of non-cooperating countries

1 The Secretary of State may, by regulations, remove a country from the United Kingdom list of non-cooperating countries where the Secretary of State is satisfied that the country has demonstrated that the situation that warranted its inclusion on the list has been rectified.

2 In reaching a decision under paragraph 1, the Secretary of State must take into consideration whether the country concerned has taken concrete measures capable of achieving the lasting improvement of the situation.

3. The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.]

Textual Amendments

F193 Art. 34 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(11)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F194} Article 35 U.K.

Publicity of the list of non-cooperating third countries

The Secretary of State must take such measures as the Secretary of State feels necessary to ensure the publicity of any list of non-cooperating third countries contained in regulations made under Article 33(1). In particular, the Secretary of State must publish the list on a website that is accessible to the public.]

Textual Amendments

F194 Art. 35 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(31)** (as amended by S.I. 2019/1312, regs. 1(2), **8(3)**); 2020 c. 1, Sch. 5 para. 1(1)

Article 36 U.K.

Emergency measures

^{F1951} If there is evidence that the measures adopted by a third country undermine the conservation and management measures adopted by a regional fisheries management organisation, a fisheries administration may adopt, in line with the international obligations of the United Kingdom, emergency measures which must last no more than six months. A fisheries administration may take a new decision to extend the emergency measures for no more than six months.]

2 The emergency measures referred to in paragraph 1 may include, *inter alia*, that:

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

- a fishing vessels authorised to fish and flying the flag of the third country concerned shall not be granted access to the ports of [^{F196}the United Kingdom], except in case of *force majeure* or distress as referred to in Article 4(2) for services strictly necessary to remedy those situations;
- b [^{F197}United Kingdom fishing vessels] shall not be authorised to engage in joint fishing operations with vessels flying the flag of the third country concerned;
- c [^{F198}United Kingdom fishing vessels] shall not be authorised to fish in maritime waters under the jurisdiction of the third country concerned, without prejudice to the provisions set out in bilateral fishing agreements;
- d provision of live fish for fish farming in maritime waters under the jurisdiction of the third country concerned shall not be authorised;
- e live fish caught by fishing vessels flying the flag of the third country concerned shall not be accepted for the purposes of fish farming in [^{F199}United Kingdom waters].

[^{F200}3 Emergency measures have immediate effect. A fisheries administration must notify the country concerned and publish the measures on a website that is accessible to the public.]

^{F201}4

^{F202}5

Textual Amendments

- F195** Art. 36(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F196** Words in Art. 36(2)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F197** Words in Art. 36(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F198** Words in Art. 36(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F199** Words in Art. 36(2)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F200** Art. 36(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F201** Art. 36(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F202** Art. 36(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(32)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VII **U.K.**

MEASURES IN RESPECT OF FISHING VESSELS AND STATES INVOLVED IN IUU FISHING

Article 37 **U.K.**

Action in respect of fishing vessels included in the ^{F203}... IUU vessel list

The following measures shall apply to the fishing vessels included in the [^{F204}United Kingdom] IUU vessel list (IUU fishing vessels):

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

1. ^{F205} ...
2. current fishing authorisations or special fishing permits issued by [^{F206}a fisheries administration] in respect of IUU fishing vessels shall be withdrawn;
3. IUU fishing vessels ^{F207} ... shall not be authorised to fish in [^{F208}United Kingdom] waters and shall be prohibited to be chartered;
4. [^{F209}United Kingdom fishing vessels] shall not in any way assist, engage in fish processing operations or participate in any transshipment or joint fishing operations with IUU fishing vessels;
5. [^{F210}IUU fishing vessels must not be authorised to enter into a port in the United Kingdom, except in case of force majeure or distress. Alternatively, a fisheries administration may authorise the entry into a United Kingdom port on the condition that the catches on board and, where appropriate, fishing gear prohibited pursuant to conservation and management measures adopted by regional fisheries management organisations, are confiscated. A fisheries administration may also confiscate catches and, where appropriate, fishing gear prohibited pursuant to those measures, on board IUU fishing vessels which have been authorised to enter a United Kingdom port for reason of force majeure or distress.]
6. IUU fishing vessels ^{F211} ... shall not be supplied in ports with provisions, fuel or other services, except in case of *force majeure* or distress;
7. IUU fishing vessels ^{F212} ... shall not be authorised to change the crew, except as necessary in case of *force majeure* or distress;
8. ^{F213} ...
9. the importation of fishery products caught by IUU fishing vessels shall be prohibited, and accordingly catch certificates accompanying such products shall not be accepted or validated;
10. the exportation and re-exportation of fishery products from IUU fishing vessels for processing shall be prohibited;
11. IUU fishing vessels with no fish and crew on board shall be authorised to enter a port for its scrapping, but without prejudice to any prosecutions and sanctions imposed against that vessel and any legal or natural person concerned.

Textual Amendments

- F203** Word in Art. 37 heading omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F204** Words in Art. 37 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F205** Art. 37(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F206** Words in Art. 37(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F207** Words in Art. 37(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F208** Words in Art. 37(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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

- F209** Words in Art. 37(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F210** Art. 37(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F211** Words in Art. 37(6) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F212** Words in Art. 37(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F213** Art. 37(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(33)(j)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C4** Art. 37 applied (with modifications) (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1599), regs. 1(3), **5**

Article 38 **U.K.**

Action in respect of non-cooperating third countries

The following measures shall apply to non-cooperating third countries:

1. the importation into the [^{F214}United Kingdom] of fishery products caught by fishing vessels flying the flag of such countries shall be prohibited, and accordingly catch certificates accompanying such products shall not be accepted. In the event that the identification of a non-cooperating third country pursuant to Article 31 is justified by the lack of appropriate measures adopted by this third country in relation to IUU fishing affecting a given stock or species, the prohibition of importation may only apply in respect of this stock or species;
2. the purchase by [^{F215}United Kingdom] operators of a fishing vessel flying the flag of such countries shall be prohibited;
3. [^{F216}the reflagging of a United Kingdom fishing vessel to such countries is prohibited;]
4. [^{F217}A fisheries administration must] not authorise the conclusion of chartering agreements with such countries ^{F218}...;
5. the exportation of [^{F219}United Kingdom] fishing vessels to such countries shall be prohibited;
6. private trade arrangements between nationals of [^{F220}the United Kingdom] and such countries in order for a [^{F221}United Kingdom fishing vessel] to use the fishing possibilities of such countries shall be prohibited;
7. joint fishing operations involving [^{F222}United Kingdom fishing vessels] with a fishing vessel flying the flag of such countries shall be prohibited;
8. ^{F223} ...
9. the [^{F224}Secretary of State] shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries.

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

Textual Amendments

- F214 Words in Art. 38(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(a); 2020 c. 1, Sch. 5 para. 1(1)
F215 Words in Art. 38(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(a); 2020 c. 1, Sch. 5 para. 1(1)
F216 Art. 38(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(b); 2020 c. 1, Sch. 5 para. 1(1)
F217 Words in Art. 38(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(c)(i); 2020 c. 1, Sch. 5 para. 1(1)
F218 Words in Art. 38(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(c)(ii); 2020 c. 1, Sch. 5 para. 1(1)
F219 Words in Art. 38(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(d); 2020 c. 1, Sch. 5 para. 1(1)
F220 Words in Art. 38(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(e)(i); 2020 c. 1, Sch. 5 para. 1(1)
F221 Words in Art. 38(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(e)(ii); 2020 c. 1, Sch. 5 para. 1(1)
F222 Words in Art. 38(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(f); 2020 c. 1, Sch. 5 para. 1(1)
F223 Art. 38(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(g); 2020 c. 1, Sch. 5 para. 1(1)
F224 Words in Art. 38(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(34)(h); 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER VIII U.K.

NATIONALS

Article 39 U.K.

Nationals supporting or engaged in IUU fishing

1 Nationals subject to the jurisdiction of [F225the United Kingdom] shall neither support nor engage in IUU fishing, including by engagement on board or as operators or beneficial owners of fishing vessels included in the [F226United Kingdom] IUU vessel list.

- F227_2
F227_3
F227_4

Textual Amendments

- F225 Words in Art. 39(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(35)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
F226 Words in Art. 39(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 9(35)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)

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

F227 Art. 39(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, **9(35)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 40 **U.K.**

Prevention and sanction

1 ^{F228} [A fisheries administration must] encourage nationals to notify any information pertaining to legal, beneficial or financial interests in, or control of, fishing vessels flagged to a third country which they hold and the names of the vessels concerned.

2 Nationals shall not sell or export any fishing vessel to operators involved in the operation, management or ownership of fishing vessels included in the ^{F229} [United Kingdom] IUU vessel list.

3 Without prejudice to other provisions laid down in ^{F230} ... law pertaining to public funds, ^{F231} [a fisheries administration must] not grant any public aid under national aid regimes ^{F232} ... to operators involved in the operation, management or ownership of fishing vessels included in the ^{F233} [United Kingdom IUU vessel list].

4 ^{F234} [A fisheries administration must] endeavour to obtain information on the existence of any arrangement between nationals and a third country allowing the reflagging of ^{F235} [United Kingdom fishing vessels] to such third country. ^{F236}

Textual Amendments

F228 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, **9(36)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F229 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, **9(36)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F230 Word in Art. 40(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F231 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, **9(36)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F232 Words in Art. 40(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F233 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, **9(36)(c)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)

F234 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, **9(36)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F235 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, **9(36)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F236 Words in Art. 40(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(36)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

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

CHAPTER IX **U.K.**

IMMEDIATE ENFORCEMENT MEASURES, SANCTIONS AND ACCOMPANYING SANCTIONS

Article 41 **U.K.**

Scope

This Chapter shall apply in relation to:

1. [^{F237}serious infringements committed in United Kingdom waters;]
2. [^{F238}serious infringements committed by United Kingdom fishing vessels or nationals of the United Kingdom;]
3. serious infringements detected within the ^{F239}... waters as referred to in point 1 of this Article but which have been committed on the high seas or within the jurisdiction of a third country and are being sanctioned pursuant to Article 11(4).

Textual Amendments

- F237** Art. 41(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(37)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F238** Art. 41(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(37)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F239** Words in Art. 41(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(37)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 42 **U.K.**

Serious infringements

- 1 For the purpose of this Regulation, serious infringement means:
 - a the activities considered to constitute IUU fishing in accordance with the criteria set out in Article 3;
 - b the conduct of business directly connected to IUU fishing, including the trade in/or the importation of fishery products;
 - c the falsification of documents referred to in this Regulation or the use of such false or invalid documents.
- 2 The serious character of the infringement shall be determined by [^{F240}a fisheries administration] taking into account the criteria set out in Article 3(2).

Textual Amendments

- F240** Words in Art. 42(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(38)**; 2020 c. 1, Sch. 5 para. 1(1)

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

Article 43 **U.K.**

Immediate enforcement measures

1 Where a natural person is suspected of having committed or is caught in the act while committing a serious infringement or a legal person is suspected of being held liable for such an infringement, [^{F241}a fisheries administration must] start a full investigation of the infringement and, in conformity with [^{F242}applicable law] and depending on the gravity of the infringement, take immediate enforcement measures such as in particular:

- a the immediate cessation of fishing activities;
- b the rerouting to port of the fishing vessel;
- c the rerouting of the transport vehicle to another location for inspection;
- d the ordering of a bond;
- e the seizure of fishing gear, catches or fisheries products;
- f the temporary immobilisation of the fishing vessel or transport vehicle concerned;
- g the suspension of the authorisation to fish.

2 The enforcement measures shall be of such nature as to prevent the continuation of the serious infringement concerned and to allow the competent authorities to complete its investigation.

Textual Amendments

F241 Words in Art. 43(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(39)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F242 Words in Art. 43(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(39)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F243}Article 44 **U.K.**

Sanctions for serious infringements

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F243}Article 45 **U.K.**

Accompanying sanctions

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

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F243} Article 46 **U.K.**

Overall level of sanctions and accompanying sanctions

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F243} Article 47 **U.K.**

Liability of legal persons

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER X **U.K.**

IMPLEMENTATION OF PROVISIONS ADOPTED WITHIN CERTAIN REGIONAL FISHERIES MANAGEMENT ORGANISATIONS PERTAINING TO FISHING VESSEL SIGHTINGS

^{F243} Article 48 **U.K.**

Sightings at sea

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

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

^{F243} Article 49 **U.K.**

Submission of information regarding sighted fishing vessels

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F243} Article 50 **U.K.**

Investigation of sighted fishing vessels

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER XI **U.K.**

MUTUAL ASSISTANCE

^{F243} Article 51 **U.K.**

Mutual assistance

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

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

CHAPTER XII U.K.

FINAL PROVISIONS

^{F243} Article 52 U.K.

Implementation

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F243} Article 53 U.K.

Financial support

Textual Amendments

F243 Arts. 44-53 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(40)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F244} Article 54 U.K.

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 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.

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

Textual Amendments

F244 Arts. 54-54D substituted for Art. 54 (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C5 Art. 54 applied (with modifications) (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(3), **5**

Article 54A U.K.

Regulations: the Secretary of State

1. Except as specified in paragraph 2, 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.
2. A statutory instrument containing regulations made by the Secretary of State under Article 8(3) or (3A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

F244 Arts. 54-54D substituted for Art. 54 (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C6 Art. 54A applied (with modifications) (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1599\)](#), regs. 1(3), **5**

Article 54B U.K.

Regulations: the Welsh Ministers

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of National Assembly for Wales.
2. A statutory instrument containing regulations made by the Welsh Ministers under Article 8(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Textual Amendments

F244 Arts. 54-54D substituted for Art. 54 (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

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

Article 54C **U.K.**

Regulations: the Scottish Ministers

1. Except as specified in paragraph 2, 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).
2. Regulations made by the Scottish Ministers under Article 8(3) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

Textual Amendments

F244 Arts. 54-54D substituted for Art. 54 (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 54D **U.K.**

Regulations: Northern Ireland

1. Except as specified in paragraph 2, 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.
2. Regulations may not be made by the Department under Article 8(3) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.]

Textual Amendments

F244 Arts. 54-54D substituted for Art. 54 (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **28(12)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C7 Art. 54D applied (with modifications) (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1599), regs. 1(3), **5**

^{F245} Article 55 **U.K.**

Reporting obligations

.....

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

Textual Amendments

F245 Arts. 55-57 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(41)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F245}Article 56 **U.K.**

Repeals

Textual Amendments

F245 Arts. 55-57 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(41)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F245}Article 57 **U.K.**

Entry into force

Textual Amendments

F245 Arts. 55-57 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **9(41)**; 2020 c. 1, Sch. 5 para. 1(1)

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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

(1) [OJ L 256, 7.9.1987, p. 1.](#)

Changes to legislation:

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