

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

GENERAL PROVISIONS

Article 1

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

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

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

- 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;

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)

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

- 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

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

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

- 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**

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1005/2008, CHAPTER I. (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, CHAPTER I.