

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 VII

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

Article 37

Action in respect of fishing vessels included in the Community IUU vessel list

The following measures shall apply to the fishing vessels included in the Community IUU vessel list (IUU fishing vessels):

1. flag Member States shall not submit to the Commission any requests for fishing authorisations in respect of IUU fishing vessels;
2. current fishing authorisations or special fishing permits issued by flag Member States in respect of IUU fishing vessels shall be withdrawn;
3. IUU fishing vessels flying the flag of a third country shall not be authorised to fish in Community waters and shall be prohibited to be chartered;
4. fishing vessels flying the flag of a Member State 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. IUU fishing vessels flying the flag of a Member State shall only be authorised access to their home ports and to no other Community port, except in case of *force majeure* or distress. IUU fishing vessels flying the flag of a third country shall not be authorised to enter into a port of a Member State, except in case of *force majeure* or distress. Alternatively, a Member State may authorise the entry into its ports of an IUU fishing vessel 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. Member States shall also confiscate catches and, where appropriate, fishing gear prohibited pursuant to those measures, on board IUU fishing vessels which have been authorised to enter into its ports for reason of *force majeure* or distress;
6. IUU fishing vessels flying the flag of a third country shall not be supplied in ports with provisions, fuel or other services, except in case of *force majeure* or distress;
7. IUU fishing vessels flying the flag of a third country shall not be authorised to change the crew, except as necessary in case of *force majeure* or distress;
8. Member States shall refuse the granting of their flag to IUU fishing vessels;
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;

Status: Point in time view as at 29/07/2008.

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

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.

Article 38

Action in respect of non-cooperating third countries

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

1. the importation into the Community 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 Community operators of a fishing vessel flying the flag of such countries shall be prohibited;
3. the reflagging of a fishing vessel flying the flag of a Member State to such countries shall be prohibited;
4. Member States shall not authorise the conclusion of chartering agreements with such countries for fishing vessels flying their flag;
5. the exportation of Community fishing vessels to such countries shall be prohibited;
6. private trade arrangements between nationals of a Member State and such countries in order for a fishing vessel flying the flag of that Member State to use the fishing possibilities of such countries shall be prohibited;
7. joint fishing operations involving fishing vessels flying the flag of a Member State with a fishing vessel flying the flag of such countries shall be prohibited;
8. the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreement with such countries which provides for termination of the agreement in case of failure to comply with undertakings made by them with regard to combating IUU fishing;
9. the Commission shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries.

Status:

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Changes to legislation:

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