

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 ^{F1}... IUU vessel list

The following measures shall apply to the fishing vessels included in the [^{F2}United Kingdom] IUU vessel list (IUU fishing vessels):

1. ^{F3}...
2. current fishing authorisations or special fishing permits issued by [^{F4}a fisheries administration] in respect of IUU fishing vessels shall be withdrawn;
3. IUU fishing vessels ^{F5}... shall not be authorised to fish in [^{F6}United Kingdom] waters and shall be prohibited to be chartered;
4. [^{F7}United Kingdom fishing vessels] shall not in any way assist, engage in fish processing operations or participate in any transhipment or joint fishing operations with IUU fishing vessels;
5. [^{F8}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 ^{F9}... shall not be supplied in ports with provisions, fuel or other services, except in case of *force majeure* or distress;
7. IUU fishing vessels ^{F10}... shall not be authorised to change the crew, except as necessary in case of *force majeure* or distress;
8. ^{F11}...
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;

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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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)

- C1** 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

Action in respect of non-cooperating third countries

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

1. the importation into the ^[F12]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 ^[F13]United Kingdom operators of a fishing vessel flying the flag of such countries shall be prohibited;
3. ^[F14]the reflagging of a United Kingdom fishing vessel to such countries is prohibited;

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4. [F¹⁵A fisheries administration must] not authorise the conclusion of chartering agreements with such countries F¹⁶...;
5. the exportation of [F¹⁷United Kingdom] fishing vessels to such countries shall be prohibited;
6. private trade arrangements between nationals of [F¹⁸the United Kingdom] and such countries in order for a [F¹⁹United Kingdom fishing vessel] to use the fishing possibilities of such countries shall be prohibited;
7. joint fishing operations involving [F²⁰United Kingdom fishing vessels] with a fishing vessel flying the flag of such countries shall be prohibited;
8. F²¹ ...
9. the [F²²Secretary of State] shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries.

Textual Amendments

- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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)

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