

Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

TITLE III

GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES

Article 6

Fishing licence

1 A [^{F1}United Kingdom] fishing vessel may be used for commercial exploitation of living aquatic resources only if it has a valid fishing licence.

2 [^{F2}A fisheries administration must] ensure that the information contained in the fishing licence is accurate and consistent with that contained in the ^{F3}... fishing fleet register referred to in [^{F4}Commission Implementing Regulation (EU) 2017/218].

3 [^{F5}A fisheries administration must] suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that [^{F6}fisheries administration] or which has had its fishing authorisation suspended ^{F7}...

4 [^{F8}A fisheries administration must] withdraw permanently the fishing licence of a vessel ^{F9}... which has had its fishing authorisation withdrawn ^{F10}...

^{F11}5

Textual Amendments

- F1** 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, **4(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 6(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in Art. 6(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 6(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 6(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 6(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 6(3) omitted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(c)(iii)** (as inserted by S.I. 2020/1542, regs. 1(2), **11(3)(a)(i)(cc)**); 2020 c. 1, Sch. 5 para. 1(1)

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- F8** 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, **4(8)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 6(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 6(4) omitted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(d)(iii)** (as inserted by S.I. 2020/1542, regs. 1(2), **11(3)(a)(ii)(bb)**); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 6(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(8)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 7

Fishing authorisation

1 A [^{F12}[^{F13}United Kingdom] fishing vessel operating in [^{F13}United Kingdom]] waters shall be authorised to carry out specific fishing activities only insofar as they are indicated in a valid fishing authorisation when the fisheries or fishing zones where the activities are authorised are subject to:

- a a fishing effort regime;
- b a multiannual plan;
- c a fishing restricted area;
- d fishing for scientific purposes;
- e other cases laid down in [^{F14}relevant retained direct EU] legislation.

^{F15}2

^{F16}3

4 A fishing authorisation shall not be issued if the fishing vessel concerned does not have a fishing licence obtained in accordance with Article 6 or if its fishing licence has been suspended or withdrawn. A fishing authorisation shall be automatically withdrawn where the fishing licence corresponding to the vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.

[^{F17}5 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

Textual Amendments

- F12** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F13** Words in Art. 7(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 7(1)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Art. 7(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Art. 7(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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F17 Art. 7(5) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 8

Marking of the fishing gear

1 The master of a fishing vessel shall respect conditions and restrictions relating to the marking and identification of fishing vessels and their gear.

[^{F18}2 A fisheries administration may make regulations specifying detailed rules for the marking and identification of fishing vessels and their gear.]

Textual Amendments

F18 Art. 8(2) substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 9

Vessel monitoring system

1 [^{F19}A fisheries administration must] operate a satellite-based vessel monitoring system for effective monitoring of fishing activities of [^{F20}its fleet] wherever those vessels may be and of fishing activities in [^{F21}United Kingdom] waters.

2 Without prejudice to specific provisions contained in multiannual plans, a fishing vessel of 12 metres' length overall or more shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the vessel monitoring system by transmitting position data at regular intervals. It shall also allow the fisheries monitoring centre of [^{F22}a fisheries administration] to poll the fishing vessel. For fishing vessels of 12 metres' length overall or more and less than 15 metres' length overall this Article shall apply as from 1 January 2012.

^{F23}3

4 If a [^{F24}United Kingdom] fishing vessel operates in the waters of a third country or in areas of the high sea where the fishing resources are managed by an international organisation and, if the agreement with that third country or the applicable rules of that international organisation so provide, those data shall also be made available to that country or organisation.

5 A [^{F25}fisheries administration] may exempt [^{F26}United Kingdom] fishing vessels of less than 15 metres' length overall ^{F27}... from the requirement to be fitted with a vessel monitoring system if they:

- a operate exclusively within the territorial seas of the [^{F28}United Kingdom] ; or
- b never spend more than 24 hours at sea from the time of departure to the return to port.

6 Third country fishing vessels of 12 metres' length overall or more and third country auxiliary fishing vessels engaged in activities ancillary to fishing activities operating in [^{F12}[^{F29}United Kingdom] waters shall have installed on board a fully functioning device which allows such a vessel to be automatically located and identified by the vessel monitoring system

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by transmitting position data at regular intervals in the same way as [^{F29}United Kingdom]] fishing vessels.

[^{F30}7 A fisheries administration must establish and operate a fisheries monitoring centre, which must monitor fishing activities and fishing effort. The fisheries monitoring centre must monitor the fisheries administration's fleet whatever the waters in which they are operating or the port they are in, as well as other fishing vessels to which vessel monitoring systems apply when they are operating within United Kingdom waters.]

8 [^{F31}A fisheries administration must] appoint the competent authorities responsible for the fisheries monitoring centre and shall take the appropriate measures to ensure that its fisheries monitoring centre has the proper staffing resources and is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. [^{F32}A fisheries administration must] provide for back-up and recovery procedures in case of system failure. ^{F33}...

^{F34}9

[^{F35}10 A fisheries administration may make regulations specifying detailed rules for the application of this Article.]

Textual Amendments

- F12** Substituted by Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.
- F19** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 9(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 9(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Art. 9(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in Art. 9(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 9(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 9(5) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 9(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 9(5)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(e)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 9(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Art. 9(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in Art. 9(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(h)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F32** Words in Art. 9(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(h)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 9(8) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(h)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Art. 9(9) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(10)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Art. 9(10) substituted (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **27(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 10

Automatic identification system

1 ^{F36} ... A fishing vessel exceeding 15 metres' length overall shall be fitted with and maintain in operation an automatic identification system which meets the performance standards drawn up by the International Maritime Organisation according to chapter V, Regulation 19, section 2.4.5 of the 1974 SOLAS Convention.

^{F37}2

^{F38}3

Textual Amendments

- F36** Words in Art. 10(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Art. 10(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Art. 10(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 11

Vessel detection system

Where [^{F39}a fisheries administration has] clear evidence of a cost benefit in relation to the traditional control means in the detection of fishing vessels, [^{F40}it must] use a vessel detection system allowing [^{F41}it] to match the positions derived by remotely sensed images sent to earth by satellites or other equivalent systems with the data received by vessel monitoring system or automatic identification system, in order to assess the presence of fishing vessels in the area. [^{F42}A fisheries administration must] ensure that [^{F43}its] fisheries monitoring centres possess the technical capacity to use a vessel detection system.

Textual Amendments

- F39** Words in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Words in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F41** Word in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Word in Art. 11 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(12)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 12

Transmission of data for surveillance operations

Data from the vessel monitoring system, the automatic identification system and the vessel detection system collected in the framework of this Regulation may be transmitted to ^{F44}... agencies and competent authorities [^{F45}in the United Kingdom] engaged in surveillance operations for the purpose of maritime safety and security, border control, protection of the marine environment and general law enforcement.

Textual Amendments

- F44** Word in Art. 12 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in Art. 12 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F46}*Article 13*

New technologies

Textual Amendments

- F46** Art. 13 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(14)**; 2020 c. 1, Sch. 5 para. 1(1)

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