

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 IV

### CONTROL OF FISHERIES

#### CHAPTER I

### Control of the use of fishing opportunities

#### Section 2

### Control of fishing effort

#### Article 26

### Monitoring of fishing effort

[<sup>F1</sup> A fisheries administration must control the compliance with fishing effort regimes in geographical areas where maximum allowable fishing effort applies.]

2 Without prejudice to special rules, where a fishing vessel carrying on board or, where appropriate, deploying a fishing gear or gears subject to a fishing effort regime or operating in a fishery subject to a fishing effort regime crosses during the same day two or more geographical areas subject to that fishing effort regime, the fishing effort deployed shall be counted against the maximum allowable fishing effort related to such fishing gear or such fishery and to the geographical area in which the largest proportion of time was spent during that day.

3 Where a [<sup>F2</sup>fisheries administration] has authorised a fishing vessel in accordance with Article 27(2) to use more than one fishing gear or gears belonging to more than one grouping of fishing gears subject to a fishing effort regime during a certain fishing trip in a geographical area subject to that fishing effort regime, the fishing effort deployed during that trip shall be counted simultaneously against the maximum allowable fishing effort available <sup>F3</sup>... and related to each of such gears or groupings of fishing gears and to such geographical area.

4 Where fishing gears belong to the same grouping of fishing gears subject to the fishing effort regime, the fishing effort deployed in a geographical area by fishing vessels when carrying those gears on board shall be counted only once against the maximum allowable fishing effort related to such grouping of fishing gears and to such geographical area.

<sup>F4</sup>5 .....

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6 A day present within an area shall be any continuous period of 24 hours or part thereof during which a fishing vessel is present within the geographical area and absent from port or where appropriate deploying its fishing gear. The time from which the continuous period of a day present in the area is measured is at the discretion of [<sup>F5</sup>a fisheries administration]. A day absent from port shall be any continuous period of 24 hours or part thereof during which the fishing vessel is absent from port.

#### Textual Amendments

- F1** Art. 26(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 26(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in 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, 4(27)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 26(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(27)(c); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 26(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(27)(d); 2020 c. 1, Sch. 5 para. 1(1)

### Article 27

#### Notification of fishing gear

1 Without prejudice to specific rules, in relevant geographical areas subject to a fishing effort regime where gear restrictions apply or where maximum allowable fishing effort were set for different fishing gears or groupings of fishing gears, the master of a fishing vessel or his representative shall notify to the competent authorities of [<sup>F6</sup>a fisheries administration] before a period to which maximum allowable fishing effort applies which fishing gear or, where applicable, fishing gears he intends to use during the forthcoming period. Until such notification is provided the fishing vessel shall not be entitled to fish within the geographical areas to which the fishing effort regime applies.

2 Where a fishing effort regime allows the use of gears belonging to more than one grouping of fishing gears in a geographical area, the use of more than one fishing gear during a fishing trip shall be subject to a prior authorisation by [<sup>F7</sup>a fisheries administration].

#### Textual Amendments

- F6** Words in Art. 27(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(28)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F7** 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, 4(28)(b); 2020 c. 1, Sch. 5 para. 1(1)

### Article 28

#### Fishing effort report

1 When [<sup>F8</sup>a fisheries administration] so decides for [<sup>F9</sup>United Kingdom][<sup>F10</sup>fishing vessels which are not equipped with a functioning vessel monitoring system as referred to in

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Article 9 or which do not transmit fishing logbook data electronically as referred to in Article 15 and which are subject to a fishing effort regime, the masters of these fishing vessels shall communicate by telex, fax, telephone message or e-mail duly recorded by the recipient or by radio via a radio station approved under [F11 rules made by a fisheries administration] the following information in the form of a fishing effort report to the competent authorities of [F12 a fisheries administration] and, where appropriate, to the [F13 coastal state] immediately before each entry into and exit from a geographical area subject to that fishing effort regime:

- a the name, external identification mark, radio call sign and name of the master of the fishing vessel;
- b the geographical location of the fishing vessel to which the communication refers;
- c the date and time of each entry into and exit from the area and, where applicable, parts thereof;
- d the catch retained on board by species in kilograms live weight.

F142 .....

#### Textual Amendments

- F8** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(29)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(29)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
- F10** 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.
- F11** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(29)(a)(iii); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(29)(a)(iv); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 28(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 4(29)(a)(v); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Art. 28(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(29)(b); 2020 c. 1, Sch. 5 para. 1(1)

### Article 29

#### Exemptions

1 A fishing vessel carrying on board fishing gears subject to a fishing effort regime may transit across a geographical area subject to that fishing effort regime if it has no fishing authorisation to operate in that geographical area or it has first notified its competent authorities of its intention to transit. While the fishing vessel is within that geographical area, any fishing gear subject to that fishing effort regime and carried on board shall be lashed and stowed in accordance with conditions laid down in Article 47.

2 A [F15 fisheries administration] may choose not to count against any available maximum allowable fishing effort the activity of a fishing vessel undertaking non-fishing related activities in a geographical area subject to a fishing effort regime provided that the fishing vessel first notifies its [F16 fisheries administration] of its intention to do so, of the nature of its activity

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and that it surrenders its fishing authorisation for that time. Such fishing vessels shall not carry any fishing gear or fish during that time.

3 A [<sup>F17</sup>fisheries administration] may choose not to count against any maximum allowable fishing effort the activity of a fishing vessel in a geographical area subject to a fishing effort regime which has been present in that geographical area but was unable to fish because it was assisting another fishing vessel in need of emergency aid or because it was transporting an injured person for emergency medical aid. <sup>F18</sup>...

#### Textual Amendments

- F15** Words in Art. 29(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 29(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 29(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(30)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 29(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(30)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 30

#### Exhaustion of fishing effort

1 Without prejudice to Articles 29 and 31, in a geographical area where fishing gears are subject to a fishing effort regime a [<sup>F19</sup>United Kingdom] fishing vessel carrying on board such fishing gear or gears shall remain in port or out of that geographical area for the remainder of a period in which such fishing effort regime applies if:

- a it has exhausted the share of the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears that has been assigned to it; or
- b the maximum allowable fishing effort related to such geographical area and to such fishing gear or gears available to [<sup>F20</sup>United Kingdom fishing vessels] has been exhausted.

2 Without prejudice to Article 29, in a geographical area where a fishery is subject to a fishing effort regime, a [<sup>F21</sup>United Kingdom] fishing vessel shall not operate in that fishery in that area if:

- a it has exhausted the share of the maximum allowable fishing effort related to that geographical area and to that fishery that has been assigned to it; or
- b the maximum allowable fishing effort related to that geographical area and to that fishery available to [<sup>F22</sup>United Kingdom fishing vessels] has been exhausted.

#### Textual Amendments

- F19** Words in Art. 30(1) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(31)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 30(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(31)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 30(2) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **4(31)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F22** Words in Art. 30(2)(b) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **4(31)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### *Article 31*

#### **Fishing vessels excluded from the application of a fishing effort regime**

This Section shall not apply to fishing vessels to the extent that they are exempted from the application of a fishing effort regime.

### *<sup>F23</sup> Article 32*

#### **Detailed rules**

A fisheries administration may make regulations specifying detailed rules for the application of this Section.]

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#### **Textual Amendments**

**F23** Art. 32 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **27(12)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes and effects yet to be applied to :**

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)