

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

REGULATION (EU) No 1380/2013 OF THE  
EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 December 2013

on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions<sup>(2)</sup>,

Acting in accordance with the ordinary legislative procedure<sup>(3)</sup>,

Whereas:

- (1) Council Regulation (EC) No 2371/2002<sup>(4)</sup> established a Community system for the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP).
- (2) The scope of the CFP includes the conservation of marine biological resources and the management of fisheries targeting them. In addition, it includes, in relation to market measures and financial measures in support of its objectives, fresh water biological resources and aquaculture activities, as well as the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea of 10 December 1982<sup>(5)</sup> (UNCLOS).
- (3) Recreational fisheries can have a significant impact on fish resources and Member States should, therefore, ensure that they are conducted in a manner that is compatible with the objectives of the CFP.

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- (4) The CFP should ensure that fishing and aquaculture activities contribute to long-term environmental, economic, and social sustainability. It should include rules that aim to ensure the traceability, security and quality of products marketed in the Union. Furthermore, the CFP should contribute to increased productivity, to a fair standard of living for the fisheries sector including small-scale fisheries, and to stable markets, and it should ensure the availability of food supplies and that they reach consumers at reasonable prices. The CFP should contribute to the Europe 2020 Strategy for smart, sustainable and inclusive growth, and should help to achieve the objectives set out therein.
- (5) The Union is a contracting party to UNCLOS<sup>(6)</sup> and, pursuant to Council Decision 98/414/EC<sup>(7)</sup>, to the United Nations Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks of 4 December 1995<sup>(8)</sup> (UN Fish Stocks Agreement) and, pursuant to Council Decision 96/428/EC<sup>(9)</sup>, to the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas of 24 November 1993 of the Food and Agriculture Organisation of the United Nations<sup>(10)</sup>.
- (6) Those international instruments predominantly lay down conservation obligations, including obligations to take conservation and management measures designed to maintain or restore marine resources at levels which can produce the maximum sustainable yield both within sea areas under national jurisdiction and on the high seas, and to cooperate with other States to that end, obligations to apply the precautionary approach widely to conservation, management and exploitation of fish stocks, obligations to ensure compatibility of conservation and management measures where marine resources occur in sea areas of different jurisdictional status and obligations to have due regard to other legitimate uses of the seas. The CFP should, therefore, contribute to the Union's implementation of its international obligations under those international instruments. Where Member States adopt conservation and management measures, for which they have been empowered within the framework of the CFP, they should also act in a manner which is fully consistent with the international obligations regarding conservation and cooperation under those international instruments.
- (7) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed themselves to act against the continued decline of many fish stocks. Therefore, the Union should improve the CFP by adapting exploitation rates so as to ensure that, within a reasonable time-frame, the exploitation of marine biological resources restores and maintains populations of harvested stocks above levels that can produce the maximum sustainable yield. The exploitation rates should be achieved by 2015. Achieving those exploitation rates by a later date should be allowed only if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved. After 2015, those rates should be achieved as soon as possible and in any event no later than 2020. Where scientific information is insufficient to determine those levels, approximative parameters may be considered.

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- (8) Management decisions relating to maximum sustainable yield in mixed fisheries should take into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, in particular where scientific advice indicates that it is very difficult to avoid the phenomenon of "choke species" by increasing the selectivity of the fishing gears used. Appropriate scientific bodies should be requested to provide advice on the appropriate fishing mortality levels in such circumstances.
- (9) The CFP should ensure coherence with the fisheries targets laid down in the Decision by the Conference of the Parties to the Convention on Biological Diversity on the Strategic Plan for Biodiversity 2011 – 2020, and with the biodiversity targets adopted by the European Council of 25 and 26 March 2010.
- (10) Sustainable exploitation of marine biological resources should be based on the precautionary approach, which derives from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty, taking into account available scientific data.
- (11) The CFP should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, and in particular to the achievement of good environmental status by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council<sup>(11)</sup>.
- (12) The CFP should also contribute to the supplying of highly nutritional food to the Union market and to reducing the Union market's dependence on food imports. It should also foster direct and indirect job creation and economic development in coastal areas.
- (13) An ecosystem-based approach to fisheries management needs to be implemented, environmental impacts of fishing activities should be limited and unwanted catches should be avoided and reduced as far as possible.
- (14) It is important for the management of the CFP to be guided by principles of good governance. Those principles include decision-making based on best available scientific advice, broad stakeholder involvement and a long-term perspective. The successful management of the CFP also depends on a clear definition of responsibilities at Union, regional, national and local levels and on the mutual compatibility of the measures taken and their consistency with other Union policies.
- (15) The CFP should contribute to the improvement of safety and working conditions for fishing operators.
- (16) The CFP should pay full regard, where relevant, to animal health, animal welfare, food and feed safety.
- (17) Since all matters related to Europe's oceans and seas are interlinked, the CFP should be implemented in a way that is consistent with other Union policies and, in particular, that takes into account interactions with Union actions in other maritime policy areas. Coherence should be ensured in the management of different sectoral policies within the Baltic Sea, North Sea, Celtic seas, Bay of Biscay and the Iberian Coast, Mediterranean and Black Sea sea basins.

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- (18) Union fishing vessels should have equal access to Union waters and resources subject to the rules of the CFP.
- (19) Existing rules restricting access to resources within the 12 nautical mile zones of Member States have operated satisfactorily, benefiting conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved the traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. Those rules should therefore continue to apply. Member States should endeavour to give preferential access for small-scale, artisanal or coastal fishermen.
- (20) Small offshore islands which are dependent on fishing should, where appropriate, be especially recognised and supported in order to enable them to survive and prosper.
- (21) Marine biological resources around the Union outermost regions referred to in the first paragraph of Article 349 of the Treaty should be especially protected since they contribute to the preservation of the local economy of those territories, having regard to their structural, social and economic situation. Certain fishing activities in those waters should therefore be limited to fishing vessels registered in the ports of those territories.
- (22) In order to contribute to the conservation of living aquatic resources and marine ecosystems, the Union should endeavour to protect areas that are biologically sensitive, by designating them as protected areas. In such areas, it should be possible to restrict or to prohibit fishing activities. When deciding which areas to designate, particular attention should be paid to those in which there is clear evidence of heavy concentrations of fish below minimum conservation reference size and of spawning grounds, and to areas which are deemed to be bio-geographically sensitive. Account should also be taken of existing conservation areas. In order to facilitate the designation process, Member States should identify suitable areas, including areas that form part of a coherent network, and, where appropriate, should cooperate with one another, preparing and sending joint recommendations to the Commission. In order to establish protected areas more effectively, it should be possible for the Commission to be empowered to establish them in a multiannual plan. In order to ensure a suitable level of democratic accountability and control, the Commission should regularly report to the European Parliament and to the Council on the functioning of those protected areas.
- (23) The objective of sustainable exploitation of marine biological resources is more effectively achieved through a multiannual approach to fisheries management, establishing as a priority multiannual plans reflecting the specificities of different fisheries.
- (24) Multiannual plans should, where possible, cover multiple stocks where those stocks are jointly exploited. The multiannual plans should establish the framework for the sustainable exploitation of stocks and marine ecosystems concerned, defining clear time-frames and safeguard mechanisms for unforeseen developments. Multiannual plans should also be governed by clearly defined management objectives in order to contribute to the sustainable exploitation of the stocks and to the protection of the marine ecosystems concerned. Those plans should be adopted in consultation with Advisory

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Councils, operators in the fishing industry, scientists and other stakeholders having an interest in fisheries management.

- (25) Directive 2009/147/EC of the European Parliament and of the Council<sup>(12)</sup>, Council Directive 92/43/EEC<sup>(13)</sup> and Directive 2008/56/EC impose certain obligations on Member States as regards special protection areas, special areas of conservation and marine protected areas, respectively. Such measures might require the adoption of measures falling under the CFP. It is, therefore, appropriate to authorise Member States to adopt, in the waters under their sovereignty or jurisdiction, such conservation measures that are necessary to comply with their obligations under those Union acts where such measures do not affect the fisheries interests of other Member States. Where such measures might affect fisheries interests of other Member States, the power to adopt such measures should be granted to the Commission and recourse should be had to regional cooperation among the Member States concerned.
- (26) Measures are needed to reduce the current high levels of unwanted catches and to gradually eliminate discards. Unwanted catches and discards constitute a substantial waste and negatively affect the sustainable exploitation of marine biological resources and marine ecosystems and the financial viability of fisheries. An obligation to land all catches ("the landing obligation") of species which are subject to catch limits and, in the Mediterranean Sea, also catches of species which are subject to minimum sizes, made during fishing activities in Union waters or by Union fishing vessels should be established and gradually implemented and rules that have so far obliged fishermen to discard should be repealed.
- (27) The landing obligation should be introduced on a fishery-by-fishery basis. Fishermen should be allowed to continue discarding species which, according to the best available scientific advice, have a high survival rate when released into the sea.
- (28) In order to make the landing obligation workable and to mitigate the effect of varying yearly catch compositions, Member States should be allowed to transfer quotas between years, up to a certain percentage.
- (29) In the management of the landing obligation, it is necessary that Member States do their utmost to reduce unwanted catches. To this end, improvements of selective fishing techniques to avoid and reduce, as far as possible, unwanted catches must have high priority. It is important for Member States to distribute quotas between vessels in a mix that reflects as far as possible the expected composition of species in the fisheries. In the event of a mismatch between available quotas and actual fishing pattern, Member States should consider adjustments through quota swaps with other Member States, including on a permanent basis. Member States should also consider facilitating the pooling by vessel owners of individual quotas, for example at the level of producer organisations or groups of vessel owners. Ultimately, Member States should consider counting by-catch species against the quota of the target species, depending on the conservation status of the by-catch species.
- (30) The destination of landings of catches of fish under the minimum conservation reference size should be limited and should exclude sale for human consumption.

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- (31) In order to cater for unwanted catches that are unavoidable even when all the measures for their reduction are applied, certain de minimis exemptions from the landing obligation should be established for the fisheries to which the landing obligation applies, primarily through multiannual plans.
- (32) Subject to scientific advice and without jeopardising the objectives of maximum sustainable yield or increasing fishing mortality, where the landing obligation, including the obligation to document catches, applies, an increase of related fishing opportunities should be possible, in order to take into account the fact that fish previously discarded will be landed.
- (33) Access to a fishery should be based on transparent and objective criteria including those of an environmental, social and economic nature. Member States should promote responsible fishing by providing incentives to those operators who fish in the least environmentally damaging way and who provide the greatest benefits for society.
- (34) For stocks for which no multiannual plan has been established, exploitation rates delivering maximum sustainable yield should be ensured by setting catch or fishing effort limits. If available data is insufficient, fisheries should be managed by using approximative parameters.
- (35) In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing, it is necessary to ensure the relative stability of fishing activities by allocating fishing opportunities among Member States, based on a predictable share of the stocks for each Member State.
- (36) Such relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard and take full account of the particular needs of regions where local communities are especially dependent on fisheries and related activities, as decided by the Council in its Resolution of 3 November 1976<sup>(14)</sup>, and in particular Annex VII thereto.
- (37) Therefore, it is in this sense that the concept of relative stability should be understood.
- (38) The Commission should be authorised to adopt temporary measures in the event of a serious threat, requiring immediate action, to the conservation of marine biological resources or to the marine ecosystem resulting from fishing activities. Those measures should be established within defined time-frames and should be operational for a fixed period of time.
- (39) Member States should cooperate at regional level in order to adopt joint recommendations and other instruments for the development and implementation of conservation measures and measures affecting fishing activity in areas protected by environmental law. In the framework of regional cooperation, the Commission should only adopt conservation measures through implementing acts or delegated acts where all Member States concerned in a region agree on a joint recommendation. In the absence of a joint recommendation, the Commission should submit a proposal for the relevant measures pursuant to the Treaty.

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- (40) Member States should be empowered to adopt conservation and management measures for stocks in Union waters applicable solely to Union fishing vessels flying their flag.
- (41) In their 12 nautical mile zones, Member States should be empowered to adopt conservation and management measures applicable to all Union fishing vessels, provided that, where such measures apply to Union fishing vessels from other Member States, they are non-discriminatory, prior consultation of other Member States concerned has taken place and the Union has not adopted measures specifically addressing conservation and management within the 12 nautical mile zone concerned.
- (42) Member States should be able to introduce a system of transferable fishing concessions.
- (43) Member States should take specific measures to align the number of Union fishing vessels with available resources, based on their assessments of the balance between the fishing capacity of their fleets and the fishing opportunities available to them. The assessments should be made in accordance with Commission guidelines and be presented in an annual report to be transmitted to the Commission. Those reports should be made public. Each Member State should be able to choose the measures and instruments which it wishes to adopt in order to reduce excessive fishing capacity.
- (44) In addition, compulsory maximum fleet capacity ceilings and national entry/exit schemes in relation to decommissioning funding should be maintained for the purpose of managing and adjusting fishing capacity.
- (45) Member States should record the minimum information on characteristics and activities of Union fishing vessels flying their flag. Those records should be made available to the Commission for the purpose of monitoring the size of Member States' fleets.
- (46) Fisheries management based on the best available scientific advice requires harmonised, reliable and accurate data sets. Therefore, Member States should collect data on fleets and their fishing activities, in particular biological data on catches, including discards and survey information on fish stocks and on the potential environmental impact of fishing activities on the marine ecosystem. Member States should manage and make the collected data available to end-users and to other interested parties. Member States should cooperate with each other and with the Commission to coordinate data collection activities. Where relevant, Member States should also cooperate with third countries regarding data collection. Member States should provide the Commission, for its assessment, with an annual report on their data collection activities, which shall be made public.
- (47) Data collection should include data which facilitate the economic assessment of undertakings active in the fisheries sector, in aquaculture and in the processing of fisheries and aquaculture products and of employment trends in those industries.
- (48) The Scientific, Technical and Economic Committee for Fisheries (STECF), as established by Commission Decision 2005/629/EC<sup>(15)</sup>, may be consulted on matters pertaining to the conservation and management of marine biological resources in order to ensure the required assistance of highly qualified scientific personnel, particularly in the application of biological, economic, environmental, social and technical disciplines.

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- (49) Policy-oriented fisheries science should be reinforced by means of nationally-adopted fisheries scientific data collection, research and innovation programmes implemented in coordination with other Member States and within Union research and innovation frameworks. Better cooperation between industry and scientists should also be fostered.
- (50) The Union should promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law, and promoting a level-playing field for Union operators and third-country operators. To this end, the Union should seek to lead the process of strengthening the performance of regional and international organisations in order to better enable them to conserve and manage marine living resources under their purview, including combating illegal, unreported and unregulated (IUU) fishing. The Union should cooperate with third countries and international organisations for the purpose of improving compliance with international measures, including combating IUU. The position of the Union should be based on the best available scientific advice.
- (51) Sustainable fisheries partnership agreements with third countries should ensure that Union fishing activities in third country waters are based on the best available scientific advice and relevant information exchange, ensuring a sustainable exploitation of the marine biological resources, transparency as regards the determination of the surplus and, consequently, a management of the resources that is consistent with the objectives of the CFP. Those agreements, which provide for access to resources commensurate with the interests of the Union fleet in exchange for a financial contribution from the Union, should contribute to the establishment of a high quality governance framework to ensure, in particular, efficient data collection, monitoring, control and surveillance measures.
- (52) Respect for democratic principles and human rights, as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, and for the principle of the rule of law, should constitute an essential element of sustainable fisheries partnership agreements, which should contain a specific human rights clause. The introduction of a human rights clause in sustainable fisheries partnership agreements should be fully consistent with the overall Union development policy objectives.
- (53) Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security, including food supplies, as well as growth and employment for Union citizens, and to contribute to meeting the growing world demand for aquatic food.
- (54) The Commission's Strategy for the Sustainable Development of European Aquaculture adopted in 2009, which was welcomed and endorsed by the Council and welcomed by the European Parliament, noted the need for the creation and promotion of a level-playing field for aquaculture as the basis for its sustainable development.
- (55) Aquaculture activities in the Union are influenced by different conditions across national borders, including as regards authorisations for the operators. Therefore, Union strategic guidelines for national strategic plans should be developed to improve the



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competitiveness of the aquaculture industry, supporting its development and innovation, and encouraging economic activity, diversification and improving the quality of life in coastal and inland areas. Furthermore, mechanisms should be introduced for the exchange between Member States of information and best practices through an open method of coordination of national measures concerning business security, access to Union waters and space, and the simplification of licensing procedures.

- (56) The specific nature of aquaculture requires an Advisory Council for stakeholder consultation on elements of Union policies which could affect aquaculture.
- (57) There is a need to strengthen the competitiveness of the Union fishery and aquaculture sector, and for simplification in support of better management of its production and marketing activities. The common market organisation for fishery and aquaculture products should ensure a level-playing field for all fishery and aquaculture products marketed in the Union regardless of their origin, should enable consumers to make better informed choices and support responsible consumption, and should improve the economic knowledge and understanding of the Union markets along the supply chain.
- (58) The common market organisation should be implemented in compliance with international commitments of the Union, in particular with regard to the provisions of the World Trade Organisation.
- (59) In order to ensure compliance with the rules of the CFP, an effective system of control, inspection and enforcement should be established, that includes the fight against IUU fishing activities.
- (60) The use of modern and effective technologies should be promoted in the framework of the Union system for control, inspection, and enforcement. Member States and the Commission should have the possibility to conduct pilot projects on new control technologies and data management systems.
- (61) In order to ensure that the conditions in different Member States for the application of control and enforcement rules are comparable, cooperation between Member States on identifying effective, proportionate and dissuasive penalties should be encouraged.
- (62) In order to ensure the involvement of operators in the Union data collection and in the Union system for control, inspection, and enforcement, Member States should be able to require their operators to contribute proportionally to the corresponding operational costs.
- (63) The objectives of the CFP cannot be sufficiently achieved by Member States alone, given the problems encountered in the development of the fishing industry and its management, and the limits on the financial resources of the Member States. Therefore, to contribute to the achievement of those objectives, multiannual Union financial assistance should be granted that is focused on the priorities of the CFP and tailored to the specific features of the fishing industry in individual Member States.
- (64) Union financial assistance should be made conditional upon compliance by Member States and operators, including vessel owners, with the rules of the CFP. Subject to specific rules to be adopted, Union financial assistance should be interrupted, suspended

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or corrected in cases of non-compliance with a specific obligation of the CFP by a Member State or a serious infringement of those rules by an operator.

- (65) Dialogue with stakeholders has proven to be essential for achieving the objectives of the CFP. Taking into account the diverse conditions throughout Union waters and the increased regionalisation of the CFP, Advisory Councils should enable the CFP to benefit from the knowledge and experience of all stakeholders.
- (66) In view of the special characteristics of the outermost regions, of aquaculture, of markets and of the Black Sea, it is appropriate to establish a new Advisory Council for each of them.
- (67) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of conservation measures accompanying certain environmental obligations by Member States, the adapting of the landing obligation for the purpose of complying with the Union's international obligations, the extension of the landing obligation to other species using the regionalisation process, the adoption of specific discard plans using the regionalisation process, the adoption of de minimis exemptions to the landing obligation if no other implementation measure for that obligation has been adopted, and the establishment of detailed rules for the functioning of Advisory Councils. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (68) In order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of temporary measures to alleviate a serious threat to the conservation of marine biological resources, of the entry-exit scheme in fleet management and of the recording, format and transmission of data for the Union fishing fleet register, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(16)</sup>.
- (69) In accordance with the principle of proportionality, as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary to achieve its objectives.
- (70) Council Decision 2004/585/EC<sup>(17)</sup> should be repealed upon entry in force of the corresponding rules pursuant to this Regulation.
- (71) By reason of the number and importance of the amendments to be made, Regulation (EC) No 2371/2002 should be repealed,

HAVE ADOPTED THIS REGULATION:

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## PART I

### GENERAL PROVISIONS

#### *[<sup>F1</sup>Article 1*

##### **Powers and obligations of fisheries administrations in relation to relevant retained direct EU legislation**

1 Any obligation of, or having effect in relation to, “a fisheries administration” under this Regulation or any relevant retained direct EU legislation is an obligation of, or having effect in relation to, a particular fisheries administration to the extent that the obligation is within the jurisdiction of that administration.

2 Any power exercisable by “a fisheries administration” under this Regulation or any relevant retained direct EU legislation is a power exercisable by a particular fisheries administration to the extent that the power is within the jurisdiction of that administration.

3. An obligation or power is within the jurisdiction of the Scottish Ministers if it would be within the legislative competence of the Scottish Parliament to impose or confer that obligation or power on, or in relation to, the Scottish Ministers (if it were included in an Act of the Scottish Parliament) where, to the extent that it relates to—

- a fishing and aquaculture in the Scottish zone;
- b fishing outside that zone by Scottish fishing vessels;
- c any fish or aquaculture organisation applying for recognition as a producers' organisation, or recognised as such, whose area covered by the application for recognition, in so far as within the United Kingdom or United Kingdom waters, is wholly or mainly within Scotland or the Scottish zone,

it is treated as a function exercisable in or as regards Scotland for the purposes of the Scotland Act 1998.

4. An obligation or power is within the jurisdiction of the Welsh Ministers if—

- a it would be within the legislative competence of the National Assembly for Wales to impose or confer that obligation or power on, or in relation to, the Welsh Ministers (if it were included in an Act of that Assembly); or
- b it could have been imposed or conferred by, or relates to a function exercisable by the Welsh Ministers immediately before IP completion day.

5. An obligation or power is within the jurisdiction of the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, if it would be within the legislative competence of the Northern Ireland Assembly to impose or confer that obligation or power on, or in relation to, the Department (if it were included in an Act of that Assembly) where, to the extent that it relates to—

- a fishing and aquaculture in the Northern Ireland zone;
- b fishing outside that zone by Northern Ireland fishing vessels;
- c any fish or aquaculture organisation applying for recognition as a producers' organisation, or recognised as such, whose area covered by the application for recognition, in so far as within the United Kingdom or United Kingdom waters, is wholly or mainly within Northern Ireland or the Northern Ireland zone,

it is treated as a function exercisable in or as regards Northern Ireland for the purposes of the Northern Ireland Act 1998.

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6. An obligation or power is within the jurisdiction of the Marine Management Organisation, if it corresponds to any obligation or power imposed or conferred by EU law which immediately before IP completion day was imposed on or in relation to, or exercisable by, the Marine Management Organisation by virtue of any enactment.
7. An obligation or power is within the jurisdiction of the Secretary of State, if—
- a it applies in relation to an English fishing vessel;
  - b it is not within the jurisdiction of a devolved fisheries administration or the Marine Management Organisation; or
  - c it is a power exercisable by the Secretary of State, or an obligation of or having effect in relation to the Secretary of State, concurrently or jointly with a devolved fisheries administration.
8. Where functions under this Regulation or any relevant retained direct EU legislation are, by virtue of paragraphs 3 to 7, exercisable by more than one fisheries administration concurrently, paragraph 1 does not require any obligation to be met by, or in relation to, a particular fisheries administration to the extent that the obligation has been or is being met by, or in relation to, any other fisheries administration.
9. For this purpose—
- a ‘a fisheries administration’ means the Secretary of State, a devolved fisheries administration or the Marine Management Organisation, and ‘a devolved fisheries administration’ means the Scottish Ministers, the Welsh Ministers or, in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - b ‘English fishing vessel’ means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in England as the port to which the vessel is to be treated as belonging;
  - c ‘Northern Ireland fishing vessel’ means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging;
  - d ‘Northern Ireland zone’ has the same meaning as in section 98(1) of the Northern Ireland Act 1998;
  - e ‘Scottish fishing vessel’ means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;
  - f ‘Scottish zone’ has the same meaning as in section 126(1) of the Scotland Act 1998.]

#### Textual Amendments

- F1** Art. 1 substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(2)** (as amended by S.I. 2020/1542, regs. 1(2), **11(2)(a)**); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F2</sup>Article 2

#### Objectives

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*Status: Point in time view as at 31/12/2021.*

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### Textual Amendments

- F2** Art. 2 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(2)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

## Article 3

### Principles of good governance

[<sup>F3</sup>In exercising its functions under relevant retained direct EU legislation, a fisheries administration must] be guided by the following principles of good governance:

- (a) the clear definition of responsibilities at the <sup>F4</sup>... national and local levels;
- (b) <sup>F5</sup> ...
- (c) the establishment of measures in accordance with the best available scientific advice;
- (d) a long-term perspective;
- (e) administrative cost efficiency;
- (f) appropriate involvement of stakeholders<sup>F6</sup>... at all stages - from conception to implementation of the measures;
- (g) <sup>F7</sup> ...
- (h) <sup>F8</sup> ...
- (i) the use of impact assessments as appropriate;
- (j) <sup>F9</sup> ...
- (k) transparency of data handling in accordance with existing legal requirements, with due respect for private life, the protection of personal data and confidentiality rules; availability of data to the appropriate scientific bodies, other bodies with a scientific or management interest, and other defined end-users.

### Textual Amendments

- F3** Words in Art. 3 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 3(a) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Art. 3(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 3(f) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 3(g) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 3(h) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 3(j) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(3)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 4

### Definitions

1 [F10The following definitions apply in this Regulation and, to the extent that they are not already defined, in relevant retained direct EU legislation]:

- (1) 'Union waters' means the waters under the sovereignty or jurisdiction of the Member States, with the exception of the waters adjacent to the territories listed in Annex II to the Treaty [F11on the Functioning of the European Union];
- (2) 'marine biological resources' means available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life;
- (3) F12 ...
- (4) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources or a blue fin tuna trap;
- (5) F13 ...
- (6) 'entry to the fishing fleet' means registration of a fishing vessel in the fishing vessel register of [F14the United Kingdom];
- (7) 'maximum sustainable yield' means the highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process;
- (8) 'precautionary approach to fisheries management', as referred to in Article 6 of the UN Fish Stocks Agreement, means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;
- (9) 'ecosystem-based approach to fisheries management' means an integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties regarding biotic, abiotic and human components of ecosystems;
- (10) 'discards' means catches that are returned to the sea;
- (11) 'low impact fishing' means utilising selective fishing techniques which have a low detrimental impact on marine ecosystems or which may result in low fuel emissions, or both;
- (12) 'selective fishing' means fishing with fishing methods or fishing gears that target and capture organisms by size or species during the fishing operation, allowing non-target specimens to be avoided or released unharmed;
- (13) 'fishing mortality rate' means the rate at which biomass or individuals are removed from a stock by means of fishery activities over a given period;
- (14) 'stock' means a marine biological resource that occurs in a given management area;

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- (15) 'catch limit' means, as appropriate, either a quantitative limit on catches of a fish stock or group of fish stocks over a given period where such fish stocks or group of fish stocks are subject to an obligation to land, or a quantitative limit on landings of a fish stock or group of fish stocks over a given period for which the obligation to land does not apply;
- (16) 'conservation reference point' means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example in respect of an acceptable level of biological risk or a desired level of yield;
- (17) 'minimum conservation reference size' means the size of a living marine aquatic species taking into account maturity, as established by <sup>F15</sup>... law, below which restrictions or incentives apply that aim to avoid capture through fishing activity; such size replaces, where relevant, the minimum landing size;
- (18) 'stock within safe biological limits' means a stock with a high probability that its estimated spawning biomass at the end of the previous year is higher than the limit biomass reference point (Blim) and its estimated fishing mortality rate for the previous year is less than the limit fishing mortality rate reference point (Flim);
- (19) 'safeguard' means a precautionary measure designed to avoid something undesirable occurring;
- (20) 'technical measure' means a measure that regulates the composition of catches by species and size and the impacts on components of the ecosystems resulting from fishing activities by establishing conditions for the use and structure of fishing gear and restrictions on access to fishing areas;
- (21) 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of fishing vessels it is the sum of the fishing effort of all vessels in the group;
- (22) <sup>F16</sup> ...
- (23) <sup>F17</sup> ...
- (24) 'fishing capacity' means a vessel's tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of [<sup>F18</sup>Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels];
- (25) 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;
- (26) 'fishing licence' means a licence as defined in point (9) of Article 4 of Council Regulation (EC) No 1224/2009<sup>(18)</sup>;
- (27) 'fishing authorisation' means an authorisation as defined in point (10) of Article 4 of Regulation (EC) No 1224/2009;
- (28) 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products;
- (29) 'fishery products' means aquatic organisms resulting from any fishing activity or products derived therefrom;

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- (30) 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
- (31) 'serious infringement' means an infringement that is defined as such in relevant <sup>F19</sup> ... law, including in Article 42(1) of Council Regulation (EC) No 1005/2008<sup>(19)</sup> and in Article 90(1) of Regulation (EC) No 1224/2009;
- (32) 'end-user of scientific data' means a body with a research or management interest in the scientific analysis of data in the fisheries sector;
- (33) 'surplus of allowable catch' means that part of the allowable catch which a coastal State does not harvest, resulting in an overall exploitation rate for individual stocks that remains below levels at which stocks are capable of restoring themselves and maintaining populations of harvested species above desired levels based on the best available scientific advice;
- (34) 'aquaculture products' means aquatic organisms at any stage of their life cycle resulting from any aquaculture activity or products derived therefrom;
- (35) 'spawning stock biomass' means an estimate of the mass of the fish of a particular stock that reproduces at a defined time, including both males and females and fish that reproduce viviparously;
- (36) 'mixed fisheries' means fisheries in which more than one species is present and where different species are likely to be caught in the same fishing operation;
- (37) 'sustainable fisheries partnership agreement' means an international agreement concluded with [<sup>F20</sup>another] state for the purpose of obtaining access to waters and resources in order to sustainably exploit a share of the surplus of marine biological resources<sup>F21</sup> ....
- (38) [<sup>F22</sup>'United Kingdom fishing vessel' means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995;
- (39) 'United Kingdom fleet' means all United Kingdom fishing vessels;
- (40) 'United Kingdom waters' means the sea within British fishery limits but excluding the territorial sea adjacent to the Isle of Man.
- (41) 'third country' means any country that is not the United Kingdom;
- (42) 'competent authority' means any person or body to whom a fisheries administration has delegated the function in question;
- (43) 'relevant retained direct EU legislation' means retained direct EU legislation corresponding to any direct EU legislation adopted under the EU common fisheries policy;
- (44) 'Fisheries Rules' means relevant retained direct EU legislation;
- (45) 'a fisheries administration' is to be interpreted in accordance with Article 1. A reference to 'the other fisheries administrations' is to be interpreted accordingly and, for this purpose, the fisheries administrations are listed in Article 1(9)(a). A reference to the 'fleet' of a fisheries administration is a reference to all United Kingdom fishing vessels which are—



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- (a) in the case of the Secretary of State and the Marine Management Organisation, registered to a port in England;
  - (b) in the case of the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, registered to a port in Northern Ireland;
  - (c) in the case of the Scottish Ministers, registered to a port in Scotland; or
  - (c) in the case of the Welsh Ministers, registered to a port in Wales.]
- (46) [<sup>F23</sup>the fisheries objectives' has the meaning given by section 1(1) of the Fisheries Act 2020.]

2 For the purposes of this Regulation, the following geographical definitions of geographical areas shall apply:

- a 'North Sea' means ICES zones<sup>(20)</sup> IIIa and IV;
- b 'Baltic Sea' means ICES zones IIIb, IIIc and IIId;
- c 'North Western waters' means ICES zones V (excluding Va and only Union waters of Vb), VI and VII;
- d 'South Western waters' means ICES zones VIII, IX and X (waters around Azores), and CECAF zones<sup>(21)</sup> 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands);
- e 'Mediterranean Sea' means Maritime Waters of the Mediterranean to the East of line 5°36' West;
- f 'Black Sea' means the GFCM (General Fisheries Commission for the Mediterranean) geographical sub-area as defined in Resolution GFCM/33/2009/2.

#### Textual Amendments

- F10** Words in Art. 4.1 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 4.1(1) inserted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(b)**; 2020 c. 1, Sch. 5 para. **1(1)**
- F12** Art. 4.1(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Art. 4.1(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 4.1(6) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Word in Art. 4.1(17) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Art. 4.1(22) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Art. 4.1(23) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 4.1(24) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Word in Art. 4.1(31) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(j)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Word in Art. 4.1(37) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(k)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 4.1(37) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(4)(k)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F22** Arts. 4.1(38)-(45) inserted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(4)(I)** (as amended by S.I. 2020/1542, regs. 1(2), **11(2)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Art. 4.1(46) inserted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(3)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

## PART II

### ACCESS TO WATERS

#### <sup>F24</sup>Article 5

#### General rules on access to waters

#### Textual Amendments

- F24** Art. 5 revoked (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(4)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

## PART III

### MEASURES FOR THE CONSERVATION AND SUSTAINABLE EXPLOITATION OF MARINE BIOLOGICAL RESOURCES

#### <sup>F25</sup>TITLE I

#### Conservation measures

#### Article 6

#### General provisions

#### Article 7

#### Types of conservation measures

*Status: Point in time view as at 31/12/2021.*

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## Article 8

### Establishment of fish stock recovery areas

#### Textual Amendments

**F25** Pt. 3 Title 1 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE II

### Specific measures

#### <sup>F26</sup> Article 9

### Principles and objectives of multiannual plans

#### Textual Amendments

**F26** Art. 9 revoked (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(5)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

#### <sup>F27</sup> Article 10

### Content of multiannual plans

#### Textual Amendments

**F27** Art. 10 revoked (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(6)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

#### <sup>F28</sup> Article 11

### Conservation measures necessary for compliance with obligations under Union environmental legislation

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#### Textual Amendments

**F28** Arts. 11-13 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F28</sup> Article 12

### Commission measures in case of a serious threat to marine biological resources

#### Textual Amendments

**F28** Arts. 11-13 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F28</sup> Article 13

### Member State emergency measures

#### Textual Amendments

**F28** Arts. 11-13 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Article 14

### Avoidance and minimisation of unwanted catches

1 In order to facilitate the introduction of the obligation to land all catches in the respective fishery in accordance with Article 15 ("the landing obligation"), [<sup>F29</sup>a fisheries administration] may conduct pilot projects, based on the best available scientific advice<sup>F30</sup>..., with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery.

2 [<sup>F31</sup>A fisheries administration] may produce a "discard atlas" showing the level of discards in each of the fisheries which are covered by Article 15(1).

#### Textual Amendments

**F29** Words in Art. 14(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F30** Words in Art. 14(1) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F31** Words in Art. 14(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 15

### Landing obligation

<sup>F32</sup>1 All catches of species which are subject to catch limits caught during fishing activities in United Kingdom waters, or by United Kingdom fishing vessels outside United Kingdom waters in waters not subject to third countries' sovereignty or jurisdiction, shall be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas where applicable, except when used as live bait.

2 Paragraph 1 is without prejudice to any of the United Kingdom's international obligations.]

<sup>F33</sup>3 .....

4 The landing obligation referred to in paragraph 1 shall not apply to:

- a species in respect of which fishing is prohibited and which are identified as such in [<sup>F34</sup>relevant retained direct EU legislation];
- b species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem;
- c catches falling under de minimis exemptions[<sup>F35</sup>];
- <sup>F36</sup>d fish which shows damage caused by predators.]

5 Details of the implementation of the landing obligation referred to in paragraph 1 shall be specified in multiannual plans <sup>F37</sup>..., including:

- <sup>F35</sup>a specific provisions regarding fisheries or species covered by the landing obligation referred to in paragraph 1<sup>F38</sup>... aimed at increasing gear selectivity or reducing or, as far as possible, eliminating unwanted catches;]
- b the specification of exemptions to the landing obligation of species referred to in point (b) of paragraph 4;
- c provisions for de minimis exemptions of up to 5 % of total annual catches of all species subject to the landing obligation referred to in paragraph 1. The de minimis exemption shall apply in the following cases:
  - (i) where scientific evidence indicates that increases in selectivity are very difficult to achieve; or
  - (ii) to avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear.

Catches under the provisions referred to in this point shall not be counted against the relevant quotas; however, all such catches shall be fully recorded.

<sup>F39</sup>...

- d provisions on documentation of catches;
- e where appropriate, the fixing of minimum conservation reference sizes in accordance with paragraph 10.

<sup>F40</sup>6 A fisheries administration may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.

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6A. Subject to paragraph 6B, the Secretary of State may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.

6B. Where the exercise of the power to make regulations under paragraph 6 would be outside the jurisdiction of the Secretary of State under Article 1(7), before making such regulations under the power in paragraph 6A the Secretary of State must obtain the consent of—

- a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3);
- b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4);
- c the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5).]

F417 .....

8 By way of derogation from the obligation to count catches against the relevant quotas in accordance with paragraph 1, catches of species that are subject to the landing obligation and that are caught in excess of quotas of the stocks in question, or catches of species in respect of which [F42a fisheries administration] has no quota, may be deducted from the quota of the target species provided that they do not exceed 9 % of the quota of the target species. This provision shall only apply where the stock of the non-target species is within safe biological limits.

[F439 For stocks subject to the landing obligation, a fisheries administration may use a year to year flexibility of up to 10% of the landings that it has permitted. For this purpose, a fisheries administration may allow landing of additional quantities of the stock that is subject to the landing obligation provided that such quantities do not exceed 10% of the quota allocated.]

10 Minimum conservation reference sizes may be established with the aim of ensuring the protection of juveniles of marine organisms.

11 For the species subject to the landing obligation as specified in paragraph 1, the use of catches of species below the minimum conservation reference size shall be restricted to purposes other than direct human consumption, including fish meal, fish oil, pet food, food additives, pharmaceuticals and cosmetics.

[F4412 For species that are not subject to the landing obligation as specified in paragraph 1, the catches of species below the minimum conservation reference size shall not be retained on board, but shall be returned immediately to the sea, except when they are used as live bait.]

13 For the purpose of monitoring compliance with the landing obligation, [F45a fisheries administration must] ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others. In doing so, [F45a fisheries administration must] respect the principle of efficiency and proportionality.

F4614 .....

#### Textual Amendments

**F32** Art. 15(1)(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F33** Art. 15(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F34** Words in Art. 15(4)(a) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** 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.
- F36** Inserted 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.
- F37** Words in Art. 15(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 15(5)(a) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in Art. 15(5)(c) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Art. 15(6)-(6B) substituted for Art. 15(6) (31.12.2020) by S.I. 2019/753, reg. 26(2) (as substituted by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1542), regs. 1(2), **15(2)**)
- F41** Art. 15(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 15(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F43** Art. 15(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Substituted by Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.
- F45** Words in Art. 15(13) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Art. 15(14) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**Modifications etc. (not altering text)**

- C1** Art. 15(1) excluded (31.12.21) by Regulation (EC) No. 1393/2014, Art. 2(1)(1A) (as substituted by The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021 (S.I. 2021/1429), regs. 1(1), **3(2)(a)**)

<sup>F47</sup> Article 16

**Fishing opportunities**

.....

*Status: Point in time view as at 31/12/2021.*

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#### Textual Amendments

**F47** Art. 16 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(7)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

### <sup>F48</sup> Article 17

#### Criteria for the allocation of fishing opportunities by Member States

#### Textual Amendments

**F48** Art. 17 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(8)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

### <sup>F49</sup> TITLE III

#### Regionalisation

### Article 18

#### Regional cooperation on conservation measures

#### Textual Amendments

**F49** Pt. 3 Title 3 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F50</sup> TITLE IV

#### National measures

### Article 19

#### Member State measures applicable to fishing vessels flying their flag or to persons established in their territory



*Status: Point in time view as at 31/12/2021.*

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Article 20

**Member State measures within the 12 nautical mile zone**

.....

**Textual Amendments**

**F50** Pt. 3 Title 4 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

PART IV

**MANAGEMENT OF FISHING CAPACITY**

<sup>F51</sup> Article 21

**Establishment of systems of transferable fishing concessions**

.....

**Textual Amendments**

**F51** Art. 21 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(11)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 22

**Adjustment and management of fishing capacity**

1 <sup>F52</sup> A fisheries administration must] put in place measures to adjust the fishing capacity of <sup>F53</sup>its fleet to the fishing opportunities available to it] over time, taking into account trends and based on best scientific advice, with the objective of achieving a stable and enduring balance between them.

<sup>F54</sup>2 .....

<sup>F54</sup>3 .....

<sup>F54</sup>4 .....

5 No exit from the fleet supported by public aid shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations.

6 The fishing capacity corresponding to the fishing vessels withdrawn with public aid shall not be replaced.

<sup>F55</sup>7 A fisheries administration must, jointly with the other fisheries administrations, ensure that the fishing capacity of the United Kingdom fleet does not exceed at any time 231,106 GT or 909,141 kW.]

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#### Textual Amendments

- F52** Words in Art. 22(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(12)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F53** Words in Art. 22(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(12)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F54** Art. 22(2)-(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(12)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Art. 22(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(12)(c)**; 2020 c. 1, **Sch. 5 para. 1(1)**

### Article 23

#### Entry/Exit scheme

1 <sup>F56</sup>A fisheries administration must] manage entries into <sup>F57</sup>its fleet] and exits from <sup>F57</sup>its fleet] in such a way that the entry into the fleet of new capacity without public aid is compensated for by the prior withdrawal of capacity without public aid of at least the same amount.

<sup>F58</sup>2 .....

<sup>F58</sup>3 .....

<sup>F58</sup>4 .....

#### Textual Amendments

- F56** Words in Art. 23(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(13)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F57** Words in Art. 23(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(13)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F58** Art. 23(2)-(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 24

#### Fishing fleet registers

1 <sup>F59</sup>A fisheries administration must] record the information on ownership, on vessel and gear characteristics and on the activity of <sup>F60</sup>... fishing vessels <sup>F61</sup>in its fleet] that is necessary for the management of measures established under this Regulation.

<sup>F62</sup>2 .....

3 The <sup>F63</sup>Secretary of State must] maintain a <sup>F64</sup>United Kingdom] fishing fleet register containing the information <sup>F65</sup>referred to in paragraph 1]. <sup>F66</sup>Public access must be provided] to the <sup>F64</sup>United Kingdom] fishing fleet register, while ensuring that personal data is adequately protected.

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[<sup>F674</sup> Subject to paragraph 5, the Secretary of State may make regulations establishing technical operational requirements for the recording, format and transmission of the information referred to in paragraph 1.

5. Where, in the circumstances described in paragraph 6, the exercise of the power to make regulations under paragraph 4 would be outside the jurisdiction of the Secretary of State under Article 1(7), before making such regulations under that power the Secretary of State must obtain the consent of—

- a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) in the circumstances described in paragraph 6;
- b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) in the circumstances described in paragraph 6;
- c the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5) in the circumstances described in paragraph 6.

6. The circumstances referred to in paragraph 5 are circumstances where the power in paragraph 4 is treated as a power exercisable by “a fisheries administration” instead of a power exercisable by the Secretary of State.]

#### Textual Amendments

- F59** Words in Art. 24(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F60** Word in Art. 24(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F61** Words in Art. 24(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(a)(iii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F62** Art. 24(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F63** Words in Art. 24(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(c)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F64** Words in Art. 24(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(c)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F65** Words in Art. 24(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(c)(iii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Words in Art. 24(3) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(14)(c)(iv)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F67** Art. 24(4)-(6) substituted for Art. 24(4) (31.12.2020) by The Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/753), regs. 1, **26(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**

*Status: Point in time view as at 31/12/2021.*

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## PART V

### SCIENTIFIC BASE FOR FISHERIES MANAGEMENT

#### Article 25

#### Data requirements for fisheries management

1 <sup>F68</sup>A fisheries administration must, in accordance with the rules adopted in the area of data collection, collect biological, environmental, technical and socio-economic data necessary for fisheries management, manage those data and make them available to end-users. Those data shall, in particular, enable the assessment of:]

- a the state of exploited marine biological resources;
- b the level of fishing and the impact that fishing activities have on the marine biological resources and on the marine ecosystems; and
- c the socio-economic performance of the fisheries, aquaculture and processing sectors within and outside [<sup>F69</sup>United Kingdom] waters.

2 The collection, management and use of data shall be based on the following principles:

- a accuracy and reliability, and collection in a timely manner;
- b the use of coordination mechanisms with a view to avoiding duplication of data collection for different purposes;
- c safe storage and protection of collected data in computerised databases, and their public availability where appropriate, including at aggregated level, whilst ensuring confidentiality;

<sup>F70</sup>d .....

- e the availability in a timely manner of the relevant data and the respective methodologies by which they are obtained, for bodies with a research or management interest in the scientific analysis of data in the fisheries sector and for any interested parties, save in circumstances where protection and confidentiality are required under applicable <sup>F71</sup>... law.

<sup>F72</sup>3 .....

<sup>F72</sup>4 .....

<sup>F72</sup>5 .....

6 The collection, management and use of data shall be carried out in a cost-effective manner.

<sup>F73</sup>7 .....

#### Textual Amendments

**F68** Words in Art. 25(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(15)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**

**F69** Words in Art. 25(1)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(15)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

**F70** Art. 25(2)(d) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(15)(b)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**

**F71** Word in Art. 25(2)(e) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(15)(b)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**

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- F72** Art. 25(3)-(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(15)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F73** Art. 25(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(15)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[<sup>F74</sup> Article 26*

#### **Consulting scientific bodies**

A fisheries administration must consult appropriate scientific bodies. Consultations of scientific bodies shall take into account the proper management of public funds, with the aim of avoiding duplication of work by such bodies.]

#### **Textual Amendments**

- F74** Art. 26 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(16)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[<sup>F75</sup> Article 27*

#### **Research and Scientific Advice**

A fisheries administration must carry out fisheries and aquaculture research and innovation programmes.]

#### **Textual Amendments**

- F75** Art. 27 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(17)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART VI

### **EXTERNAL POLICY**

#### *Article 28*

#### **Objectives**

1 In order to ensure sustainable exploitation, management and conservation of marine biological resources and the marine environment, [<sup>F76</sup>[<sup>F77</sup>the Secretary of State] must conduct the external fisheries relations of the United Kingdom] in accordance with its international obligations and policy objectives, as well as the <sup>F78</sup>... principles set out in [<sup>F79</sup>Article 3].

- 2 [<sup>F80</sup>A fisheries][<sup>F81</sup>administration must]:
- a actively support and contribute to the development of scientific knowledge and advice;
  - b improve policy coherence of [<sup>F82</sup>United Kingdom] initiatives, with particular regard to environmental, trade and development activities and strengthen consistency of actions

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- taken in the context of development cooperation and scientific, technical and economic cooperation;
- c contribute to sustainable fishing activities that are economically viable and promote employment within the [<sup>F83</sup>United Kingdom];
  - [<sup>F84</sup>d ensure that the fishing activities of United Kingdom fishing vessels outside of United Kingdom waters are based on the same principles and standards as those applicable under the law of the United Kingdom, while promoting a level-playing field for United Kingdom operators vis-a-vie operators from other countries;]
  - e promote and support, in all international spheres, action necessary to eradicate IUU-fishing;
  - f promote the establishment and the strengthening of compliance committees of RFMOs, periodical independent performance reviews and appropriate remedial actions, including effective and dissuasive penalties, which are to be applied in a transparent and non-discriminatory manner.

<sup>F85</sup>3

#### Textual Amendments

- F76** 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, **3(18)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in Art. 28(1) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(9)(a)(i)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F78** Words in Art. 28(1) omitted (31.12.2020) by virtue of Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(9)(a)(ii)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F79** Words in Art. 28(1) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(9)(a)(iii)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F80** Words in Art. 28(2) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(9)(b)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F81** Words in Art. 28(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(18)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in Art. 28(2)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(18)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F83** Words in Art. 28(2)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(18)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F84** Art. 28(2)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(18)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F85** Art. 28(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(18)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

## TITLE I

### International fisheries organisations

#### Article 29

#### [<sup>F86</sup>United Kingdom] activities in international fisheries organisations

1 [<sup>F87</sup>A fisheries administration must] actively support and contribute to the activities of international organisations dealing with fisheries, including RFMOs.

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[<sup>F88</sup>2 The Secretary of State must take such steps as the Secretary of State considers appropriate for the purpose of supporting the improvement of the performance of RFMOs in relation to the conservation and management of marine living resources.]

3 [<sup>F89</sup>A fisheries administration must] actively support the development of appropriate and transparent mechanisms for the allocation of fishing opportunities.

4 [<sup>F90</sup>A fisheries administration must] foster cooperation among RFMOs and consistency between their respective regulatory frameworks, and shall support the development of scientific knowledge and advice to ensure that their recommendations are based on such scientific advice.

#### Textual Amendments

- F86** Words in Art. 29 heading substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in Art. 29(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F88** Art. 29(2) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(10)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F89** 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, **3(19)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in Art. 29(4) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(19)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 30

#### Compliance with international provisions

[<sup>F91</sup>A fisheries administration must]<sup>F92</sup> ... cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures, especially those to combat IUU fishing, in order to ensure that measures adopted by such international organisations are strictly adhered to.

#### Textual Amendments

- F91** Words in Art. 30 substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(20)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 30 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(20)(b)**; 2020 c. 1, Sch. 5 para. 1(1)



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## TITLE II

### Sustainable fisheries partnership agreements

#### Article 31

#### Principles and objectives of Sustainable fisheries partnership agreements

1 Sustainable fisheries partnership agreements with third countries shall establish a legal, environmental, economic and social governance framework for fishing activities carried out by [F93United Kingdom] fishing vessels in third country waters.

Such frameworks may include:

- a development and support for the necessary scientific and research institutions;
- b monitoring, control and surveillance capabilities;
- c other capacity building elements concerning the development of a sustainable fisheries policy of the third country.

2 For the purpose of ensuring the sustainable exploitation of surpluses of marine biological resources, [F94a fisheries administration must] endeavour to ensure that the Sustainable fisheries partnership agreements with third countries are of mutual benefit to the [F95United Kingdom] and to the third country concerned, including its local population and fishing industry and that they contribute to continuing the activity of [F96the United Kingdom fleet] and seek to obtain an appropriate share of the available surplus, commensurate with the [F97United Kingdom fleet's] interest.

3 For the purpose of ensuring that [F98United Kingdom fishing] vessels fishing under Sustainable fisheries partnership agreements operate, where appropriate, under similar standards to those applicable to [F99United Kingdom] fishing vessels fishing in [F99United Kingdom] waters, [F100a fisheries administration must] endeavour to include in Sustainable fisheries partnership agreements appropriate provisions on obligations to land fish and fishery products.

4 [F101United Kingdom] fishing vessels shall only catch surplus of the allowable catch as referred to in Article 62(2) and (3) of the UNCLOS, and identified, in a clear and transparent manner, on the basis of the best available scientific advice and of the relevant information exchanged between the [F101United Kingdom] and the third country about the total fishing effort on the affected stocks by all fleets. Concerning straddling or highly migratory fish stocks, the determination of the resources available for access should take due account of scientific assessments conducted at the regional level as well as conservation and management measures adopted by relevant RFMOs.

5 [F102United Kingdom] fishing vessels shall not operate in the waters of the third country with which a Sustainable fisheries partnership agreement is in force unless they are in possession of a fishing authorisation which has been issued in accordance with that agreement.

6 [F103A fisheries administration must] ensure that Sustainable fisheries partnership agreements include a clause concerning respect for democratic principles and human rights, which constitutes an essential element of such agreements.

Those agreements shall also, to the extent possible, include:

- a a clause prohibiting the granting of more favourable conditions to other fleets fishing in those waters than those granted to [F104United Kingdom] economic actors, including conditions concerning the conservation, development and management of



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resources, financial arrangements, and fees and rights relating to the issuing of fishing authorisations;

b an exclusivity clause relating to the rule provided for in paragraph 5.

7 Efforts shall be made <sup>F105</sup>... to monitor the activities of [<sup>F106</sup>United Kingdom] fishing vessels that operate in [<sup>F107</sup>non-United Kingdom] waters outside the framework of Sustainable fisheries partnership agreements.

8 [<sup>F108</sup>A fisheries administration must] ensure that [<sup>F109</sup>United Kingdom fishing vessels] operating outside [<sup>F110</sup>United Kingdom waters] are in a position to provide detailed and accurate documentation of all fishing and processing activities.

9 A fishing authorisation, as referred to in paragraph 5, shall be granted to a vessel which has left the [<sup>F111</sup>United Kingdom fishing fleet register] and which has subsequently returned to it within 24 months, only if the owner of that vessel has provided to [<sup>F112</sup>a fisheries administration] all data required to establish that, during that period, the vessel was operating in a manner fully consistent with the standards applicable to a [<sup>F113</sup>United Kingdom fishing vessel].

Where the state granting the flag during the period that the vessel was off the [<sup>F111</sup>United Kingdom fishing fleet register] became recognised under [<sup>F114</sup>relevant law] as a non-cooperating state with regard to combating, deterring and eliminating IUU fishing, or as a state allowing for non-sustainable exploitation of living marine resources, such fishing authorisation shall only be granted if it is established that the vessel's fishing operations ceased and the owner took immediate action to remove the vessel from the register of that state.

<sup>F115</sup>10 .....

#### Textual Amendments

- F93** Words in Art. 31(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in Art. 31(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 31(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in Art. 31(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(b\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F97** Words in Art. 31(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(b\)\(iv\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F98** Words in Art. 31(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Art. 31(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in Art. 31(3) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(c\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in Art. 31(4) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 31(5) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in Art. 31(6) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(f\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in Art. 31(6) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, [3\(21\)\(f\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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- F105** Words in Art. 31(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(g)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in Art. 31(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(g)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in Art. 31(7) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(g)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F108** Words in Art. 31(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(h)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F109** Words in Art. 31(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(h)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in Art. 31(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(h)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in Art. 31(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(i)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in Art. 31(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(i)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F113** Words in Art. 31(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(i)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F114** Words in Art. 31(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(i)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F115** Art. 31(10) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(21)(j)**; 2020 c. 1, Sch. 5 para. 1(1)

## Article 32

### Financial assistance

1 <sup>[F116]</sup>A fisheries administration may] provide financial assistance to third countries through Sustainable fisheries partnership agreements in order to:

- a support part of the cost of access to the fisheries resources in third country waters; the part of the cost of access to the fisheries resources to be paid by <sup>[F117]</sup>United Kingdom fishing] vessel owners shall be assessed for each Sustainable fisheries partnership agreement or a Protocol to it and shall be fair, non-discriminatory and commensurate with the benefits provided through the access conditions;
- b establish the governance framework, including the development and maintenance of the necessary scientific and research institutions, promote consultation processes with interest groups, and monitoring, control and surveillance capability and other capacity building items relating to the development of a sustainable fisheries policy driven by the third country. Such financial assistance shall be conditional upon the achievement of specific results and complementary to and consistent with the development projects and programmes implemented in the third country in question.

<sup>[F1182]</sup> Where financial assistance is provided under a Sustainable fisheries partnership agreement—

- a any financial assistance for sectoral support must be decoupled from payments for access to fisheries resources; and
- b the agreement must require the achievement of specific results as a condition for payments and the fisheries administration must closely monitor progress.]

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#### Textual Amendments

- F116** Words in Art. 32(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(22)(a)(i)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F117** Words in Art. 32(1)(a) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(22)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F118** Art. 32(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(22)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### TITLE III

#### *Management of stocks of common interest*

##### *Article 33*

#### **Principles and objectives of management of stocks of common interest to the <sup>F119</sup>United Kingdom] and third countries and agreements on exchange and joint management**

1 Where stocks of common interest are also exploited by third countries, <sup>F120</sup>[<sup>F121</sup>the Secretary of State] must] engage with those third countries with a view to ensuring that those stocks are managed in a sustainable manner that is consistent with this Regulation<sup>F122</sup>.... Where no formal agreement is reached, <sup>F120</sup>[<sup>F121</sup>the Secretary of State] must] make every effort to reach common arrangements for fishing of such stocks with a view to making the sustainable management possible<sup>F123</sup>....

2 In order to ensure a sustainable exploitation of stocks shared with third countries and to guarantee stability of the fishing operations of its fleets, <sup>F124</sup>[<sup>F124</sup>a fisheries administration must], in accordance with UNCLOS, endeavour to establish bilateral or multilateral agreements with third countries for the joint management of stocks, including the establishment, where appropriate, of access to waters and resources and conditions for such access, the harmonisation of conservation measures and the exchange of fishing opportunities.

#### Textual Amendments

- F119** Words in Art. 33 heading substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F120** Words in Art. 33(1) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(23)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F121** Words in Art. 33(1) substituted (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(11)(a)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F122** Words in Art. 33(1) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(11)(b)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F123** Words in Art. 33(1) omitted (31.12.2020) by virtue of [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(11)(c)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))
- F124** Words in Art. 33(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(23)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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PART VII

AQUACULTURE

Article 34

Promoting sustainable aquaculture

1 With a view to promoting sustainability and contributing to food security and supplies, growth and employment, [F125 a fisheries administration must, in conjunction with the other fisheries administrations, seek to] establish non-binding F126... strategic guidelines on common priorities and targets for the development of sustainable aquaculture activities. Such strategic guidelines shall take account of the relative starting positions and different circumstances throughout the [F127 United Kingdom] and shall form the basis for multiannual national strategic plans, and shall aim at:

- a improving the competitiveness of the aquaculture industry and supporting its development and innovation;
b reducing the administrative burden and making the implementation of [F128 relevant] law more efficient and responsive to the needs of stakeholders;
c encouraging economic activity;
d diversification and improvement of the quality of life in coastal and inland areas;
e integrating aquaculture activities into maritime, coastal and inland spatial planning.

- F129 2 .....
F129 3 .....
F129 4 .....
F129 5 .....
F129 6 .....

Textual Amendments

- F125 Words in Art. 34(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 3(24)(a)(i); 2020 c. 1, Sch. 5 para. 1(1)
F126 Word in Art. 34(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 3(24)(a)(ii); 2020 c. 1, Sch. 5 para. 1(1)
F127 Words in Art. 34(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 3(24)(a)(iii); 2020 c. 1, Sch. 5 para. 1(1)
F128 Word in Art. 34(1)(b) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 3(24)(a)(iv); 2020 c. 1, Sch. 5 para. 1(1)
F129 Art. 34(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, 3(24)(b); 2020 c. 1, Sch. 5 para. 1(1)

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## PART VIII

### COMMON MARKET ORGANISATION

#### Article 35

#### Objectives

1 A common organisation of the markets in fishery and aquaculture products (the common market organisation) shall be established to:

- a contribute to the achievement of the [<sup>F130</sup>fisheries objectives];
- <sup>F131</sup>b .....
- c strengthen the competitiveness of the [<sup>F132</sup>United Kingdom] fishery and aquaculture industry, in particular producers;
- d improve the transparency and stability of the markets, in particular as regards economic knowledge and understanding of the [<sup>F133</sup>United Kingdom] markets for fishery and aquaculture products along the supply chain, ensure that the distribution of added value along the sector's supply chain is more balanced, improve consumer information and raise awareness, by means of notification and labelling that provides comprehensible information;
- e contribute to ensuring a level–playing field for all products marketed in the [<sup>F134</sup>United Kingdom] by promoting sustainable exploitation of fisheries resources;
- f contribute to ensuring that consumers have a diverse supply of fishery and aquaculture products;
- g provide the consumer with verifiable and accurate information regarding the origin of the product and its mode of production, in particular through marking and labelling.

2 The common market organisation shall apply to the fishery and aquaculture products listed in Annex I to Regulation (EU) No 1379/2013 of the European Parliament and of the Council<sup>(22)</sup>, which are marketed in the [<sup>F135</sup>United Kingdom].

3 The common market organisation shall include, in particular:

- a the organisation of the industry including market stabilization measures;
- b the production and marketing plans of fishery and aquaculture producer organisations;
- c common marketing standards;
- d consumer information.

#### Textual Amendments

**F130** Words in Art. 35(1)(a) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(12)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

**F131** Art. 35(1)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(25)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F132** Words in Art. 35(1)(c) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(25)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F133** Words in Art. 35(1)(d) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(25)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**F134** Words in Art. 35(1)(e) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(25)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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**F135** Words in Art. 35(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(25)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART IX

### CONTROL AND ENFORCEMENT

#### Article 36

#### Objectives

[<sup>F136</sup>1 Compliance with Fisheries Rules is to be ensured through an effective fisheries control system, including the fight against IUU fishing.]

2 Control and enforcement <sup>F137</sup>... shall in particular be based on and shall include the following:

- a a global, integrated and common approach;
- <sup>F138</sup>b .....
- c cost-efficiency and proportionality;
- d the use of efficient control technologies for the availability and quality of data on fisheries;
- <sup>F139</sup>e .....
- f a risk-based strategy focused on systematic and automated cross-checks of all available relevant data;
- g the development of a culture of compliance and co-operation among all operators and fishermen.

[<sup>F140</sup>A fisheries administration must] adopt appropriate measures with regard to third countries which allow non-sustainable fishing.

<sup>F141</sup>3 .....

<sup>F142</sup>4 .....

<sup>F143</sup>5 .....

#### Textual Amendments

- F136** Art. 36(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F137** Words in Art. 36(2) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F138** Art. 36(2)(b) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F139** Art. 36(2)(e) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F140** Words in Art. 36(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(b)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F141** Art. 36(3) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(c)**; 2020 c. 1, Sch. 5 para. 1(1)



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**F142** Art. 36(4) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

**F143** Art. 36(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(26)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

*F144* Article 37

**Expert group on compliance**

**Textual Amendments**

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

*F144* Article 38

**Pilot projects on new control technologies and data management systems**

**Textual Amendments**

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

*F144* Article 39

**Contribution to control, inspection, enforcement and data collection costs**

**Textual Amendments**

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

PART X

**FINANCIAL INSTRUMENTS**

*F144* Article 40

**Objectives**

*Status: Point in time view as at 31/12/2021.*

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1380/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *F144* Article 41

### Conditions for financial assistance to Member States

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *F144* Article 42

### Conditions for financial assistance to operators

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART XI

### ADVISORY COUNCILS

#### *F144* Article 43

### Establishment of Advisory Councils

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)



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#### *F144* Article 44

### Tasks of Advisory Councils

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *F144* Article 45

### Composition, functioning and funding of Advisory Councils

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART XII

### PROCEDURAL PROVISIONS

#### *F144* Article 46

### Exercise of delegation

#### Textual Amendments

**F144** Arts. 37-46 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(27)**; 2020 c. 1, Sch. 5 para. 1(1)

#### *F145* Article 47

### Regulations

1 Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2 For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Status: Point in time view as at 31/12/2021.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1380/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- 3 Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- 4 A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
- 5 A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- 6 Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- 7 Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.
- 8 Such regulations may—
  - a contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
  - b make different provision for different purposes.]

**Textual Amendments**  
**F145** Art. 47 substituted (31.12.2020) by [The Common Fisheries Policy and Aquaculture \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/753\)](#), regs. 1, **26(4)**; 2020 c. 1, Sch. 5 para. 1(1)

PART XIII

FINAL PROVISIONS

Article 48

Repeals and amendments

- 1 Regulation (EC) No 2371/2002 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

- F146<sup>2</sup> .....
- F146<sup>3</sup> .....
- F146<sup>4</sup> .....
- F146<sup>5</sup> .....

*Status: Point in time view as at 31/12/2021.*

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 1380/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

**Textual Amendments**

**F146** Art. 48(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, **3(28)**; 2020 c. 1, Sch. 5 para. 1(1)

*F147* **Article 49**

**Review**

**Textual Amendments**

**F147** Arts. 49-51 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(29)**; 2020 c. 1, Sch. 5 para. 1(1)

*F147* **Article 50**

**Annual report**

**Textual Amendments**

**F147** Arts. 49-51 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(29)**; 2020 c. 1, Sch. 5 para. 1(1)

*F147* **Article 51**

**Entry into force**

**Textual Amendments**

**F147** Arts. 49-51 omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(29)**; 2020 c. 1, Sch. 5 para. 1(1)

This Regulation shall be binding in its entirety and directly applicable in all Member States.

**Status:** Point in time view as at 31/12/2021.

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F148 ANNEX I

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**Textual Amendments**

**F148** Annex 1 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), Sch. 11 para. 2(13) (with Sch. 4 para. 31, Sch. 11 para. 15(2))

F149 ANNEX II

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**Textual Amendments**

**F149** Annex 2 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 3(30); 2020 c. 1, Sch. 5 para. 1(1)

F150 ANNEX III

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**Textual Amendments**

**F150** Annex 3 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, 3(30); 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2021.*

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1380/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

- (1) [OJ C 181, 21.6.2012, p. 183.](#)
- (2) [OJ C 225, 27.7.2012, p. 20.](#)
- (3) Position of the European Parliament of 6 February 2013 (not yet published in the Official Journal) and position of the Council at first reading of 17 October 2013 (not yet published in the Official Journal). Position of the European Parliament of 9 December 2013 (not yet published in the Official Journal).
- (4) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ([OJ L 358, 31.12.2002, p. 59.](#))
- (5) The United Nations Convention on the Law of the Sea and of the Agreement on the implementation of Part XI thereof ([OJ L 179, 23.6.1998, p. 3.](#))
- (6) Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof ([OJ L 179, 23.6.1998, p. 1.](#))
- (7) Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks ([OJ L 189, 3.7.1998, p. 14.](#))
- (8) Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks ([OJ L 189, 3.7.1998, p. 16.](#))
- (9) Council Decision 96/428/EC of 25 June 1996 on acceptance by the Community of the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas ([OJ L 177, 16.7.1996, p. 24.](#))
- (10) Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas ([OJ L 177, 16.7.1996, p. 26.](#))
- (11) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([OJ L 164, 25.6.2008, p. 19.](#))
- (12) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ([OJ L 20, 26.1.2010, p. 7.](#))
- (13) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ([OJ L 206, 22.7.1992, p. 7.](#))
- (14) Council resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977 ([OJ C 105, 7.5.1981, p. 1.](#))
- (15) Commission Decision 2005/629/EC of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries ([OJ L 225, 31.8.2005, p. 18.](#))
- (16) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13.](#))
- (17) Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy ([OJ L 256, 3.8.2004, p. 17.](#))
- (18) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community 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 ([OJ L 343, 22.12.2009, p. 1.](#))
- (19) 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 ([OJ L 286, 29.10.2008, p. 1.](#))

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**Status:** Point in time view as at 31/12/2021.

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- (20) ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic ([OJ L 87, 31.3.2009, p. 70](#)).
- (21) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic ([OJ L 87, 31.3.2009, p. 1](#)).
- (22) Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (See page 1 of this Official Journal).

**Status:**

Point in time view as at 31/12/2021.

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EU) No 1380/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.