

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

PART I

GENERAL PROVISIONS

Article 4

Definitions

1 ^{F1}The 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 ^{F2}on 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) ^{F3} ...
- (4) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources or a blue fin tuna trap;
- (5) ^{F4} ...
- (6) 'entry to the fishing fleet' means registration of a fishing vessel in the fishing vessel register of ^{F5}the 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;

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- (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;
- (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 ^{F6}... 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) ^{F7} ...
- (23) ^{F8} ...
- (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 [^{F9}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;

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- (26) 'fishing licence' means a licence as defined in point (9) of Article 4 of Council Regulation (EC) No 1224/2009⁽¹⁾;
- (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;
- (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 ^{F10}... law, including in Article 42(1) of Council Regulation (EC) No 1005/2008⁽²⁾ 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 [^{F11}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^{F12}....
- (38) [^{F13}'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;

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- (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—
- (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) [^{F14}‘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⁽³⁾ 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⁽⁴⁾ 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

- F1** 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)
- F2** 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)**
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)

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- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)(l)** (as amended by S.I. 2020/1542, regs. 1(2), **11(2)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F14** 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))

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- (1) 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](#)).
- (2) 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](#)).
- (3) 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](#)).
- (4) 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](#)).

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Changes and effects yet to be applied to :

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