

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 VI

EXTERNAL POLICY

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 [^{F1}United 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, [^{F2}a fisheries administration must] endeavour to ensure that the Sustainable fisheries partnership agreements with third countries are of mutual benefit to the [^{F3}United Kingdom] and to the third country concerned, including its local population and fishing industry and that they contribute to continuing the activity of [^{F4}the United Kingdom fleet] and seek to obtain an appropriate share of the available surplus, commensurate with the [^{F5}United Kingdom fleet's] interest.

3 For the purpose of ensuring that [^{F6}United Kingdom fishing] vessels fishing under Sustainable fisheries partnership agreements operate, where appropriate, under similar standards to those applicable to [^{F7}United Kingdom] fishing vessels fishing in [^{F7}United Kingdom] waters, [^{F8}a fisheries administration must] endeavour to include in Sustainable fisheries partnership agreements appropriate provisions on obligations to land fish and fishery products.

4 [^{F9}United 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 [^{F9}United 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

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assessments conducted at the regional level as well as conservation and management measures adopted by relevant RFMOs.

5 [F10United 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 [F11A 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 [F12United Kingdom] economic actors, including conditions concerning the conservation, development and management of 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 F13... to monitor the activities of [F14United Kingdom] fishing vessels that operate in [F15non-United Kingdom] waters outside the framework of Sustainable fisheries partnership agreements.

8 [F16A fisheries administration must] ensure that [F17United Kingdom fishing vessels] operating outside [F18United 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 [F19United Kingdom fishing fleet register] and which has subsequently returned to it within 24 months, only if the owner of that vessel has provided to [F20a 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 [F21United Kingdom fishing vessel].

Where the state granting the flag during the period that the vessel was off the [F19United Kingdom fishing fleet register] became recognised under [F22relevant 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.

F23 10

Textual Amendments

- F1 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)
- F2 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)
- F3 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)
- F4 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)
- F5 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)

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- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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 [F24 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 [F25 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

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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.

[^{F26}2 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.]

Textual Amendments

- F24** 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)**
- F25** 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)
- F26** 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)

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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](#)