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STATUTORY INSTRUMENTS

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**2019 No. 739**

**The Common Fisheries Policy (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 8**

**AMENDMENT OF THE MEASURES RELATING TO THE PROTECTION OF  
VULNERABLE MARINE ECOSYSTEMS IN THE DEEP SEAS AND HIGH SEAS**

**Council Regulation (EC) No 734/2008 on the protection of vulnerable marine ecosystems in  
the high seas from the adverse impacts of bottom fishing gears**

**26.—**(1) Council Regulation (EC) No 734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears is amended as follows.

(2) In Article 1 for “Community” in each place it occurs, substitute “United Kingdom”.

(3) In Article 3—

(a) in paragraph 1—

(i) for “Community fishing vessels shall” substitute “United Kingdom fishing vessels must”, and

(ii) for “special fishing permit” substitute “fishing authorisation”; and

(b) in paragraph 2 for “special fishing permit shall be issued in accordance with Regulation (EC) No 1627/94” substitute “fishing authorisation must be issued in accordance with Council Regulation (EC) No 1224/2009”.

(4) In Article 4—

(a) in paragraph 1—

(i) for “special fishing permit” substitute “fishing authorisation”, and

(ii) in point (d) for “the competent authorities of the Flag State concerned” substitute “a fisheries administration”;

(b) in paragraph 2 for “The competent authorities shall issue a special fishing permit after having” substitute “A fisheries administration may only issue a fishing authorisation provided for in Article 3(1) if it has”;

(c) in paragraph 3 for “competent authorities shall” substitute “fisheries administration must”;

(d) in paragraph 5 for “The competent authorities shall” substitute “A fisheries administration must”; and

(e) in paragraph 6—

(i) for “the competent authorities shall” in each place it occurs, substitute “a fisheries administration must”, and

(ii) for “special fishing permit” substitute “fishing authorisation”.

- (5) In Article 5—
- (a) in paragraph 1 for “special fishing permit” substitute “ fishing authorisation ”;
  - (b) in paragraph 2—
    - (i) for “the competent authorities” in the first place it occurs, substitute “ a [<sup>F1</sup>fisheries] administration ”, and
    - (ii) for “competent authorities” in the second place it occurs, substitute “ fisheries administration ”; and
  - (c) in paragraph 3 for “the flag State of the special fishing permit” substitute “ a fisheries administration of the fishing authorisation ”.
- (6) In Article 6(1) omit the final sentence.
- (7) In Article 7(3) for “the competent authorities” substitute “ a fisheries administration ”.
- (8) In Article 8—
- (a) in paragraph 1—
    - (i) for “their” in the first place it occurs, substitute “ United Kingdom ”,
    - (ii) for “Member States shall” in the first place it occurs, substitute “ a fisheries administration must ”,
    - (iii) for “Member States shall” in the second place it occurs, substitutes “A fisheries administration must”,
    - (iv) for “their” in the second place it occurs, substitute “ United Kingdom fishing ”,
    - (v) for “Commission” substitute “ Contracting Parties to the United Nations Convention on the Law of the Sea and to the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ”, and
    - (vi) omit the final sentence; and
  - (b) omit paragraph 2.
- (9) In Article 9—
- (a) in paragraph 1—
    - (i) for “Article 11(1) of Regulation (EC) No 2244/2003” substitute “ Article 25 of Commission Implementing Regulation (EU) No 404/2011 ”; and
    - (ii) for “the flag Member State” substitute “ a fisheries administration ”; and
  - (b) in paragraph 2 for “the competent authorities” substitute “ a fisheries administration ”.
- (10) In Article 10—
- (a) in paragraph 1—
    - (i) for “<sup>F2</sup>... fishing permit” substitute “ fishing authorisation ”;
    - (ii) for “the rules of the common fisheries policy” substitute “ Fisheries Rules ”; and
  - (b) in paragraph 2 for “rules of the common fisheries policy” substitute “ Fisheries Rules ”.
- (11) In Article 11—
- (a) in paragraph 1—
    - (i) for “special fishing permit” substitute “ fishing authorisation ”, and
    - (ii) omit “The number of observers covering fishing activities in a fishing area shall be reviewed on 20 July 2009.”; and
  - (b) for paragraph 2—

- (i) in point (a) for “Article 6 of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy” substitute “ Article 14 of Council Regulation (EC) No 1224/2009 ”, and
- (ii) for point (e) substitute—
  - “(e) present a report to the competent authorities of the fisheries administration concerned 20 days following the termination of the observation period.”.

(12) Omit Articles 12 to 14.

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#### **Textual Amendments**

- F1** Word in reg. 26(5)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The Common Fisheries Policy and Animals \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1312\)](#), regs. 1(2), **8(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in reg. 26(10)(a)(i) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Common Fisheries Policy and Animals \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1312\)](#), regs. 1(2), **8(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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#### **Commencement Information**

- I1** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019, Section 26.