
STATUTORY INSTRUMENTS

2019 No. 753

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

PART 2

**AMENDMENT OF THE REGIONAL FISHERIES
MANAGEMENT ORGANISATIONS REGULATIONS**

Council Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

3.—(1) Council Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation is amended as follows.

- (2) In Article 1 for “Community” substitute “United Kingdom”.
- (3) In Article 2 for “Community” substitute “United Kingdom”.
- (4) In Article 3—
 - (a) in point 13 for “Community” substitute “United Kingdom”; and
 - (b) at the end insert—

“24. “United Kingdom fishing vessel” means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995⁽¹⁾. 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
- (d) in the case of the Welsh Ministers registered to a port in Wales.

25. “UKFR” means the United Kingdom fleet register identification number of the vessel as referred to in Article 8 of [Commission Implementing Regulation \(EU\) 2017/218](#).”.

- (5) In Article 4, in paragraph 1 for “Community” substitute “United Kingdom”.
- (6) In Article 6 for “Community” in each place it occurs, substitute “United Kingdom fishing”.
- (7) In Article 8 for “Community” in both places it occurs, substitute “United Kingdom fishing”.
- (8) Omit Article 12e.

(9) In Article 12f—

(a) in paragraph 2—

(i) for “Member States, whose vessels” substitute “If United Kingdom fishing vessels”, and

(ii) after “concerned, shall” insert “a fisheries administration must”;

(b) for paragraph 4 substitute—

“4. A fisheries administration must ensure that the exploratory bottom fishing activities are subject to the following assessment procedure.

A fisheries administration must carry out an assessment of the known and anticipated impacts of United Kingdom fishing vessels conducting exploratory fishing activities in the NAFO Regulatory Area on vulnerable marine ecosystems. A fisheries administration must only authorise bottom fishing activities in cases where the assessment concludes that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems.

For the purposes of the implementation of the assessment, a fisheries administration must rely on the best scientific and technical information available concerning the location of vulnerable marine ecosystems in the areas in which their fishing vessels intend to operate. That information must include, where available, scientific data on the basis of which the likelihood of occurrence of such ecosystems can be estimated.

The evaluation of the risk of significant adverse impacts on vulnerable marine ecosystems carried out under the assessment must take into account, as appropriate, differing conditions prevailing in new bottom fishing areas and existing bottom fishing areas.

The submission must include a description of the mitigation measures intended to prevent significant adverse impacts on vulnerable marine ecosystems.”; and

(c) for paragraph 5 substitute—

“5. A fisheries administration must submit the Exploratory Fisheries Protocol referred to in paragraph 2 and the assessment referred to in paragraph 4 to the NAFO Secretariat. A fisheries administration must ensure that the exploratory fishing activities are not authorised before this information has been received by the NAFO Secretariat.”.

(10) In Article 12g, for paragraph 3 substitute—

“3. The vessel master must report the incident to a fisheries administration, who without delay must forward the information to the Executive Secretary. A fisheries administration must alert Contracting Parties whose vessels operate in the area. If a fisheries administration is alerted about an incident it must immediately alert all United Kingdom fishing vessels in the area.”.

(11) In Article 12h, for paragraph 3 substitute—

“3. The vessel master must report the incident to a fisheries administration who without delay must forward the information to the Executive Secretary. A fisheries administration must immediately alert countries whose vessels operate in the Area. If a fisheries administration is alerted about an incident it must immediately alert United Kingdom fishing vessels in the area.”.

(12) In Article 13—

(a) for “Community” substitute “United Kingdom fishing”; and

(b) for “their flag Member State” substitute “a fisheries administration”.

(13) In Article 14—

- (a) for paragraph 1 substitute—

“1. A fisheries administration must establish a list of United Kingdom fishing vessels that are authorised to fish in the NAFO Regulatory area and must promptly notify that list to the NAFO Secretariat.”;
 - (b) for paragraph 2 substitute—

“2. A fisheries administration must inform the NAFO Secretariat in computer readable form, at least 15 days before the vessel enters the NAFO Regulatory Area, of any amendment to the list of United Kingdom fishing vessels that are authorised to fish in the NAFO Regulatory Area.”;
 - (c) in paragraph 3 for point (a) substitute “where applicable, the UKFR”; and
 - (d) in paragraph 4—
 - (i) for “a Member State” substitute “the United Kingdom”,
 - (ii) in point (a) for “Member State” substitute “United Kingdom”, and
 - (iii) in point (b) for “the Member State” substitute “a fisheries administration”.
- (14) In Article 15—
- (a) in the heading for “Community” substitute “United Kingdom fishing”;
 - (b) in paragraph 1—
 - (i) for “Member States” substitute “A fisheries administration”, and
 - (ii) for “fishing vessel flying their flag and” substitute “United Kingdom fishing vessel”;
 - (c) in paragraph 2—
 - (i) for “the flag Member State shall” substitute “a fisheries administration must”, and
 - (ii) omit “Commission which shall forward this information to”;
 - (d) in paragraph 3—
 - (i) for “the flag Member State shall” substitute “a fisheries administration must”, and
 - (ii) omit “the Commission which shall promptly forward this information to”;
 - (e) in paragraph 4—
 - (i) for “The flag Member State shall” substitute “A fisheries administration must”, and
 - (ii) in point (a) for “the flag Member State” substitute “the United Kingdom”; and
 - (f) for paragraph 5 substitute—

“5. A fisheries administration must report all catches and by-catches referred to in paragraph 4(c) to the Executive Secretary of NAFO separately from other national catch data pursuant to Article 21.”.
- (15) In Article 16—
- (a) for paragraph 1 substitute—

“1. A fisheries administration must take the necessary measures to ensure that the fishing effort of vessels in its fleet is commensurate with the fishing opportunities available to it in the NAFO Regulatory area.”;
 - (b) in paragraph 2—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”, and
 - (iii) for “their vessels” substitute “United Kingdom fishing vessels”; and

- (c) omit paragraphs 3 to 5.
- (16) In Article 17, for paragraph 1 substitute—
- “1. A fisheries administration must ensure that information obtained by the vessel monitoring system (VMS) pursuant to [Commission Implementing Regulation \(EU\) No 404/2011](#) concerning vessels in its fleet which fish in the NAFO Regulatory Area is transmitted electronically to the NAFO Secretariat on a real time basis.”.
- (17) In Article 18—
- (a) in paragraph 1—
- (i) for “Community” substitute “United Kingdom fishing”,
- (ii) for “their competent flag State authorities” substitute “a fisheries administration”;
- (b) in paragraph 2 for “Community” substitute “United Kingdom fishing”;
- (c) in paragraph 3—
- (i) for “Community” substitute “United Kingdom fishing”,
- (ii) for “their competent authorities” substitute “a fisheries administration”;
- (d) in paragraph 6—
- (i) for “Member States shall” substitute “A fisheries administration must”, and
- (ii) omit “Commission, which shall promptly forward them to the”.
- (18) In Article 19—
- (a) in paragraph 2—
- (i) for “Community” substitute “United Kingdom fishing”, and
- (ii) for “15(1) of Regulation ([EEC](#)) No 2847/93” substitute “33 of Council Regulation ([EC](#)) No 1224/2009”;
- (b) in paragraph 4 for “Community” substitute “United Kingdom fishing”; and
- (c) in paragraph 5 for “Member States shall” substitute “A fisheries administration must”.
- (19) In Article 20(1) for “Article 1 of Council Regulation ([EC](#)) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products” substitute “Articles 1 to 5 of [Regulation \(EU\) No 1379/2013](#)”.
- (20) In Article 21—
- (a) in paragraph 1—
- (i) for “Community” substitute “United Kingdom”, and
- (ii) for “their flag Member State” substitute “a fisheries administration”;
- (b) in paragraph 2(a) for “Community” substitute “United Kingdom”;
- (c) in paragraph 3—
- (i) for “Each Member State shall” substitute “A fisheries administration must”, and
- (ii) omit “Commission which shall forward these reports to the”; and
- (d) omit paragraph 4.
- (21) In Article 22—
- (a) in paragraph 1—
- (i) for the words from “Each Member State shall” to “notify the Commission” substitute “A fisheries administration must, in computer readable form within 30 days of the end of the calendar month in which the catches were made, notify the NAFO Secretariat”, and

- (ii) in point (c) for “11 and 12 of Regulation (EEC) No 2847/93” substitute “20 to 22 of Council Regulation (EC) No 1224/2009”; and
 - (b) omit paragraph 2.
- (22) In Article 23—
- (a) in paragraph 1—
 - (i) for “Member States shall” substitute “A fisheries administration must”, and
 - (ii) for “their fishing vessels” substitute “fishing vessels in its fleet”;
 - (b) in paragraph 4 for “Member States shall” substitute “A fisheries administration must”; and
 - (c) omit paragraph 5.
- (23) In Article 28, for paragraph 1 substitute—
- “1. Observers must present a report, to the fisheries administration which assigned them, within 20 days following the termination of each fishing trip. When an observer’s assignment ends before the termination of the fishing trip, the report must be presented to the fisheries administration in respect of the period of the assignment within 20 days following the end of the assignment. The report must summarise the main findings of the observer. The fisheries administration must transmit the report to the NAFO Secretariat.”.
- (24) In Article 30(1) for “Community” substitute “United Kingdom”.
- (25) In Article 31—
- (a) for “the Member States” substitute “a fisheries administration”;
 - (b) for “Member States” in the second place it occurs, substitute “A fisheries administration”; and
 - (c) for “their vessels” substitute “vessels in its fleet”.
- (26) In Article 32—
- (a) for paragraph 1 substitute—

“1. On receipt of the report of the observer in accordance with Article 28, a fisheries administration must evaluate the contents and conclusions in the report.”; and
 - (b) in paragraph 2 for “the authorities referred to in paragraph 1 shall” substitute “a fisheries administration must”.
- (27) In Article 33(1)—
- (a) for “Member States” substitute “a fisheries administration”; and
 - (b) for “flying their flag” substitute “in its fleet”.
- (28) In Article 34—
- (a) in the heading for “Member State” substitute “United Kingdom”;
 - (b) in paragraph 1—
 - (i) for “Member States shall” substitute “A fisheries administration must”, and
 - (ii) for “Commission” substitute “NAFO Secretariat”;
 - (c) in paragraph 2—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”, and
 - (iii) omit the final sentence;
 - (d) in paragraph 3—

- (i) for “Member States with a vessel or vessels” substitute “A fisheries administration must permit United Kingdom fishing vessels”, and
- (ii) omit “shall permit the vessel”; and
- (e) in paragraph 4—
 - (i) for “Member States shall” substitute “A fisheries administration must”, and
 - (ii) for “flying their flag” substitute “in its fleet”.
- (29) In Article 35(2) for “flag state FMC” substitute “Fisheries Monitoring Centre of a fisheries administration”.
- (30) Omit Article 38.
- (31) In Article 39—
 - (a) in paragraph 1 for “The Commission and/or Member States shall” substitute “A fisheries administration must”;
 - (b) in paragraph 2 for “The Member States and the Commission shall” substitute “A fisheries administration must”;
 - (c) in paragraph 3—
 - (i) for “Each Member State and the Commission shall” substitute “A fisheries administration must”, and
 - (ii) for “Community” substitute “United Kingdom”;
 - (d) in paragraph 5—
 - (i) for “Community vessels” substitute “United Kingdom fishing vessels”, and
 - (ii) omit “Community”; and
 - (e) in paragraph 6 for “Member State” substitute “United Kingdom fishing”.
- (32) In Article 40—
 - (a) for “Member States or the Commission shall” substitute “A fisheries administration must”; and
 - (b) for “their” substitute “its”.
- (33) Omit Article 41.
- (34) In Article 42—
 - (a) in paragraph 2—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) omit “and to the Commission”, and
 - (iii) for “They” substitute “It”;
 - (b) in paragraph 3 for “Member States shall” substitute “A fisheries administration must”; and
 - (c) for paragraph 4 substitute—

“4. A fisheries administration must by 1 March each year report to the NAFO Secretariat on the action taken with regard to surveillance reports involving vessels in its fleet during the previous calendar year. In cases where the follow up action results in the imposition of penalties, those penalties shall be described in specific terms.”.
- (35) In Article 47—
 - (a) for “Community” substitute “United Kingdom”; and
 - (b) in point (d) for “the authorities of the flag State” substitute “a fisheries administration”.
- (36) In Article 48—

- (a) for paragraph 1 substitute—
 - “1. Where an inspector appointed by a fisheries administration carries out an inspection, a fisheries administration must send the original NAFO inspection report drawn up in accordance with Article 45(1) to the flag state of the inspected vessel, with a copy to the NAFO Secretariat, within 30 days after the return of the inspection vessel to port.”;
 - (b) in paragraph 2 omit “the Commission as soon as possible after the return of the inspection vessels to port. The Commission shall forward this documentation to”;
 - (c) in paragraph 3—
 - (i) omit “Community”, and
 - (ii) omit “via the Commission”; and
 - (d) in paragraph 4—
 - (i) for “Commission” substitute “NAFO Secretariat”, and
 - (ii) omit the final sentence.
- (37) In Article 50—
- (a) in paragraph 1—
 - (i) for “Member State” substitute “fisheries administration”, and
 - (ii) for “one of its vessels” substitute “a vessel in its fleet”;
 - (b) in paragraph 2—
 - (i) for “the Member State shall” substitute “a fisheries administration must”,
 - (ii) for “their national” substitute “relevant”, and
 - (iii) for “flying its flag” substitute “in its fleet”; and
 - (c) in paragraph 3—
 - (i) for “the flag Member State shall” substitute “a fisheries administration must”, and
 - (ii) omit “provisions of national”.
- (38) In Article 52—
- (a) in paragraph 1 for “their own authorities, the Commission” substitute “a fisheries administration”;
 - (b) in paragraph 5—
 - (i) for “The Member State or the Commission carrying out the inspection shall” substitute “A fisheries administration must”,
 - (ii) for “Member State and the Commission carrying out the inspection shall” substitute “fisheries administration must”, and
 - (iii) omit the final sentence.
- (39) In Article 53—
- (a) in the heading for “the flag Member State” substitute “a fisheries administration”;
 - (b) omit paragraph 1; and
 - (c) for paragraphs 2 and 3 substitute—
 - “2. After being notified by another Contracting Party of a serious infringement by a United Kingdom fishing vessel, a fisheries administration must ensure that the vessel is inspected within 72 hours by a duly authorised inspector.

3. The duly authorised inspector must board the fishing vessel concerned and examine the evidence of the suspected infringement and forward as quickly as possible to a fisheries administration the results of this examination.”.

(40) In Article 54—

(a) in paragraph 1—

(i) for “flag Member State of the inspected vessel shall” substitute “a fisheries administration must”, and

(ii) for “the flag Member State” substitute “a fisheries administration”;

(b) omit paragraph 2; and

(c) for paragraph 3 substitute—

“**3.** Where a fisheries administration does not require the vessel to be re-routed to a port, it must inform the NAFO Secretariat of that decision and its justification.”.

(41) In Article 55—

(a) in paragraph 1 for “its flag Member State” substitute “a fisheries administration”; and

(b) omit paragraph 2.

(42) In Article 56—

(a) in paragraph 1—

(i) for “the flag Member State shall” substitute “a fisheries administration must”,

(ii) for “flying its flag” substitute “in its fleet”;

(b) in paragraph 2 for “The flag Member State shall” substitute “A fisheries administration must”;

(c) in paragraph 3—

(i) for “the flag Member State of the vessel” substitute “fisheries administration”, and

(ii) for “the flag Member State shall” substitute “a fisheries administration must”;

(d) in paragraph 4—

(i) for “the flag Member State shall” substitute “a fisheries administration must”, and

(ii) for “the flag Member State” substitute “a fisheries administration”; and

(e) in paragraph 5 for “the Member State of the inspected vessel” substitute “a fisheries administration”.

(43) In Article 57—

(a) for paragraph 1 substitute—

“**1.** Where a United Kingdom fishing vessel has committed a serious infringement referred to in Article 56 a fisheries administration must take enforcement measures with respect to the vessel.”;

(b) in paragraph 2 omit “and in accordance with the pertinent provisions of national law”;

(c) in paragraph 3—

(i) for “The flag Member State of the vessel concerned shall” substitute “A fisheries administration must”,

(ii) for “the Commission” substitute “the NAFO Secretariat”, and

(iii) omit the final sentence.

(44) In Article 58—

- (a) in paragraph 1—
 - (i) for “the Member State concerned shall” substitute “a fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”, and
 - (iii) for “three” substitute “four”; and
 - (b) omit paragraph 2.
- (45) In Article 59—
- (a) in paragraph 1 for “of any Member State” substitute “in the United Kingdom”; and
 - (b) in paragraph 2 for “Member States shall” substitute “A fisheries administration must”.
- (46) In Article 60—
- (a) in paragraph 1—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”,
 - (iii) for “25 January” substitute “1 February”, and
 - (iv) for “25 August” substitute “1 September”; and
 - (b) omit paragraph 2.
- (47) In Article 61—
- (a) in paragraph 1—
 - (i) for “Each Member State shall” substitute “A fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”, and
 - (iii) for “15 February” substitute “1 March”; and
 - (b) omit paragraph 2.
- (48) In Article 62—
- (a) in paragraph 1 for “ports of Member States” substitute “United Kingdom ports”; and
 - (b) in paragraph 2 for “(EEC) No 2847/93” substitute “(EC) No 1224/2009”.
- (49) In Article 63—
- (a) for “Member States shall” in both places it occurs, substitute “A fisheries administration must”;
 - (b) for “their” substitute “its”; and
 - (c) omit “the Commission, which shall transmit the list of these ports to”.
- (50) In Article 63a—
- (a) in paragraph 1 for “Member States shall” substitute “A fisheries administration must”; and
 - (b) in paragraph 2—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”, and
 - (iii) omit the final sentence.
- (51) In Article 63b—
- (a) in paragraph 1—
 - (i) for “Article 28e(1) of Regulation (EEC) No 2847/93” substitute “Article 6 of Council Regulation (EC) No 1005/2008”, and
 - (ii) for “port Member State” substitute “fisheries administration”;

- (b) in paragraph 2—
 - (i) for “Member State” in the first place it occurs, substitute “fisheries administration”,
 - (ii) for “its port” substitute “the port in question”,
 - (iii) for “Member States shall” substitute “A fisheries administration must”,
 - (iv) for “Commission or a body designated by it” substitute “NAFO Secretariat”, and
 - (v) omit the final sentence.
 - (c) in paragraph 4 for “the port Member State” substitute “a fisheries administration”;
 - (d) in paragraph 5 for “the port Member State” substitute “a fisheries administration”; and
 - (e) in paragraph 6 omit “the Commission or body designated by it, which shall transmit to”.
- (52) In Article 63c—
- (a) in paragraph 1 for “the port Member State” substitute “a fisheries administration”;
 - (b) in paragraph 2—
 - (i) for “the port Member State” in both places it occurs, substitute “a fisheries administration”, and
 - (ii) for “national rules” substitute “applicable laws”; and
 - (c) in paragraph 3—
 - (i) for “the port Member State shall” substitute “a fisheries administration must”,
 - (ii) omit “the Commission or a body designated by it without delay, which shall forward the information to”, and
 - (iii) after “NAFO Secretariat” insert “without delay”.
- (53) In Article 63d—
- (a) in paragraph 1 for “the port Member State shall” substitute “a fisheries administration must”; and
 - (b) in paragraph 3 for “The port Member State” substitute “A fisheries administration”.
- (54) In Article 63e—
- (a) in paragraph 1(d) for “authorization of the port Member State” substitute “the authorisation of a fisheries administration in accordance with Article 63c”; and
 - (b) in paragraph 2—
 - (i) for “Each port Member State shall” substitute “A fisheries administration must”, and
 - (ii) omit “and in accordance with the pertinent provisions of national law”.
- (55) In Article 63f(3) omit “the Commission or a body designated by it without delay, which shall forward the information to”.
- (56) In Article 65—
- (a) in paragraph 1 for “a Member State or Commission” substitute “an”;
 - (b) in paragraph 2—
 - (i) for “Member States shall” substitute “A fisheries administration must”,
 - (ii) for “Commission” substitute “NAFO Secretariat”, and
 - (iii) omit the final sentence; and
 - (c) omit paragraphs 4 and 5.
- (57) In Article 66 for “Community” substitute “United Kingdom”.
- (58) In Article 68—

- (a) in paragraph 1—
 - (i) for “(EEC) No 2847/93, (EC) No 1093/94” substitute “(EC) No 1224/2009”,
 - (ii) for “Member States shall” substitute “a fisheries administration must”,
 - (iii) for “the port Member State” in the first place it occurs, substitute “a fisheries administration”,
 - (iv) for “The port Member State shall” substitute “A fisheries administration must”, and
 - (v) omit “to the Commission or a body designated by it, which shall transmit it without delay”;
- (b) in paragraph 2 for “The port Member State shall” substitute “A fisheries administration must”; and
- (c) for paragraph 3 substitute—

“3. If a fisheries administration denies landing or transhipment it must inform the master of the vessel concerned of its decision.”.
- (59) In Article 68a—
 - (a) in paragraph 1—
 - (i) for “Member States shall” substitute “A fisheries administration must”, and
 - (ii) for “their” substitute “its”;
 - (b) in paragraph 2 for “the Member State concerned shall” substitute “a fisheries administration must”;
 - (c) in paragraph 3 omit “of the Member State concerned”;
 - (d) for paragraph 4 substitute—

“4. If a fisheries administration denies landing or transhipment, it must inform the master of the vessel concerned of its decision.”; and
 - (e) in paragraph 6—
 - (i) for “Member States” substitute “the United Kingdom”, and
 - (ii) omit “to the Commission or a body designated by it, which shall transmit it without delay”.
- (60) In Article 69—
 - (a) in paragraph 1—
 - (i) in point (a)—
 - (aa) for “Fishing vessels” substitute “United Kingdom fishing vessels”, and
 - (bb) omit “flying the flag of a Member State”,
 - (ii) in point (c) for “a Member State” substitute “the United Kingdom”,
 - (iii) in point (e) for “Community” substitute “United Kingdom”, and
 - (iv) in point (f)—
 - (aa) for “Member States shall” substitute “A fisheries administration must”, and
 - (bb) for “their” substitute “the United Kingdom”; and
 - (b) in paragraph 2 for “Commission shall amend the IUU vessels list” substitute “Secretary of State must amend the United Kingdom IUU vessels list established under [Commission Regulation \(EU\) 468/2010](#)”.
- (61) Omit Article 70.
- (62) Omit Article 72.

(63) In Annex 16—

(a) in the heading to template 1—

- (i) for “Member State” substitute “Fisheries administration”, and
- (ii) omit “via the Commission”;

(b) in the heading to template 2—

- (i) for “Member State” substitute “Fisheries administration”, and
- (ii) omit “via the Commission”; and

(c) in the heading to template 3 omit “Member State”.