Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2019 No.

EXITING THE EUROPEAN UNION

AQUACULTURE

SEA FISHERIES

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

Made - - - - ***

Coming into force in accordance with regulation 1

CONTENTS

PART 1
INTRODUCTORY

1. Citation and commencement 5
2. Revocations 5

PART 2
AMENDMENT OF THE REGIONAL FISHERIES MANAGEMENT ORGANISATIONS REGULATIONS

3. Council Regulation (EC) No 1386/2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation 5
4. Council Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation 15
5. Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries 16
6. Commission Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries 23

7. Regulation (EU) 2017/2107 of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) 25
8. Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean 33
9. Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna Thunnus thynnus 35
10. Commission Delegated Regulation (EU) No 2015/98 on the implementation of the Union's international obligations under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries 38

PART 3

AMENDMENT OF THE TECHNICAL CONSERVATION REGULATIONS

11. Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms 39
12. Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets 43
13. Council Regulation (EC) No 1984/2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community 43
14. Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels 44
15. Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species 45
16. Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets 47
17. Commission Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e 47
18. Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea 47
19. Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries 48
20. Council Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources 48
21. Council Regulation (EC) No 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) 49
22. Council Regulation (EEC) No 1638/87 fixing the minimum mesh size for pelagic trawls used in fishing for blue whiting in that part of the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention 49
23. Commission Regulation (EC) No 2056/2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the West of Scotland 49
24. Council Regulation (EEC) No 1899/85 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention 50

PART 4
AMENDMENT OF THE NORTH SEA MULTIANNUAL PLAN

25. Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea 50

PART 5
TRANSFER OF LEGISLATIVE FUNCTIONS

CHAPTER 1
AMENDMENT OF THE BASIC REGULATION

26. Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy 52

CHAPTER 2
AMENDMENT OF THE CONTROL REGULATION

27. Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy 53

CHAPTER 3
AMENDMENT OF THE ILLEGAL, UNREPORTED AND UNREGULATED FISHING REGULATIONS

28. Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing 56
29. Regulation (EU) No 1026/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing 61

CHAPTER 4
AMENDMENT OF THE MULTIANNUAL PLANS AND EFFORT REGIMES

30. Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel 64
31. Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources 64

CHAPTER 5
AMENDMENT OF THE DATA COLLECTION FRAMEWORK REGULATION

32. Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy 66

CHAPTER 6
AMENDMENT OF THE COMMON ORGANISATION OF THE MARKETS REGULATIONS

33. Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products 67
34. Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products 68
35. Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products 70

36. Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito 70

CHAPTER 7
AMENDMENT OF THE NORTH-EAST ATLANTIC DEEP SEA STOCKS AND INTERNATIONAL WATERS REGULATION
37. Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic 71

CHAPTER 8
AMENDMENT OF THE EUROPEAN MARITIME AND FISHERIES FUND REGULATION
38. Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund 73

CHAPTER 9
AMENDMENT OF THE TECHNICAL CONSERVATION REGULATION
39. Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms 74

CHAPTER 10
AMENDMENT OF THE FISHING VESSEL CHARACTERISTICS REGULATION
40. Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels 77

PART 6
AMENDMENT OF OTHER MEASURES

41. Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing 78
42. Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture 78

PART 7
AMENDMENT OF SUBORDINATE LEGISLATION

43. The Sea Fishing (Enforcement) Regulations 2018 80

SCHEDULE — REVOCATIONS 81

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

(**a**) 2018 c. 16.

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 and come into force on the later of exit day or the day after the day on which they are made.

Revocations

2. The legislation listed in the Schedule to these Regulations is revoked.

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(**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

(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**) 1995 c. 21.

(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"; and

(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".

Council Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

4.—(1) Council Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation is amended as follows.

(2) In Article 1 for "the Community" substitute "a fisheries administration".

(3) Omit Article 3.

(4) In Article 4—

(a) for "Community fishing vessels" substitute "United Kingdom fishing vessels"; and

(b) for "the flag Member State" substitute "a fisheries administration".

(5) In Article 5—

(a) in paragraph 1—

(i) for "Member States shall" in both places it occurs, substitute "A fisheries administration must",

(ii) for "Community fleet register number" substitute "United Kingdom fleet register number (UKFR)", and

(iii) for "Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register" substitute "Commission Implementing Regulation (EU) 2017/218";

(b) in paragraph 2—

(i) for "Each Member State shall" substitute "A fisheries administration must", and

(ii) for "Commission" substitute "NAFO Secretariat";

(c) in paragraph 3—

(i) for "Commission" substitute "NAFO Secretariat", and

(ii) omit the final sentence; and

(d) in paragraph 4—

(i) for "Each Member State shall" substitute "A fisheries administration must",

(ii) for "its vessels" substitute "vessels in its fleet", and

(iii) omit the final sentence.

(6) In Article 6—

(a) in paragraph 1—

(i) for "the flag Member State" substitute "a fisheries administration",

(ii) in point (a) for "Community" substitute "United Kingdom", and

(iii) in point (c) for "Community" substitute "United Kingdom";

(b) for paragraph 2 substitute—

"2. A fisheries administration must, upon receipt, transmit the reports provided for in paragraph 1(b) to the NAFO Secretariat."; and

(c) in paragraph 3 for "Member States'" substitute "United Kingdom's".

(7) In Article 8—

(a) in paragraph 2 for "Member States shall" substitute "A fisheries administration must";

(b) in paragraph 3—

(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 paragraph 4.

(8) In Article 9 for "Member States" substitute "country".

(9) In Article 10—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must"; and

(b) in paragraph 4—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) omit ", with a copy to the Commission,".

(10) Omit Article 12.

Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries

5.—(1) Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries is amended as follows.

(2) In Article 1 for "Union" substitute "United Kingdom".

(3) In Article 2 for "EU" substitute "United Kingdom".

(4) In Article 3, at the end insert—

"14. "United Kingdom fishing vessel" means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(**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;

(**a**) 1995 c. 21.

(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.".

(5) In Article 4—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must";

(b) in paragraph 3—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) omit "the Commission or to the body designated by it and to";

(c) in paragraph 4 omit "the Commission or to the body designated by it and to"; and

(d) omit paragraph 5.

(6) In Article 5—

(a) in the heading for "Union" substitute "United Kingdom";

(b) for paragraph 1 substitute—

"1. A fisheries administration must send to the NEAFC Secretary, in a computer-readable form, a list of United Kingdom fishing vessels in its fleet which are authorised to fish in the Regulatory Area, in particular the vessels authorised to fish directly for one or more regulated resources together with any amendments to the list. This information shall be sent no later than 31 December each year or no later than 5 days before the vessel enters the Regulatory Area."; and

(c) omit paragraph 2.

(7) In Article 6—

(a) for paragraph 1 substitute—

"1. A fisheries administration must ensure that gear used by fishing vessels in its fleet in the Regulatory Area is marked in accordance with Commission Implementing Regulation (EU) No. 404/2011."; and

(b) in paragraph 2—

(i) for "Member States" substitute "A fisheries administration", and

(ii) for "Regulation (EC) No 356/2005" substitute "Regulation (EU) No. 404/2011".

(8) In Article 7—

(a) in paragraph 1 for "the flag Member State shall" substitute "a fisheries administration must"; and

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "vessels flying their flag" substitute "United Kingdom fishing vessels".

(9) In Article 8—

(a) in paragraph 1—

(i) for "Article 6 of Council Regulation (EEC) No 2847/93 of 12 October 1993" substitute "Articles 14 and 15 of Council Regulation (EC) No 1224/2009",

(ii) omit "establishing a control system applicable to the common fisheries policy", and

(iii) for "EU" substitute "United Kingdom";

(b) in paragraph 2 for "EU" substitute "United Kingdom"; and

(c) in paragraph 3 for "Member States" substitute "a fisheries administration".

(10) In Article 9—

(a) in paragraph 1—

(i) for "EU" substitute "United Kingdom", and

(ii) omit "The data contained in such reports shall be accessible to the Commission on request.";

(b) for paragraph 3 substitute—

"3. A fisheries administration must record the data contained in the catch reports in a computerised database."; and

(c) omit paragraph 4.

(11) In Article 10—

(a) for paragraphs 1 and 2 substitute—

"1. A fisheries administration must inform the NEAFC Secretary by computer transmission before the 30th day of each month of the quantities of fishery resources caught in the Regulatory Area by United Kingdom fishing vessels which have been landed or transhipped during the preceding month.

2. A fisheries administration must also inform the NEAFC Secretary by computer transmission before the 15th day of each month of the quantities of regulated resources caught in areas under the national fisheries jurisdiction of third countries and within United Kingdom waters of the Convention Area by United Kingdom fishing vessels which have been landed or transhipped during the preceding month."; and

(b) omit paragraphs 3 and 4.

(12) In Article 11—

(a) for "Member States shall" substitute "A fisheries administration must";

(b) for "vessels flying their flag" substitute "United Kingdom fishing vessels";

(c) omit "the format and the specifications of these transmissions shall be determined in accordance with Article 50(2).."; and

(d) for "each Member State shall" in both places it occurs, substitute "a fisheries administration must".

(13) In Article 12—

(a) in paragraph 1—

(i) for "Member States shall" in both places it occurs, substitute "A fisheries administration must", and

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

(b) in paragraph 2 for "Member States shall" substitute "A fisheries administration must".

(14) In Article 13—

(a) in paragraph 1—

(i) for "EU" substitute "United Kingdom", and

(ii) for "in their flag Member State" substitute "of a fisheries administration";

(b) in paragraph 2 for "EU" substitute "United Kingdom"; and

(c) in paragraph 3 for "EU" substitute "United Kingdom".

(15) In Article 14 for "EU" substitute "United Kingdom".

(16) In Article 16—

(a) in paragraph 1 for "Member States whose fishing vessels" substitute "A fisheries administration that has fishing vessels in its fleet which"; and

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) omit the final sentence.

(17) In Article 17—

(a) omit paragraph 1;

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "their" substitute "its";

(c) in paragraph 3 for "The Commission or the body designated by it shall" substitute "A fisheries administration must";

(d) in paragraph 4—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "vessels flying their flag" substitute "United Kingdom fishing vessels"; and

(e) in paragraph 5 for "national provisions" substitute "applicable laws".

(18) In Article 18—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must";

(b) in paragraph 2—

(i) for "The Commission or body designated by it shall" substitute "A fisheries administration must",

(ii) for "Member States are" substitute "a fisheries administration is", and

(iii) omit the words from "Where appropriate this list shall be taken from" to the end; and

(c) in paragraph 4—

(i) for "Union" substitute "United Kingdom", and

(ii) for "the Commission or the body designated by it shall" substitute "a fisheries administration must".

(19) In Article 19(1) omit "to the Commission or the body designated by it".

(20) In Article 20—

(a) in paragraph 8 for "a Member State shall" substitute "a fisheries administration must"; and

(b) in paragraph 9 omit "the Commission or the body designated by it. The Commission or the body designated by it shall forward the copy promptly to".

(21) In Article 22 for "Member States" substitute "the United Kingdom".

(22) For Article 23 substitute—

"*Article 23*

Designated ports

1. A fisheries administration must designate and notify the NEAFC Secretary of ports where the landing or transhipment of fishery resources, caught in the Convention Area by fishing vessels flying the flag of a Contracting Party other than the United Kingdom, or the provision of port services to such vessels, are permitted. A fisheries administration must notify the NEAFC Secretary of any changes to the list of ports designated, at least 15 days before the change comes into force.

2. A fisheries administration must allow landings and transhipments of fish caught in the Convention Area by fishing vessels flying the flag of a Contracting Party other than the United Kingdom, as well as the provision of port services to such vessels, only in designated ports.".

(23) In Article 24—

(a) in paragraph 1—

(i) for "the Member State" substitute "a fisheries administration",

(ii) for "Member State" substitute "fisheries administration", and

(iii) for "the Member State shall inform the Commission, or the body designated by it, and" substitute "a fisheries administration must inform";

(b) in paragraph 2—

(i) for "Member State" substitute "fisheries administration", and

(ii) for "the Member State shall inform the Commission, or the body designated by it, and" substitute "a fisheries administration must inform";

(c) in paragraph 3 for "the port Member State shall" substitute "a fisheries administration must"; and

(d) omit the final sentence.

(24) In Article 25—

(a) in paragraph 1 for "Union" substitute "United Kingdom";

(b) in paragraph 2 omit "Member State";

(c) in paragraph 3—

(i) for "the port Member State" in both places it occurs, substitute "a fisheries administration", and

(ii) for "national rules" substitute "applicable laws";

(d) in paragraph 3a for "the port Member State" substitute "a fisheries administration";

(e) in paragraph 4 for "the port Member State" substitute "a fisheries administration"; and

(f) omit paragraph 5.

(25) In Article 26—

(a) in paragraph 1 for "Each Member State shall" substitute "A fisheries administration must";

(b) in paragraph 2a for "Each Member State shall" substitute "A fisheries administration must";

(c) in paragraph 3 omit "National";

(d) in paragraph 3a omit "National"; and

(e) in paragraph 4 for "The port Member State" substitute "A fisheries administration".

(26) In Article 27(3) omit ", to the Commission or the body designated by it".

(27) In Article 28 for "EU" substitute "United Kingdom".

(28) In Article 29—

(a) in paragraph 1(d) for "the Commission or body designated by it" substitute "a fisheries administration"; and

(b) in paragraph 2—

(i) for "The Member State carrying out the inspection shall" in both places it occurs, substitute "A fisheries administration must", and

(ii) omit "and to the Commission or the body designated by it";

(c) in paragraph 3—

(i) for "The Member State carrying out the inspection shall" substitute "A fisheries administration must", and

(ii) omit "the Commission or the body designated by it, which shall forward a copy to".

(29) For Article 30 substitute—

"*Article 30*

Follow-up in the case of infringement

1. Where a fisheries administration is notified by a Contracting Party of an infringement committed by a United Kingdom fishing vessel in its fleet, that administration must promptly obtain and consider the evidence of the infringement and conduct any further investigation necessary for the follow-up to the infringement, and where possible, inspect the fishing vessel concerned.

2. A fisheries administration must designate a competent authority which is to receive evidence of infringements, and a fisheries administration must inform the NEAFC Secretary of the address of that authority and of any change in that information.".

(30) In Article 32(1) omit "the Commission or the body designated by it,".

(31) In Article 33—

(a) in the heading for "an EU" substitute "a United Kingdom";

(b) in paragraph 1—

(i) for "Flag Member States shall" substitute "A fisheries administration must", and

(ii) for "in the flag Member State and to the Commission or the body designated by it" substitute "of the fisheries administration";

(c) in paragraph 2—

(i) for "flag Member States shall" substitute "a fisheries administration must",

(ii) for "that flag Member State" substitute "a fisheries administration", and

(iii) omit "under its authority";

(d) in paragraph 3—

(i) for "The flag Member State" substitute "A fisheries administration", and

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

(e) for paragraph 4 substitute—

"4. If the fishing vessel is not called to port, a fisheries administration must provide due justification in a timely manner to the inspecting state and must forward such justification to the NEAFC Secretary.";

(f) in paragraph 5 for "the flag Member State of the fishing vessel" substitute "a fisheries administration"; and

(g) omit paragraphs 6 and 7.

(32) In Article 34 for paragraph 1 substitute—

"1. By 1 March each year, a fisheries administration must report to the NEAFC Secretary on the status of the proceedings concerning infringements of the conservation and management measures adopted by NEAFC which were committed during the previous calendar year. The infringements must continue to be listed in each subsequent report until the proceedings are concluded.".

(33) In Article 35 for "Without prejudice to Article 77 of Regulation (EC) No 1224/2009, Member States shall collaborate with each other and" substitute "a fisheries administration must collaborate".

(34) In Article 36—

(a) in paragraph 1 for "Each Member State shall report to the Commission or the body designated by it by 15 February" substitute "A fisheries administration must report to the NEAFC Secretary by 1 March"; and

(b) omit paragraph 2.

(35) In Article 38—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission or any body designated by it" substitute "NEAFC Secretary", and

(iii) omit the final sentence; and

(b) in paragraph 2 for "The Member State which sighted the non-Contracting Party vessel shall" substitute "If a fisheries administration sights a non-Contracting Party vessel it must".

(36) In Article 39—

(a) in paragraph 2—

(i) omit "the Commission or the body designated by it,",

(ii) for "Member State" substitute "fisheries administration", and

(iii) omit the final sentence; and

(b) in paragraph 3 omit "the Commission or the body designated by it thereof. In turn the Commission or the body designated by it shall promptly inform".

(37) In Article 40—

(a) for paragraph 1 substitute—

"1. If, in accordance with Article 24, the master of a non-Contracting Party fishing vessel notifies a fisheries administration of intention to call into a port designated by a fisheries administration in accordance with Article 23, a fisheries administration must forward this information without delay to the flag state of the vessel and to the NEAFC Secretary.";

(b) in paragraph 2—

(i) for "The port Member State shall" substitute "A fisheries administration must", and

(ii) for "its" substitute "United Kingdom"; and

(c) in paragraph 3—

(i) for "the port Member State" substitute "a fisheries administration", and

(ii) omit "the Commission or the body designated by it. In turn, the Commission or the body designated by it shall forward that information to".

(38) In Article 41—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "their" substitute "its"; and

(b) in paragraph 2—

(i) for "Member States" substitute "the United Kingdom", and

(ii) omit "the Commission or the body designated by it, which shall forward such information to".

(39) In Article 42—

(a) in paragraph 1 for "the port State" substitute "a fisheries administration";

(b) in paragraph 2—

(i) for "Member State shall" substitute "a fisheries administration must",

(ii) in point (d), for "Member States have" substitute "a fisheries administration has", and

(iii) in point (e), for "Member States have" substitute "a fisheries administration has";

(c) in paragraph 3 for "the Member States" substitute "a fisheries administration";

(d) in paragraph 4—

(i) for "Member States shall" substitute "a fisheries administration must",

(ii) for "their" substitute "its", and

(iii) omit "to the Commission or the body designated by it. It turn, the Commission or the body designated by it shall without delay forward this information";

(e) in paragraph 5—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "their" substitute "its"; and

(f) in paragraph 6—

(i) for "Member State" substitute "fisheries administration", and

(ii) omit the final sentence.

(40) In Article 43—

(a) in paragraph 1—

(i) for "Each Member State shall" substitute "A fisheries administration must", and

(ii) for "Commission or the body designated by it by 15 February" substitute "NEAFC Secretary by 1 March";

(b) in paragraph 2—

(i) for "Member States" substitute "a fisheries administration", and

(ii) for "Commission or the body designated by it" substitute "NEAFC Secretary"; and

(c) omit paragraph 3.

(41) In Article 44(1) for "Member States shall" substitute "A fisheries administration must".

(42) In Article 45—

(a) in paragraph 1 for "In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States shall" substitute "A fisheries administration must"; and

(b) omit paragraph 2.

(43) Omit Articles 46 to 49.

(44) In Article 50 omit paragraph 1.

(45) Omit Articles 51 and 53.

(46) In Annex 1 omit the Appendix.

(47) In Annex 2—

(a) in the heading omit "PORT MEMBER STATE";

(b) for "each port Member State" substitute "a fisheries administration"; and

(c) omit "port Member State" in the second place it occurs.

(48) In Annex 3—

(a) in the heading omit "PORT MEMBER STATE"; and

(b) omit "National".

Commission Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries

6.—(1) Commission Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on multilateral cooperation in the North-East Atlantic fisheries is amended as follows.

(2) In Article 1—

(a) in point (a) for "the flag Member State" substitute "a fisheries administration"; and

(b) for point (c) substitute—

"(c) "UKFR number" means the United Kingdom fleet register number of the vessel as referred to in Article 8 of Commission Implementing Regulation (EU) 2017/218;

(d) "United Kingdom fishing vessel" means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(**a**). A reference to

(**a**) 1995 c. 21.

the 'fleet' of a fisheries administration is a reference to all United Kingdom fishing vessels which are—

(i) in the case of the Secretary of State and the Marine Management Organisation, registered to a port in England,

(ii) in the case of the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, registered to a port in Northern Ireland,

(iii) in the case of the Scottish Ministers, registered to a port in Scotland, or

(iv) in the case of the Welsh Ministers registered to a port in Wales.".

(3) In Article 2—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) omit "and to the European Fisheries Control Agency (the 'Agency')"; and

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) omit "established by Articles 114 and 116 of Regulation (EC) No. 1224/2009".

(4) In Article 3—

(a) in the heading for "Union" substitute "United Kingdom";

(b) in paragraph 1 for "CFR" substitute "UKFR"; and

(c) omit paragraph 2.

(5) In Article 5 for "Member States shall" substitute "A fisheries administration must".

(6) In Article 6 for "Member States shall" substitute "A fisheries administration must".

(7) Omit Articles 7 and 9.

(8) In Article 13—

(a) in paragraph 1 for "flag Member State shall" substitute "a fisheries administration, in relation to United Kingdom fishing vessels, must"; and

(b) in paragraph 2 for "the port Member State" substitute "where the United Kingdom is the port country, a fisheries administration".

(9) In Article 14 omit "with a copy to the Commission".

(10) Omit Chapter 5.

(11) In Article 17(2) for "Each Member State shall" substitute "A fisheries administration must".

(12) In Article 18—

(a) in paragraph 1 for "Member States" substitute "A fisheries administration";

(b) in paragraph 2 for "Member States" substitute "A fisheries administration";

(c) in paragraph 3 for "Member States shall" substitute "A fisheries administration must"; and

(d) in paragraph 4 for "Member States" substitute "A fisheries administration".

(13) In Article 19 omit paragraphs 1, 2 and 5.

(14) Omit Article 21.

(15) In Annex 1, in Part A, in table note (2) for "Each Member State shall ensure that its fishing vessels shall" substitute "A fisheries administration must ensure that United Kingdom fishing vessels".

(16) In Annex 3—

(a) for "Community fleet register number (CFR)" in each place it occurs, substitute "United Kingdom fleet register number (UKFR)"; and

(b) omit "Unique Contracting Party vessel number as Member state (alpha -3 ISO code) followed by an identifying series (nine characters)." in each place it occurs.

(17) In Annex 10—

(a) in Part B for "Member States" substitute "a fisheries administration";

(b) in Part D. 1—

(i) in the heading omit "by Member States", and

(ii) for "each Member State shall" substitute "a fisheries administration must".

(18) Omit Annex 12.

Regulation (EU) 2017/2107 of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

7.—(1) Regulation (EU) 2017/2107 of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention area of the International Commission of the Conservation of Atlantic Tunas (ICCAT) is amended as follows.

(2) In Article 2—

(a) in point (a) for "Union" in both places it occurs, substitute "United Kingdom";

(b) in point (b) for "Member States" substitute "United Kingdom"; and

(c) in point (c) for "Union" substitute "United Kingdom".

(3) In Article 3—

(a) in the heading for "Union acts" substitute "legislation"; and

(b) omit the footnote.

(4) In Article 4—

(a) for point (5) substitute—

"(5) "United Kingdom fishing vessel" means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(**a**). A reference to a particular kind of fishing vessel is a reference to a United Kingdom fishing vessel of that kind. 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;"; and

(b) in point (7) for "Union" substitute "United Kingdom".

(5) In Article 5—

(a) in the heading for "Union" substitute "United Kingdom"; and

(b) for "Union" in each place it occurs, substitute "United Kingdom".

(6) In Article 6—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "flying their flag" substitute "in its fleet"; and

(b) in paragraph 2—

(**a**) 1995 c. 21.

(i) for “Member States shall” substitute “A fisheries administration must”, and

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

(7) In Article 7(1)—

(a) for “Member States shall notify the Commission” substitute “A fisheries administration must notify the ICCAT Secretariat”;

(b) for “30 days” substitute “45 days”; and

(c) omit the final sentence.

(8) In Article 8—

(a) for “Member States shall” substitute “A fisheries administration must”;

(b) for “30 June” substitute “31 July”;

(c) for “Commission” substitute “ICCAT Secretariat”;

(d) for “flying their flag” substitute “in its fleet”; and

(e) omit the final sentence.

(9) In Article 9—

(a) in paragraph 1—

(i) for “Member States shall, by 31 December” substitute “a fisheries administration must, by 31 January”,

(ii) for “Commission” substitute “ICCAT Secretariat”,

(iii) for “flying their flag” substitute “in its fleet”, and

(iv) omit the final sentence; and

(b) in paragraph 4—

(i) for “Member States shall” substitute “A fisheries administration must”, and

(ii) for “purse seiner flying their flag” substitute “United Kingdom purse seiner in its fleet”.

(10) In Article 10(3)—

(a) for “Member States shall report to the Commission” substitute “A fisheries administration must report to the ICCAT Secretariat”; and

(b) omit the final sentence.

(11) In Article 11 for “Union” in each place it occurs, substitute “United Kingdom”.

(12) In Article 12—

(a) in the heading for “Member States” substitute “a fisheries administration”;

(b) for “Member States shall submit every year to the Commission, 15 days prior to the deadline established by ICCAT for the given year,” substitute “A fisheries administration must submit every year to the ICCAT Secretariat”;

(c) omit “, in order to make it available to the ICCAT Secretariat”; and

(d) in point (e) for “flag Member State” substitute “flag State”.

(13) Omit Article 13.

(14) In Article 14(3)—

(a) for “Each Member State whose vessels” substitute “A fisheries administration that has vessels in its fleet which”;

(b) in point (a) for “flying its flag” substitute “in its fleet”;

(c) in point (b) for “by 30 June to the Commission who shall notify ICCAT by 31 July” substitute “by 31 July to the ICCAT Secretariat”;

(d) in point (c) for “flying its flag” substitute “in its fleet”; and

(e) in point (d) for “Commission” substitute “ICCAT Secretariat”.

(15) For Article 16 substitute—

"*Article 16*

Identification of IUU fishing

If the ICCAT Executive Secretary notifies a fisheries administration of a possible violation by United Kingdom fishing vessels of Article 7(2) and Article 14(1) and (2), that fisheries administration must immediately investigate the situation and, if the vessel is fishing in association with objects that could affect fish aggregation, including FAD, must request the vessel to stop fishing and, if necessary, leave the area without delay. The fisheries administration concerned must without delay report to the ICCAT Secretariat the results of its investigation and the corresponding measures taken.".

(16) In Article 17 for "Union" in both places it occurs, substitute "United Kingdom".

(17) In Article 18—

(a) for "Member States that have" substitute "A fisheries administration that has";

(b) for "Commission their" substitute "ICCAT Secretariat its";

(c) for "15 August" substitute "15 September"; and

(d) omit the final sentence.

(18) In Article 20—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must";

(b) in paragraph 2—

(i) for the words from "8 January" until "the Commission" substitute "15 January of each year, a fisheries administration must submit to the ICCA Secretariat",

(ii) in point (a) for "flying their flag" substitute "in its fleet", and

(iii) in point (b) for "them" substitute "it";

(c) omit paragraph 3; and

(d) in paragraph 4—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat",

(iii) for "30 days" substitute "45" days, and

(iv) omit the final sentence.

(19) In Article 21 for "Union" substitute "United Kingdom".

(20) In Article 22—

(a) in paragraph 1 for "Union" substitute "United Kingdom"; and

(b) for paragraph 2 substitute—

"2. By 31 July of each year, a fisheries administration must submit electronically to the ICCAT Secretariat the list of authorisations referred to in paragraph 1 and delivered for the previous year.".

(21) For Article 23(2) substitute—

"2. A fisheries administration must monitor the effectiveness of the closure and must submit to the ICCAT Secretariat at least two months before the ICCAT annual meeting all relevant information on appropriate controls and inspections carried out to ensure the compliance with paragraph 1.".

(22) In Article 25(1) omit "By way of derogation from Article 12 of Council Regulation (EC) No 1967/2006,".

(23) In Article 26—

(a) in paragraph 1—

(i) for "Member States shall submit to the Commission, by 30 June" substitute "A fisheries administration must submit to the ICCAT Secretariat by 31 July",

(ii) for "flying their flag" substitute "in its fleet", and

(iii) in point (ii) for "Union" substitute "United Kingdom"; and

(b) omit paragraph 3.

(24) In Article 27—

(a) in paragraph 1 for "Member States shall ensure that vessels flying their flag" substitute "a fisheries administration must ensure that vessels in its fleet"; and

(b) in paragraph 2 for "Member States" substitute "A fisheries administration".

(25) In Article 28 for "Member State" in each place it occurs, substitute "fisheries administration".

(26) In Article 29(1) for "Member States whose vessels" substitute "A fisheries administration that has vessels in its fleet which".

(27) In Article 30(2) for "Member States shall" substitute "A fisheries administration must".

(28) In Article 31(2) for "Union catching vessels shall" substitute "United Kingdom catching vessels must".

(29) In Article 32(2) for "Union catching vessels shall" substitute "United Kingdom catching vessels must".

(30) In Article 33—

(a) for "Member States shall" substitute "A fisheries administration must"; and

(b) for "Commission" substitute "ICCAT Secretariat".

(31) In Article 34(2) for "Union catching vessels shall" substitute "United Kingdom catching vessels must".

(32) In Article 35(2) for "Union catching vessels shall" substitute "United Kingdom catching vessels must".

(33) In Article 36—

(a) in paragraph 2 for "Union" substitute "United Kingdom"; and

(b) in paragraph 3—

(i) for "Union" substitute "United Kingdom",

(ii) for "Member States shall" substitute "A fisheries administration must", and

(iii) for "Commission" substitute "ICCAT Secretariat".

(34) In Article 37—

(a) in paragraph 1(d) for "the flag Member State, or in the case of chartered vessels, of the chartering CPC and the flag Member State" substitute "a fisheries administration"; and

(b) omit paragraph 3.

(35) In Article 38—

(a) for "The flag Member States of the vessels" substitute "A fisheries administration that has vessels in its fleet which are"; and

(b) omit the final sentence.

(36) In Article 40—

(a) in paragraph 1—

(i) for "their flag Member State" substitute "a fisheries administration",

(ii) for "Member States shall" substitute "A fisheries administration must",

(iii) for "Commission" substitute "ICCAT Secretariat", and

(iv) omit the final sentence; and

(b) omit paragraph 2.

(37) In Article 41—

(a) in paragraph 1 for "flag Member State" substitute "fisheries administration"; and

(b) in paragraph 4 for "Member States shall" substitute "A fisheries administration must".

(38) In Article 42—

(a) for the first sentence of paragraph 1 substitute "A fisheries administration must collect and transmit to the ICCAT Secretariat, by 31 July each year, the information on the interactions of vessels in its fleet with sea turtles in ICCAT fisheries by gear type."; and

(b) omit paragraph 2.

(39) In Article 43—

(a) omit "In accordance with Article 17 of Regulation (EU) No 1380/2013";

(b) for "them" substitute "it";

(c) for "Member States shall" substitute "a fisheries administration must"; and

(d) for "Union" substitute "United Kingdom".

(40) In Article 44—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "flying their flag" substitute "in its fleet";

(b) for paragraph 2 substitute—

"2. A fisheries administration must submit to the ICCAT Secretariat, at the time of authorisation, the lists of large-scale fishing vessels authorised pursuant to paragraph 1."; and

(c) for paragraph 3 substitute—

"3. A fisheries administration must notify the ICCAT Secretariat, without delay and at the latest within 45 days, of any event requiring an addition to, deletion from or modification of the ICCAT record of large-scale fishing vessels.".

(41) In Article 45 for "Union" in both places it occurs, substitute "United Kingdom".

(42) In Article 46(1) for "Union catching vessels shall" substitute "United Kingdom catching vessels must".

(43) In Article 47—

(a) in paragraph 1 for "the flag Member State shall notify the Commission" substitute "a fisheries administration must notify the ICCAT Secretariat";

(b) omit paragraph 2;

(c) in paragraph 3—

(i) for "The flag Member State shall" substitute "A fisheries administration must", and

(ii) for "Commission" substitute "ICCAT Secretariat"; and

(d) omit paragraph 4.

(44) In Article 48—

(a) in paragraph 1—

(i) for "20 August" substitute "15 September",

(ii) for "Member States shall" substitute "a fisheries administration must", and

(iii) for "Commission" substitute "ICCAT Secretariat"; and

(b) omit paragraph 2.

(45) In Article 49 omit paragraph 2.

(46) In Article 50—

(a) in paragraph 1 for the words before point (a) substitute—

"1. A fisheries administration must transmit to the ICCAT Secretariat by 30 June each year the following data (Task 1 data):";

(b) in paragraph 2 for the words before point (a) substitute—

"2. A fisheries administration must transmit to the ICCAT Secretariat by 30 June each year the following data (Task II data) for the ICCAT species:"; and

(c) omit paragraphs 3 and 4.

(47) In Article 52—

(a) in paragraph 2 for "Union fishing vessels" substitute "United Kingdom fishing vessels"; and

(b) in paragraph 3 for "17 to 22" substitute "17, 19, 20, 21 and 22".

(48) In Article 54—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must";

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat", and

(iii) omit the final sentence; and

(c) in paragraph 3—

(i) for "Flag Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat", and

(iii) omit the final sentence.

(49) In Article 55—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "flying their flag" substitute "in its fleet";

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat", and

(iii) omit the final sentence; and

(c) in paragraph 3—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat", and

(iii) omit the final sentence.

(50) In Article 56—

(a) in paragraph 2 for "their flag Member State" substitute "a fisheries administration"; and

(b) in paragraph 3 for "its flag Member State authorities" substitute "the competent authorities of a fisheries administration".

(51) In Article 57 for "flag Member State" in each place it occurs, substitute "fisheries administration".

(52) In Article 58(1) for "Each Member State shall" substitute "A fisheries administration must".

(53) In Article 59—

(a) in paragraph 1—

(i) for "The flag Member State of" substitute "A fisheries administration that has in its fleet",

(ii) for "and the flag Member State of carrier vessels" substitute "or carrier vessels in its fleet",

(iii) for "15 August" substitute "15 September", and

(iv) for "Commission" substitute "ICCAT Secretariat"; and

(b) omit paragraph 2.

(54) In Article 60 for "The flag Member State" substitute "A fisheries administration".

(55) In Article 61—

(a) in paragraph 1 for "Member States shall establish domestic" substitute "A fisheries administration must establish";

(b) in paragraph 3—

(i) for "Member State" the first place it occurs, substitute "fisheries administration", and

(ii) omit the final sentence; and

(c) in paragraph 4 for "The Commission shall" substitute "A fisheries administration must".

(56) In Article 62 for "Member States shall" substitute "A fisheries administration must".

(57) In Article 63—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must"; and

(b) in paragraph 2 for "Member States shall" substitute "A fisheries administration must".

(58) In Article 64—

(a) for "30 June" substitute "31 July";

(b) for "Member States shall" substitute "a fisheries administration must";

(c) for "Commission" substitute "ICCAT Secretariat"; and

(d) omit the final sentence.

(59) In the heading for Chapter 6 for "Member State" substitute "United Kingdom";

(60) In Article 65—

(a) in paragraph 1—

(i) for "Member States wishing to grant access to its" substitute "A fisheries administration wishing to grant access to United Kingdom",

(ii) in point (a) for "their" substitute "the"; and

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat",

(iii) for "30" substitute "14", and

(iv) omit the final sentence.

(61) In Article 66—

(a) in paragraph 1—

(i) for "The inspecting Member State shall" substitute "An inspecting fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat",

(iii) for "10 days" substitute "14 days", and

(iv) omit the final sentence; and

(b) in paragraph 2—

(i) for "10 days" substitute "14 days",

(ii) for "inspecting Member State shall" substitute "inspecting fisheries administration must", and

(iii) for "Commission" substitute "ICCAT Secretariat".

(62) In Article 67—

(a) in the heading for "Member States" substitute "a fisheries administration";

(b) for paragraph 1 substitute—

"1. A fisheries administration must submit to the ICCAT Secretariat, at least 120 days before the ICCAT annual meeting, any documented information that indicates possible non-compliance of CPCs with ICCAT conservation and management measures."; and

(c) in paragraph 2—

(i) for "Member States shall" substitute "a fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat",

(iii) for "140" substitute "120", and

(iv) omit the final sentence.

(63) In Article 68 for "Member States shall" substitute "A fisheries administration must".

(64) For Article 69 substitute—

"Article 69

Alleged non-compliance reported by the ICCAT Executive Secretary

If a fisheries administration receives from the ICCAT Executive Secretary any information indicating a suspected non-compliance by a vessel in its fleet, the fisheries administration must provide the ICAAT Executive Secretary, at least 30 days before the ICCAT annual meeting, with the findings of any investigation taken in relation to the allegations of non-compliance and any actions taken to address compliance issues.".

(65) In Article 70—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must";

(b) in paragraph 2—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "Commission" substitute "ICCAT Secretariat",

(iii) for "30" substitute "14", and

(iv) omit the final sentence;

(c) in paragraph 3—

(i) for "Member State" in each place it occurs, substitute "fisheries administration",

(ii) for "flying the flag of that" substitute "in the fleet of",

(iii) for "160" substitute "180", and

(iv) for "Commission" substitute "ICCAT Secretariat";

(d) in paragraph 4—

(i) for "flag Member State" substitute "fisheries administration", and

(ii) for "Commission" substitute "ICCAT Secretariat"; and

(e) for paragraph 5 substitute—

"5. A fisheries administration must include in the annual report referred to in Article 71 information regarding the status of investigations and any enforcement actions undertaken."

.

(66) In Article 71—

(a) in paragraph 1—

(i) for "Member States shall" substitute "a fisheries administration must", and

(ii) for "Commission" substitute "ICCAT Secretariat"; and

(b) omit paragraphs 3 and 4.

(67) In Article 72—

(a) for "rules" substitute "laws"; and

(b) omit ", pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009".

(68) Omit Articles 73 to 75.

(69) Omit Article 79.

(70) In Annex 4—

(a) in paragraph 1, in the second indent for "the Member State" substitute "a fisheries administration";

(b) for paragraph 5 substitute—

"5. The observers must comply with applicable laws and regulations."; and

(c) in paragraph 7—

(i) in the heading for "the flag Member State" substitute "a fisheries administration",

(ii) for "flag Member States" substitute "fisheries administration", and

(iii) in point (e) for "the flag Member State shall" substitute "a fisheries administration must".

(71) In Annex 7—

(a) in paragraph 1 for "Union" in both places it occurs, substitute "United Kingdom";

(b) in paragraph 2.2 for "its flag Member State" substitute "a fisheries administration";

(c) in paragraph 2.3 for "its flag Member State" substitute "a fisheries administration"; and

(d) for paragraph 5 substitute—

"5. A fisheries administration must include in its annual report to ICCAT the details on the transhipments by vessels in its fleet.".

(72) In Annex 8—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must"; and

(b) in paragraph 7 for "of the flag Member State" substitute "applicable in the United Kingdom or the relevant part thereof".

Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean

8.—(1) Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean is amended as follows.

(2) In Article 1(1) for "Union" substitute "United Kingdom".

(3) In Article 3, in point (25) after "means" insert "the United Kingdom, Member States and".

(4) In Article 13, omit ", including any applicable derogations thereto".

(5) In Article 16—

(a) in paragraph 1—

(i) for "Each Member State shall" substitute "A fisheries administration must", and

(ii) for "Commission" substitute "ICCAT";

(b) in paragraph 4—

(i) for the first sentence substitute "The catching of any Bluefin tuna by United Kingdom fishing vessels and United Kingdom traps shall be avoided.",

(ii) for "each Member State shall" substitute "a fisheries administration must", and

(iii) omit "the Commission who shall forward it to"; and

(c) after paragraph 5 insert—

"6. In this Article—

(a) 'United Kingdom fishing vessel' means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(**a**); and

(b) 'United Kingdom trap' means a trap which is used by a United Kingdom fishing vessel.".

(6) In Article 19—

(a) in paragraph 3 for "Each Member State shall" substitute "A fisheries administration must";

(b) in paragraph 5—

(i) for "Each Member State shall" substitute "A fisheries administration must",

(ii) for "Commission" in the first place it occurs, substitute "ICCAT Secretariat", and

(iii) omit the final sentence.

(7) In Article 27—

(a) in paragraph 2—

(i) for "each Member State shall" substitute "a fisheries administration must",

(ii) for "Commission" in the first place it occurs, substitute "ICCAT Secretariat",

(iii) for "flying the flag of or registered in that Member State" substitute "that are used by vessels in its fleet", and

(iv) omit the final sentence; and

(b) after paragraph 2 insert—

"3. For the purposes of this Article, a vessel is in the fleet of a fisheries administration if the vessel is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995 and is—

(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 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.".

(8) In Article 29—

(a) in paragraph 2 for the words from "the information" to "shall include" substitute "a fisheries administration must submit the following information to the ICCAT Secretariat by 15 March each year";

(b) in paragraph 3—

(i) for "Each Member State shall" substitute "a fisheries administration must", and

(ii) for "Commission" substitute "ICCAT Secretariat"; and

(c) omit paragraph 4.

(9) In Article 30—

(a) in paragraph 1 for "Each Member State shall" substitute "A fisheries administration must";

(**a**) 1995 c. 21.

(b) in paragraph 2 for "the port Member State shall" substitute "a fisheries administration must";

(c) in paragraph 3—

(i) for "each Member State shall" substitute "a fisheries administration must", and

(ii) omit "the Commission which shall transmit that information to"; and

(d) in paragraph 4—

(i) for "CPCs and Member States" substitute "a fisheries administration", and

(ii) at the end insert "or by CPCs other than the United Kingdom".

(10) In Article 32—

(a) in paragraph 3 for "The port Member State shall" substitute "A fisheries administration, where the United Kingdom is the port country, must";

(b) in paragraph 4 omit "Member State or";

(c) in paragraph 7 for "Member State authorities at the designated port" substitute "authorities of a fisheries administration, where the designated port is in the United Kingdom,".

Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna Thunnus thynnus

9.—(1) Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefun tuna Thunnus thynnus is amended as follows.

(2) In Article 1 omit "Union".

(3) In Article 2—

(a) for point (b) substitute—

"(b) 'Domestic trade' means trade in the United Kingdom in bluefin tuna caught in the ICCAT Convention area by a United Kingdom catching vessel or trap, which is landed in the United Kingdom, or which is caged in a farm established in the United Kingdom;";

(b) in point (c)—

(i) for "Union" substitute "United Kingdom", and

(ii) for "territory of the Union" substitute "United Kingdom";

(c) in point (d) for "territory of the Union" substitute "United Kingdom";

(d) in point (e) for "territory of the Union" in both places it occurs, substitute "United Kingdom";

(e) omit points (g) to (i); and

(f) at the end insert—

"(l) 'United Kingdom fishing vessel' means a fishing vessel which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(**a**), and which is any powered vessel used or intended for use for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, processing vessels, support vessels, towing vessels, vessels engaged in transhipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;

(m) 'United Kingdom catching vessel' means a United Kingdom fishing vessel used for the purposes of the commercial capture of bluefin tuna resources.".

(**a**) 1995 c. 21.

(4) In Article 3—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "their" substitute "its", and

(iii) omit ", and harvested from Union farms";

(b) in paragraph 2 for "territory of the Union" substitute "United Kingdom";

(c) in paragraph 3—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "a Member State" substitute "a fisheries administration";

(d) omit paragraphs 4 to 8; and

(e) in paragraph 9—

(i) for "flag or trap Member State" substitute "United Kingdom", and

(ii) for "catching vessel" substitute "United Kingdom catching vessel".

(5) In Article 4—

(a) for paragraph 2 substitute—

"2. A fisheries administration must validate the catch document in circumstances where—

(a) the vessel in question is a United Kingdom fishing vessel; or

(b) the seller or exporter is established in the United Kingdom.

2A. A fisheries administration must validate the catch document for all bluefin tuna only where—

(a) the catching vessel is a United Kingdom catching vessel;

(b) all the information contained in the catch document has been established to be accurate as a result of the verification of the lot;

(c) the accumulated amounts to be validated are within their quotas or catch limits of each management year, including, where appropriate, individual quotas allocated to catching vessels or traps; and

(d) the bluefin tuna complies with the relevant provisions of the ICCAT conservation and management areas.";

(b) in paragraph 3 for "flag or trap Member State" substitute "country"; and

(c) in paragraph 6 for "Member State concerned" substitute "fisheries administration".

(6) In Article 5—

(a) in paragraph 1—

(i) for "Member States may require their catching vessels" substitute "A fisheries administration may require United Kingdom catching vessels in its fleet", and

(ii) for "Member State" substitute "United Kingdom";

(b) for paragraph 2 substitute "A summary of the implementation of the tagging programme must be submitted to the ICCAT Secretariat within a reasonable period of time."; and

(c) in paragraph 3 for "Member States'" substitute "the United Kingdom's".

(7) In Article 6(1)—

(a) for "Member States shall" substitute "A fisheries administration must"; and

(b) for "their territory" substitute "the United Kingdom".

(8) In Article 7 for paragraph 1 substitute—

"1. Where the United Kingdom is the re-exporting country, a fisheries administration must validate the re-export certificate.".

(9) In Article 8—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) omit point (a),

(iii) in point (b)—

(aa) omit "Member State or", and

(bb) omit "domestically"; and

(b) in paragraph 2 for "Member States shall" substitute "A fisheries administration must".

(10) In Article 9—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "their" substitute "its", and

(iii) for "their territory" substitute "the United Kingdom";

(b) in paragraph 3 for "Member States shall" substitute "a fisheries administration must";

(c) for paragraph 4 substitute—

"4. If a fisheries administration identifies a lot with no catch document, it must notify its findings to the exporting CPC and, where known, the flag CPC;";

(d) in paragraph 5 for "Member States shall" substitute "a fisheries administration must";

(e) in paragraph 6 for "Member State" substitute "fisheries administration".

(11) In Article 10—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "Commission" substitute "ICCAT Secretariat";

(b) in paragraph 2 for "Commission" substitute "ICCAT Secretariat";

(c) in paragraph 3—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "Commission" substitute "ICCAT Secretariat"; and

(d) omit paragraph 4.

(12) In Article 11—

(a) in paragraph 1—

(i) for "15 September" substitute "1 October",

(ii) for "Member States shall" substitute "a fisheries administration must", and

(iii) for "Commission" substitute "ICCAT Secretariat"; and

(b) omit paragraph 2.

(13) Omit Articles 12 to 15.

(14) Omit Articles 17 and 18.

(15) In Annex 4—

(a) in Part 1, in section (2) for "Member States" substitute "A fisheries administration";

(b) in Part 2, in section (1)—

(i) in point (a) for "the flag or trap Member State" substitute "a fisheries administration", and

(ii) in point (b) for "indicate the flag or trap Member State" substitute "United Kingdom";

(c) in Part 3—

(i) in section (1), in point (a)—

(aa) for "the flag Member State" in each place it occurs, substitute "a fisheries administration", and

(bb) for "the Member State concerned" substitute "a fisheries administration",

(ii) in section (2) for "the flag Member State" substitute "a fisheries administration";

(d) in Part 4, in section (1), in point (a)—

(i) for "the flag Member State" in each place it occurs, substitute "a fisheries administration", and

(ii) for "the Member State concerned" substitute "a fisheries administration";

(e) in Part 5—

(i) in section (1)—

(aa) in point (a) for "the flag Member State" substitute "a fisheries administration", and

(bb) in point (b) omit "Member State or", and

(ii) in section (2) for "The flag Member State" substitute "A fisheries administration";

(f) omit Parts 6 and 7; and

(g) in Part 8—

(i) in section (1), in point (a) for "the Member State" substitute "a fisheries administration", and

(ii) in section (2)—

(aa) for "Member State" in the first three places it occurs, substitute "fisheries administration",

(bb) for "a Member State" substitute "the United Kingdom", and

(cc) for "re-exporting Member State or" substitute "the United Kingdom or re-exporting".

(16) In Annex 5—

(a) in section 2 omit "Re-exporting Member States"; and

(b) in section 7 for "Member State" substitute "United Kingdom".

(17) In Annex 6—

(a) omit "Member States or" in each place it occurs;

(b) for "Reporting Member State" substitute "United Kingdom"; and

(c) omit "Member States" in each place it occurs.

Commission Delegated Regulation (EU) No 2015/98 on the implementation of the Union's international obligations under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries

10.—(1) Council Delegated Regulation (EU) No 2015/98 on the implementation of the Union's international obligations under the International Convention for the Conservation of Atlantic Tunas and the Convention of Future Multilateral Cooperation in the Northwest Atlantic Fisheries is amended as follows.

(2) In Article 1—

(a) for "Union's" substitute "United Kingdom's"; and

(b) for "Union" in each place it occurs, substitute "United Kingdom".

(3) In Article 4—

(a) in paragraph 2—

(i) in point (a) for "Article 9(1) of Regulation (EC) No 302/2009; or" substitute "Article 14(1) of Regulation (EU) No 2016/1627", and

(ii) omit point (b);

(b) in paragraph 3 for "Article 9(1) of Regulation (EC) No 302/2009" substitute "Article 14(1) of Regulation 2016/1627"; and

(c) in paragraph 7 for "Member State" substitute "fisheries administration".

(4) In Article 5a—

(a) in paragraph 3 for "that Member States establish in their" substitute "a fisheries administration establishes in its"; and

(b) in paragraph 4 for "Member States shall" substitute "A fisheries administrations must".

(5) In Article 6a—

(a) in paragraph 1 for "a legally binding Union act shall" substitute "applicable laws must";

(b) in paragraph 2 for "a legally binding Union act, shall" substitute "applicable laws must".

(6) In Article 6b for "a legally binding Union act" substitute "applicable laws".

(7) In Article 6c for "a legally binding Union act" substitute "applicable laws".

(8) In Article 6d for "a legally binding Union act" substitute "applicable laws".

(9) Omit Article 7.

PART 3

AMENDMENT OF THE TECHNICAL CONSERVATION REGULATIONS

Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

11.—(1) Council Regulation (EC) No 850/98 for the protection of fishery resources through technical measures for the protection of juveniles of marine organisms is amended as follows.

(2) In Article 1—

(a) for "the maritime waters under the sovereignty or jurisdiction of the Member States" substitute "United Kingdom waters"; and

(b) for "26 and 33" substitute "26, 29g, 29h, 32a, 34b, 34d and 34e".

(3) In Article 2—

(a) in paragraph 1 for "maritime waters" substitute "regions";

(b) in paragraph 2 omit the final sentence; and

(c) omit paragraph 3.

(4) In Article 3—

(a) in paragraph (b) for "Regulation (EEC) No 2108/84" substitute "Commission Regulation (EC) No 517/2008"; and

(b) in paragraph (e) for "Regulation (EEC) No 2108/84" substitute "Commission Regulation (EC) No 517/2008".

(5) In Article 4—

(a) in paragraph 2—

(i) in point (c)—

(aa) for "Article 6 of Regulation (EEC) No 2847/93" substitute "Articles 14 and 15 of Council Regulation (EC) No 1224/2009", and

(bb) for "Union fishing", in each place it occurs, substitute "United Kingdom", and

(ii) in point (d) for "20(1) of Regulation (EEC) No 2847/93" substitute "47 of Council Regulation (EC) No 1224/2009";

(b) in paragraph 3 for "Article 6 of Regulation (EEC) No 2847/93" substitute "Articles 14 and 15 of Council Regulation (EC) No 1224/2009";

(c) in paragraph 5 omit point (b); and

(d) omit paragraph 6.

(6) In Article 5(3) for "Article 6 of Regulation (EEC) No 2847/93" substitute "Articles 14 and 15 of Council Regulation (EC) No 1224/2009".

(7) In Article 7(1) omit point (b).

(8) In Article 15 omit "29(4)(b), 29b(2), 29b(4)" in both places it occurs.

(9) In Article 16 omit the second paragraph.

(10) In Article 17—

(a) for "Union law" substitute "the law of any part of the United Kingdom"; and

(b) for "in an act adopted in accordance with" substitute "under".

(11) For Article 18a substitute—

"*Article 18a*

Establishing minimum conservation reference sizes in discard plans

The power in Article 15(6) of Regulation (EU) No 1380/2013 for a fisheries administration to establish, as part of a discard plan, minimum conservation reference sizes for species subject to the landing obligation set out in Article 15 of that Regulation may be exercised so as to derogate, where appropriate, from the minimum conservation references sizes established in Annexes 12 and 12a to this Regulation.".

(12) In Article 19(2)—

(a) for "Member States shall" substitute "a fisheries administration must"; and

(b) omit the words from ", such as support" to the end of the paragraph.

(13) In Article 19a(2) for "any other Union legal acts in the field of fisheries" substitute "relevant retained direct EU legislation".

(14) In Article 20(3) for "on the east coast of Ireland and" substitute "in".

(15) In Article 20a—

(a) in the heading for "Union" substitute "United Kingdom"; and

(b) in the first paragraph for "Union" substitute "United Kingdom".

(16) In Article 22(3)—

(a) in the second subparagraph, for "control authority of the Member state in whose" substitute "relevant control authority for the";

(b) in the third subparagraph, for "competent" in each place it occurs, substitute "relevant"; and

(c) in the final subparagraph, for "control authority of the Member state in whose" substitute "relevant control authority for the".

(17) In Article 25—

(a) omit paragraph 2; and

(b) in paragraph 3 for "paragraphs 1 and 2" substitute "paragraph 1".

(18) In Article 26(1)—

(a) in the first indent—

(i) for "the waters" substitute "United Kingdom waters", and

(ii) omit "Member States'"; and

(b) in the second indent for "the waters under the sovereignty or jurisdiction of the Member States" substitute "United Kingdom waters".

(19) In Article 28(2) for "20(1) of Regulation (EEC) No 2847/93" substitute "47 of Council Regulation (EC) No 1224/2009".

(20) Omit Articles 29 and 29b.

(21) In Article 29d—

(a) in paragraph 13 for "Each Member State concerned shall" substitute "A fisheries administration must"; and

(b) omit paragraphs 14 and 15.

(22) In Article 29f(4)—

(a) for the words from "8 of Council Regulation (EC) No 2347/2002" to "deep-sea stocks" substitute "16 of Regulation (EU) 2016/2336";

(b) for "the tasks referred to in paragraph 4 of that Article" substitute "their usual tasks"; and

(c) for "On the basis of advice from STECF, Member States shall" substitute "A fisheries administration must".

(23) In Article 29g—

(a) in paragraph 6—

(i) for "Member States shall" substitute "A fisheries administration must",

(ii) for "flying its flag" substitute "within its fleet", and

(iii) omit "by the competent authorities in the Member States"; and

(b) for paragraph 7 substitute—

"7. A fisheries administration must prohibit directed fishery for redfish in the waters referred to in paragraph 1 from the date that it is notified by the NEAFC Secretariat that the total allowable catch has been fully utilised.".

(24) In Article 29h(1) omit "and Union waters of ICES sub-areas XII and XIV".

(25) In Article 30—

(a) in the final subparagraph of paragraph 2, for "20(1) of Regulation (EEC) No 2847/93" substitute "47 of Council Regulation (EC) No 1224/2009"; and

(b) in paragraph 3 for "20(1) of Regulation (EEC) No 2847/93" substitute "47 of Council Regulation (EC) No 1224/2009".

(26) In Article 31a—

(a) in paragraph 1—

(i) after "Article 31," insert "United Kingdom fishing vessels", and

(ii) for "shall" substitute "may"; and

(b) in paragraph 2—

(i) for "Electrical pulse fishing" substitute "United Kingdom fishing vessels fishing with beam trawl using electrical pulse current", and

(ii) in point (a) for "the beam trawler fleet per Member State" substitute "all the beam trawlers in the United Kingdom fleet".

(27) In Article 32(3) for "a special fishing permit" substitute "a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009" and for "The special fishing permit" substitute "The fishing authorisation".

(28) In Article 32a(3)—

(a) for "the flag Member States" substitute "a fisheries administration";

(b) for "the competent fisheries authorities of the flag Member State" substitute "a fisheries administration"; and

(c) for "The competent authorities of the flag Member State of the vessels shall" substitute "A fisheries administration must".

(29) In Article 34—

(a) in the heading omit "and Ireland";

(b) in paragraph 1 omit "and Ireland";

(c) in paragraph 5 for "20(1) of Regulation (EEC) No 2847/93" substitute "47 of Council Regulation (EC) No 1224/2009"; and

(d) omit paragraph 6.

(30) In Article 34b—

(a) in paragraph 1 for "Union" substitute "United Kingdom";

(b) in paragraph 2(c) omit "Union" in each place it occurs;

(c) in paragraph 9—

(i) for "the Member States" substitute "a fisheries administration", and

(ii) for "7 of Regulation (EC) 2347/2002" substitute "11 of Regulation (EU) 2016/2336"; and

(d) omit paragraph 11.

(31) In Article 34d(2) for "its flag State" substitute "a fisheries administration".

(32) In Article 34e(3) omit "as defined in Article 4(15) of Regulation (EC) No 1224/2009".

(33) Omit Articles 34f and 34g.

(34) Omit Title 6.

(35) In Article 43—

(a) in paragraph 1 for the words from "the Member State" to the end, substitute "a fisheries administration"; and

(b) in the first indent of paragraph 2 for the words from "Article 2" to the end, substitute "Article 33 of Regulation (EU) 1379/2013".

(36) In Article 44—

(a) in paragraph 1—

(i) for "the Member State or Member States concerned" substitute "a fisheries administration", and

(ii) omit the final sentence; and

(b) in paragraph 2 for "Article 2 of Regulation (EEC) No 3759/92" substitute "Article 33 of Regulation (EU) 1379/2013".

(37) In Article 47—

(a) for "The Commission shall be empowered, for the purpose of adopting the acts referred to" substitute "When making regulations under the power";

(b) for "and for the duration thereof, to" substitute ", a fisheries administration may"; and

(c) omit the words from "referred to in Article 7(2)" to "Article 18 of Regulation (EU) No 1380/2013,".

(38) Omit Article 50.

(39) In Annex 1, in the table note for "Union legislation" substitute "relevant retained direct EU legislation".

Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets

12.—(1) Commission Regulation (EC) No 517/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets is amended as follows.

(2) In Article 1 omit "Community and national".

(3) In Article 3—

(a) in paragraph 1 for "Community and national inspectors" substitute "Inspectors"; and

(b) in paragraph 5 for "national fisheries authorities" substitute "the competent authorities of a fisheries administration".

(4) In Article 4—

(a) for "The calibrated test weights" substitute "A fisheries administration must ensure that the calibrated test weights";

(b) for "shall be" substitute "are"; and

(c) for "competent national authority" substitute "appropriate certification authority".

(5) Omit Articles 24 and 25.

Council Regulation (EC) No 1984/2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community

13.—(1) Council Regulation (EC) 1984/2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community is amended as follows.

(2) In Article 1 for "Community" substitute "United Kingdom".

(3) In Article 2—

(a) in point (a) for "Community" substitute "United Kingdom";

(b) in point (b) for "Community" substitute "United Kingdom"; and

(c) in point (c) for "Community" substitute "United Kingdom".

(4) In Article 3, in point (e) for "Community" substitute "United Kingdom".

(5) In the heading for Section 1 of Chapter 2 for "on Member States" substitute "in the United Kingdom".

(6) In Article 4—

(a) in paragraph 1 for "territory of the Community" substitute "United Kingdom";

(b) in paragraph 3 for "the Member State in which the product is imported" substitute "a fisheries administration"; and

(c) in paragraph 4 for "The Member States shall ensure that their" substitute "A fisheries administration must ensure that its".

(7) In the heading for Section 2 for "on Member States in respect of exports" substitute "in respect of exports from the United Kingdom".

(8) In Article 5—

(a) in paragraph 1 for "Community" in both places it occurs, substitute "United Kingdom";

(b) in paragraph 2 for point (b) substitute—

"(b) be validated by the competent authorities of a fisheries administration;";

(c) in paragraph 3—

(i) for "The Member States shall" substitute "A fisheries administration must", and

(ii) for "their" substitute "its"; and

(d) omit paragraph 4.

(9) In the heading for Section 3 for "on Member States in respect of re-exports" substitute "in respect of re-exports from the United Kingdom".

(10) In Article 6—

(a) in paragraph 1—

(i) in point (a) for "Community" in both places it occurs, substitute "United Kingdom", and

(ii) in point (b) for "territory of the Community" substitute "United Kingdom";

(b) in paragraph 2 for point (b) substitute—

"(b) be validated by the competent authorities of a fisheries administration, in the circumstances where re-export is to take place from the United Kingdom, or the competent authorities of the third country from which the re-export has taken place;";

(c) in paragraph 3—

(i) for "Member States which authenticate re-export certificates in accordance with paragraph 2(b)" substitute "Where a fisheries administration has authenticated a re-export certificate in accordance with paragraph 2, it", and

(ii) for "The Member States shall" substitute "A fisheries administration must";

(d) in paragraph 4 for "the Member State of importation or re-exportation" substitute "a fisheries administration"; and

(e) in paragraph 5—

(i) for "The Member States shall" substitute "A fisheries administration must", and

(ii) for "their" substitute "its".

(11) In the heading for Section 4 omit "for Member States".

(12) In Article 7a—

(a) for paragraph 1 substitute—

"1. In relation to large-scale pelagic longline vessels, when validating statistical documents, a fisheries administration must ensure that transhipments are consistent with the reported catch amount by each such vessel.";

(b) in paragraph 2 for "The flag Member State of large-scale pelagic longline vessels shall" substitute "A fisheries administration, in relation to large-scale pelagic longline vessels, must"; and

(c) in paragraph 3—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "their area or territory" substitute "the United Kingdom".

(13) Omit Chapter 3.

(14) Omit Articles 11, 12 and 14.

Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels

14.—(1) Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels is amended as follows.

(2) For Article 1 substitute—

"*Article 1*

Scope

This Regulation applies to the removal of shark fins, retention on board, transhipment and landing of shark fins by United Kingdom fishing vessels in maritime waters.".

(3) For Article 6 substitute—

"*Article 6*

Reports

Where United Kingdom fishing vessels catch, retain on-board, tranship or land sharks, a fisheries administration must publish, annually, by 1 May, a comprehensive report on its implementation of this Regulation during the previous year. The report must describe the monitoring by the fisheries administration of compliance with this Regulation by vessels in its fleet, and the enforcement measures it has taken in cases of non-compliance. In particular, the fisheries administration must provide all of the following information—

(a) the number of landings of sharks;

(b) the number, date and place of the inspections that have been carried out;

(c) the number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved and the penalty applied for each case of non-compliance; and

(d) the total landings by species (weight/number) and by port.".

(4) Omit Article 7.

Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species

15.—(1) Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species is amended as follows.

(2) For Article 2 substitute—

"*Article 2*

Scope

Without prejudice to Article 9, this Regulation applies to United Kingdom fishing vessels.".

(3) In Article 5 omit paragraph 2.

(4) In Article 8 omit paragraph 2.

(5) In Article 9(2) for "Community" substitute "United Kingdom".

(6) In Article 12—

(a) in paragraph 1—

(i) for "The Council" substitute "A fisheries administration",

(ii) for "Article 20 of Regulation (EU) No 2371/2002 must" substitute "Article 17 of Regulation (EU) 1380/2013 shall",

(iii) in point (a) for "Community" substitute "United Kingdom", and

(iv) in point (b) for "Community" substitute "United Kingdom";

(b) in paragraph 2—

(i) for "The Council" substitute "A fisheries administration",

(ii) for "Article 20 of Regulation (EU) No 2371/2002 shall" substitute "Article 17 of Regulation (EU) 1380/2013 must", and

(iii) for "Community" in both places it occurs, substitute "United Kingdom";

(c) omit paragraph 3;

(d) for paragraph 4 substitute—

"4. Before 31 May each year a fisheries administration must send the ICCAT Secretariat—

(a) a list of vessels in its fleet greater than 24 meters in length fishing for bigeye tuna; and

(b) a list of vessels in its fleet participating in a fishery targeting albacore tuna in the North Atlantic."; and

(e) for paragraph 5 substitute—

"5. The lists referred to in paragraph 4 must give the United Kingdom fishing fleet register number assigned to the vessel in accordance with Annex 1 to Commission Implementing Regulation (EU) 2017/218 on the Union fishing fleet register and the type of gear used.".

(7) In Article 13 for "Member States shall" substitute "A fisheries administration must".

(8) In Article 14—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must"; and

(b) in paragraph 2 for "Member States shall" substitute "A fisheries administration must".

(9) In Article 15 for "Member States shall" substitute "A fisheries administration must".

(10) Omit Articles 16 and 17.

(11) In Article 18—

(a) in paragraph 1—

(i) for "The Council" substitute "A fisheries administration",

(ii) for "Article 20 of Regulation (EU) No 2371/2002 shall" substitute "Article 17 of Regulation (EU) 1380/2013 must", and

(iii) for "Community" in both places it occurs, substitute "United Kingdom"; and

(b) omit paragraph 2.

(12) In Article 19(1) for "Member States shall do their" substitute "A fisheries administration must do its".

(13) In Article 20(1) for "Member States shall do their" substitute "A fisheries administration must do its".

(14) In Article 22—

(a) in paragraph 1—

(i) for "The Council" substitute "A fisheries administration",

(ii) for "Article 20 of Regulation (EU) No 2371/2002 shall" substitute "Article 17 of Regulation (EU) 1380/2013 must", and

(iii) for "Community" in both places it occurs, substitute "United Kingdom";

(b) omit paragraph 2; and

(c) for paragraph 3 substitute—

"3. The lists referred to in paragraph 1 must give the United Kingdom fishing fleet register number assigned to the vessel in accordance with Annex 1 to Commission Implementing Regulation (EU) 2017/218 on the Union fishing fleet register and the type of gear used.".

(15) In Article 23 for "Community" substitute "United Kingdom".

(16) Omit Article 24.

(17) In Article 25—

(a) in paragraph 1 for "Member States shall" substitute "A fisheries administration must";

(b) omit paragraphs 2 and 3;

(c) for paragraph 4 substitute—

"4. A fisheries administration must send the IATTC Secretariat the breakdown of the DMLs among United Kingdom fishing vessels in its fleet by 1 February each year."; and

(d) omit paragraph 5.

(18) In Article 28 for "Member States shall" substitute "A fisheries administration must".

(19) In Article 29(2) for "Community" substitute "United Kingdom".

(20) Omit Articles 30 and 32.

Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets

16.—(1) Commission Regulation (EEC) No 3440/84 on the attachment of devices to trawls, Danish seines and similar nets is amended as follows.

(2) Omit Article 16.

Commission Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e

17.—(1) Commission Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e is amended as follows.

(2) In Article 1 for "fishing vessels" substitute "United Kingdom fishing vessels".

(3) In Article 5(2)—

(a) for "Article 20(1) of Regulation (EEC) No 2847/93 of 1 October 1993 establishing a control system applicable to the common fisheries policy" substitute "Article 47 of Council Regulation (EC) No 1224/2009"; and

(b) for "Article 20(1) of Regulation (EEC) No 2847/93" in both places it occurs, substitute "Article 47 of Council Regulation (EC) No 1224/2009".

(4) Omit Article 7.

Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea

18.—(1) Commission Implementing Regulation (EU) No 737/2012 on the protection of certain stocks in the Celtic Sea is amended as follows.

(2) In Article 1(1) for "fishing vessels" substitute "United Kingdom fishing vessels".

(3) In Article 2—

(a) in paragraph 3 for "assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) as having" substitute "authorised by a fisheries administration, where scientific evidence confirms that the configuration has";

(b) in paragraph 4 for "assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) as having" substitute "authorised by a fisheries administration, where scientific evidence confirms that the configuration has"; and

(c) in paragraph 6—

(i) for "their flag Member State" substitute "a fisheries administration", and

(ii) for "The flag Member State shall" substitute "A fisheries administration must".

(4) In Article 3—

(a) for paragraph 1 substitute—

"1. Where United Kingdom fishing vessels are affected by the technical measures referred to in Article 2, a fisheries administration must immediately establish an on board observer programme to record the effectiveness of those measures for vessels in its fleet. In particular, the observer programme must estimate haddock, whiting and cod catches and discards with a precision of no less than 20%."; and

(b) omit paragraph 2.

(5) Omit Article 4.

Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries

19.—(1) Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries is amended as follows.

(2) In Article 2—

(a) in paragraph 1 for "Community provisions" substitute "applicable laws";

(b) in paragraph 2 for "Community" substitute "United Kingdom";

(c) in paragraph 3 for "Member State or Member States concerned" substitute "a fisheries administration"; and

(d) in paragraph 4 for "the Member States shall" substitute "A fisheries administration must".

(3) In Article 3—

(a) for paragraph 1 substitute—

"1. Acoustic deterrent devices used in application of Article 2(1) must comply with the technical specifications and conditions of use set out in Annex II.";

(b) in paragraph 2 for "Member States" substitute "a fisheries administration"; and

(c) omit paragraph 3.

(4) In Article 4—

(a) in paragraph 1—

(i) for "Member States shall" substitute "A fisheries administration must", and

(ii) for "flying its flag" substitute "in its fleet"; and

(b) in paragraph 2 for "Member States shall" substitute "A fisheries administration must".

(5) In Article 5—

(a) in paragraph 1—

(i) for the first sentence substitute "A fisheries administration must appoint independent and properly qualified and experienced personnel as observers.", and

(ii) omit point (d);

(b) in paragraph 2 for "Member States" substitute "a fisheries administration";

(c) in paragraph 3 for "flag Member State concerned" substitute "fisheries administration"; and

(d) in paragraph 4 for "flag Member State shall" substitute "A fisheries administration must".

(6) Omit Articles 6 to 10.

(7) In Annex 1, in the table omit the entries for areas A and E.

(8) In Annex 3, in paragraph 2 for "Member States shall" substitute "a fisheries administration must".

Council Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources

20.—(1) Council Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources is amended as follows.

(2) In Article 11a omit paragraphs 3 and 4.

(3) In Article 11b—

(a) in paragraph 3 for "the Member State" substitute "a fisheries administration";

(b) in paragraph 4—

(i) for "Member State shall" substitute "fisheries administration must", and

(ii) for "in the Member State" substitute "of the fisheries administration";

(c) for paragraph 5 substitute—

"5. A United Kingdom fishing vessel using one or more drift nets referred to in paragraph 1 must keep on board the prior authorisation to fish issued by the competent authorities of a fisheries administration."; and

(d) in paragraph 6 omit "in accordance with Article 31 of Regulation (EEC) No 2847/93".

(4) For Article 11c substitute—

"*Article 11c*

Articles 11, 11a and 11b apply in United Kingdom waters and, outside those waters, to all United Kingdom fishing vessels.".

(5) Omit Articles 18 to 20.

Council Regulation (EC) No 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)

21.—(1) Council Regulation (EC) No 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) is amended as follows.

(2) In Article 1 for "Council Regulation (EEC) No 3880/91 of 17 December 1991" substitute "Annex III of Regulation (EC) No 218/2009".

(3) Omit Article 4.

Council Regulation (EEC) No 1638/87 fixing the minimum mesh size for pelagic trawls used in fishing for blue whiting in that part of the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention

22.—(1) Council Regulation (EEC) No 1638/87 fixing the minimum mesh size for pelagic trawls used in fishing for blue whiting in that part of the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention is amended as follows.

(2) In Article 1—

(a) in paragraph 1 for "Vessels flying the flag of a Member State or registered in a Member State" substitute "United Kingdom fishing vessels"; and

(b) in paragraph 2 for "baord" substitute "board".

(3) Omit Article 2.

Commission Regulation (EC) No 2056/2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the West of Scotland

23.—(1) Commission Regulation (EC) No 2056/2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the West of Scotland is amended as follows.

(2) In Article 1(1) for "Community" substitute "United Kingdom".

(3) In Article 4—

(a) in paragraph 4 omit the words from "However, during 2002" to the end;

(b) in paragraph 5 for "Article 20(1) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy" substitute "Article 47 of Council Regulation (EC) No 1224/2009".

(4) In Article 8(1) omit the second sentence.

(5) In Article 9—

(a) for "Notwithstanding" substitute "Subject to obtaining the relevant licence or authorisation, and notwithstanding"; and

(b) for "Community" substitute "United Kingdom".

(6) Omit Article 10.

Council Regulation (EEC) No 1899/85 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention

24.—(1) Council Regulation (EEC) No 1899/85 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention is amended as follows.

(2) In Article 1 for "Vessels flying the flag of, or registered in, a Member State shall be" substitute "United Kingdom fishing vessels are".

(3) Omit Article 2.

PART 4

AMENDMENT OF THE NORTH SEA MULTIANNUAL PLAN

Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea

25.—(1) Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea is amended as follows.

(2) In Article 1—

(a) in paragraph 1—

(i) in the words before point (a)—

(aa) for "Union waters" substitute "United Kingdom waters", and

(bb) for "its adjacent waters" substitute "adjacent United Kingdom waters", and

(ii) omit the final sentence;

(b) in paragraph 4—

(i) after "caught in" insert "United Kingdom waters in", and

(ii) for "Union legal acts" substitute "enactments"; and

(c) in paragraph 5 for "Union waters" substitute "United Kingdom waters".

(3) In Article 2, after point (8) insert—

"(9) 'enactment' has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018(**a**).".

(4) In Article 3—

(a) in paragraph 1 omit "of the common fisheries policy";

(b) in paragraph 3, in the second sentence—

(i) omit "Union", and

(**a**) 2018 c. 16.

(ii) for "as set out in Article 1(1) of Directive 2008/56/EC" substitute "as referred to in regulation 4(1) of the Marine Strategy Regulations 2010(**a**)"; and

(c) after paragraph 4 insert—

"4A. For the purposes of paragraph 4(b), in Annex 1 to Directive 2008/56/EC descriptor 9 is to be read as if the reference to "Community legislation" were a reference to "retained EU law".".

(5) In Article 4 for paragraphs 2 and 3 substitute—

"2. A fisheries administration must request from ICES the ranges of F_{MSY} based on the plan.

3. When fishing opportunities are determined for a stock they must be established in the lower range of F_{MSY} available at that time for that stock.".

(6) In Article 6 for the words before point (a) substitute—

"A fisheries administration must request from ICES the following conservation reference points to safeguard the full reproductive capacity of the stocks referred to in Article 1(1) based on the plan—".

(7) In Article 7(3) omit point (a).

(8) In Article 10—

(a) for paragraph 1 substitute—

"1. When a fisheries administration designates fishing opportunities it must take account of the likely catch composition of fishing vessels participating in mixed fisheries.";

(b) omit paragraph 2; and

(c) in paragraph 4—

(i) for "the Council" substitute "any person determining fishing opportunities", and

(ii) omit "when fixing fishing opportunities".

(9) In Article 12—

(a) in paragraph 1—

(i) for "each Member State shall" substitute "a fisheries administration must",

(ii) for "flying its flag and" substitute "in its fleets", and

(iii) for "Member States" substitute "a fisheries administration";

(b) in paragraph 2 omit ", without prejudice to the capacity ceilings set out in Annex II to Regulation (EU) No 1380/2013,"; and

(c) in paragraph 3—

(i) for "Each Member State" substitute "A fisheries administration", and

(ii) omit "to the Commission and the other Member States".

(10) In Article 13—

(a) in the heading for "Union" substitute "United Kingdom";

(b) in paragraph 1—

(i) for "the Union" in both places it occurs, substitute "a fisheries administration", and

(ii) for "Union operators" substitute "United Kingdom operators"; and

(c) in paragraph 2 for "the Union" substitute "a fisheries administration".

(11) Omit Chapters 10, 11 and 13.

(12) Omit Article 19.

(**a**) S.I. 2010/1627.

PART 5

TRANSFER OF LEGISLATIVE FUNCTIONS

CHAPTER 1

AMENDMENT OF THE BASIC REGULATION

Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy

26.—(1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy is amended as follows.

(2) In Article 15 for paragraph 6 substitute—

"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.".

(3) In Article 24 for paragraph 4 substitute—

"4. 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.".

(4) For Article 47 substitute—

"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(**a**).

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(**b**).

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).

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(**a**) 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**)));

(b) make different provision for different purposes.".

CHAPTER 2

AMENDMENT OF THE CONTROL REGULATION

Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy

27.—(1) Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy is amended as follows.

(2) In Article 7 for paragraph 5 substitute—

"5. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(3) In Article 8 for paragraph 2 substitute—

"2. A fisheries administration may make regulations specifying detailed rules for the marking and identification of fishing vessels and their gear.".

(4) In Article 9 for paragraph 10 substitute—

"10. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(5) In Article 14 for paragraph 10 substitute—

"10. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(6) In Article 15 for paragraph 9 substitute—

"9. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(7) In Article 17(6) for the words from "The Commission" to "Article 119, may" substitute "A fisheries administration may, by regulations,".

(**a**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**b**) 2018 c. 16.

(8) In Article 21—

(a) in paragraph 6 for the words from "The Commission" to "Article 119, may" substitute "A fisheries administration may, by regulations,"; and

(b) for paragraph 7 substitute—

"7. A fisheries administration may, by regulations, specify transhipment procedures and forms.".

(9) In Article 22 for paragraph 7 substitute—

"7. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(10) In Article 23 for paragraph 5 substitute—

"5. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(11) In Article 24 for paragraph 8 substitute—

"8. A fisheries administration may, by regulations, specify landing declaration procedures and forms.".

(12) For Article 32 substitute—

"*Article 32*

Detailed rules

A fisheries administration may make regulations specifying detailed rules for the application of this Section.".

(13) In Article 40 for paragraph 6 substitute—

"6. A fisheries administration may make regulations specifying detailed rules for the application of this Section.".

(14) In Article 51 for paragraph 3 substitute—

"3. A fisheries administration may make regulations specifying detailed rules for the application of this Section.".

(15) In Article 52 for paragraph 2 substitute—

"2. A fisheries administration may, by regulations, modify the distances referred to in paragraph 1.".

(16) In Article 58—

(a) in paragraph 8—

(i) for "Member States" substitute "A fisheries administration",

(ii) for "EUR 50" substitute "£45", and

(iii) for the final sentence substitute "A fisheries administration may amend this threshold by regulations."; and

(b) for paragraph 9 substitute—

"9. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(17) In Article 59(3) for the final sentence substitute "A fisheries administration may amend this threshold by regulations.".

(18) In Article 60 for paragraph 7 substitute—

"7. A fisheries administration may make regulations specifying detailed rules on the risk-based methodology and procedure of weighing.".

(19) In Article 64 for paragraph 2 substitute—

"2. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(20) In Article 65—

(a) omit paragraph 1; and

(b) in paragraph 2 for the final sentence substitute "A fisheries administration may amend this threshold by regulations.".

(21) In Article 71 for paragraph 5 substitute—

"5. A fisheries administration may, by regulations, specify the content of the surveillance report.".

(22) In Article 73 for paragraph 9 substitute—

"9. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(23) In Article 75 for paragraph 2 substitute—

"2. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(24) In Article 76 for paragraph 4 substitute—

"4. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(25) In Article 78 for paragraph 2 substitute—

"2. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(26) In Article 92 for paragraph 5 substitute—

"5. A fisheries administration may make regulations specifying detailed rules for the application of this Article.".

(27) In Article 95(1) for the words from "The Commission" to "may" substitute "A fisheries administration may, by regulations,".

(28) For Article 119 substitute—

"Article 119

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(**a**).

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(**b**).

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.

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).

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(**a**) 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**)));

(b) make different provision for different purposes.".

CHAPTER 3

AMENDMENT OF THE ILLEGAL, UNREPORTED AND UNREGULATED FISHING REGULATIONS

Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

28.—(1) Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing is amended as follows.

(2) In Article 6(3) for the words from "The Commission" to "may" substitute "A fisheries administration may, by regulations,".

(3) In Article 8 for paragraph 3 substitute—

"3. A fisheries administration may, by regulations, specify landing and transhipment declaration procedures and forms.

3A. Subject to paragraph 3B, the Secretary of State may, by regulations, specify landing and transhipment declaration procedures and forms.

3B. Where the exercise of the power to make regulations under paragraph 3 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 3A 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.".

(4) In Article 9(1)—

(a) for "Member States shall" substitute "A fisheries administration must";

(b) for "their" substitute "its"; and

(c) for the words from ", in accordance with" to "risk management," substitute ". A fisheries administration may, by regulations, specify benchmarks for such inspections determined

(**a**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**b**) 2018 c. 16.

on the basis of risk management. Benchmarks specified in regulations made under this paragraph are".

(5) In Article 12 for paragraph 5 substitute—

"5. A fisheries administration may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

6. Subject to paragraph 7, the Secretary of State may, by regulations, amend the list of the products in Annex 1 excluded from the scope of the requirement for a catch certificate on the basis of a review of the results of the information gathered under Chapters 2, 3, 5 and 8.

7. Where the exercise of the power to make regulations under paragraph 5 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 6 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.".

(6) In Article 16(3) omit the final subparagraph.

(7) After Article 16 insert—

"*Article 16A*

Regulations relating to the status of approved economic operator

1. A fisheries administration may, by regulations, specify rules relating to the status of approved economic operator.

2. Subject to paragraph 3, the Secretary of State may, by regulations, specify rules relating to the status of approved economic operator.

3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.".

(8) In Article 27 for paragraph 1 substitute—

"1. The United Kingdom IUU vessel list is, subject to any amendments made by virtue of this Article or Article 28, the list contained in Commission Regulation (EU) No 468/2010 establishing the EU list of vessels engaged in illegal, unreported and unregulated fishing.

1A. The Secretary of State may, by regulations, amend the United Kingdom IUU vessel list to include any vessel—

(a) included in an IUU vessel list adopted by a regional fisheries management organisation;

(b) in relation to which, further to measures taken pursuant to Articles 25 and 26, the information obtained in accordance with this Regulation establishes is engaged in IUU fishing; and

(c) whose flag state has not complied with the official request referred to in Article 26(2)(b) and (c) in response to an allegation of IUU fishing.

1B. The remaining paragraphs of this Article apply to the inclusion of a vessel on the United Kingdom IUU vessel list under points (b) and (c) of paragraph 1A.".

(9) For Article 28 substitute—

"Article 28

Removal of fishing vessels from the United Kingdom IUU vessel list

1. Subject to paragraphs 2 and 3, the Secretary of State may, by regulations, remove a fishing vessel from the United Kingdom IUU vessel list in accordance with the provisions of paragraphs 4 to 7.

2. Where a vessel was added to the United Kingdom IUU vessel list because it was included in an IUU vessel list adopted by a regional fisheries management organisation, the Secretary of State must have regard to any decisions taken with regard to that vessel by the relevant regional fisheries management organisation when making any decision regarding the removal of that vessel from the United Kingdom IUU vessel list.

3. The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.

4. The Secretary of State may remove a fishing vessel under paragraph 1 if the Secretary of State is satisfied that the vessel's flag state has demonstrated that—

(a) the vessel did not engage in any of the IUU fishing activities for which it was placed on the list; or

(b) proportionate, dissuasive and effective sanctions have been applied in response to the IUU fishing activities in question.

5. The owner or, where appropriate, the operator of a fishing vessel included on the United Kingdom IUU vessel list may submit a request to the Secretary of State to review the status of that vessel in case of inaction by the flag state under paragraph 4.

6. Where a request is submitted under paragraph 4, the Secretary of State may consider the removal of a fishing vessel under paragraph 1 if the owner or operator provides evidence as to the fact that the fishing vessel—

(a) is no longer engaged in IUU fishing; or

(b) has sunk or has been scrapped.

7. In all other cases, the Secretary of State may only consider removing a fishing vessel under paragraph 1 if the following conditions are fulfilled—

(a) at least two years have elapsed since the fishing vessel was included on the United Kingdom IUU vessel list during which no further reports of alleged IUU fishing by the vessel have been received by a fisheries administration in accordance with Article 25;

(b) the owner submits information relating to the current operation of the fishing vessel that demonstrates that it is operating in full conformity with relevant United Kingdom and international laws and any conservation and management measures that apply to any fisheries in which it is participating; and

(c) the fishing vessel concerned, its owner or operator, maintain no operational or financial links, whether direct or indirect, with any other vessel, owner or operator presumed or confirmed to be engaged in IUU fishing.".

(10) In Article 29—

(a) for the heading substitute—

"**Content and publicity of the United Kingdom IUU vessel list**";

(b) in paragraph 1, for the first sentence substitute "Regulations made by the Secretary of State under Article 27(1A) must contain the following information for each vessel included on the United Kingdom IUU vessel list—";

(c) for paragraph 2 substitute—

"2. The Secretary of State must take such measures as the Secretary of State feels necessary to ensure the publicity of the United Kingdom IUU vessel list as amended from time to time under Article 27(1A) or Article 28. In particular, the Secretary of State must publish the vessel list on a website that is accessible to the public."; and

(d) omit paragraph 3.

(11) For Articles 33 and 34 substitute—

"*Article 33*

Establishment of a list of non-cooperating countries

1. Subject to paragraph 2, the Secretary of State may, by regulations, amend the United Kingdom list of non-cooperating countries to add any country to the list as a result of the provisions of Articles 31 and 32.

2. The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.

3. The Secretary of State must, without delay, notify any country added to the United Kingdom list of non-cooperating countries by regulations made under paragraph 1 of—

(a) its inclusion on the list, and

(b) the measures applied in accordance with Article 38,

and request the country to rectify the current situation and to advise on the measures taken to ensure compliance with conservation and management measures by its fishing vessels.

4. The "United Kingdom list of non-cooperating countries" is the list contained in Council Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 subject to any amendments made by virtue of this Article or Article 34.

Article 34

Removal from the list of non-cooperating countries

1. The Secretary of State may, by regulations, remove a country from the United Kingdom list of non-cooperating countries where the Secretary of State is satisfied that the country has demonstrated that the situation that warranted its inclusion on the list has been rectified.

2. In reaching a decision under paragraph 1, the Secretary of State must take into consideration whether the country concerned has taken concrete measures capable of achieving the lasting improvement of the situation.

3. The Secretary of State may only make regulations under this Article with the consent of the other fisheries administrations.".

(12) For Article 54 substitute—

"Article 54

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(**a**).

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(**b**).

4. 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(**c**)));

(b) make different provision for different purposes.

Article 54A

Regulations: the Secretary of State

1. Except as specified in paragraph 2, 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.

2. A statutory instrument containing regulations made by the Secretary of State under Article 8(3) or (3A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Article 54B

Regulations: the Welsh Ministers

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of National Assembly for Wales.

2. A statutory instrument containing regulations made by the Welsh Ministers under Article 8(3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Article 54C

Regulations: the Scottish Ministers

1. Except as specified in paragraph 2, 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).

2. Regulations made by the Scottish Ministers under Article 8(3) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).
(**c**) 2018 c. 16.

Article 54D

Regulations: Northern Ireland

1. Except as specified in paragraph 2, 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(**a**) as if they were a statutory instrument within the meaning of that Act.

2. Regulations may not be made by the Department under Article 8(3) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.".

Regulation (EU) No 1026/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing

29.—(1) Regulation (EU) No 1026/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing is amended as follows.

(2) For Article 4 substitute—

"*Article 4*

Measures in respect of countries allowing non-sustainable fishing

1. A fisheries administration may, by regulations, adopt the measures specified in paragraph 3 in respect of a country allowing non-sustainable fishing.

2. Subject to paragraph 4, the Secretary of State may, by regulations, adopt the measures specified in paragraph 3 in respect of a country allowing non-sustainable fishing.

3. The measures referred to in paragraphs 1 and 2 are—

(a) identifying that country as a country allowing non-sustainable fishing;

(b) identifying, where necessary, the specific vessels or fleets of that country to which certain measures are to apply;

(c) imposing quantitative restrictions on importations of fish from the stock of common interest that have been caught under the control of that country and on importations of fishery products made of or containing such fish;

(d) imposing quantitative restrictions on importations of fish of any associated species, and fishery products made of or containing such fish, when caught while conducting fisheries on the stock of common interest under the control of that country; any regulations made under the powers in paragraphs 1 and 2 adopting this measure must determine the species and their catches falling within the scope of the measure;

(e) imposing restrictions on the use of United Kingdom ports by vessels flying the flag of that country that fish the stock of common interest and/or associated species and by vessels transporting fish and fishery products stemming from the stock of common interest and/or associated species that have been caught either by vessels flying the flag of that country or by vessels authorised by it while flying another flag; such restrictions must not be applied in cases of force majeure or distress within the meaning of Article 18 of the UNCLOS for services strictly necessary to remedy those situations;

(f) prohibiting the purchase by United Kingdom economic operators of a fishing vessel flying the flag of that country;

(g) prohibiting the reflagging of United Kingdom fishing vessels to the flag of that country;

(**a**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

(h) prohibiting the chartering of United Kingdom fishing vessels to economic operators of that country;

(i) prohibiting the exportation to that country of United Kingdom fishing vessels or of fishing equipment and supplies needed to fish on the stock of common interest;

(j) prohibiting the conclusion of private trade arrangements between United Kingdom economic operators and that country that enable a United Kingdom fishing vessel to use fishing opportunities of that country;

(k) prohibiting joint fishing operations involving United Kingdom fishing vessels and fishing vessels flying the flag of that country.

4. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.".

(3) In Article 5(4) for "the Commission" substitute "a fisheries administration".

(4) In Article 7 for paragraph 2 substitute—

"2. A fisheries administration may, by regulations, determine whether the conditions specified in paragraph 1 have been complied with and, where necessary, provide that the measures adopted in respect of the country concerned pursuant to Article 4 cease to apply.

3. Subject to paragraph 4, the Secretary of State may, by regulations, determine whether the conditions specified in paragraph 1 have been complied with and, where necessary, provide that the measures adopted in respect of the country concerned pursuant to Article 4 cease to apply.

4. Where the exercise of the power to make regulations under paragraph 2 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 3 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.".

(5) For Article 8 substitute—

"Article 8

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(**a**).

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(**b**).

4. 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(**c**)));

(b) make different provision for different purposes.

5. Before making any regulations under Article 4 of this Regulation, a fisheries administration must consult—

(a) such bodies or persons as appear to the fisheries administration to be representative of the interests likely to be substantially affected by the regulations;

(b) such other bodies or persons as the fisheries administration may consider appropriate.

Article 8A

Regulations: the Secretary of State

1. Except as specified in paragraph 2, 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.

2. A statutory instrument containing regulations made by the Secretary of State under Article 4(1) or (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Article 8B

Regulations: the Welsh Ministers

1. Except as specified in paragraph 2, a statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of National Assembly for Wales.

2. A statutory instrument containing regulations made by the Welsh Ministers under Article 4(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Article 8C

Regulations: the Scottish Ministers

1. Except as specified in paragraph 2, 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).

2. Regulations made by the Scottish Ministers under Article 4(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).
(**c**) 2018 c. 16.

Article 8D

Regulations: Northern Ireland

1. Except as specified in paragraph 2, 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(**a**) as if they were a statutory instrument within the meaning of that Act.

2. Regulations may not be made by the Department under Article 4(1) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.".

CHAPTER 4

AMENDMENT OF THE MULTIANNUAL PLANS AND EFFORT REGIMES

Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel

30.—(1) Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European Eel is amended as follows.

(2) For Article 5 substitute—

"*Article 5*

Amendment and continuing implementation of Eel Management Plans

1. A fisheries administration may amend an Eel Management Plan provided that, on the basis of a technical and scientific evaluation of the proposed amendments, the fisheries administration is satisfied that the requirements of this Regulation will continue to be met by the amended Plan.

2. Before amending an Eel Management Plan, a fisheries administration must consult such persons or bodies as the fisheries administration considers appropriate.

3. Following any amendment of an Eel Management Plan in accordance with this Article, the fisheries administration must, without delay, publish the amended version of the Eel Management Plan together with a notice specifying the date on which the amendments will take effect and an explanation of how they will be implemented.

4. A fisheries administration must ensure that each Eel Management Plan is correctly implemented.

5. A fisheries administration may permit fishing for eel of the species *Anguilla anguilla* the whole year round provided that the fishery in question conforms to the specifications and restrictions set out in the relevant Eel Management Plan.".

(3) In Article 7 omit paragraph 6.

Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources

31.—(1) Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources is amended as follows.

(2) For Article 12 substitute—

(**a**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

"*Article 12*

Adaptations

1. Subject to paragraphs 2 and 3, the Secretary of State may, by regulations, adjust the maximum annual fishing effort in Article 11 either by an increase of the maximum fishing effort in a particular area or division, or by a shift of fishing effort between areas or divisions.

2. Where, in the circumstances described in paragraph 4, the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, 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) of that Regulation in the circumstances described in paragraph 4;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation in the circumstances described in paragraph 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) of that Regulation in the circumstances described in paragraph 4.

3. Before making any regulations under this Article, the Secretary of State must—

(a) obtain scientific information on the relevant fishing stocks; and

(b) consult—

(i) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations,

(ii) such other bodies or persons as the Secretary of State may consider appropriate.

4. The circumstances referred to in paragraph 2 are circumstances where the power in paragraph 1 is treated as a power exercisable by "a fisheries administration" instead of a power exercisable by the Secretary of State.

5. Regulations made by the Secretary of State under this Article are to be made by statutory instrument.

6. A statutory instrument containing regulations made under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.

7. 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(**a**)));

(b) make different provision for different purposes.".

(**a**) 2018 c. 16.

CHAPTER 5

AMENDMENT OF THE DATA COLLECTION FRAMEWORK REGULATION

Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy

32.—(1) Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy is amended as follows.

(2) For Article 4 substitute—

"*Article 4*

Multiannual programme

1. A fisheries administration may, by regulations, establish a multiannual programme for the collection and management of data referred to in Article 1(1), in accordance with the content and the criteria set out in Article 5.

2. Subject to paragraph 3, the Secretary of State may, by regulations, establish a multiannual programme for the collection and management of data referred to in Article 1(1), in accordance with the content and the criteria set out in Article 5.

3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.".

(3) For Article 25 substitute—

"*Article 25*

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(**a**).

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(**b**).

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.

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).

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(**a**) 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**)));

(b) make different provision for different purposes.".

CHAPTER 6

AMENDMENT OF THE COMMON ORGANISATION OF THE MARKETS REGULATIONS

Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products

33.—(1) Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products is amended as follows.

(2) For Article 21 substitute—

"*Article 21*

Regulations on recognition of producer organisations and inter-branch organisations

1. A fisheries administration may make regulations in relation to the time limits and procedures and the form of applications for the recognition of producer organisations and inter-branch organisations pursuant to Articles 14 and 16 respectively, or for the withdrawal of such recognition pursuant to Article 18.

2. When making regulations under paragraph 1, a fisheries administration must consider, where appropriate, adapting the regulations to the special characteristics of small-scale fisheries and aquaculture.".

(3) For Article 29 substitute—

"*Article 29*

Regulations on production and marketing plans

A fisheries administration may make regulations in relation to the format and structure of the production and marketing plan referred to in Article 28 and the procedure and time limits for the submission by producer organisations and the approval of such plans.".

(4) For Article 43 substitute—

(**a**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**b**) 2018 c. 16.

"Article 43

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(**a**).

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(**b**).

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(**c**) 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(**d**)));

(b) make different provision for different purposes.".

Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products

34.—(1) Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products is amended as follows.

(2) In Article 2 for paragraph 3 substitute—

"3. A fisheries administration may make regulations specifying detailed rules for the application of this Article.

4. Subject to paragraph 5, the Secretary of State may make regulations specifying detailed rules for the application of this Article.

5. Where the exercise of the power to make regulations under paragraph 3 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 4 the Secretary of State must obtain the consent of—

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).
(**c**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**d**) 2018 c. 16.

(a) the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.

6. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.".

(3) In Article 8 for paragraph 4 substitute—

"4. A fisheries administration may make regulations specifying detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot.

5. Subject to paragraph 6, the Secretary of State may make regulations specifying detailed rules for the application of this Article, in particular as regards the method of weighing and the determination of a variation in the net weight, above or below that marked or presumed, permitted for each lot.

6. Where 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) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 5 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.

7. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.".

(4) For Article 9 substitute—

"*Article 9*

1. Pelagic species may be graded in the different categories of freshness and size on the basis of a system of sampling. This system must ensure that the freshness and size of the products contained in the lot are as uniform as possible.

2. A fisheries administration may make regulations specifying detailed rules for the application of this Article, in particular for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale.

3. Subject to paragraph 4, the Secretary of State may make regulations specifying detailed rules for the application of this Article, for determining the number of samples to be taken, the weight or volume of fish in each sample, and the methods for assessing the grading and verifying the weight of lots offered for sale.

4. Where the exercise of the power to make regulations under paragraph 2 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No

1380/2013, before making such regulations under the power in paragraph 3 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.

5. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.".

(5) In Article 10—

(a) in the first paragraph for "Community" substitute "United Kingdom"; and

(b) for the second paragraph substitute—

"A fisheries administration may, by regulations, determine the zones in question and the corresponding marketing sizes. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.".

Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products

35.—(1) Council Regulation (EEC) No 2136/89 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products is amended as follows.

(2) For Article 8 substitute—

"*Article 8*

A fisheries administration may make regulations in relation to the application of this Regulation, in particular the sampling plan for assessing conformity of manufacturing batches with the requirements of this Regulation.

Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.".

Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito

36.—(1) Council Regulation (EEC) No 1536/92 laying down common marketing standards for preserved tuna and bonito is amended as follows.

(2) For Article 8 substitute—

"*Article 8*

1. A fisheries administration may make regulations in relation to the application of this Regulation.

2. Article 43 of Regulation (EU) No 1379/2013 applies in relation to regulations made under this Article in the same way that it applies to regulations made under that Regulation.".

CHAPTER 7

AMENDMENT OF THE NORTH-EAST ATLANTIC DEEP SEA STOCKS AND INTERNATIONAL WATERS REGULATION

Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic

37.—(1) Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic is amended as follows.

(2) For Article 7 substitute—

"*Article 7*

Existing deep-sea fishing areas

1. Using relevant VMS records or, if VMS records are not available, other relevant verifiable information, a fisheries administration must seek to establish the locations of the fishing activities of vessels catching more than 10 tonnes each calendar year to which it has granted deep-sea fishing authorisations.

2. On the basis of the information referred to in paragraph 1, as well as on the basis of the best available scientific and technical information, a fisheries administration may, by regulations, determine the existing deep-sea fishing areas.".

(3) In Article 8—

(a) for paragraph 5 substitute—

"5. By way of derogation from paragraph 2, a fisheries administration may, by regulations, authorise exploratory fisheries in locations outside the existing deep-sea fishing areas provided that—

(a) an impact assessment conducted in accordance with the standards set out in the 2008 FAO International Guidelines for the management of Deep-Sea Fisheries in the High Seas has been produced and, having assessed that impact assessment, the fisheries administration is satisfied it is appropriate to authorise the exploratory fishery in question;

(b) the fisheries administration has obtained advice from a scientific advisory body and, having assessed that advice, the fisheries administration is satisfied it is appropriate to authorise the exploratory fishery in question; and

(c) the authorisation is subject to appropriate mitigation measures to prevent an encounter with or effectively protect VMEs.";

(b) in paragraph 6 for the words from "The Commission, after" to "the Commission may" substitute "Regulations made under paragraph 5 may";

(c) in paragraph 7 for "paragraph 6" substitute "paragraphs 5 and 6"; and

(d) in paragraph 8 for the words from "On the basis" to "by means of implementing acts," substitute "A fisheries administration may, by regulations, adjust".

(4) In Article 9 for paragraphs 6 and 7 substitute—

"6. On the basis of—

(a) the best scientific and technical information available;

(b) an assessment of areas where VMEs are known to occur or likely to occur, carried out by a competent scientific advisory body; and

(c) any assessments and identifications carried out by a fisheries administration,

a fisheries administration may, by regulations, establish a list of areas where VMEs are known to occur or are likely to occur.

6A. A fisheries administration must review any regulations made under paragraph 6 annually on the basis of advice received from a competent scientific advisory body and, where appropriate, amend the list by regulations. The fisheries administration may remove an area from the list provided that it determines, on the basis of an impact assessment and after consulting the competent scientific advisory body, that there is sufficient evidence to indicate that VMEs are not present, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on VMEs in that area are prevented.

7. A fisheries administration may review, on the basis of the best available scientific information, the VME indicators and may, by regulations, amend the list included in Annex 3.".

(5) For Article 18 substitute—

"*Article 18*

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(**a**).

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(**b**).

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(**c**) 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(**d**)));

(b) make different provision for different purposes.".

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).
(**c**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**d**) 2018 c. 16.

CHAPTER 8

AMENDMENT OF THE EUROPEAN MARITIME AND FISHERIES FUND REGULATION

Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund

38.—(1) Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund is amended as follows.

(2) For Article 20 substitute—

"Article 20

Amendment of the operational programme

1. In accordance with Article 30(4) of Regulation (EU) No 1303/2013, the procedure for amendment of the operational programme is as follows.

2. The Secretary of State may, in accordance with Article 49(3) of Regulation (EU) No 1303/2013, submit a proposal for amendment of the operational programme to the monitoring committee for consultation.

3. Before submitting a proposal to the monitoring committee under paragraph 2, the Secretary of State must—

(a) consult the Marine Management Organisation; and

(b) obtain the consent of—

(i) the Welsh Ministers,

(ii) the Scottish Ministers, and

(iii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

4. The Secretary of State may, following completion of the consultation and consent requirements mentioned in paragraphs 2 and 3, make the amendment.

5. The Secretary of State must publish any amended version of the operational programme together with a notice of the date on which any amendments take effect.

6. In this Article, "monitoring committee" means the monitoring committee referred to in Article 47 of Regulation (EU) No 1303/2013.".

(3) In Article 21 for paragraph 2 substitute—

"2. Subject to paragraph 3, the Secretary of State may amend the work plan referred to in paragraph 1 provided that the amended version of the work plan continues to comply with the requirements of Article 6 of Regulation (EU) 2017/1004.

3. Where, in the circumstances described in paragraph 4, the exercise of the power to amend the work plan under paragraph 2 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) 1380/2013, before amending the work plan 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) of Regulation (EU) 1380/2013 in the circumstances described in paragraph 4;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of Regulation (EU) 1380/2013 in the circumstances described in paragraph 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) of Regulation (EU) 1380/2013 in the circumstances described in paragraph 4.

4. The circumstances referred to in paragraph 3 are circumstances where the power in paragraph 4 is treated as a power to amend the work plan by regulations which is exercisable by "a fisheries administration" instead of a power exercisable by the Secretary of State.

5. The Secretary of State must publish any amended version of the work plan together with a notice of the date on which any amendments take effect.".

CHAPTER 9

AMENDMENT OF THE TECHNICAL CONSERVATION REGULATION

Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

39.—(1) Council Regulation (EC) No 850/98 for the protection of fishery resources through technical measures for the protection of juveniles of marine organisms is amended as follows.

(2) In Article 7(5) for "under the conditions laid down in Article 46" substitute "by regulations made under Article 46".

(3) In Article 29d—

(a) in paragraph 7 for the final subparagraph substitute—

"A fisheries administration may, by regulations, determine which gears are to be considered to have equivalent high selectivity for the purpose of point (a)."; and

(b) for paragraph 10 substitute—

"10. At least every two years following exit day, a fisheries administration must assess the characteristics of gears specified in paragraph 9 and obtain scientific advice on their appropriateness. If, following such advice, a fisheries administration considers the characteristics of any gears specified in paragraph 9 are no longer appropriate, it may, by regulations, amend paragraph 9.".

(4) In Article 29h(2)—

(a) for "a Union legal act" substitute "regulations made by a fisheries administration";

(b) for "Union vessels" substitute "United Kingdom vessels";

(c) for "their respective Member State" substitute "a fisheries administration"; and

(d) omit "to the Commission".

(5) For Article 45 substitute—

"*Article 45*

1. Where the conservation of stocks of marine organisms calls for immediate action, a fisheries administration may, by regulations, adopt any measures necessary in addition to or by way of derogation from this Regulation.

2. Subject to paragraph 3, where the conservation of stocks of marine organisms calls for immediate action, the Secretary of State may, by regulations, adopt any measures necessary in addition to or by way of derogation from this Regulation.

3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.

4. Where the conservation of certain species or fishing grounds is seriously threatened, and where any delay would result in damage which would be difficult to repair, a fisheries administration may take appropriate conservation measures.".

(6) For Article 46 substitute—

"*Article 46*

1. A fisheries administration may, by regulations, take measures for the conservation and management of stocks which—

(a) in the case of strictly local stocks which are of interest solely to the United Kingdom, depart from the measures laid down in this Regulation; or

(b) in the case of shared stocks, comprise conditions or detailed arrangements designed to limit catches by technical measures supplementing or going beyond the minimum requirements laid down in this Regulation.

2. Subject to paragraph 3, the Secretary of State may, by regulations, take measures for the conservation and management of stocks which—

(a) in the case of strictly local stocks which are of interest solely to the United Kingdom, depart from the measures laid down in this Regulation; or

(b) in the case of shared stocks, comprise conditions or detailed arrangements designed to limit catches by technical measures supplementing or going beyond the minimum requirements laid down in this Regulation.

3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.

4. Before making any regulations under this Article, a fisheries administration must consult—

(a) such bodies or persons as appear to the fisheries administration to be representative of the interests likely to be substantially affected by the regulations;

(b) such other bodies or persons as the fisheries administration may consider appropriate.".

(7) For Articles 48 and 48a substitute—

"*Article 48*

Implementation

1. A fisheries administration may make regulations specifying detailed rules for the implementation of this Regulation including, in particular, the rules described in paragraph 4.

2. Subject to paragraph 3, the Secretary of State may make regulations specifying detailed rules for the implementation of this Regulation including, in particular, the rules described in paragraph 4.

3. Where the exercise of the power to make regulations under paragraph 1 would be outside the jurisdiction of the Secretary of State under Article 1(7) of Regulation (EU) No 1380/2013, before making such regulations under the power in paragraph 2 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) of that Regulation;

(b) the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4) of that Regulation;

(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) of that Regulation.

4. The rules referred to in paragraphs 1 and 2 are—

(a) technical rules for the determination of twine thickness;

(b) technical rules for the determination of mesh size;

(c) rules for sampling;

(d) lists and technical descriptions of devices that may be attached to nets;

(e) technical rules for measuring engine power;

(f) technical rules relating to square-meshed netting;

(g) technical rules relating to netting materials;

(h) amendments to rules for the use of mesh size combinations.

5. Before making any regulations under this Article, a fisheries administration must consult—

(a) such bodies or persons as appear to the fisheries administration to be representative of the interests likely to be substantially affected by the regulations;

(b) such other bodies or persons as the fisheries administration may consider appropriate.

Article 48a

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(**a**).

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(**b**).

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.

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).

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(**a**) 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**)));

(b) make different provision for different purposes.".

CHAPTER 10

AMENDMENT OF THE FISHING VESSEL CHARACTERISTICS REGULATION

Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels

40.—(1) Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels is amended as follows.

(2) In Article 5—

(a) in paragraph 3 for the words from "The Commission" to "amendment of" substitute "The Secretary of State may, by regulations, amend"; and

(b) after paragraph 3 insert—

"4. Regulations made by the Secretary of State under paragraph 3 are to be made by statutory instrument.

5. A statutory instrument containing regulations made by the Secretary of State under paragraph 3 is subject to annulment in pursuance of a resolution of either House of Parliament.

6. Before making any regulations under paragraph 3, the Secretary of State must consult—

(a) the Scottish Ministers;

(b) the Welsh Ministers;

(c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland; and

(d) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations and such other bodies or persons as the Secretary of State may consider appropriate.".

(**a**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**b**) 2018 c. 16.

PART 6

AMENDMENT OF OTHER MEASURES

Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

41.—(1) Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing is amended as follows.

(2) In Article 12 after paragraph 4 insert—

"4A. The Secretary of State may enter into arrangements with other flags states to the effect that, for fisheries products obtained from catches made by fishing vessels flying the flag of the state in question, the catch certificate may be—

(a) in a form which does not contain all of the information specified in the specimen shown in Annex 2; or

(b) replaced by electronic traceability systems,

provided the Secretary of State is satisfied that the same level of control by authorities is ensured.

4B. Before entering into arrangements under paragraph 4A, the Secretary of State must consult—

(a) the Scottish Ministers;

(b) the Welsh Ministers; and

(c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.".

(3) In Article 15—

(a) in paragraph 1 for the word "The" in the first place it occurs, substitute "Where the Secretary of State has entered into arrangements under paragraph 3, the"; and

(b) at the end insert—

"3. The Secretary of State may enter into arrangements with other states to the effect that exports of fisheries products obtained from catches made by United Kingdom fishing vessels to the state in question will be subject to the validation of a catch certificate.

4. Before entering into arrangements under paragraph 3, the Secretary of State must consult—

(a) the Scottish Ministers;

(b) the Welsh Ministers; and

(c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.".

Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture

42.—(1) Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture is amended as follows.

(2) In Article 24—

(a) for paragraph 1 substitute—

"1. The appropriate authority may, by regulations, amend Annex 1 or 3 in order to adapt them to technical and scientific progress.

1A. The Secretary of State may, by regulations—

(a) amend Annex 2 in order to adapt it to technical and scientific progress;

(b) amend Annex 4 so as to add a species.";

(b) omit paragraph 2;

(c) in paragraph 3—

(i) for the words from "In order" to "have" substitute "Regulations under paragraph 1A(b) may only be made where the Secretary of State is satisfied that the aquatic organism has", and

(ii) for "Union" substitute "United Kingdom";

(d) after paragraph 3 insert—

"3A. In paragraph 3, "long time (with reference to its life cycle)" and "adverse effect" have the meanings given in Article 2 of Commission Regulation (EC) No 535/2008."; and

(e) omit paragraphs 4 to 6.

(3) Omit Articles 24a to 24c.

(4) Before Article 25 insert—

"*Article 24d*

Regulations: devolved legislative function

1. This Article applies to regulations made under Article 24(1).

2. Regulations made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.

3. For regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(**a**).

4. The power of the Department of Agriculture, Environment and Rural Affairs to make regulations is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(**b**).

5. A statutory instrument containing regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

6. A statutory instrument containing regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

7. Regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

8. Regulations made by the Department of Agriculture, Environment and Rural Affairs are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(**c**) as if they were a statutory instrument within the meaning of that Act.

9. 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(**d**)));

(b) make different provision for different purposes.

(**a**) 2010 asp 10.
(**b**) S.I. 1979/1573 (N.I. 12).
(**c**) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.
(**d**) 2018 c. 16.

Article 24e

Regulations: consent required

1. This Article applies to regulations made under Article 24(1A).

2. The Secretary of State may only make regulations in relation to the whole of the United Kingdom.

3. The Secretary of State may not make regulations without the consent of—

(a) in relation to Wales, the Welsh Ministers;

(b) in relation to Scotland, the Scottish Ministers;

(c) in relation to Northern Ireland, the Department for Agriculture, Environment and Rural Affairs.

4. Where any of the parties mentioned in paragraph 3(a) to (c) requests that the Secretary of State make regulations to which this Article applies, the Secretary of State must have regard to that request.

5. Regulations made by the Secretary of State are to be made by statutory instrument.

6. A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

7. 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.".

PART 7

AMENDMENT OF SUBORDINATE LEGISLATION

The Sea Fishing (Enforcement) Regulations 2018

43.—(1) The Sea Fishing (Enforcement) Regulations 2018(**a**) are amended as follows.

(2) In the Schedule, in the entry for Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, omit the entries for Articles 36, 37(1), 39 and 40.

Signed by authority of the Secretary of State

Name
Minister of State
Date Department for Environment, Food and Rural Affairs

(**a**) S.I. 2018/849.

SCHEDULE

Regulation 2

REVOCATIONS

The following legislation is revoked—

(a) Council Regulation (EU) 2018/120 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters;

(b) Commission Implementing Decision of 19 March 2014 establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea;

(c) Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea;

(d) Council Regulation (EC) No 2187/2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound; and

(e) Commission Regulation (EC) No 1922/1999 laying down detailed rules for the application of Council Regulation (EC) No 850/98 as regards conditions under which vessels exceeding eight metres length overall shall be permitted to use beam trawls within certain waters of the Community.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) (in particular under section 8(2)(a), (b), (c), (d) and (g)) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to retained direct EU legislation in the fields of the common fisheries policy of the European Union and alien and locally absent species in aquaculture. They also make a minor amendment to another Statutory Instrument.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sector is foreseen.

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

UK201902131022 02/2019 19585

http://www.legislation.gov.uk/id/ukdsi/2019/9780111181171