

# LICENCE TO FISH IN EU WATERS – UK VESSEL

## **PART 2: LICENCE CONDITIONS**

### **Definitions and matters of general application:**

Unless otherwise stated, reference in this licence to EU, Council or Commission Regulations shall be read as reference to those Regulations as they form part of retained EU law which, by virtue of the European Union (Withdrawal) Act 2018, forms part of UK domestic law and as may subsequently be amended from time to time.

#### **1. VALIDITY**

- 1.1. This licence variation shall not authorise fishing anywhere unless the vessel is registered as a fishing vessel under the Merchant Shipping Act 1995, or in the Channel Islands or Isle of Man.
- 1.2. This licence variation shall not authorise fishing anywhere unless the vessel holds a valid licence to fish in United Kingdom waters issued by the Scottish Ministers, Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or the Marine Management Organisation.
- 1.3. Any licence in respect of the areas and species covered by this licence previously issued in respect of the above-named vessel, is revoked immediately prior to the point at which this licence comes into force.
- 1.4. This licence, and any fishing authorisation issued in accordance with Article 7 of Council Regulation (EC) 1224/2009 must be carried on board the vessel and produced to a British Sea Fishery Officer or Marine Enforcement Officer on demand. This condition may be fulfilled by production of a copy in electronic format.
- 1.5. This licence variation supplements the domestic fishing licence held in respect of the vessel to which it relates. It is not transferrable and will cease to have effect if the domestic fishing licence becomes no longer attached to the vessel to which it relates.
- 1.6. In accordance with regulation 3(2)(c)(ii) of the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011<sup>3</sup>, regulation 3(4)(b) of the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014<sup>4</sup> and regulations 3(3)(b) of the Sea Fishing (Licences and Notices) (England) Regulations 2012<sup>5</sup> and the Sea Fishing (Licences and Notices) (Wales) Regulations 2019<sup>6</sup> respectively, this external waters licence may be varied by publishing a notice on the following website:

<https://www.gov.uk/guidance/united-kingdom-single-issuing-authority-uksia>

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<sup>3</sup> S.S.I No. 70 (<https://www.legislation.gov.uk/ssi/2011/70/contents>)

<sup>4</sup> S.R (N.I) 2014 No.209 (<https://www.legislation.gov.uk/nisr/2014/209/contents/made>)

<sup>5</sup> S.I No.827 (<https://www.legislation.gov.uk/uksi/2012/827/contents>)

<sup>6</sup> S.I. 2019 No.500 W.116 (<https://www.legislation.gov.uk/wsi/2019/500/contents/made>)

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## 2. PERMITTED CATCHES

- 2.1. The vessel to which this licence relates shall not retain on board, land or trans-ship any sea fish of the descriptions set out in paragraphs 1 and 2 of Part 3: Annex to this licence. Any sea fish so caught must be returned to the sea immediately.
- 2.2. Notwithstanding the provisions of condition 2.1, where any sea fish of the descriptions set out in paragraph 2 of Part 3: Annex to this licence is subject to the landing obligation in Article 15 of Regulation (EU) 1380/2013 of the European Parliament and of the Council, this licence shall not authorise fishing for any sea fish of those descriptions. Any such fish caught shall, in any event, be retained on board, landed and shall count against quota.
- 2.3. The vessel to which this licence relates must not retain on board, land or trans-ship, fish in excess of the amounts specified in relation to each such species in paragraph 3 of Part 3: Annex to this licence.
- 2.4. Notwithstanding the provision of condition 2.3, where any sea fish of the descriptions set out in paragraph 3 of Part 3: Annex of this licence is subject to the landing obligation in Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council it shall be retained on board, recorded, landed and shall be included in calculating the total amount of fish of that description landed by and attributed to the vessel for the relevant period.
- 2.5. The quantities of fish that may be caught which are set out in paragraph 3 of Part 3: Annex are cumulative to any fishing which takes place within British fishery limits and catches made in EU waters will count towards the overall quantities of fish the vessel is permitted to catch in British fishery limits, third country and international waters.

## 3. GENERAL CONDITIONS

- 3.1. Unless otherwise stated in this licence, the conditions which apply to the vessel licence which authorises fishing within British fishery limits apply to this licence insofar as the vessel must comply with those conditions whilst operating in the waters to which this licence grants access.
- 3.2. The vessel must always comply with the rules applicable to vessels whilst operating in waters over which a country other than the UK has sovereignty or sovereign rights or subject to the measures or recommendations of a regional fisheries management organisation.
- 3.3. Condition 3.1 above is applicable only insofar as the relevant licence conditions are compatible with the rules referred to in condition 3.2. Should any conflict between licence conditions and the rules referred to in condition 3.2 occur, those rules have supremacy.

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## 4. AREAS IN WHICH YOU MAY NOT FISH

4.1. The vessel must not be present in an area specified below, other than when transiting at a speed of more than six knots (except in the case of force majeure or adverse conditions).

4.1.1. In the case of force majeure or adverse conditions, the master must immediately inform the UK Fisheries Monitoring Centre.

4.1.2. Vessels transiting through the areas listed below must ensure that all fishing gear is lashed and stowed in accordance with Article 47 of Council Regulation (EC) 1224/2009 at all times.

Closed Areas	Areas of Sea
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[TO BE UPDATED AS NECESSARY]

## 5. CLOSURES

[TO BE UPDATED AS NECESSARY]

## 6. MARINE MAMMAL BYCATCH REPORTING

6.1. Where the vessel undertakes fishing activities the result of which causes or contributes to the mortality of or injury to any species of marine mammal, or where such species are taken as bycatch (regardless of whether such catches are retained on board) the master, owner, charterer, as appropriate, of the vessel to which this licence relates must complete and submit to the Marine Management Organisation a marine mammal injury reporting form in accordance with the guidance provided at <https://www.gov.uk/government/publications/marine-mammal-bycatch-reporting-requirements> no later than 48 hours after the vessel returns to port.

6.2. For the purposes of this licence condition, the term “marine mammal” means any mammal which (a) is morphologically adapted to the marine environment including sea otters and members of the orders Cetacea (whales, dolphins, and porpoises), Pinnipedia, (walrus, seals and sea lions) and Sirenia (dugongs and manatees), or (b) primarily inhabits the marine environment (such as the polar bear); and includes any part of any such marine mammal, including but not limited to its raw, dressed, or dyed fur or skin.

## 7. LIMITATIONS ON ACCESS TO WATERS LYING BETWEEN SIX AND TWELVE NAUTICAL MILES OF THE BASELINES OF A MEMBER STATE OF THE EUROPEAN UNION.

Vessels granted access to fish in EU waters between six and twelve nautical miles at Part 1 section 3 of this licence may only do so in the areas and for the species indicated in the table on the following page.

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COASTAL STATE	PERMITTED AREA	PERMITTED SPECIES*
France	Belgian/French frontier to Cap d'Alprech west (50° 42 30" N — 1° 33' 30" E)	All Species
Netherlands	Texel south point, west to the northernmost border of ICES division 4c (line of latitude 53°30N)	Demersal
Ireland	Mine Head south to Hook Point	Demersal Herring Mackerel
	Hook Point to the northernmost border of ICES division 7g (line of latitude 52°N)	Demersal Herring Mackerel Nephrops Scallops.

\* “demersal fish” means all sea fish except salmon, migratory trout, mackerel, clupeoid fishes, sand eels, Norway pout, smelts, eels, great weevvers, crustaceans and molluscs (other than squids).

### 8. ACCESS TO THE REPUBLIC OF IRELAND 0-6 NAUTICAL MILE ZONE UNDER VOISINAGE

If specified in Part 1 Section 3, this licence permits the vessel to fish in that part of the Republic of Ireland zone between the baseline from which the territorial sea adjacent to the Republic of Ireland is measured and 6 nautical miles seaward from that baseline.

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## **PART 3: ANNEX**

### **1. PROHIBITED SPECIES**

Any species which are listed in part I of the annex to the schedule to the licence authorising the vessel to fish within British fishery limits apply to fishing under the authority of this licence, subject to any amendment or addition in the table below.

<b>Description of Sea Fish</b>	<b>Areas of Sea</b>
Sand tiger shark ( <i>Carcharias taurus</i> )	EU waters

### **2. SPECIES FOR WHICH YOU MAY NOT FISH**

Any species which are listed in part I of the annex to the schedule to the licence authorising the vessel to fish within British fishery limits apply to fishing under the authority of this licence, subject to any amendment or addition in the table below.

<b>Description of Sea Fish</b>	<b>Areas of Sea</b>
Bluefin Tuna ( <i>Thunnus thynnus</i> ) <sup>1</sup>	EU waters of the ICCAT convention area
Blue Shark ( <i>Prionace glauca</i> ) <sup>1</sup>	EU waters of the ICCAT convention area
Northern Albacore ( <i>Thunnus alalunga</i> ) <sup>1</sup>	EU waters of the ICCAT convention area
Swordfish ( <i>Xiphias gladius</i> ) <sup>1</sup>	EU waters of the ICCAT convention area

<sup>1</sup> By-catch only unless issued with a UK external waters licence variation for ICCAT species in EU waters.

### **3. SPECIES FOR WHICH YOU MAY FISH IN LIMITED QUANTITIES**

Any limits on species which are listed in the part II of the annex to the schedule to the licence authorising the vessel to fish within British fishery limits also apply to fishing under the authority of this licence, subject to any amendment or addition in the table below.

<b>Description of Sea Fish</b>	<b>Areas of Sea</b>
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