

LICENCE TO FISH IN UNITED KINGDOM WATERS – EU VESSEL ICCAT (ALB)

PART 2: CONDITIONS

Definitions and matters of general application:

In this licence:

‘British fishery limits’ has the same meaning as in Section 1 of the Fishery Limits Act 1976;

‘Northern Ireland zone’ has the same meaning as in the Northern Ireland Act 1998 (c.47) (see section 98(1) and (8) of that Act);

‘Scottish zone’ has the same meaning as in the Scotland Act 1998 (c.46) (see section 126(1) and (2) of that Act);

‘Welsh zone’ has the same meaning as in the Government of Wales Act 2006 (c.32) (see section 158(1) and (3) of that Act);

‘English zone’ means the sea within British fishery limits other than the Scottish zone, the Northern Ireland zone, the Welsh zone.

‘Relevant United Kingdom fisheries authority’ means, in the Scottish zone, the Scottish Ministers, in the Welsh zone the Welsh ministers, in the Northern Ireland zone the Department of Environment, Agriculture and Rural Affairs for Northern Ireland and in the English zone, the Marine Management Organisation;

‘Single Issuing Authority’ means the Marine Management Organisation, operating as the UK Single Issuing Authority for sea fishing licensing;

‘the UK licences and notices regulations’ means the Sea Fishing (Licences and Notices) (Scotland) Regulations 2011, the Sea Fishing (Licences and Notices) (Wales) Regulations 2019, the Sea Fishing (Licences and Notices) Regulations (Northern Ireland) 2014 and the Sea Fishing (Licences and Notices) (England) Regulation 2012;

‘the vessel’ means the vessel in respect of which this licence is granted.

‘ICCAT’ means International Commission for the Conservation of Atlantic Tunas

‘ICCAT Convention area’ means all waters of the Atlantic Ocean and adjacent seas;

Where a condition of this licence requires the vessel to notify the United Kingdom Fisheries Monitoring Centre (**UKFMC**) the master, owner or (where appropriate) the charterer of the vessel must do so:

- by telephone or marine radio on 0044 131 244 2286;
- by email to UKFMC@gov.scot inserting the relevant subject heading in the subject box

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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.

The vessel must comply with all the law applicable in the relevant UK zone in which the vessel is operating.

Where a condition of this licence refers to an area that is closed or in which restrictions on fishing activities apply, the condition refers only to those parts of that area which fall within British fishery limits.

The conditions in this licence variation are supplementary to Part 2 of the vessel's UK Foreign vessel licence.

1. LICENCE CONDITIONS THAT APPLY IN BRITISH FISHERY LIMITS

1.1. The vessel may only fish in those parts of British fishery limits which are set out in section 3 of Part 1 of this licence and subject to the conditions set out herein, together with any specific fishing authorisations and associated conditions issued to the vessel.

1.2. The vessel must be registered as a fishing vessel and hold a valid fishing licence issued by its flag state. If at any time following the issue of this licence the vessel ceases to hold a valid fishing licence issued by its flag state, this licence shall immediately cease to be valid.

1.3. This licence shall cease to be valid if any of the details for the vessel as referred to in Part 1 and to which this licence relates are incorrect.

1.4. This licence may be revoked, suspended or varied at any time, by a notice communicated in accordance with the UK licence and notices regulations.

1.5. In accordance with the relevant provisions of the UK licence and notices regulations, notices relating to the revocation, suspension or variation of this licence will be published on the www.gov.uk website at the following URL address:

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

It is the responsibility of the vessel owner, and the master or, where appropriate, charterer of the vessel, to ensure that they are aware of the licence conditions and any variations to them, as made from time to time.

1.6. A copy of this licence variation 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.

1.7. At all times, the vessel must comply with the law of the United Kingdom legislation relating to sea fishing, including EU law as it has been retained into UK law under the European Union (Withdrawal) Act 2018, applicable

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in that part of British fishery limits in which the vessel is operating, as well as any flag state or European Union legislation applicable to the vessel whilst operating in United Kingdom waters.

- 1.8. In the event that flag state or European Union legislation applicable to the vessel whilst it is operating in United Kingdom waters conflicts with United Kingdom laws, United Kingdom legislation shall have supremacy.
- 1.9. At all times when operating within British fishery limits, the vessel must comply with the following provisions in the same way as they apply to United Kingdom vessels:
 - 1.9.1. The following provisions of Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures:
 - Annex V, Part C, Point 6.2 (prohibition on directed fishing for deepwater sharks in ICES divisions 3a and 4a in charted depths of less than 600 m).
 - Annex VI, Part C, Point 9.2 (prohibition on directed fishing for deepwater sharks in ICES divisions 5b, 6a, 6b, 7b, 7c, 7h, 7j and 7k in charted depths of less than 600 m).
 - Annex VII, Part C, Point 4.2 (prohibition on directed fishing for deepwater sharks in ICES subareas 8, 9, 10, and 12 east of 27° W in charted depths of less than 600 m).
 - 1.9.2. The following provisions of Council Regulation (EC) 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy:
 - Article 15(1) and (2) (electronic completion and transmission of fishing logbook data.) References in those articles to a fisheries administration are to be read as references to the competent authorities of the flag state of the vessel.
 - Article 17(1) (prior notification). References in that article to a fisheries administration are to be read as references to the competent authorities of the flag state of the vessel.
 - Article 20(3) (Transshipment operations).
 - Article 21 (Completion and submission of the transshipment declaration).
 - Article 22 (Electronic completion and transmission of transshipment declaration data).
 - Article 23 (Completion and submission of the landing declaration).
 - Article 24 (Electronic completion and transmission of landing declaration data).
 - Article 44 (Separate stowage of demersal catches subject to multiannual plans).

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- Article 48 (Retrieval of lost gear).
- Article 49 (Catch composition).
- Article 49a (Separate stowage of catches below the minimum conservation reference sizes).

1.9.3. The following provisions of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

- Article 6 (Marking of fishing vessels).
- Article 7 (Documents carried on board a fishing vessel).
- Article 8 (Marking of crafts and fish aggregating devices).
- Articles 9 to 12 (General rules for passive gear and beam trawls).
- Articles 13 to 17 (Rules for buoys and cords).
- Article 20 (Responsibilities of the masters concerning the satellite-tracking devices).
- Article 29 (Rules for fishing vessels subject to the completion and submission of a fishing logbook and transshipment/ landing declaration in paper format).
- Article 49 (Conversion factors).

1.9.4. The following provision of Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community:

- Article 5 (Statistical document for exportation).

1.9.5. The following provision of Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels:

- Article 3 (Prohibition).

1.9.6. The following provision of Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES subareas 3, 4, 5, 6 and 7 and ICES divisions 8a, 8b, 8d, 8e:

- Article 2 (Definitions).

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2. PERMITTED CATCHES

- 2.1. The vessel shall not retain on board, land or trans-ship any sea fish of the descriptions set out in paragraph 1 of Part 3: Annex to the vessel's UK foreign vessel licence in the sea areas listed therein, subject to any amendment or addition in paragraph 1 of Part 3: Annex in this licence. Any sea fish so caught must be returned to the sea immediately.
- 2.2. The vessel must not retain on board, land or trans-ship fish taken in accordance with this licence in excess of the amounts specified in relation to each such species in paragraph 2 of Part 3: Annex to the vessel's UK foreign vessel licence in the sea areas listed therein, subject to any amendment or addition in paragraph 2 of Part 3: Annex in this licence.

3. CONDITIONS APPLICABLE TO VESSELS FISHING FOR ICCAT STOCKS

- 3.1. While the vessel is fishing for Albacore Tuna any drift nets, gill nets, bottom set gill nets, trammel nets and entangling nets on board the vessel, must be properly lashed and stowed in such a way that it may not be used readily and to avoid any doubt of its deployment in the water.

4. OBSERVERS

- 4.1. The vessel shall, upon receipt of a reasonable request from a relevant United Kingdom fisheries authority, receive on board an observer.

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PART 3: ANNEX

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1. SPECIES FOR WHICH YOU MAY NOT FISH

Description of Sea Fish	Areas of Sea
Bluefin Tuna (<i>Thunnus thynnus</i>) ¹	UK waters ² of the ICCAT convention area
Blue Shark (<i>Prionace glauca</i>) ¹	UK waters ² of the ICCAT convention area
Swordfish (<i>Xiphias gladius</i>) ¹	UK waters ² of the ICCAT convention area

2. SPECIES FOR WHICH YOU MAY FISH

Description of Sea Fish	Areas of Sea
Northern Albacore (<i>Thunnus alalunga</i>)	UK waters ² of the ICCAT convention area

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¹ Except as a by-catch

² As set out in Part 1 Section 3 of this licence variation.