



Jersey

ILLEGAL, UNREPORTED AND UNREGULATED FISHING (JERSEY) REGULATIONS 2021

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*Made**23rd April 2021**Coming into force**30th April 2021*

THE STATES make these Regulations under Article 2 of the European Union Legislation (Implementation) (Jersey) Law 2014¹ –

1 Interpretation

- (1) In these Regulations –
 - “fishery officer” has the same meaning as in the Law;
 - “IUU Regulation” means Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008, p.1), as amended from time to time;
 - “Law” means the Sea Fisheries (Jersey) Law 1994²;
 - “Minister” has the same meaning as in the Law;
 - “third country fishing vessel” means a fishing vessel registered in any country or jurisdiction other than Jersey.
- (2) Subject to the modifications in Regulation 3, terms used in these Regulations that are also used in the IUU Regulation and are not defined in paragraph (1) have the meaning they have in that Regulation.

2 Application

The IUU Regulation applies with the modifications in Regulation 3 in relation to all illegal, unreported and unregulated fishing and associated activities carried out within Jersey, within the territorial sea of Jersey, within maritime waters under the jurisdiction or sovereignty of other countries and territories and on the high seas.

3 Modifications of the IUU Regulation

The IUU Regulation applies with the following modifications –

- (a) unless the context otherwise requires, a reference to a “Member State” includes a reference to Jersey;

- (b) a reference to a third country is a reference to any country or territory other than Jersey or any other part of the British Islands;
- (c) a reference to a third country fishing vessel is a reference to a fishing vessel registered in any country or jurisdiction other than Jersey;
- (d) a reference to the territory of the Community is a reference to the territory of Jersey;
- (e) a reference to Community waters is a reference to the territorial sea of Jersey;
- (f) a reference to a fishing vessel flying the flag of a Member State is a reference to a fishing vessel registered in any place in the British Islands;
- (g) a reference to importation into the Community or movement of fishery products into the Community is a reference to importation or movement of fishery products into Jersey;
- (h) a reference to any of the following is a reference to Jersey –
 - (i) port Member State,
 - (ii) inspecting Member State,
 - (iii) Member State of importation,
 - (iv) flag Member State,
 - (v) Member States of transshipment,
- (i) the definition of “Community fishing vessel” in Article 2 of the IUU Regulation is to be read as referring to a fishing vessel registered in any place in the British Islands.

4 Competent authority

For the purposes of the IUU Regulation, the Minister is the competent authority.

5 Designated ports

- (1) For the purposes of the IUU Regulation, St. Helier is a designated port.
- (2) The Minister may, by Order, designate other ports as designated ports for the purposes of the IUU Regulation.

6 Different notice provisions

- (1) The Minister may, by Order, exempt specified categories of third country fishing vessels from the obligations in Article 6(1) of the IUU Regulation or specify a different notice period from the one set out in Article 6(1).
- (2) An exemption must be for a limited period, but may be renewed.
- (3) When specifying a different notice period, the Minister must take into account –
 - (a) the type of fishery product; and
 - (b) the distance between the fishing ground, landing places and ports where the vessels are registered or listed.

7 Approved economic operators

The Minister –

- (a) may grant the status of approved economic operator to an importer if that importer satisfies the conditions in Article 16(3) of the IUU Regulation; and
- (b) must publish a list of any approved economic operators.

8 Infringement

Where the Minister decides not to authorise landing or transshipment operations in accordance with Article 11(2) of the IUU Regulation, the Minister must –

- (a) notify the competent authority of the flag state of the inspected fishing vessel; and
- (b) transmit a copy of the inspection report to that competent authority.

9 Appeal of refusal of importation

- (1) Where the Minister has refused importation under Article 18(1) or (2) of the IUU Regulation, the importer may, within 28 days after the day on which the importer is notified of the refusal, appeal to the Royal Court.
- (2) The decision is not suspended pending its appeal unless the Royal Court directs otherwise.
- (3) Once it has heard an appeal under this Regulation, the Royal Court must either –
 - (a) confirm the Minister's refusal; or
 - (b) order the Minister to rescind or vary the Minister's decision and may make such other order as the Court considers appropriate.

10 Powers of fishery officers

For the purpose of exercising any functions under the IUU Regulation, including those in Article 10, or these Regulations, a fishery officer may exercise the powers conferred by Articles 16 and 17 of the Law.

11 Disclosure of information to other competent authorities

- (1) For the purposes of enabling the Minister to carry out functions as the competent authority under the IUU Regulation, the Minister may disclose information that the Minister has received in the performance of the Minister's functions to a competent authority in the British Islands, a Member State of the European Union or the European Commission.
- (2) Nothing in paragraph (1) affects any other power or requirement of the Minister to disclose information under an enactment.

12 Offences

- (1) A person who conducts a transshipment with a third country fishing vessel contrary to Article 4(3) of the IUU Regulation commits an offence and is liable to a fine.
- (2) A master of a third country fishing vessel who does not comply with the notification requirements in Article 6 of the IUU Regulation commits an offence and is liable to a fine.
- (3) A master, owner or charterer, or agent of the master, owner or charterer, of a third country fishing vessel which enters port without authorisation under Article 7 of the IUU Regulation commits an offence and is liable to a fine.
- (4) A master of a third country fishing vessel who does not submit to the Minister a declaration in accordance with Article 8 of the IUU commits an offence and is liable to a fine.
- (5) A master of a fishing vessel who does not cooperate with an inspection under Article 10 of the IUU Regulations commits an offence and is liable to a fine.
- (6) A person who imports fishery products into Jersey without a validated catch certificate under Article 12 of the IUU Regulation commits an offence and is liable to a fine.
- (7) A person who imports fishery products into Jersey without a validated catch certificate under Article 14 of the IUU Regulation commits an offence and is liable to a fine.
- (8) A person who exports fishery products from Jersey without a validated catch certificate under Article 15 of the IUU Regulation commits an offence and is liable to a fine.
- (9) A person commits an offence and is liable to a fine if that person tranships fish or fishery products between, or participates in joint fishing operations with, a vessel that –
 - (a) has engaged in IUU fishing;
 - (b) is on the Community IUU vessel list; or
 - (c) is on an IUU vessel list of a regional fisheries management organisation.
- (10) A person commits an offence and is liable to a fine if that person –
 - (a) enters into an agreement to operate or beneficially own a fishing vessel on the Community IUU vessel list;
 - (b) furnishes such a vessel with any supplies, fishing gear or people; or
 - (c) engages in employment on such a vessel.
- (11) A person commits an offence and is liable to a fine if that person, in relation to a non-cooperating country listed on a list established under Article 33 of the IUU Regulation –
 - (a) imports fishery products caught by a fishing vessel flying the flag of that country unless the products are from stock or species to which the listing does not apply;
 - (b) purchases a fishing vessel flying the flag of that country;
 - (c) reflags a relevant fishing vessel so that it flies the flag of that country;

- (d) enters into a charter agreement with that country in relation to a fishing vessel flying its flag;
- (e) exports a relevant fishing vessel to that country;
- (f) enters into an agreement for a relevant fishing vessel to use the fishing possibilities of that country; or
- (g) participates in joint fishing operations with a fishing vessel flying the flag of that country,

and in this paragraph “relevant fishing vessel” means a vessel flying the flag of a Member State of the European Union or registered in any part of the British Islands.

- (12) A person who conducts business directly connected to IUU fishing within the meaning of Article 42(1)(b) of the IUU Regulation commits an offence and is liable to a fine.
- (13) A person commits an offence, and is liable to imprisonment for a term of 2 years and to a fine, if the person knowingly or recklessly makes any statement or provides any information that is false or misleading in any material particular in or in connection with any document required, or in providing any information, under the IUU Regulation or these Regulations.
- (14) A person commits an offence and is liable to imprisonment for a term of 2 years and to a fine if the person –
 - (a) fails, without reasonable cause, to comply with any requirement imposed by a fishery officer under the powers conferred by Article 10 of the IUU Regulation or by Article 16 of the Law;
 - (b) without reasonable excuse, prevents, or attempts to prevent, any other person from complying with such a requirement; or
 - (c) intentionally obstructs any such officer in the exercise of those powers.

13 Application of Articles 20, 21 and 22 of the Law

Articles 20, 21 and 22 of the Law apply to offences under these Regulations.

14 Citation and commencement

These Regulations may be cited as the Illegal, Unreported and Unregulated Fishing (Jersey) Regulations 2021 and come into force 7 days after they are made.

ENDNOTES**Table of Endnote References**

<i>1</i>	<i>chapter 17.245</i>
<i>2</i>	<i>chapter 14.825</i>