

## **REGULATIONS RELATING TO PROHIBITIONS AGAINST LANDINGS OF FISH AND OTHER SPECIAL MEASURES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

*Laid down by the Ministry of Fisheries on 6 August 1993 pursuant to section 8, first paragraph, litrae b and c, of the Act of 17 June 1966 No. 19 relating to a prohibition against fishing etc by foreign nationals in Norway's territorial waters, cf Royal Decree of 19 February 1993 No. 114.*

### **§ 1 Scope**

Prohibitions against landings of fish in these regulations apply to fish caught by foreign vessels in waters outside Norwegian fisheries jurisdiction, unless otherwise provided by individual provisions.

### **§ 2 Prohibition against landings of fish of joint interest to Norway and other states in specific cases**

It is prohibited to land catches consisting of fish from fish stocks of joint interest to Norway and other states that are not subject to agreed stock regulation measures or that are subject to Norwegian regulatory measures.

It is prohibited to land catches taken in areas under Norwegian fisheries jurisdiction if the catch consists of fish from fish stocks of joint interest to Norway and other states and has not been taken pursuant to a fisheries agreement between Norway and the flag State.

### **§ 3 Prohibition against landings of fish taken in contravention of a desired harvesting pattern or if there is a risk of overfishing**

It is prohibited to land catches taken in contravention of a desired harvesting pattern or that may result in reasonable total allowable catches of the fish species in question being exceeded.

A catch shall be considered to be in contravention of the provisions of the first paragraph if it consists of fish from fish stocks that are subject to Norwegian regulatory measures and was not taken pursuant to a fisheries agreement between Norway and the flag State or was taken by a vessel registered in a country with which Norway does not have a fisheries agreement.

### **§ 4 Prohibition against landings of fish taken in contravention of provisions of international agreements**

It is prohibited to land catches consisting of fish caught in contravention of provisions laid down by regional or sub-regional fishery management organisations or arrangements, including catches taken by nationals of states that are not members of or parties to such organisations or arrangements.

For the purpose of these regulations, fisheries management arrangements means agreed regulation of catches under the terms of an arrangement between other states or an association of states and Norway.

### **§ 5 Obtaining confirmation from the flag State and prohibition against landings**

The Directorate of Fisheries may request confirmation that a catch has not been taken during fishing activities in contravention of a desired harvesting or fishing pattern, or in contravention of rules for fishing activities that have been agreed with another country. A request for such confirmation shall be sent to the flag State of the vessel carrying the catch or to the flag State of the vessel that took the catch.

The Directorate of Fisheries may prohibit landings of such catches until satisfactory confirmation has been received.

### **§ 6 Prohibition against landings, transshipments and processing of fish in Norwegian ports**

The Directorate of Fisheries may prohibit vessels that are not Norwegian from landing catches from fishing grounds and from transshipping and processing fish in Norwegian ports if such vessels have taken part in

fishing activities in serious contravention of a desired harvesting or fishing pattern or in serious contravention of rules for fishing activities that have been agreed with another country.

Such activities may also be prohibited if a vessel is owned or operated by a legal person that has used another vessel to take part in fishing activities in serious contravention of a desired harvesting or fishing pattern or in serious contravention of rules for fishing activities that have been agreed with another country.

#### **§ 7 Prohibition against on- and offloading and the provision of port, supply and support services**

The Directorate of Fisheries may prohibit on- and offloading and the provision of port, supply and support services in Norwegian ports to and from vessels that are subject to prohibitions pursuant to section 6.

Transshipment and the provision of supply and support services to and from vessels that are subject to prohibitions pursuant to section 6 may also be prohibited in Norway's territorial waters and the territorial waters around Jan Mayen.

#### **§ 8 IUU vessel lists from regional fisheries management organisations**

The Directorate of Fisheries may lay down prohibitions such as are mentioned in sections 6 and 7 applying to vessels that are included on regional fisheries management organisations' lists of vessels that have taken part in illegal, unreported and unregulated fishing activities.

#### **§ 9 Prohibition against transshipments and the provision of supply and support services to and from other vessels using Norwegian vessels**

The Directorate of Fisheries may prohibit the use of Norwegian vessels in transshipment operations and the provision of supply and support services to and from other vessels that are subject to prohibitions pursuant to section 6, 7 or 8.

#### **§ 10 Relationship with flag States**

The Directorate of Fisheries shall give a vessel's flag State reasonable prior notice before laying down a prohibition, provided that this does not involve a risk that the purpose of such a prohibition will not be achieved. A prohibition shall not be laid down if the flag State provides notification within a reasonable time limit that it has imposed and enforced sanctions, and the Directorate of Fisheries considers such sanctions to be relevant and adequate.

The Directorate of Fisheries shall evaluate whether a prohibition is to be maintained if the flag State subsequently provides notification that it has imposed sanctions for the same offences. A sanction shall not be maintained if the sanctions imposed are considered to be relevant and adequate.

The provisions of the first and second paragraphs do not apply to prohibitions laid down pursuant to section 5 or 8.

#### **§ 11 Publication of lists of vessels subject to prohibitions**

The Directorate of Fisheries shall publish lists of the prohibitions that are in any force at any given time and of vessels for which prior notice that prohibitions are being considered has been sent to flag States.

The lists shall be available at all times on the website of the Directorate of Fisheries, [www.fiskeridir.no](http://www.fiskeridir.no).

#### **§ 12 Penal measures and confiscation**

Any person that wilfully or negligently contravenes provisions set out in or issued pursuant to sections 2 to 9 of these regulations is liable to a penalty pursuant to section 10 of the Act of 17 June 1966 No. 19 relating to a prohibition against fishing etc by foreign nationals in Norway's territorial waters, section 53 of the Act of 3 June 1983 No. 40 relating to sea-water fisheries and section 8 of the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway.

Confiscation may be effected pursuant to section 11 of the Act of 17 June 1966 No. 19 relating to a prohibition against fishing etc by foreign nationals in Norway's territorial waters, section 54 of the Act of 3 June 1983 No. 40 relating to sea-water fisheries and section 9 of the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway.

**§ 13 Entry into force**

These regulations enter into force immediately.