

Regulations amending the regulations of 6 August 1993 no. 802 relating to prohibitions against landings of fish

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Laid down by the Ministry of Fisheries and Coastal Affairs on 27 April 2007 pursuant to sections 8 and 9 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 20 August 1993 No. 813, section 4 of the Act of 3 June 1983 No. 40 relating to sea-water fisheries and sections 4 and 6 of the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, cf Royal Decree of 17 December 1976 No. 15.

I

The title of the regulations shall be amended to:

Regulations relating to prohibitions against landings of fish and other special measures to combat illegal, unreported and unregulated fishing

Section 1, new heading, shall read as follows:

§ 1 Scope

Section 2, new heading, shall read as follows:

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

Section 3, new heading, shall read as follows:

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

Section 4, new heading, shall read as follows:

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

The new section 5 shall read as follows:

§ 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.

The new section 6 shall read as follows:

§ 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.

The new section 7 shall read as follows:

§ 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.

The new section 8 shall read as follows:

§ 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.

The new section 9 shall read as follows:

§ 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.

The new section 10 shall read as follows:

§ 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.

The new section 11 shall read as follows:

§ 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.

The new section 12 shall read as follows:

§ 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.

The earlier section 5 is repealed.

The earlier section 6 becomes the new section 13.

II

These regulations enter into force on 1 May 2007.