






Practical information on the SMEFF for Union operators and Member States

Based on Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008.

This document provides practical information to Union operators and flag Member States of European vessels fishing outside Union waters (in third countries or in the high seas), including under RFMOs.

Colour code: Interaction / communication with:

| | | |
|---|---|--|
|  The flag Member State |  The third country |  Scientists |
|  The Commission |  The vessel operator | |

OPERATORS

| | | | |
|-----|--|--|---------|
| 1 | General provisions applying to all fishing activities | | |
| 1.1 | Fisheries Authorisation | I need to provide complete and accurate data to my flag Member State and have to inform my flag Member State immediately of change to the data. | Art. 7 |
| 1.2 | Reporting Obligation | I have to make relevant catch and landing declarations available to the third country for any fishing operation that I conduct in their waters. I further have to send these data electronically to my flag Member State. | Art. 30 |
| 1.3 | Reflagging operations | I need to provide the following documents if I operated during the past five years under a third country's (non-EU) flag: <ul style="list-style-type: none"> • Declaration of catches and fishing effort • A copy of the authorisations • An official statement by the third country listing sanctions my vessel or I, as an operator, have been objected to or the absence of those • A complete flag history | Art. 6 |
| 1.4 | Observer Programme | If data are collected on my vessel under an observer programme, I have to send the related reports to the competent authority of my flag State according to the transmission rule of the observer programme. | Art.29 |

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| 2 | SFPAs | | |
| 2.1 | Fisheries Authorisation | In order to obtain a fishing authorisation I need to pay all fees due under the relevant agreement and where applicable related financial sanctions. | Art. 10 |
| 3 | Northern Agreements (exchange or joint management) incl. UK | | |
| 3.1 | Fisheries Authorisation | In order to obtain a fishing authorisation I need to follow the process foreseen by the relevant agreement and if applicable pay financial sanctions. | Art. 10, 14 |
| 4 | Direct Authorisations | | |
| 4.1 | Fisheries Authorisation | If I want to conduct fishing under direct authorisation, I need to obtain a valid fishing authorisation for my vessel issued by the country with sovereignty or jurisdiction over the waters where I want to fish. Alternatively, I need a written confirmation of the third country of terms for access to the fishing resources based on a discussion with the third country. The confirmation needs to include: <ul style="list-style-type: none"> • Duration of the fishing activity • The conditions under which the fishing activities can take place | Art. 17 |

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| | | <ul style="list-style-type: none"> The agreed fishing opportunities as effort or catch limits | |
| | | <p>I need to provide the following documents to my flag authority:</p> <ul style="list-style-type: none"> A copy of the exact reference to the fisheries legislation provided by the third country A scientific evaluation demonstrating the sustainability of my planned fishing operation (for more details see point 4.2) A designated official, public bank account number for the payment of all fees A valid fishing authorisation for the fishing vessel issued by the third country or a written confirmation issued by the third country of the terms of the direct authorisation including the durations, conditions, and fishing opportunities as effort or catch limits. A copy of the agreed final conditions between me as an operator and the third country, including a copy of the direct authorisation | Art. 17 |
| 4.2 | Science | <p>I need to obtain a scientific evaluation demonstrating the sustainability of the planned fishing operations under direct authorisation. The evaluation can be provided by a Regional Fisheries Management Organisation (RFMO), a regional fisheries body with scientific competence or by or in cooperation with the third country. If the scientific evaluation was done by the third country, I have to request my national scientific institute/body or another scientific institute/body of the Union to review the evaluation. I need to be able to ensure that the intended fishing activity is compatible with sustainability objectives of the Common Fishery Policy (Fishing at MSY or if close to MSY, within limits indicated by a precautionary approach, taking into account other fishing efforts on that stock), and also complies with the objective to fish on surplus.</p> | Art. 17 |
| 4.3 | Chartering | <p>I need to inform my flag authority of the chartering arrangement before it starts.</p> | Art. 26 |
| 4.4 | Transhipment | <p>Except for transhipments in port, I need to notify my flag authority prior to the transhipment and provide the following information:</p> <ul style="list-style-type: none"> The name and external identification number of the receiving vessel Time and geographical position of the planned transhipment operation Estimated quantities of species to be transhipped <p>I need complete a transhipment declaration, containing the following information:</p> <ul style="list-style-type: none"> External identification number and the name of both the transhipping and the receiving fishing vessel FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken Estimated quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals The port of destination of the receiving fishing vessel <p>I need to submit the transhipment declaration within 48h to my flag Member State.</p> | <p>Art. 28</p> <p>Control Regul.</p> <p>Art. 21, 22</p> |
| 5 | RFMOs | | |
| 5.1 | Chartering | <p>I can only charter my vessel to a State that is contracting partner of the RFMO and I need to inform my flag authority of the chartering arrangement before it starts.</p> | Art. 26 |

Disclaimer: This document is for information purposes solely and does not have any legal relevance.

| 6 | High Seas (outside RFMOs) | | |
|-----|---------------------------|--|---|
| 6.1 | Transshipment | <p>I need to notify my flag authority prior to the transshipment and provide the following information:</p> <ul style="list-style-type: none"> • The name and external identification number of the receiving vessel • Time and geographical position of the planned transshipment operation • Estimated quantities of species to be transhipped <p>In need complete a transshipment declaration, containing the following information:</p> <ul style="list-style-type: none"> • External identification number and the name of both the transshipping and the receiving fishing vessel • FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken • Estimated quantities of each species in kilograms in product weight, broken down by type of product presentation or, where appropriate, the number of individuals • The port of destination of the receiving fishing vessel <p>I need to submit the transshipment declaration within 48h to my flag Member State.</p> | <p>Art. 28</p> <p>Control Regul.</p> <p>Art. 21, 22</p> |
| 6.2 | Chartering | <p>In need to inform my flag authority of the chartering arrangement before it starts.</p> | <p>Art. 26</p> |

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FLAG MEMBER STATES

| 1. General provisions applying to all fishing activities | | | |
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| 1.1 | Control responsibilities | <p>I need to monitor regularly if conditions on which a fishing authorisation was granted are still being met and I need to take appropriate actions if there is evidence that the conditions are no longer met. The appropriate actions can include:</p> <ul style="list-style-type: none"> • Amending of authorisation • Withdrawal of the authorisation • Imposition of sanctions (sufficient stringent to ensure effective compliance with the rules) <p>I need to control that fishing vessels flying my flag are fulfilling the conditions set out in the relevant SFPA, RFMO or in the Coastal state legislation (communications to the coastal State of entry and exit declarations, logbooks, fulfilment of obligations regarding landings or embarking observers and seafarers from the Coastal State)</p> | Art. 7 |
| | | <p>I have to cross-check, analyse and verify data sent to me by the operators especially regarding catch and landing declarations. This data include:</p> <ul style="list-style-type: none"> • Vessel monitoring system data • Fishing activities data, in particular in the fishing logbook, the landing declaration, the transshipment declaration and prior notification • Data from take-over declarations, transport documents and sales notes • Data from fishing licences and fishing authorisations • Data from inspection reports • Data on engine power • Data related to international fisheries agreements • Data on entries into and exit from fishing areas, maritime areas and waters of third countries | Art. 30 Control Regul. Art. 109 |
| | | <p>In case a vessel operated during the past 5 years under a non-EU flag, I need to verify, that it did not:</p> <ul style="list-style-type: none"> • engage in IUU fishing • operated in waters of a third country allowing non-sustainable fishing • operated in water of a third country which is non-cooperating in fighting IUU fishing | Art. 6 |
| 1.2 | Reporting Obligation | <p>All relevant information concerning the fishing operation of a vessel under my flag need to be communicated to the Commission. This includes:</p> <ul style="list-style-type: none"> • Details about the vessel authorised to fish • Details about support vessel(s) (including non-EU support vessels) • Requirements of the SFPA/ exchange or joint management agreement • Requirements of the RFMO • Information on the intended fishing activity such as dates, species, requested in the Annex (see Error! Reference source not found.) as well as indication regarding quota holder (flag or coastal state quota) • Further information received from a third country or an RFMO | Various Art. |

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| 1.3 | Fishing Authorisations | <p>I can only issue a fishing authorisation if:</p> <ul style="list-style-type: none"> • I have received complete and accurate information about the fishing vessel and the associated support vessels (according to requirement in Annex, the SFPA or exchange or joint management agreement or RFMO) • The fishing vessel has a valid licence • The fishing vessel is not included in an IUU vessel list • Fishing opportunities are available • Where applicable the fishing vessel complies with requirements regarding reflagging operations (see 1.1) | Art. 5 |
| 2 SFPAs | | | |
| 2.1 | Fisheries Authorisation | <p>I can only issue a fishing authorisation under an SFPA if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met:</p> <ul style="list-style-type: none"> • The conditions set out under the SFPA are complied with • The operator has paid all fees and financial sanctions • The fishing vessel has a valid fishing authorisation issued by the third country | Art. 10 |
| | | <p>I need to send the application for a fishing authorisation to the Commission at least 10 calendar days before the deadline laid down in the SFPA including the information required under the SFPA</p> | Art. 11 |
| 2.2 | Unused fishing opportunities | <p>If the Commission informs me about unused fishing opportunities, I may:</p> <ul style="list-style-type: none"> • Provide a fishing plan explaining how the fishing opportunity will be used in the relevant period. This includes information on the number of fishing authorisations requested, the estimated catches, area and period of fishing, or • Inform the Commission that the opportunities can be used through exchange of fishing opportunities | Art. 12 |
| 3 Northern Agreements (exchange or joint management) incl.UK | | | |
| 3.1 | Fisheries Authorisation | <p>I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met:</p> <ul style="list-style-type: none"> • The conditions set out under the agreement are complied with • The operator has paid all applicable fees and financial sanctions • The fishing vessel has a valid fishing authorisation issued by the third country | Art. 10, 14 |
| | | <p>I can send the details of Union fishing vessels that are eligible for carrying out fishing operations under the agreement to the Commission. The Commission will forward the information to the third country and inform you if the fishing vessel has been approved or not by the third country.</p> | Art. 14 |
| 4 Direct Authorisations | | | |
| 4.1 | Fisheries Authorisation | <p>I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met:</p> <ul style="list-style-type: none"> • No SFPA or agreement on exchange of fishing opportunities or joint management with the third country is in force or provisionally applied. • The operator further has provided the following documents: <ul style="list-style-type: none"> ○ A copy of the exact reference to the fisheries legislation provided by the third country in which waters my fishing operation takes place ○ A scientific evaluation demonstrating the sustainability of my planned fishing operations. The evaluation can be provided by a Regional Fisheries Management | Art. 17 |

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| | | <p>Organisation (RFMO), a regional fisheries body with scientific competence or by or in cooperation with the third country. If the scientific evaluation was done by the third country, a scientific institute or body of my Flag Member State, or of a Member State or of the Union has to review the evaluation.</p> <ul style="list-style-type: none"> ○ A designated official, public bank account number for the payment of all fees ○ A valid fishing authorisation for the fishing vessel issued by the third country or a written confirmation issued by the third country of the terms of the direct authorisation including the durations, conditions, and fishing opportunities as effort or catch limits <ul style="list-style-type: none"> ● The third country is contracting party to the RFMO if the fishing operation is carried out on fish stocks managed by the RFMO <p>I have to suspend the authorisation for a fishing vessel if the third country authorisation has not been issued by the beginning of the planned fishing operation.</p> | |
| | | <p>After verifying that the fishing vessels complies with the condition I need to send all relevant information to the Commission (see Annex, and 4.2)</p> <p>I need to inform the Commission if a third country informs me that it has decided to issue, refuse, suspend or withdraw a direct authorisation to a fishing vessel</p> | Art. 18 |
| 4.2 | Fisheries Authorisation renewal | I can issue a new fishing authorisation within 2 years of granting the initial authorisation upon verification that the conditions are still met. I have to inform the Commission. | Art. 18 |
| 4.3 | Science | I need to obtain a scientific evaluation demonstrating the sustainability of the planned fishing operations under direct authorisation. The evaluation can be provided by a Regional Fisheries Management Organisation (RFMO), a regional fisheries body with scientific competence or by or in cooperation with the third country. If the scientific evaluation was done by the third country, I have to request my national scientific institute or body or to another scientific institute or body of the Union to review the evaluation. I need to be able to ensure that the intended fishery is compatible with sustainability objectives of the Common Fishery Policy (Fishing at MSY or if close to MSY, within limits indicated by a precautionary approach, taking into account other fishing efforts on that stock), and also complies with the objective to fish on surplus. | Art. 17 |
| 4.4 | Chartering | <p>I need to inform the Commission about chartering arrangements without delay. I further need to verify that:</p> <ul style="list-style-type: none"> ● The competent authority of the chartering State has officially confirmed that the arrangement is in line with their national law, and ● The details of the chartering arrangement (time period, fishing opportunities, fishing area) are specified in the authorisation | Art. 26, 27 |
| 4.5 | Transshipment | <p>I need to communicate yearly (by the end of March) information on transshipments that took place the previous year. This information include:</p> <ul style="list-style-type: none"> ● Information provided in the transshipment declaration ● The date of transshipments ● The geographical position ● The area the transshipment took place | Art. 28 |

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| 5 RFMOs | | | |
| 5.1 | Fishing Authorisation | I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met: <ul style="list-style-type: none"> The rules laid down by the RFMO or the transposing Union law are complied with Where the fishing operations are carried out in third countries waters, the criteria set out for SFPAs (2.1) or Direct Authorisations (4.2) are complied with. | Art. 21 |
| | | I need to send the details of the vessels authorised for fishing operations to the Commission. Upon request, I need to provide additional information deemed necessary by the Commission. | Art. 22 |
| 5.2 | Chartering | I need to inform the Commission about chartering arrangements without delay. I further need to verify that: <ul style="list-style-type: none"> The competent authority of the chartering State has officially confirmed that the arrangement is in line with their national law, and The details of the chartering arrangement (time period, fishing opportunities, fishing area) are specified in the authorisation | Art. 26, 27 |
| 6 High Seas (outside RFMOs) | | | |
| 6.1 | Science | A scientific institute needs to provide or validated the scientific evaluation demonstrating the sustainability of the planned fishing operations, in line with the objectives of the Common Fishery Policy (Fishing at MSY or if close to MSY, within limits indicated by a precautionary approach taking into account other fishing efforts on that stock) If the fishing operation is part of a research programme organized by a scientific body, a scheme for data collected need to be provided. A scientific institute in my country shall validate the scientific protocol of the research | Art. 24 |
| 6.2 | Fishing Authorisation | I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met: <ul style="list-style-type: none"> The planned fishing operations are in accordance with a scientific evaluation demonstrating the sustainability of the planned fishing activities or are part of a research programme including a validated scientific protocol of the research | Art. 24 |
| | | I need to verify that the conditions for obtaining a fishing authorisation are complied with and send all related information to the Commission. | Art. 25 |
| 6.3 | Transshipment | I need to communicate yearly (by the end of March) information on transshipments that took place the previous year. This information include: <ul style="list-style-type: none"> Information provided in the transshipment declaration The date of transshipments The geographical position The area the transshipment took place | Art. 28 |
| 6.4 | Chartering | I need to inform the Commission about chartering arrangements without delay. I further need to verify that: <ul style="list-style-type: none"> The competent authority of the chartering State has officially confirmed that the arrangement is in line with their national law, and The details of the chartering arrangement (time period, fishing opportunities, fishing area) are specified in the authorisation | Art. 26, 27 |

ANNEX – LIST OF RELEVANT DATA

| | | |
|------------|--|--|
| 1 | Application for fishing licences | |
| 1.1 | Name of the economic operator | <ul style="list-style-type: none"> a. Email b. Address c. Fax d. Telephone |
| 1.2 | Name of the owner | <ul style="list-style-type: none"> a. Email b. Address c. Fax d. Telephone |
| 1.3 | Name of association or agent representing the economic operator | <ul style="list-style-type: none"> a. Email b. Address c. Fax d. Telephone |
| 1.4 | Name(s) of mater(s) | <ul style="list-style-type: none"> a. Email b. Address c. Fax d. Telephone |
| 2 | Fishing vessel | |
| 2.1 | <ul style="list-style-type: none"> 1. Vessel name 2. Vessel identifier (IMO number, CFR number, etc.) 3. Method of fish preservation on board 4. Vessel type FAO code 5. Gear type FAO code | |
| 3 | Fishing category for which authorisation is required | |
| 3.1 | <ul style="list-style-type: none"> 1. Type of authorisation (direct authorisation, high seas, support) 2. Fisheries area (FAP Area(s), Subarea(s), Subdivision(s) as appropriate) 3. Area of operation (high seas, third country – specify) 4. Landing ports 5. Target species FAO code(s) (or fishing category for SFPAs) 6. Authorisation period requested (start and end dates) 7. List of support vessels (vessel name, IMO number, CFR number) | |
| 4 | Chartering | |
| 4.1 | <ul style="list-style-type: none"> 1. Vessel operating under chartering arrangement (Y/N) 2. Type of chartering arrangement 3. Period of chartering (start and end dates) 4. Fishing opportunities (mt) allocated to vessel under chartering 5. Third country allocation fishing opportunities to the vessel under chartering | |