

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

What should I do as a **Union operator** of vessels fishing outside Union waters (in third countries or in the high seas), including under RFMOs?

1. General provisions

1.1 Application for fishing 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.

1.2 Reporting obligations towards third countries and my flag Member State

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 electronically these data to my flag Member State.

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:

- 1) Declaration of catches and fishing effort
- 2) A copy of the authorisations
- 3) An official statement by the third country listing sanctions my vessel or I, as an operator, had been objected to or the absence of those
- 4) A complete flag history

1.4 Observer programme data

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 rules of that programme.

1.5 Chartering (for all situations, except SFPAs where it is prohibited):

I need to inform my flag authority of the chartering arrangement before it starts

1.6 Transshipment:

I need to notify my flag authority prior to the transshipment and provide the following information:

- 1) The name and external identification number of the receiving vessel

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- 2) Time and geographical position of the planned transshipment operation
- 3) Estimated quantities of species to be transhipped

In need complete a transshipment declaration, containing the following information:

- 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

I need to submit the transshipment declaration within 48h to my flag Member State.

2. Fishing under an SFPA

2.1 Interaction with the third country

In order to obtain a fishing authorisation I need to pay all fees due under the relevant agreement and where applicable related financial sanctions.

2.2 Communication with my flag authority

I need to provide complete and accurate data to my flag Member State, pursuant to the SFPA protocol provisions, and have to inform my flag Member State immediately of change to the data.

3. Fishing under Northern Agreements (incl. Fishing in UK waters)

3.1 Interaction with third country

N.A.

3.2 Communication with my flag authority

3.2.1. Fishing authorisation see 1.1.

3.2.2. Chartering see 1.5

3.2.3. Transshipment see 1.6

4 Fishing under Direct Authorisation

4.1 Communication with third country

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:

- 1) Duration of the fishing activity
- 2) The conditions under which the fishing activities can take place
- 3) And the agreed fishing opportunities as effort or catch limits

4.2 Communication with my flag authority

4.2.1 Fishing authorisation: I need to provide the following documents to my flag authority:

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- 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 operations. (for more detail see point 4.3)
- 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

4.2.2 Chartering: see 1.5

4.2.3 Transshipment see 1.6

4.3 Communication with scientists

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.

5. Fishing under an RFMO

5.1 Communication with my flag authority

5.1.1 Fishing authorisation: see 1.1

5.1.2. Chartering: 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.

5.1.2 Transshipment see 1.6

6. Fishing on the high seas (outside an RFMO)

6.1 Communication with my flag authority

6.1.1. Fishing authorisation: see 1.1

6.1.2 Chartering: see 1.5

6.1.3 Transshipment see 1.6

What should I do as a **Flag Member State** of vessels fishing outside Union waters (in third countries or in the high seas), including under RFMOs?

1. General provisions

1.1 Control responsibilities

1.1.1 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 action can include:

- Amending of authorisation
- Withdrawal of the authorisation
- Imposition of sanctions (sufficient stringent to ensure effective compliance with the rules)

1.1.2 I need to control that fishing vessels flying my flag are fulfilling the conditions set out in the relevant SFPA 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)

1.1.3 I have to cross-check, analyse and verify data sent to me by the operators especially regarding catch and landing declarations. This data include:

- 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

1.1.4 In case a vessel operated during the past 5 years under a non-EU flag, I need to verify, that it did not:

- 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

1.2 Communication of data and information

All relevant information in regard to the fishing operation of a vessel under my flag need to be communicated to the Commission or the designated body. This includes:

- Details about the vessel authorised to fish
- Details about support vessel(s) (including non-EU support vessels)
- Requirements of the SFPA

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- Requirements of the RFMO
- Information on the intended fishing activity such as dates, species, requested in the Annex (see below) as well as indication regarding quota holder (flag or coastal state quota)
- Further information received from a third country or an RFMO

1.3 Issuing of fishing authorisations

I can only issue a fishing authorisation under an SFPA if:

- I have received complete and accurate information about the fishing vessel and the associated support vessels (according to requirement in Annex, the SFPA 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 1.1.4)

1.4 Chartering (for all situations, except SFPA where it is prohibited)

I need to inform the Commission about chartering arrangements without delay. I further need to verify that:

- 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

1.5 Transhipment

I need to communicate yearly (by the end of March) information on transhipments that took place the previous year. This information include:

- Information provided in the transhipment declaration
- The date of transhipments
- The geographical position
- The area the transhipment took place

2. Fishing under an SFPA

2.1 Communication with vessel operators

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:

- 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

2.2 Communication with the Commission

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2.2.1 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

2.2.2 If the Commission informs me about unused fishing opportunities, I may:

1. Provide a fishing plan explaining how the fishing opportunity will be used later. This includes information on the number of fishing authorisations requested, the estimated catches, area and period of fishing
2. Inform the Commission that the opportunities can be used through exchange of fishing opportunities.

3. Fishing under Northern Agreements (incl. UK waters)

3.1 Communication with vessel operators

I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met:

- The conditions set out under the agreement are complied with
- The fishing vessel has a valid fishing authorisation issued by the third country.

3.2 Communication with the Commission

I 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.

I need to inform the Commission if UK informs me that it has decided to issue, refuse, suspend or withdraw a direct authorisation to a fishing vessel.

4. Fishing under Direct Authorisation

4.1 Communication with scientists

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.

4.2 Communication with vessel operators

I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met:

- 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:

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- 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 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.
- 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
- The third country is contracting party to the RFMO if the fishing operation is carried out on fish stocks managed by the RFMO

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.

4.3 Communication with the Commission

4.2.1 Fishing authorisation: 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)

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

4.2.2 Renewal of fishing authorisation within 2 years of granting the initial authorisation: I can issue a new fishing authorisation upon verification that the conditions are still met. I have to inform the Commission.

5. Fishing under an RFMO

5.1 Communication with vessel operators

I can only issue a fishing authorisation if the general criteria are fulfilled (see 1.3) and the following additional criteria are being met:

- 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.

5.2 Communication with the Commission

5.2.1 Fishing authorisation: I need to send the details of the vessels authorised for fishing operations to the Commission

6. Fishing on the high seas (outside an RFMO)

6.1 Communication with scientists

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

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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

6.2 Communication with the Commission

6.2.1 Fisheries authorisation: I need to verify that the conditions for obtaining a fishing authorisation are complied with and send all related information to the Commission. This includes:

- Information listed in the Annex
- I have received complete and accurate information about the fishing vessel and the associated support vessels (according to requirement in Annex, the SFPA or RFMO)
- The fishing vessel has a valid licence
- The fishing vessel is not included in an IUU vessel list
- Fishing opportunities are available
- The rules laid down by the RFMP or the transposing Union law are complied with
- The planning fishing operation 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

Annex – List of relevant data

Applicant for fishing licence

1. Name of the economic operator
 - a. Email
 - b. Address
 - c. Fax
 - d. Telephone
2. Name of the owner
 - a. Email
 - b. Address
 - c. Fax
 - d. Telephone
3. Name of association or agent representing the economic operator
 - a. Email
 - b. Address
 - c. Fax
 - d. Telephone
4. Name(s) of master(s)
 - a. Email
 - b. Address
 - c. Fax
 - d. Telephone

Fishing vessel

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

Fishing category for which authorisation is requested

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)

Chartering

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