

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2060**of 26 September 2023****laying down rules for the application of Regulation (EU) 2023/1231 of the European Parliament and of the Council as regards the listing of the flag States of fishing vessels catching fishery products that may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland as retail goods****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland ⁽¹⁾, and in particular Article 9(4), point (b), thereof,

Whereas:

- (1) Regulation (EU) 2023/1231 lays down specific rules relating to, inter alia, the entry into Northern Ireland from other parts of the United Kingdom of consignments of certain retail goods for placing on the market in Northern Ireland for the final consumer.
- (2) In particular, Article 9 of Regulation (EU) 2023/1231 lays down specific rules for consignments of rest-of-the-world retail goods. Article 9(2), point (b), of that Regulation provides that fishery products caught by a fishing vessel flying the flag of a third country other than the United Kingdom ('the flag State'), and imported into parts of the United Kingdom other than Northern Ireland, may enter into Northern Ireland from other parts of the United Kingdom as retail goods, and be placed on the market in Northern Ireland in accordance with Article 4 of that Regulation, only if the flag State of the fishing vessel concerned is listed in an implementing act adopted in accordance with Article 9(4) of that Regulation.
- (3) In addition, Article 9(2), point (a), of Regulation (EU) 2023/1231 provides that fishery products caught by a vessel of the flag State, and imported into parts of the United Kingdom other than Northern Ireland, may enter into Northern Ireland from other parts of the United Kingdom as retail goods, and be placed on the market in Northern Ireland in accordance with Article 4 of that Regulation, only if the United Kingdom provides written evidence that import conditions, official controls and verification requirements apply under its national law, thereby ensuring that fishery products obtained from illegal, unreported and unregulated fishing ('IUU fishing') as defined in Article 2 of Council Regulation (EC) No 1005/2008 ⁽²⁾ and in the Union acts adopted pursuant to Regulation (EC) No 1005/2008 are not imported into the United Kingdom, and that those import conditions, official controls and verification requirements are effectively implemented by the United Kingdom ('the written evidence').
- (4) Regulation (EC) No 1005/2008 establishes a Union system to prevent, deter and eliminate IUU fishing, and Article 12(1) thereof prohibits the importation into the Union of fishery products obtained from IUU fishing. In addition, Article 20 of that Regulation lays down rules for the notification to the Commission from third country flag States for the purpose of the acceptance of catch certificates validated by such flag States to ensure, inter alia, that consignments of fishery products entering the Union from third countries comply with that prohibition.

⁽¹⁾ OJ L 165, 29.6.2023, p. 103.

⁽²⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

- (5) Council Implementing Decision 2014/170/EU ⁽³⁾ establishes a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008.
- (6) Article 9(4), point (b), of Regulation (EU) 2023/1231 provides that where the Commission has received the written evidence, it may adopt an implementing act listing the flag States of the fishing vessel catching fishery products that may enter into Northern Ireland as retail goods from other parts of the United Kingdom, and be placed on the market in Northern Ireland.
- (7) By letter dated 4 September 2023, the United Kingdom provides the written evidence that import conditions, official controls and verification requirements apply under the national law of the United Kingdom and import conditions, official controls and verification requirements are effectively implemented by the United Kingdom.
- (8) As the United Kingdom has provided the necessary written evidence required by Article 9(2), point (a), of Regulation (EU) 2023/1231, it is appropriate to establish the list of flag States of fishing vessels catching fishery products that may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland as retail goods, after having been imported into other parts of the United Kingdom. That list should take into account the notification requirement laid down in Article 20 of Regulation (EC) No 1005/2008, and the list of non-cooperating third countries established by Implementing Decision 2014/170/EU.
- (9) In the interest of legal certainty and to avoid unnecessary trade disruptions, this Regulation should take effect as a matter of urgency.
- (10) The obligation to mark retail goods in accordance with Annex IV to Regulation (EU) 2023/1231 applies from 1 October 2023. This Regulation should therefore apply from 1 October 2023 to ensure consistency and legal certainty and avoid unnecessary trade disruptions.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes the list of third countries other than the United Kingdom which are flag States of fishing vessels catching fishery products that may enter into Northern Ireland from other parts of the United Kingdom and be placed on the market in Northern Ireland as retail goods in accordance with Article 4 of Regulation (EU) 2023/1231, after having been imported into other parts of the United Kingdom ('the list of flag States').

Article 2

List of flag States

The list of flag States is set out in the Annex.

⁽³⁾ Council Implementing Decision 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 91, 27.3.2014, p. 43).

*Article 3***Entry into force and application**

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall apply from 1 October 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 September 2023

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ALBANIA
ALGERIA
ANGOLA
ANTIGUA AND BARBUDA
ARGENTINA
AUSTRALIA
BAHAMAS
BANGLADESH
BELIZE
BENIN
BRAZIL
CANADA
CABO VERDE
CHILE
CHINA
COLOMBIA
COSTA RICA
CÔTE D'IVOIRE
CUBA
CURAÇAO
ECUADOR
EGYPT
EL SALVADOR
ERITREA
FALKLAND ISLANDS
FAROES
FIJI
FRENCH POLYNESIA
FRENCH SOUTHERN AND ANTARCTIC LANDS
GABON
GHANA
GREENLAND
GRENADA
GUATEMALA
GUINEA
GUYANA
ICELAND

INDIA
INDONESIA
JAMAICA
JAPAN
KENYA
KIRIBATI
MADAGASCAR
MALAYSIA
MALDIVES
MAURITANIA
MAURITIUS
MEXICO
MONTENEGRO
MOROCCO
MOZAMBIQUE
MYANMAR/BURMA
NAMIBIA
NEW CALEDONIA
NEW ZEALAND
NICARAGUA
NIGERIA
NORWAY
OMAN
PAKISTAN
PANAMÁ
PAPUA NEW GUINEA
PERU
PHILIPPINES
RUSSIA
SAINT HELENA
SAINT PIERRE AND MIQUELON
SENEGAL
SEYCHELLES
SOLOMON ISLANDS
SOUTH AFRICA
SOUTH KOREA
SRI LANKA

SURINAME

TAIWAN

TANZANIA

THAILAND

THE GAMBIA

TRISTAN DA CUNHA

TUNISIA

TÜRKIYE

UKRAINE

UNITED ARAB EMIRATES

UNITED STATES OF AMERICA

URUGUAY

VENEZUELA

VIETNAM

WALLIS AND FUTUNA

YEMEN