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2021/0058(COD)**

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007
- Four column document

Delegations find attached the four column document containing the initial positions of the institutions on the above-mentioned proposal, for the purposes of trilogues.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007

2021/0058(COD)

13-04-2022 at 16h00

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0058 (COD)	2021/0058 (COD)	2021/0058 (COD)	
Proposal Title				
2	<p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007</p>	<p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007</p>	<p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p> <p>laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft	After transmission of the draft	After transmission of the draft	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	legislative act to the national parliaments,	legislative act to the national parliaments,	legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	Having regard to the opinion of the European Economic and Social Committee,	
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
9	Whereas:	Whereas:	Whereas:	
Recital 1				
10	(1) The objective of the Common Fisheries Policy ('CFP'), as set out	(1) The objective of the Common Fisheries Policy ('CFP'), as set out	(1) The objective of the Common Fisheries Policy ('CFP'), as set out	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>in Regulation (EU) No 1380/2013¹ of the European Parliament and of the Council, is to ensure the exploitation of living aquatic resources contributes to long-term environmental, economic and social sustainability.</p> <p>_____</p> <p>1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).</p>	<p>in Regulation (EU) No 1380/2013¹ of the European Parliament and of the Council, is to ensure the exploitation of living aquatic resources contributes to long-term environmental, economic and social sustainability.</p> <p>_____</p> <p>1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).</p>	<p>in Regulation (EU) No 1380/2013⁺ of the European Parliament and of the Council¹, is to ensure the exploitation of living aquatic <u>marine biological</u> resources <u>in a way that</u> contributes to long-term environmental, economic and social sustainability.</p> <p>_____</p> <p>1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).</p>	
Recital 2				
11	<p>(2) The Union has, by means of Council Decision 98/392/EC¹, approved the United Nations Convention of 10 December 1982 on the Law of the Sea. By means of Council Decision 98/414/EC, the Union has approved the Agreement for the Implementation of that Convention relating to the</p>	<p>(2) The Union has, by means of Council Decision 98/392/EC¹, approved the United Nations Convention of 10 December 1982 on the Law of the Sea. By means of Council Decision 98/414/EC, the Union has approved the Agreement for the Implementation of that Convention relating to the</p>	<p>(2) The Union has, by means of Council Decision 98/392/EC¹, approved the United Nations Convention of 10 December 1982 on the Law of the Sea. By means of Council Decision 98/414/EC, the Union has approved the Agreement for the Implementation of that Convention relating to the</p>	

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	<p>Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks², which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the European Union participates in efforts made in international waters to conserve fish stocks.</p> <p>_____</p> <p>1. Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).</p> <p>2. Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).</p>	<p>Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks², which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the European Union participates in efforts made in international waters to conserve fish stocks.</p> <p>_____</p> <p>1. Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).</p> <p>2. Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).</p>	<p>Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks², which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the European Union participates in efforts made in international waters to conserve fish stocks.</p> <p>_____</p> <p>1. Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).</p> <p>2. Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).</p>	
	Recital 3			
12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(3) Pursuant to Council Decision 95/399/EC of 18 September 1995¹, the Union is a contracting party to the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC).</p> <p>_____</p> <p>1. Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).</p>	<p>(3) Pursuant to Council Decision 95/399/EC of 18 September 1995¹, the Union is a contracting party to the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC).</p> <p>_____</p> <p>1. Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).</p>	<p>(3) Pursuant to Council Decision 95/399/EC of 18 September 1995¹, the Union is a contracting party to the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC).</p> <p>_____</p> <p>1. Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).</p>	
Recital 4				
13	<p>(4) The IOTC adopts annual conservation and management measures (CMMs) by way of resolutions that are binding on contracting parties and cooperating non contracting parties to the IOTC, including on the Union. At its most recent annual meeting held in June 2019, several new resolutions were adopted. This Regulation implements resolutions of the IOTC, adopted between 2000 and 2019, except for measures which already form a part of Union law.</p>	<p>(4) The IOTC adopts annual conservation and management measures (CMMs) by way of resolutions that are binding on contracting parties and cooperating non contracting parties to the IOTC, including on the Union. At its most recent annual meeting held in June 2019, several new resolutions were adopted. This Regulation implements resolutions of the IOTC, adopted between 2000 and 2019, except for measures which already form a part of Union law.</p>	<p>(4) The IOTC adopts annual conservation and management measures (CMMs) by way of resolutions that are binding on contracting parties and cooperating non contracting<u>non-contracting</u> parties to the IOTC, including on the Union. At its most recent annual meeting held in June 2019<u>2021</u>, several new resolutions were adopted. This Regulation implements resolutions of the IOTC, adopted between 2000 and 2019<u>2021</u>, except for measures which already form a part of Union</p>	

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			law.	
Recital 5				
14	<p>(5) To ensure compliance with the CFP, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) fishing. In particular, Council Regulation (EC) No 1224/2009¹ establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the CFP. Commission Implementing Regulation (EU) No 404/2011² lays down detailed rules for the implementation of Council Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008³ establishes a Community system to prevent, deter and eliminate IUU fishing. Those regulations already include provisions covering a number of the measures laid down in IOTC resolutions. It is therefore not</p>	<p>(5) To ensure compliance with the CFP, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) fishing. In particular, Council Regulation (EC) No 1224/2009¹ establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the CFP. Commission Implementing Regulation (EU) No 404/2011² lays down detailed rules for the implementation of Council Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008³ establishes a Community system to prevent, deter and eliminate IUU fishing. Those regulations already include provisions covering a number of the measures laid down in IOTC resolutions. It is therefore not</p>	<p>(5) To ensure compliance with the CFP, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) fishing. In particular, Council Regulation (EC) No 1224/2009¹ establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the CFP. Commission Implementing Regulation (EU) No 404/2011² lays down detailed rules for the implementation of Council Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008³ establishes a Community system to prevent, deter and eliminate IUU fishing. Those regulations already include provisions covering a number of the measures laid down in IOTC resolutions. It is therefore not</p>	

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	<p>necessary to include those provisions in this Regulation.</p> <p>_____</p> <p>1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).</p> <p>2. Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system, for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).</p> <p>3. 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).</p>	<p>necessary to include those provisions in this Regulation.</p> <p>_____</p> <p>1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).</p> <p>2. Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system, for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).</p> <p>3. 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).</p>	<p>necessary to include those provisions in this Regulation.</p> <p>_____</p> <p>1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).</p> <p>2. Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system, for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).</p> <p>3. 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).</p>	
Recital 5a				

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14a		<p><u><i>(5a) In accordance with Article 3 of Regulation (EU) 2019/473^{1a}, the mission of the European Fisheries Control Agency (EFCA) is, inter alia, to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties, and to assist in the uniform implementation of the operational coordination of control activities by Member States for the implementation of specific control and inspection programmes, control programmes related to IUU fishing and international control and inspection programmes. EFCA shall also, at the Commission's request, assist the Union and Member States in their relations with third countries and regional international fisheries organisations of which the Union is a member, in accordance to Article 4 of the same Regulation. It is therefore appropriate for EFCA to be the body that receives from Member States and transmits to the IOTC Secretariat information relating to</i></u></p>		

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		<p><u>control and inspection, IUU fishing fight, such as inspection reports and notifications of the control observers scheme.</u></p> <p><u>1^a Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).</u></p> <p>EFCA</p>		
Recital 6				
15	<p>(6) In accordance with Article 29(2) of Regulation (EU) No 1380/2013, the positions of the Union in regional fisheries management organisations are to be based on the best available scientific advice so as to ensure that fishery resources are managed in accordance with the objectives of the Common Fisheries Policy (CFP), in particular with the objective of progressively restoring</p>	<p>(6) In accordance with Article 29(2) of Regulation (EU) No 1380/2013, the positions of the Union in regional fisheries management organisations are to be based on the best available scientific advice so as to ensure that fishery resources are managed in accordance with the objectives of the Common Fisheries Policy (CFP), in particular with the objective of progressively restoring</p>	<p>(6) In accordance with Article 29(2) of Regulation (EU) No 1380/2013, the positions of the Union in regional fisheries management organisations are to be based on the best available scientific advice so as to ensure that fishery resources are managed in accordance with the objectives of the Common Fisheries Policy (CFP), in particular with the objective of progressively restoring</p>	

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	and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield ('MSY'), and with the objective of providing conditions for economically viable and competitive fishing capture and processing industry and land-based fishing related activity.	and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield ('MSY'), and with the objective of providing conditions for economically viable and competitive fishing capture and processing industry and land-based fishing related activity.	and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield ('MSY'), and with the objective of providing conditions for economically viable and competitive fishing capture and processing industry and land-based fishing related activity.	
Recital 7				
16	(7) In order to swiftly implement into Union law future IOTC resolutions amending or supplementing the ones established in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending provisions concerning information list per vessel for the list of active vessels for tuna and swordfish, percentage of observer coverage and field samplers coverage for artisanal fisheries, conditions of chartering, percentage of inspections for port	(7) In order to swiftly implement into Union law future IOTC resolutions amending or supplementing the ones established in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending provisions concerning information list per vessel for the list of active vessels for tuna and swordfish, percentage of observer coverage and field samplers coverage for artisanal fisheries, conditions of chartering, percentage of inspections for port	(7) In order to swiftly implement into Union law future IOTC resolutions amending or supplementing the ones established in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending provisions concerning information list per vessel for the list of active vessels for tuna and swordfish, percentage of observer coverage and field samplers coverage for artisanal fisheries, conditions of chartering, percentage of inspections for port	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>landings, reporting deadlines and Annexes 1 to 6 of the Regulation that cover IOTC requirement for catch reporting, birds mitigation measures, data collections and fish aggregating devices and charter requirements, as well as references to IOTC Conservation and Management Measures that relate to transshipment declaration, to principles for design and deployment of FADs related to reduction of entanglement as well as FAD reporting, to non-entangling and biodegradable FAD design, IOTC port designation procedure, mobulid rays handling procedures, handling guidelines and mitigation measures for marine turtles caught by certain fishing gears, to marking and identification of vessels, IUU reporting documents, bigeye tuna statistical programme documents, port state entry notifications, minimum standard port Member State inspection procedures, reporting forms for infringements, and catch and fishing measures reporting templates.</p>	<p>landings, reporting deadlines and Annexes 1 to 6 of 6a to the Regulation that cover IOTC requirement for catch reporting, birds mitigation measures, data collections and fish aggregating devices and charter requirements, as well as references to IOTC Conservation and Management Measures that relate to transshipment declaration, to principles for design and deployment of FADs related to reduction of entanglement as well as FAD reporting, to non-entangling and biodegradable FAD design, IOTC port designation procedure, mobulid rays handling procedures, handling guidelines and mitigation measures for marine turtles caught by certain fishing gears, to marking and identification of vessels, IUU reporting documents, bigeye tuna statistical programme documents, port state entry notifications, minimum standard port Member State inspection procedures, reporting forms for infringements, and catch and fishing measures reporting templates.</p>	<p>landings, reporting deadlines and Annexes 1 to 6 of the 10 to this Regulation that cover IOTC requirement for catch reporting, birds mitigation measures, data collections and fish aggregating devices <u>(FADs), charter requirements, transshipment declaration and certain bigeye tuna statistical programme documents</u>and charter requirements, as well as references to IOTC conservation and management measures that relate to transshipment declaration, to principles for design and deployment of FADs related to reduction of <u>to reduce</u> entanglement as well as, FAD reporting, to non-entangling and biodegradable FAD design, IOTC port designation procedure, mobulid rays handling procedures, handling guidelines and mitigation measures for marine turtles caught by certain fishing gears, to marking and identification of vessels, IUU reporting documents, bigeye tuna statistical programme documents, port state entry notifications, minimum standard port Member State inspection procedures, reporting forms for</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Annexes	infringements, and catch and fishing measures reporting templates.	
Recital 8				
17	<p>(8) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>_____</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European</p>	<p>(8) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>_____</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European</p>	<p>(8) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>_____</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European</p>	

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	Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).	Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).	Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).	
Recital 9				
18	<p>(9) As this Regulation provides a new and comprehensive set of rules, the provisions concerning IOTC CMM's laid down in Regulations (EC) No 1936/2001¹, (EC) No 1984/2003² and (EC) No 520/2007³, should be deleted. These regulations should therefore be amended accordingly,</p> <p>_____</p> <p>1. Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).</p> <p>2. Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and bigeye tuna within the Community (OJ L 295, 13.11.2003, p. 1).</p> <p>3. Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).</p>	<p>(9) As this Regulation provides a new and comprehensive set of rules, the provisions concerning IOTC CMM's laid down in Regulations (EC) No 1936/2001¹, (EC) No 1984/2003² and (EC) No 520/2007³, should be deleted. These regulations should therefore be amended accordingly,</p> <p>_____</p> <p>1. Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).</p> <p>2. Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and bigeye tuna within the Community (OJ L 295, 13.11.2003, p. 1).</p> <p>3. Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).</p>	<p>(9) As this Regulation provides a new and comprehensive set of rules, the provisions concerning IOTC CMM's CMMs laid down in Regulations (EC) No 1936/2001¹, (EC) No 1984/2003² and (EC) No 520/2007³, should be deleted. These Those regulations should therefore be amended accordingly,</p> <p>_____</p> <p>1. Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).</p> <p>2. Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and bigeye tuna within the Community (OJ L 295, 13.11.2003, p. 1).</p> <p>3. Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).</p>	

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Formula				
19	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Chapter I				
20	Chapter I General Provisions	Chapter I General Provisions	Chapter I General Provisions	
Article 1				
21	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1, first paragraph				
22	This Regulation lays down provisions concerning management, conservation and	This Regulation lays down provisions concerning management, conservation and	This Regulation lays down provisions concerning <u>implements into Union law</u> management,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>control measures relating to fishing in the area covered under the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC).¹</p> <p>_____</p> <p>1. Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).</p>	<p>control measures relating to fishing in the area covered under the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC).¹</p> <p>_____</p> <p>1. Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).</p>	<p>conservation and control measures relating to fishing in the area covered under the Agreement for the establishment of <u>established by</u> the Indian Ocean Tuna Commission (IOTC)-¹ <u>that are binding on the Union</u>¹.</p> <p>_____</p> <p>1. Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).</p>	
Article 2				
23	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2, first paragraph, introductory part				
24	This Regulation shall apply to:	This Regulation shall apply to:	This Regulation shall apply to:	
Article 2, first paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25	(1) Union fishing vessels which operate in the Area;	(1) Union fishing vessels which operate in the Area;	(1) Union fishing vessels which operate in the Area;	
Article 2, first paragraph, point (2)				
26	(2) Union fishing vessels in the case of transshipments and landings of IOTC species outside the Area;	(2) Union fishing vessels in the case of transshipments and landings of IOTC species outside the Area;	(2) Union fishing vessels in the case of transshipments and landings of IOTC species outside the Area; <u>and</u>	
Article 2, first paragraph, point (3)				
27	(3) and to third country fishing vessels making use of ports in Member States and which carry IOTC species or fishery products originating from such species.	(3) and to third country fishing vessels making use of ports in Member States and which carry IOTC species or fishery products originating from such species.	(3) and to third country fishing vessels making use of ports in Member States and which carry IOTC species or fishery products originating from such species.	
Article 3				
28	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, introductory part				
29	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	
Article 3, first paragraph, point (1)				
30	(1) 'The Agreement' means the Agreement for the establishment of the Indian Ocean Tuna Commission;	(1) 'The Agreement' means the Agreement for the establishment of the Indian Ocean Tuna Commission;	(1) 'The Agreement' means the Agreement for the establishment of the Indian Ocean Tuna Commission;	
Article 3, first paragraph, point (2)				
31	(2) 'The Area' means those parts of the Indian Ocean as defined in the Agreement (Article II and Annex A);	(2) 'The Area' means those parts of the Indian Ocean as defined in the Agreement (Article II and Annex A);	(2) 'The Area' means those parts of the Indian Ocean as defined in the Agreement (Article II and Annex A);	
Article 3, first paragraph, point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32	(3) 'Union fishing vessel' means any vessel of any size flying the flag of a Member State, used or intended for use for the purposes of commercial exploitation of fishery resources, including support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;	(3) 'Union fishing vessel' means any vessel of any size flying the flag of a Member State, used or intended for use for the purposes of commercial exploitation of fishery resources, including support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;	(3) 'Union fishing vessel' means any vessel of any size flying the flag of a Member State, used or intended for use for the purposes of <u>equipped for</u> commercial exploitation of <u>marine biological fishery</u> resources, including support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;	
Article 3, first paragraph, point (4)				
33	(4) 'IOTC species' means tuna and tuna-like species and sharks listed in Annex B to the Agreement, and other species caught in association with those species;	(4) 'IOTC species' means tuna and tuna-like species and sharks listed in Annex B to the Agreement, and other species caught in association with those species;	(4) 'IOTC species' means tuna and tuna-like species and sharks listed in Annex B to the Agreement, and other species caught in association with those species;	
Article 3, first paragraph, point (5)				
34	(5) 'CPC' means a contracting	(5) 'CPC' means a contracting	(5) 'CPC' <u>'CPC'</u> means a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	party to the Agreement or a cooperating non-contracting party;	party to the Agreement or a cooperating non-contracting party;	contracting party to the Agreement or a cooperating non-contracting party;	
Article 3, first paragraph, point (6)				
35	<p>(6) ‘CMM’ means a conservation and management measure in force adopted by the IOTC pursuant to Articles V(2)(c) and IX(1) of the Agreement, as amended periodically;¹</p> <p>_____</p> <p>1. https://www.iotc.org/cmms</p>	<p>(6) ‘CMM’ means a conservation and management measure in force adopted by the IOTC pursuant to Articles V(2)(c) and IX(1) of the Agreement, as amended periodically <u>and binding on the Union in accordance with the Agreement</u>.⁺¹⁷</p> <p>_____</p> <p>¹⁷ https://www.iotc.org/cmms</p> <p>_____</p> <p>1. https://www.iotc.org/cmms</p>	<p>(6) ‘CMM’ means <u>an applicable</u> conservation and management measure in force adopted by the IOTC pursuant to Articles V(2)(c) and IX(1) of the Agreement, as amended periodically.¹</p> <p>_____</p> <p>1. https://www.iotc.org/cmms</p>	
Article 3, first paragraph, point (7)				
36	<p>(7) ‘Unfit for human consumption’ means fish that is meshed or crushed in the purse seine, or is damaged due to depredation, or has died and spoiled in the net where a</p>	<p>(7) ‘Unfit for human consumption’ means fish that is meshed or crushed in the purse seine, or is damaged due to depredation, or has died and spoiled in the net where a</p>	<p>(7) ‘Unfit for human consumption’ means fish that is meshed or crushed in the purse seine, or is damaged due to depredation, or has died and spoiled in the net where a</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive. Unfit for human consumption does not include fish that is considered undesirable in terms of size, marketability, or species composition; or is spoiled or contaminated as the result of an act or omission of the crew of the Union fishing vessel;	gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive. Unfit for human consumption does not include fish that is considered undesirable in terms of size, marketability, or species composition; or is spoiled or contaminated as the result of an act or omission of the crew of the Union fishing vessel;	gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive. Unfit for human consumption does not include fish that is considered undesirable in terms of size, marketability, or species composition; or is spoiled or contaminated as the result of an act or omission of the crew of the Union fishing vessel;	
Article 3, first paragraph, point (8)				
37	(8) ‘Fish aggregating device’ (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture;	(8) ‘Fish aggregating device’ (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture;	(8) ‘Fish aggregating device’ (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture;	
Article 3, first paragraph, point (9)				
38	(9) ‘Drifting FAD’ means a FAD not tethered to the bottom of the	(9) ‘Drifting FAD’ means a FAD not tethered to the bottom of the	(9) ‘Drifting FAD (DFAF) ’ means a FAD not tethered to the bottom	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ocean;	ocean;	of the ocean;	
Article 3, first paragraph, point (10)				
39	(10) ‘Anchored FAD’ means a FAD tethered to the bottom of the ocean;	(10) ‘Anchored FAD’ means a FAD tethered to the bottom of the ocean;	(10) ‘Anchored FAD <u>(AFAD)</u> ’ means a FAD tethered to the bottom of the ocean;	
Article 3, first paragraph, point (11)				
40	(11) ‘Data buoys’ means floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities;	(11) ‘Data buoys’ means floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities;	(11) ‘Data buoys ² ’ means floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities;	
Article 3, first paragraph, point (12)				
41	(12) ‘IOTC transhipment declaration’ means the document	(12) ‘IOTC transhipment declaration’ means the document	(12) ‘IOTC transhipment declaration’ means the document	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in Annex III to CMM 19/06;	is referred to in point 1 of Annex III to CMM 19/06 <u>6a to this Regulation</u> ; Annexes	in Annex III to CMM 19/06 ;	
Article 3, first paragraph, point (13)				
42	(13) 'IMO number' means a 7 digit number, which is assigned to a vessel under the authority of the International Maritime Organisation;	(13) 'IMO number' means a 7 digit number, which is assigned to a vessel under the authority of the International Maritime Organisation;	(13) 'IMO number' means a 7 digit number, which is assigned to a vessel under the authority of the International Maritime Organisation;	
Article 3, first paragraph, point (14)				
43	(14) 'Chartering' means an agreement or an arrangement by which a fishing vessel flying the flag of a CPC is contracted for a defined period of time by an operator in another CPC without the change of flag. The 'chartering CPC' refers to the CPC that holds the quota allocation or fishing possibilities and the 'flag CPC'	(14) 'Chartering' means an agreement or an arrangement by which a fishing vessel flying the flag of a CPC is contracted for a defined period of time by an operator in another CPC without the change of flag. The 'chartering CPC' refers to the CPC that holds the quota allocation or fishing possibilities and the 'flag CPC'	(14) 'Chartering' means an agreement or an arrangement by which a fishing vessel flying the flag of a CPC is contracted for a defined period of time by an operator in another CPC without the change of flag. The 'chartering CPC' refers to the CPC that holds the quota allocation or fishing possibilities and the 'flag CPC'	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	refers to the CPC in which the chartered vessel is registered;	refers to the CPC in which the chartered vessel is registered;	refers to the CPC in which the chartered vessel is registered;	
Article 3, first paragraph, point (15)				
44	(15) 'Carrier vessel' means a support vessel engaged in transshipment and receiving IOTC species from another vessel.	(15) 'Carrier vessel' means a support vessel engaged in transshipment and receiving IOTC species from another vessel.	(15) 'Carrier vessel' means a support vessel engaged in transshipment and receiving IOTC species from another vessel.	
Article 3, first paragraph, point (15a)				
44a		<u>(15a) 'e-PSM application' web-based application designed and developed to facilitate and assist the Contracting Parties and Cooperating non Contracting Parties (CPCs) of the IOTC to implement the IOTC Resolutions related to Port State Measures (PSM);</u>	<u>(15a) 'e-Port State Measures (e-PSM)' application means the web-based application designed and developed to facilitate and assist a CPC to implement the IOTC resolutions related to port State measures;</u>	
Article 3, first paragraph, point (15b)				
44b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>(15b) 'FAO' means the Food and Agriculture Organization of the United Nations;</i></u>	<u><i>(15b) 'FAO' means the Food and Agriculture Organization of the United Nations;</i></u>	
Article 3, first paragraph, point (15c)				
44c		<u><i>(15c) 'IUU fishing' means the activities described in the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing adopted by the FAO;</i></u>	<u><i>(15c) 'illegal, unreported and unregulated fishing' or 'IUU fishing' means fishing activities as defined in Article 2, points (1) to (4) of Regulation (EC) No 1005/2008.</i></u>	
Chapter II				
45	Chapter II Management and Conservation	Chapter II Management and Conservation	Chapter II Management and Conservation	
Section 1				
46	Section 1 Tropical Tunas	Section 1 Tropical Tunas	Section 1 Tropical Tunas	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4				
47	Article 4 Discard ban	Article 4 Discard ban	Article 4 Discard ban	
Article 4(1), introductory part				
48	1. Union purse seine vessels shall retain on board and land all catches of tropical tunas (bigeye tuna, yellowfin tuna and skipjack tuna), excepts where the master of the vessel determines that:	1. Union purse seine vessels shall retain on board and land all catches of tropical tunas (bigeye tuna (<i>Thunnus obesus</i>), yellowfin tuna (<i>Thunnus albacares</i>) and skipjack tuna (<i>Katsuwonus pelamis</i>)), excepts where the master of the vessel determines that: Latin species names	1. Union purse seine vessels shall retain on board and land all catches of tropical tunas (bigeye tuna (<i>Thunnus obesus</i>), yellowfin tuna (<i>Thunnus albacares</i>) and skipjack tuna (<i>Katsuwonus pelamis</i>)), excepts where the master of the vessel determines that:	
Article 4(1), point (a)				
49	(a) fish are unfit for human consumption, or	(a) fish are unfit for human consumption, or	(a) fish are unfit for human consumption, or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(1), point (b)				
50	(b) there is insufficient storage capacity to accommodate tropical tuna and the non-targeted species caught during the final set of a trip.	(b) there is insufficient storage capacity to accommodate tropical tuna and the non-targeted species caught during the final set of a trip.	(b) there is insufficient storage capacity to accommodate tropical tuna and the non-targeted species caught during the final set of a trip.	
Article 4(2)				
51	2. Fish referred to in point (b) of paragraph 1 may only be discarded if the master and crew attempt to release the tropical tuna and the non-targeted species alive as soon as possible; and no further fishing is undertaken after the discard until the tropical tuna and the non-targeted species on board the vessel have been landed or transhipped.	2. Fish referred to in point (b) of paragraph 1 may only be discarded if the master and crew attempt to release the tropical tuna and the non-targeted species alive as soon as possible; and no further fishing is undertaken after the discard until the tropical tuna and the non-targeted species on board the vessel have been landed or transhipped.	2. Fish referred to in point (b) of paragraph 1 may only be discarded if the master and crew attempt to release the tropical tuna and the non-targeted species alive as soon as possible, <u>while taking into consideration the safety of the crew</u> ; and no further fishing is undertaken after the discard until the tropical tuna and the non-targeted species on board the vessel have been landed or transhipped.	
Article 4(3)				
52	3. The master of a Union fishing	3. The master of a Union fishing	3. The master of a Union fishing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	vessel shall record the exceptions referred to in paragraph 1(a) and (b) in the relevant logbook including estimated tonnage, and species composition of discarded fish; and estimated tonnage and species composition of retained fish from that set.	vessel shall record the exceptions referred to in paragraph 1(a) and (b) in the relevant logbook including estimated tonnage, and species composition of discarded fish; and estimated tonnage and species composition of retained fish from that set.	vessel shall record the exceptions referred to in paragraph 1(a) <u>1</u> , <u>points (a)</u> and (b) in the relevant logbook, including estimated tonnage, and species composition of discarded fish, and estimated tonnage and species composition of retained fish from that set.	
Article 4(4)				
53	4. For the purpose of this Article non-targeted species includes not targeted tuna species, as well as rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda.	4. For the purpose of this Article non-targeted species includes not targeted tuna species, as well as rainbow runner (<u><i>Elagatis bipinnulata</i></u>), dolphinfish (<u><i>Coryphaena hippurus</i></u>), triggerfish (<u>family <i>Balistidae</i></u>), billfish (<u>families <i>Xyphidae</i> and <i>Istiophoridae</i></u>), wahoo (<u><i>Acanthocybium solandri</i></u>), and barracuda (<u>family <i>Sphyraenidae</i></u>). Latin species names	4. For the purpose of this Article non-targeted species includes not targeted tuna species, as well as rainbow runner (<u><i>Elagatis bipinnulata</i></u>), dolphinfish (<u><i>Coryphaena hippurus</i></u>), triggerfish (<u>family <i>Balistidae</i></u>), billfish (<u>families <i>Xyphidae</i> and <i>Istiophoridae</i></u>), wahoo, (<u><i>Acanthocybium solandri</i></u>) and barracuda (<u>family <i>Sphyraenidae</i></u>).	
Article 5				
54				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5 Prohibition of fishing on data buoys	Article 5 Prohibition of fishing on data buoys	Article 5 Prohibition of fishing on data buoys	
Article 5(1), introductory part				
55	1. Union fishing vessels shall not fish within one nautical mile of a data buoy or interact with a data buoy in the Area, in particular by:	1. Union fishing vessels shall not fish within one nautical mile of a data buoy or interact with a data buoy in the Area, in particular by:	1. Union fishing vessels shall not <i>intentionally</i> fish within one nautical mile of a data buoy or interact with a data buoy in the Area, in particular by:	
Article 5(1), point (a)				
56	(a) encircling the buoy with fishing gear;	(a) encircling the buoy with fishing gear;	(a) encircling the buoy with fishing gear;	
Article 5(1), point (b)				
57	(b) tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or	(b) tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or	(b) tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(1), point (c)				
58	(c) cutting a data buoy anchor line.	(c) cutting a data buoy anchor line.	(c) cutting a data buoy anchor line.	
Article 5(2)				
59	2. By way of derogation from paragraph 1, Member States scientific research programmes notified to the IOTC may operate Union fishing vessels within one nautical mile of a data buoy provided they do not interact with those data buoys.	2. By way of derogation from paragraph 1, Member States scientific research programmes notified to the IOTC may operate Union fishing vessels within one nautical mile of a data buoy provided they do not interact with those data buoys.	2. By way of derogation from paragraph 1, Member States scientific research programmes notified to the IOTC may operate Union fishing vessels within one nautical mile of a data buoy provided they do not interact with those data buoys.	
Article 5(3)				
60	3. Union fishing vessels shall not take on board a data buoy in the Area, unless its owner has explicitly authorised or requested them to do so.	3. Union fishing vessels shall not take on board a data buoy in the Area, unless its owner has explicitly authorised or requested them to do so.	3. Union fishing vessels shall not take on board a data buoy in the Area, unless its <u>the</u> owner <u>responsible for that buoy</u> has explicitly authorised or requested them to do so.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(4)				
61	4. Union fishing vessels operating in the Area, shall keep watch for moored data buoys at sea and shall take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys. When a Union fishing vessel's gear becomes entangled with a data buoy, they shall remove the entangled fishing gear with as little damage to the data buoy as possible.	4. Union fishing vessels operating in the Area, shall keep watch for moored data buoys at sea and shall take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys. When a Union fishing vessel's gear becomes entangled with a data buoy, they shall remove the entangled fishing gear with as little damage to the data buoy as possible.	4. Union fishing vessels operating in the Area, shall keep watch for moored data buoys at sea and shall take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys. When a Union fishing vessel's gear becomes entangled with a data buoy, they shall remove the entangled fishing gear with as little damage to the data buoy as possible.	
Article 5(5)				
62	5. Union fishing vessels shall report to their flag Member States any data buoy that they have observed to be damaged or otherwise inoperable, along with the details of observation, the buoy's location, and any discernible identifying information on it. Member States shall send	5. Union fishing vessels shall report to their flag Member States any data buoy that they have observed to be damaged or otherwise inoperable, along with the details of observation, the buoy's location, and any discernible identifying information on it. Member States shall send	5. Union fishing vessels shall report to their flag Member States any data buoy that they have observed to be damaged or otherwise inoperable, along with the details of observation, the buoy's location, and any discernible identifying information on it. Member States shall send	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	such reports, and information on the location of data buoys assets that they have deployed throughout the Area to the Commission, in accordance with Article 51(5).	such reports, and information on the location of data buoys assets that they have deployed throughout the Area to the Commission <u>with EFCA in copy</u> , in accordance with Article 51(5). EFCA	such reports, and information on the location of data buoys assets that they have deployed throughout the Area to the Commission, in accordance with Article 51(5).	
Section 2				
63	Section 2 Billfishes	Section 2 Billfishes	Section 2 Billfishes	
Article 6				
64	Article 6 Management and conservation measures	Article 6 Management and conservation measures	Article 6 Management and conservation measures	
Article 6(1)				
65	1. Union fishing vessels shall not retain on board, tranship, or land,	1. Union fishing vessels shall not retain on board, tranship, or land,	1. Union fishing vessels shall not retain on board, tranship, or land,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any specimens of striped marlin, black marlin, blue marlin or Indo pacific sailfish with a lower jaw fork length of less than 60 cm. If they catch such fish, they shall return them immediately to the sea.	any specimens of striped marlin (<i>Tetrapturus audax</i>), black marlin (<i>Makaira indica</i>), blue marlin (<i>Makaira nigricans</i>) or Indo pacific sailfish (<i>Istiophorus platypterus</i>) with a lower jaw fork length of less than 60 cm. If they catch such fish, they shall return them immediately to the sea. Latin species names	any specimens of striped marlin (<i>Tetrapturus audax</i>), black marlin (<i>Makaira indica</i>), blue marlin (<i>Makaira nigricans</i>) or Indo pacific sailfish (<i>Istiophorus platypterus</i>) with a lower jaw fork length of less than 60 cm. If they catch such fish, they shall return them immediately to the sea, <i>in a manner that maximizes post-release survival potential without compromising the safety of the crew.</i>	
Article 6(2)				
66	2. Union fishing vessels catching striped marlin, black marlin, blue marlin or Indo pacific sailfish shall record the relevant catch and effort data in accordance with Annex 1 to this Regulation.	2. Union fishing vessels catching striped marlin, black marlin, blue marlin or Indo pacific sailfish shall record the relevant catch and effort data in accordance with Annex 1 to this Regulation.	2. Union fishing vessels catching striped marlin, black marlin, blue marlin or Indo pacific sailfish shall record the relevant catch and effort data in accordance with Annex 1 to this Regulation.	
Article 6(3)				
67	3. Member States shall implement a data collection programme to	3. Member States shall implement a data collection programme to	3. Member States shall implement a data collection programme to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ensure accurate reporting of striped marlin, black marlin, blue marlin or Indo pacific sailfish catches in accordance with Article 51(1).	ensure accurate reporting of striped marlin, black marlin, blue marlin or Indo pacific sailfish catches in accordance with Article 51(1).	ensure accurate reporting of striped marlin, black marlin, blue marlin or Indo pacific sailfish catches in accordance with Article 51(1).	
Article 6(4)				
68	4. Member States shall report on actions taken to monitor catches and to manage fisheries for the sustainable exploitation and conservation of striped marlin, black marlin, blue marlin and Indo-pacific sailfish in their national scientific report in accordance with Article 51(6).	4. Member States shall report on actions taken to monitor catches and to manage fisheries for the sustainable exploitation and conservation of striped marlin, black marlin, blue marlin and Indo-pacific sailfish in their national scientific report in accordance with Article 51(6).	4. Member States shall report on actions taken to monitor catches and to manage fisheries for the sustainable exploitation and conservation of striped marlin, black marlin, blue marlin and Indo-pacific sailfish in their national scientific report in accordance with Article 51(6).	
Section 3				
69	Section 3 Blue Sharks	Section 3 Blue Sharks	Section 3 Blue Sharks	
Article 7				
70	Article 7	Article 7	Article 7	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Blue sharks	Blue sharks	Blue sharks	
Article 7(1)				
71	1. Catches of blue shark (<i>Prionace glauca</i>) by Union fishing vessels shall be recorded in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009.	1. Catches of blue shark (<i>Prionace glauca</i>) by Union fishing vessels shall be recorded in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009.	1. Catches of blue shark (<i>Prionace glauca</i>) by Union fishing vessels shall be recorded in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009.	
Article 7(2)				
72	2. Member States shall implement data collection programmes that ensure improved reporting of accurate blue shark catch, effort, size and discard data. Member States shall report data on catches of blue sharks in accordance with Article 51(1).	2. Member States shall implement data collection programmes that ensure improved reporting of accurate blue shark catch, effort, size and discard data. Member States shall report data on catches of blue sharks in accordance with Article 51(1).	2. Member States shall implement data collection programmes that ensure improved reporting of accurate blue shark catch, effort, size and discard data. Member States shall report data on catches of blue sharks in accordance with Article 51(1).	
Article 7(3)				
73	3. Member States shall include in	3. Member States shall include in	3. Member States shall include in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	their implementation report information on the actions taken to monitor catches of blue sharks in accordance with Article 51 (5).	their implementation report information on the actions taken to monitor catches of blue sharks in accordance with Article 51 (5).	their implementation report information on the actions taken to monitor catches of blue sharks in accordance with Article 51 (5).	
Article 7(4)				
74	4. Member States are encouraged to undertake scientific research on blue shark that would provide information on key biological, ecological, behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices. Such information shall be included in the reports that are sent to the Commission in accordance with Article 51(6).	4. Member States are encouraged to undertake scientific research on blue shark that would provide information on key biological, ecological, behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices. Such information shall be included in the reports that are sent to the Commission <i>with EFCA in copy</i> in accordance with Article 51(6). EFCA	4. Member States are encouraged to undertake scientific research on blue shark that would provide information on key biological, ecological, behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices. Such information shall be included in the reports that are sent to the Commission in accordance with Article 51(6).	
Section 4				
75				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Section 4 Fishing using aircrafts, FADs and artificial lights	Section 4 Fishing using aircrafts, FADs and artificial lights	Section 4 Fishing using aircrafts, FADs and artificial lights	
Article 8				
76	Article 8 Prohibition of the use of aircrafts to catch fish	Article 8 Prohibition of the use of aircrafts to catch fish	Article 8 Prohibition of the use of aircrafts to catch fish	
Article 8(1)				
77	1. Union fishing, support and supply vessels shall not use aircrafts or unmanned aerial vehicles as fishing aids. Any occurrence of a fishing operation undertaken in the Area with the aid of aircraft or an unmanned aerial vehicle shall be immediately reported to the flag Member State and the Commission. The Commission shall inform the IOTC Secretariat thereof without delay.	1. Union fishing, support and supply vessels shall not use aircrafts or unmanned aerial vehicles as fishing aids. Any occurrence of a fishing operation undertaken in the Area with the aid of aircraft or an unmanned aerial vehicle shall be immediately reported to the flag Member State, <u>to EFCA and with</u> and the Commission <u>in copy. EFCA.</u> The Commission shall inform the IOTC Secretariat thereof without delay.	1. Union fishing, <u>including</u> support and supply vessels shall not use aircrafts or unmanned aerial vehicles as fishing aids. Any occurrence of a fishing operation undertaken in the Area with the aid of aircraft or an unmanned aerial vehicle shall be immediately reported to the flag Member State and the Commission. The Commission shall inform the IOTC Secretariat thereof without delay.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Article 8(2)				
78	2. By way of derogation from paragraph 1, aircrafts and unmanned aerial vehicles may be used for scientific, monitoring, control and surveillance purposes.	2. By way of derogation from paragraph 1, aircrafts and unmanned aerial vehicles may be used for scientific, monitoring, control and surveillance purposes.	2. By way of derogation from paragraph 1, aircrafts and unmanned aerial vehicles may be used for scientific, monitoring, control and surveillance purposes.	
Article 9				
79	Article 9 Fish aggregating devices (FADs)	Article 9 Fish aggregating devices (FADs)	Article 9 Fish aggregating devices (FADs)	
Article 9(1)				
80	1. Union fishing vessels shall record fishing activities in association with drifting FADs and anchored FADs, separately, using the specific data elements in Annex 2. Member States shall send this	1. Union fishing vessels shall record fishing activities in association with drifting FADs and anchored FADs, separately, using the specific data elements in Annex 2. Member States shall send this	1. Union fishing vessels shall record fishing activities in association with drifting FADs and anchored FADs, separately, using the specific data elements in Annex 2. Member States shall send	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information to the Commission, in accordance with Article 51.	information to the Commission <u>with EFCA in copy</u> , in accordance with Article 51. EFCA	this information to the Commission, in accordance with Article 51.	
Article 9(2)				
81	2. Daily information on all active FADs shall be transmitted to the Commission containing the information of date, instrumented buoy identification, assigned vessel and daily position, compiled at monthly intervals, submitted at least 60 days later but no longer than 90 days later. The Commission will send this information to the IOTC Secretariat.	2. Daily information on all active FADs shall be transmitted to <u>EFCA with the Commission in copy</u> containing the information of date, instrumented buoy identification, assigned vessel and daily position, compiled at monthly intervals, submitted at least 60 days later but no longer than 90 days later. The Commission EFCA will send this information to the IOTC Secretariat. EFCA	2. Daily information on all active FADs shall be transmitted to the Commission containing the information of date, instrumented buoy identification, assigned vessel and daily position, compiled at monthly intervals, submitted at least 60 days later but no longer than 90 days later. The Commission will send this information to the IOTC Secretariat.	
Article 9(3), introductory part				
82				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Member States shall draw up management plans for the use of drifting FADs by each of their purse seine vessels. The management plans shall:	3. Member States shall draw up management plans for the use of drifting FADs by each of their purse seine vessels. The management plans shall:	3. Member States shall draw up <u>national</u> management plans for the use of drifting FADs by each of their purse seine vessels. The management plans shall:	
Article 9(3), point (a)				
83	(a) as a minimum follow the guidelines provided in Annex 2;	(a) as a minimum follow the guidelines provided in Annex 2;	(a) as a minimum follow the guidelines provided <u>set out</u> in Annex 2 <u>II to CMM 19/02</u> ;	
Article 9(3), point (b)				
84	(b) include initiatives or surveys to investigate, and to the extent possible, minimise the capture of small bigeye and yellowfin tuna and non-target species associated with FADs;	(b) include initiatives or surveys to investigate, and to the extent possible, minimise the capture of small bigeye and yellowfin tuna and non-target species associated with FADs;	(b) include initiatives or surveys to investigate, and to the extent possible, minimise the capture of small bigeye and yellowfin tuna and non-target species associated with FADs;	
Article 9(3), point (c)				
85	(c) include guidelines to prevent,	(c) include guidelines to prevent,	(c) include guidelines to prevent,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the extent possible, the loss or abandonment of FADs; and	to the extent possible, the loss or abandonment of FADs; and	to the extent possible, the loss or abandonment of FADs; and	
Article 9(3), point (d)				
86	(d) be based on the principles set out in Annex V to CMM 19/02 for reducing the entanglement of sharks, marine turtles or any other species.	(d) be based on the principles set out in <u>the Annex V to CMM 19/02 referred to in point 2 of Annex 6a to this Regulation</u> for reducing the entanglement of sharks, marine turtles or any other species. Annexes	(d) be based on the principles set out in Annex V to CMM 19/02 for reducing the entanglement of sharks, marine turtles or any other species.	
Article 9(4)				
87	4. No later than 75 days before the IOTC annual meeting, Member States shall send the Commission, in accordance with Article 51(5), a report on the progress of the management plans of FADs, including reviews of the initially submitted management plans, and including reviews of the	4. No later than 75 days before the IOTC annual meeting, Member States shall send the Commission <u>with EFCA in copy</u> , in accordance with Article 51(5), a report on the progress of the management plans of FADs, including reviews of the initially submitted management plans, and including reviews of the	4. No later than 75 days before the IOTC annual meeting, Member States shall send the Commission, in accordance with Article 51(5), a report on the progress of the management plans of FADs, including reviews of the initially submitted management plans, and including reviews of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	application of the principles of Annex V to CMM 19/02. The Commission shall send this information to the IOTC Secretariat not later than 60 days before the IOTC annual meeting.	application of the principles of <u>the Annex V to CMM 19/02 referred to in point 2 of Annex 6a to this Regulation</u> . The Commission shall send this information to the IOTC Secretariat not later than 60 days before the IOTC annual meeting. EFCA Annexes	application of the principles of Annex V to CMM 19/02. The Commission shall send this information to the IOTC Secretariat not later than 60 days before the IOTC annual meeting.	
Article 10				
88	Article 10 Non-entangling and biodegradable FADs	Article 10 Non-entangling and biodegradable FADs	Article 10 Non-entangling and biodegradable FADs	
Article 10, first paragraph				
89	Union fishing vessels shall use non-entangling designs and materials for the construction of FADs, as outlined in Annex V to CMM 19/02.	Union fishing vessels shall use non-entangling designs and materials for the construction of FADs, as outlined in <u>the Annex V to CMM 19/02 referred to in point 2 of Annex 6a to this Regulation</u> .	Union fishing vessels shall use non-entangling designs and materials for the construction of FADs, as outlined <u>set out</u> in Annex V to CMM 19/02, <u>according to which the surface structure of the FAD shall not be covered or shall be covered only with non-meshed</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Annexes	<u>material. If a sub-surface component is used, it shall be made not from netting but from non-meshed materials, such as ropes or canvas sheets.</u>	
Article 10, first paragraph a				
89a		<u>Union fishing vessels shall endeavour to use biodegradable FADs in accordance with the guidelines in the Annex with a view to transitioning to the use of biodegradable FADs, with the exception of materials used for the instrumented buoys, from 1 January 2022.</u>		
Article 10, first paragraph b				
89b		<u>Member States shall endeavour to conduct trials using biodegradable materials to facilitate the transition to the use of only biodegradable material for drifting FADs construction by their fleets.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11				
90	Article 11 Prohibition of the use of artificial lights to attract fish	Article 11 Prohibition of the use of artificial lights to attract fish	Article 11 Prohibition of the use of artificial lights to attract fish	
Article 11(1)				
91	1. Union fishing vessels shall not use, install or operate surface or submerged artificial lights for the purpose of aggregating tuna and tuna-like species.	1. Union fishing vessels shall not use, install or operate surface or submerged artificial lights for the purpose of aggregating tuna and tuna-like species.	1. Union fishing vessels shall not use, install or operate surface or submerged artificial lights for the purpose of aggregating tuna and tuna-like species, <u>beyond territorial waters</u> .	
Article 11(2)				
92	2. The use of lights on drifting FADs is prohibited.	2. The use of lights on drifting FADs is prohibited.	2. The use of lights on drifting FADs is prohibited.	
Article 11(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
93	3. Where Union fishing vessels encounter drifting FADs equipped with artificial lights in the Area, they shall immediately remove them and bring them back to port.	3. Where Union fishing vessels encounter drifting FADs equipped with artificial lights in the Area, they shall immediately remove them and bring them back to port.	3. Where Union fishing vessels encounter drifting FADs equipped with artificial lights in the Area, they shall immediately remove them and bring them back to port.	
Article 11(4)				
94	4. Union fishing vessels shall not conduct fishing activities around or near any vessel or drifting FAD equipped with artificial lights for the purpose of attracting tuna and tuna-like species in the Area.	4. Union fishing vessels shall not conduct fishing activities around or near any vessel or drifting FAD equipped with artificial lights for the purpose of attracting tuna and tuna-like species in the Area.	4. Union fishing vessels shall not conduct fishing activities around or near any vessel or drifting FAD equipped with artificial lights for the purpose of attracting tuna and tuna-like species in the Area.	
Article 11(5)				
95	5. Navigation lights and lights necessary to ensure safe working conditions are not subject to the prohibition in paragraph 1.	5. Navigation lights and lights necessary to ensure safe working conditions are not subject to the prohibition in paragraph 1.	5. Navigation lights and lights necessary to ensure safe working conditions are not subject to the prohibition in paragraph 1.	
Section 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
96	Section 5 Transhipments in port	Section 5 Transhipments in port	Section 5 Transhipments in port	
Article 12				
97	Article 12 Transhipment	Article 12 Transhipment	Article 12 Transhipment	
Article 12(1)				
98	1. All transhipment operations of IOTC species shall take place in ports designated in accordance with Article 5 of Council Regulation (EC) No 1005/2008 or paragraph 5 of CMM 16/11.	1. All transhipment operations of IOTC species shall take place in ports designated in accordance with Article 5 of Council Regulation (EC) No 1005/2008 or paragraph 5 of CMM 16/11 <u>in accordance with the provisions referred to in point 3 of Annex 6a to this Regulation.</u> Annexes	1. All transhipment operations of IOTC species shall take place in ports designated in accordance with Article 5 of Council Regulation (EC) No 1005/2008, <u>or in accordance with</u> or paragraph 5.1. of CMM 16/11 <u>under which each CPC shall designate and publicise the ports to which vessels may request entry, and shall provide a list of its designated ports to the IOTC Secretariat.</u>	
Article 12(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99	2. Union fishing vessels engaged in fisheries of IOTC species shall not tranship their catches to any other vessel unless the catches have been weighed in accordance with Article 60 of Regulation (EC) No 1224/2009.	2. Union fishing vessels engaged in fisheries of IOTC species shall not tranship their catches to any other vessel unless the catches have been weighed in accordance with Article 60 of Regulation (EC) No 1224/2009.	2. Union fishing vessels engaged in fisheries of IOTC species shall not tranship their catches to any other vessel unless the catches have been weighed in accordance with Article 60 of Regulation (EC) No 1224/2009.	
Article 13				
100	Article 13 Transhipment operations	Article 13 Transhipment operations	Article 13 Transhipment operations	
Article 13(1), introductory part				
101	1. Transhipment operations in port may only be undertaken in accordance with the following procedure:	1. Transhipment operations in port may only be undertaken in accordance with the following procedure:	1. Transhipment operations in port may only be undertaken in accordance with the following procedure:	
Article 13(1), point (a), introductory part				
102				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) prior to transshipping, the master of a Union fishing vessel must notify the following information to the port state authorities, at least 48 hours in advance:	(a) prior to transshipping, the master of a Union fishing vessel must notify the following information to the port state authorities, at least 48 hours in advance:	(a) prior to transshipping, the master of a Union fishing vessel must <i>shall</i> notify the following information to the port state authorities, at least 48 hours in advance:	
Article 13(1), point (a), first indent				
103	- the name of the fishing vessel and its number in the IOTC record of fishing vessels;	- the name of the fishing vessel and its number in the IOTC record of fishing vessels;	- the name of the fishing vessel and its number in the IOTC record of fishing vessels;	
Article 13(1), point (a), second indent				
104	- the name of the carrier vessel, and the product to be transhipped;	- the name of the carrier vessel, and the product to be transhipped;	- the name of the carrier vessel, and the product to be transhipped;	
Article 13(1), point (a), third indent				
105	- the tonnage by product to be transhipped;	- the tonnage by product to be transhipped;	- the tonnage by product to be transhipped;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(1), point (a), fourth indent				
106	- the date and location of transshipment;	- the date and location of transshipment;	- the date and location of transshipment;	
Article 13(1), point (a), fifth indent				
107	- the major fishing grounds of the tuna and tuna-like species and sharks catches.	- the major fishing grounds of the tuna and tuna-like species and sharks catches.	- the major fishing grounds of the tuna and tuna-like species and sharks catches.	
Article 13(1), point (b)				
108	(b) the master of a Union fishing vessel shall record and transmit in the electronic logbook a transshipment declaration in accordance with Article 22 of Regulation (EC) No 1224/2009 and the procedures in Regulation (EU) No 404/2011.	(b) the master of a Union fishing vessel shall record and transmit in the electronic logbook a transshipment declaration in accordance with Article 22 of Regulation (EC) No 1224/2009 and the procedures in Regulation (EU) No 404/2011.	(b) the master of a Union fishing vessel shall record and transmit in <u>the by</u> electronic logbook <u>means</u> a transshipment declaration in accordance with Article 22 of Regulation (EC) No 1224/2009 and the procedures in <u>Regulation</u> (EU) No 404/2011.	
Article 13(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
109	(c) No later than 15 days after the transshipment, the master of the Union fishing vessel concerned shall complete the IOTC transshipment declaration and transmit to its flag Member State, along with the vessel's number in the IOTC record of fishing vessels	(c) No later than 15 days after the transshipment, the master of the Union fishing vessel concerned shall complete the IOTC transshipment declaration and transmit to its flag Member State, along with the vessel's number in the IOTC record of fishing vessels	(c) 2. No later than 15 days after the transshipment, the master of the Union fishing vessel concerned shall complete the IOTC transshipment declaration and transmit <u>it</u> to its flag Member State <u>in one of the official languages of the IOTC</u> , along with the vessel's number in the IOTC record of fishing vessels. <u>The master of a Union carrier vessel shall also, within 24 hours after the transshipment, complete and transmit to the competent port state authorities the IOTC transshipment declaration in one of the official languages of the IOTC.</u>	
Article 13(2)				
110	2. The master of a Union carrier vessel shall record and transmit a transshipment declaration in the electronic logbook, in accordance with Article 22 of Regulation (EC) No 1224/2009 and the procedures in Regulation (EU) No 404/2011.	2. The master of a Union carrier vessel shall record and transmit a transshipment declaration in the electronic logbook, in accordance with Article 22 of Regulation (EC) No 1224/2009 and the procedures in Regulation (EU) No 404/2011.	2. The master of a Union carrier vessel shall record and transmit a transshipment declaration in the electronic logbook, in accordance with Article 22 of Regulation (EC) No 1224/2009 and the procedures in Regulation (EU) No 404/2011.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The master shall also, within 24 hours, complete and transmit to the competent port state authorities the IOTC transhipment declaration.	The master shall also, within 24 hours, complete and transmit to the competent port state authorities the IOTC transhipment declaration.	The master shall also, within 24 hours, complete and transmit to the competent port state authorities the IOTC transhipment declaration.	
Article 14				
111	Article 14 Landing of transhipped catches by Union carrier vessels	Article 14 Landing of transhipped catches by Union carrier vessels	Article 14 Landing of transhipped catches by Union carrier vessels	
Article 14(1)				
112	1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the period for prior notification shall be at least 48 hours before the estimated time of arrival at the port.	1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the period for prior notification shall be at least 48 hours before the estimated time of arrival at the port.	1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the period for prior notification shall be at least 48 hours before the estimated time of arrival at the port.	
Article 14(2)				
113	2. Member States where transhipments are landed shall take	2. Member States where transhipments are landed shall take	2. Member States where transhipments are landed shall take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag Member State of the carrier vessel, the port State where the transshipment took place and the flag states of the catching fishing vessels involved to ensure that landings are consistent with the catch amount reported for each fishing vessel. This verification shall be carried out in such a way that the carrier vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.	the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag Member State of the carrier vessel, the port State where the transshipment took place and the flag states of the catching fishing vessels involved to ensure that landings are consistent with the catch amount reported for each fishing vessel. This verification shall be carried out in such a way that the carrier vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.	the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag Member State of the carrier vessel, the port State where the transshipment took place and the flag states of the catching fishing vessels involved to ensure that landings are consistent with the catch amount reported for each fishing vessel. This verification shall be carried out in such a way that the carrier vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.	
Article 14(3)				
114	3. The master of a Union carrier vessel landing in a third country shall, at least 48 hours before entry into port and in addition to the prior notification referred to in paragraph 1, give prior notification in accordance with the national legislation of the third country in whose port the vessel intends to land transshipments. The master shall also send the IOTC	3. The master of a Union carrier vessel landing in a third country shall, at least 48 hours before entry into port and in addition to the prior notification referred to in paragraph 1, give prior notification in accordance with the national legislation of the third country in whose port the vessel intends to land transshipments. The master shall also send the IOTC	3. The master of a Union carrier vessel landing in a third country shall, at least 48 hours before entry into port and in addition to the prior notification referred to in paragraph 1, give prior notification in accordance with the national legislation of the third country in whose port the vessel intends to land transshipments. The master shall also send the IOTC	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transhipment declaration to the competent authorities of the State in which transhipments are to be landed and shall not land before being authorised to do so.	transhipment declaration to the competent authorities of the State in which transhipments are to be landed and shall not land before being authorised to do so.	transhipment declaration to the competent authorities of the State in which transhipments are to be landed and shall not land before being authorised to do so.	
Article 14(4)				
115	4. Where landings take place in a third country the master of the carrier vessel shall cooperate with the port state authorities.	4. Where landings take place in a third country the master of the carrier vessel shall cooperate with the port state authorities.	4. Where landings take place in a third country the master of the carrier vessel shall cooperate with the port state authorities.	
Article 14(5)				
116	5. Flag Member States of the Union fishing vessels shall include details on the transhipments by its vessels, in their reports in accordance with Article 51(5).	5. Flag Member States of the Union fishing vessels shall include details on the transhipments by its vessels, in their reports in accordance with Article 51(5).	5. Flag Member States of the Union fishing vessels shall include details on the transhipments by its vessels, in their reports in accordance with Article 51(5).	
Chapter III				
117	Chapter III	Chapter III	Chapter III	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Protection of Certain Marine Species	Protection of Certain Marine Species	Protection of Certain Marine Species	
Section 1				
118	Section 1 Elasmobranchs	Section 1 Elasmobranchs	Section 1 Elasmobranchs	
Article 15				
119	Article 15 General conservation measures for sharks	Article 15 General conservation measures for sharks	Article 15 General conservation measures for sharks	
Article 15(1)				
120	1. Union fishing vessels shall use the IOTC identification guides and handling practices.	1. Union fishing vessels shall use the IOTC identification guides and handling practices.	1. Union fishing vessels shall use <i>take all reasonable steps to apply</i> the IOTC identification guides and handling practices.	
Article 15(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
121	2. Union fishing vessels shall, to the extent possible, promptly release unharmed unwanted shark species caught alive on board of vessels, with exception of blue sharks.	2. Union fishing vessels shall, to the extent possible, promptly release unharmed unwanted shark species caught alive on board of vessels, with exception of blue sharks.	2. Union fishing vessels shall, to the extent possible, promptly release unharmed unwanted shark species caught alive on board of vessels, with <u>the</u> exception of blue sharks.	
Article 15(3)				
122	3. Such catches shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009, including the status on release (dead or alive).	3. Such catches shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009, including the status on release (dead or alive).	3. Such catches shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009, including the status on release (dead or alive).	
Article 15(4)				
123	4. Member States shall report data on all catches of sharks, including all available historical data, estimates and life status of discards and release (dead or alive) and size frequencies of sharks caught by their fishing vessels to the Commission, in their report, in	4. Member States shall report data on all catches of sharks, including all available historical data, estimates and life status of discards and release (dead or alive) and size frequencies of sharks caught by their fishing vessels to the Commission <u>with EFCA in copy</u> ,	4. Member States shall report data on all catches of sharks, including all available historical data, estimates and life status of discards and release (dead or alive) and size frequencies of sharks caught by their fishing vessels to the Commission, in their report, in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 51(1).	in their report, in accordance with Article 51(1). EFCA	accordance with Article 51(1).	
Article 16				
124	Article 16 Oceanic whitetip sharks	Article 16 Oceanic whitetip sharks	Article 16 Oceanic whitetip sharks	
Article 16(1)				
125	1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks.	1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks (<u><i>Carcharhinus longimanus</i></u>). Latin species names	1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks (<u><i>Carcharhinus longimanus</i></u>).	
Article 16(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
126	2. By way of derogation from paragraph 1, scientific observers shall be allowed to collect biological samples from oceanic whitetip sharks taken in the Area that are dead at haul back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee or the IOTC Working Party on Ecosystems and Bycatch.	2. By way of derogation from paragraph 1, scientific observers shall be allowed to collect biological samples from oceanic whitetip sharks taken in the Area that are dead at haul back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee or the IOTC Working Party on Ecosystems and Bycatch.	2. By way of derogation from paragraph 1, scientific observers shall be allowed to collect biological samples from oceanic whitetip sharks taken in the Area that are dead at haul back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee or the IOTC Working Party on Ecosystems and Bycatch.	
Article 16(3)				
127	3. Where possible, Member States and the Commission shall endeavour to conduct research on oceanic whitetip sharks taken in the Area, in order to identify potential nursery areas.	3. Where possible, Member States and the Commission shall endeavour to conduct research on oceanic whitetip sharks taken in the Area, in order to identify potential nursery areas <u>and the impact of climate change on their abundance.</u>	3. Where possible, Member States and the Commission shall endeavour to conduct research on oceanic whitetip sharks taken in the Area, in order to identify potential nursery areas.	
Article 16(3a)				
127a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>3a. This Article shall not apply to artisanal fisheries operating exclusively in their respective Exclusive Economic Zone (EEZ) for the purpose of local consumption.</i></u>		
Article 17				
128	Article 17 Thresher sharks	Article 17 Thresher sharks	Article 17 Thresher sharks	
Article 17(1)				
129	1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of thresher sharks of all species of the family Alopiidae.	1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of thresher sharks of all species of the family Alopiidae.	1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of thresher sharks of all species of the family Alopiidae.	
Article 17(2)				
130	2. By way of derogation from	2. By way of derogation from	2. By way of derogation from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, scientific observers shall be allowed to collect biological samples from thresher sharks taken in the Area that are dead at haul back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee or the IOTC Working Party on Ecosystems and Bycatch.	paragraph 1, scientific observers shall be allowed to collect biological samples from thresher sharks taken in the Area that are dead at haul back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee or the IOTC Working Party on Ecosystems and Bycatch.	paragraph 1, scientific observers shall be allowed to collect biological samples from thresher sharks taken in the Area that are dead at haul back, provided that the samples are a part of a research project approved by the IOTC Scientific Committee or the IOTC Working Party on Ecosystems and Bycatch.	
Article 17(3)				
131	3. Recreational and sport fishing shall release all thresher sharks alive. In no circumstances shall they retain them on board, tranship, land, store, sell or offer them for sale. Member States shall ensure that recreational and sport fishermen carrying out fishing with risk of catching thresher sharks are equipped with instruments suitable for releasing the animals alive.	3. Recreational and sport fishing shall release all thresher sharks alive. In no circumstances shall they retain them on board, tranship, land, store, sell or offer them for sale. Member States shall ensure that recreational and sport fishermen carrying out fishing with risk of catching thresher sharks are equipped with instruments suitable for releasing the animals alive.	3. Recreational and sport fishermen <u>fishers</u> shall release all thresher sharks alive. In no circumstances shall they retain them on board, tranship, land, store, sell or offer them for sale. Member States shall ensure that recreational and sport fishermen <u>fishers</u> carrying out fishing with risk of catching thresher sharks are equipped with instruments suitable for releasing the animals alive.	
Article 17(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
132	4. Member States and the Commission shall endeavour to conduct research on thresher sharks taken in the Area, in order to identify potential nursery areas.	4. Member States and the Commission shall endeavour to conduct research on thresher sharks taken in the Area, in order to identify potential nursery areas.	4. Member States and the Commission shall endeavour to conduct research on thresher sharks taken in the Area, in order to identify potential nursery areas.	
Article 18				
133	Article 18 Mobulid rays	Article 18 Mobulid rays	Article 18 Mobulid rays	
Article 18(1)				
134	1. Union fishing vessels shall not intentionally set any gear type around a mobulid ray if the animal is sighted prior to commencement of the set.	1. Union fishing vessels shall not intentionally set any gear type around a mobulid ray (<i>species of the genus Mobula</i>) if the animal is sighted prior to commencement of the set. Latin species names	1. Union fishing vessels shall not intentionally set any gear type around a mobulid ray (<i>species of the genus Mobula</i>) if the animal is sighted prior to commencement of the set.	
Article 18(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
135	2. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of a mobulid ray.	2. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of a mobulid ray.	2. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of a mobulid ray.	
Article 18(3)				
136	3. Union fishing vessels shall promptly release alive and unharmed, to the extent practicable, mobulid rays caught unintentionally as soon as they are seen in the net, on the hook, or on the deck, in a manner that will result in the least possible harm to the individual rays captured, and take all reasonable steps to apply handling procedures of Annex I to CMM 19/03, while taking into consideration the safety of the crew.	3. Union fishing vessels shall promptly release alive and unharmed, to the extent practicable, mobulid rays caught unintentionally as soon as they are seen in the net, on the hook, or on the deck, in a manner that will result in the least possible harm to the individual rays captured, and take all reasonable steps to apply handling procedures of <u>referred to in point 4 of Annex I to CMM 19/03</u> <u>6a to this Regulation</u> , while taking into consideration the safety of the crew. Annexes	3. Union fishing vessels shall promptly release alive and unharmed, to the extent practicable, mobulid rays caught unintentionally as soon as they are seen in the net, on the hook, or on the deck, in a manner that will result in the least possible harm to the individual rays captured, and take all reasonable steps to apply handling procedures of Annex I to CMM 19/03 <u>for mobulid rays</u> , while taking into consideration the safety of the crew.	
Article 18(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137	4. Notwithstanding paragraph 3, where a Union purse seine vessel unintentionally catches and freezes a mobulid ray in the course of its operations, it shall surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard it at the point of landing. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for the purposes of domestic human consumption.	4. Notwithstanding paragraph 3, where a Union purse seine vessel unintentionally catches and freezes a mobulid ray in the course of its operations, it shall surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard it at the point of landing. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for the purposes of domestic human consumption.	4. Notwithstanding paragraph 3, where a Union purse seine vessel unintentionally catches and freezes a mobulid ray in the course of its operations, it shall surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard it at the point of landing. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for the purposes of domestic human consumption.	
Article 18(4a)				
137a		<u><i>4a. Notwithstanding paragraph 2, in the case of mobulid rays that are unintentionally caught by artisanal fishing, the vessel shall report the information on the accidental catch to the responsible governmental authorities, or other competent authority, at the point of landing. Mobulid rays unintentionally caught may only be used for purposes of local</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>consumption. This derogation shall expire on 1 January 2022.</u>		
Article 18(5)				
138	5. Union fishing vessels shall use proper mitigation, identification, handling and releasing techniques and keep on board all necessary equipment to release mobulid rays.	5. Union fishing vessels shall use proper mitigation, identification, handling and releasing techniques and keep on board all necessary equipment to release mobulid rays.	5. Union fishing vessels shall use proper mitigation, identification, handling and releasing techniques and keep on board all necessary equipment to release mobulid rays.	
Article 19				
139	Article 19 Whale sharks	Article 19 Whale sharks	Article 19 Whale sharks	
Article 19(1)				
140	1. Union fishing vessels, shall be prohibited from intentionally setting a purse seine net around a whale shark in the Area, if it is sighted prior to the commencement of the set.	1. Union fishing vessels, shall be prohibited from intentionally setting a purse seine net around a whale shark (<u>Rhincodon typus</u>) in the Area, if it is sighted prior to the commencement of the set.	1. Union fishing vessels, shall be prohibited from intentionally setting a purse seine net around a whale shark (<u>Rhincodon typus</u>) in the Area, if it is sighted prior to the commencement of the set.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Latin species names		
Article 19(2), introductory part				
141	2. Where a whale shark is unintentionally encircled or entangled in the fishing gear, Union fishing vessels shall:	2. Where a whale shark is unintentionally encircled or entangled in the fishing gear, Union fishing vessels shall:	2. Where a whale shark is unintentionally encircled or entangled in the fishing gear, Union fishing vessels shall:	
Article 19(2), point (a)				
142	(a) take all reasonable steps to ensure its safe release, in line with available IOTC Scientific Committee's best practice guidelines for the safe release and handling of whale sharks;	(a) take all reasonable steps to ensure its safe release, in line with available IOTC Scientific Committee's best practice guidelines for the safe release and handling of whale sharks;	(a) take all reasonable steps to ensure its safe release, in line with available IOTC Scientific Committee's best practice guidelines for the safe release and handling of whale sharks, <u>while taking into consideration the safety of the crew</u> ;	
Article 19(2), point (b), introductory part				
143				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) report the incident to the vessel's flag Member State, with the following information:	(b) report the incident to the vessel's flag Member State, with the following information:	(b) report the incident to the vessel's flag Member State, with the following information:	
Article 19(2), point (b), first indent				
144	- the number of individuals;	- the number of individuals;	- the number of individuals;	
Article 19(2), point (b), second indent				
145	- a short description of the interaction, including details of how and why the interaction occurred, if possible;	- a short description of the interaction, including details of how and why the interaction occurred, if possible;	- a short description of the interaction, including details of how and why the interaction occurred, if possible;	
Article 19(2), point (b), third indent				
146	- the location of the encirclement;	- the location of the encirclement;	- the location of the encirclement;	
Article 19(2), point (b), fourth indent				
147				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	- the steps taken to ensure safe release; and	- the steps taken to ensure safe release; and	- the steps taken to ensure safe release; and	
Article 19(2), point (b), fifth indent				
148	- an assessment of the life status of the whale shark on release, including whether it was released alive but subsequently died.	- an assessment of the life status of the whale shark on release, including whether it was released alive but subsequently died.	- an assessment of the life status of the whale shark on release, including whether it was released alive but subsequently died.	
Section 2				
149	Section 2 Other Species	Section 2 Other Species	Section 2 Other Species	
Article 20				
150	Article 20 Cetaceans	Article 20 Cetaceans	Article 20 Cetaceans	
Article 20(1)				
151				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Union fishing vessels shall not set a purse seine net around a cetacean in the Area, if it is sighted prior to the commencement of the set.	1. Union fishing vessels shall not set a purse seine net around a cetacean in the Area, if it is sighted prior to the commencement of the set.	1. Union fishing vessels shall not set a purse seine net around a cetacean in the Area, if it is sighted prior to the commencement of the set.	
Article 20(2), introductory part				
152	2. Where a cetacean is unintentionally encircled in a purse seine net, or caught by other gear types fishing for tuna and tuna-like species associated with cetaceans, Union fishing vessels shall:	2. Where a cetacean is unintentionally encircled in a purse seine net, or caught by other gear types fishing for tuna and tuna-like species associated with cetaceans, Union fishing vessels shall:	2. Where a cetacean is unintentionally encircled in a purse seine net, or caught by other gear types fishing for tuna and tuna-like species associated with cetaceans, Union fishing vessels shall:	
Article 20(2), point (a)				
153	(a) take all the reasonable steps to ensure its safe release, which should include following the IOTC Scientific Committee's available best practice guidelines for the safe release and handling of cetaceans;	(a) take all the reasonable steps to ensure its safe release, which should include following the IOTC Scientific Committee's available best practice guidelines for the safe release and handling of cetaceans;	(a) take all the reasonable steps to ensure its safe release, which should include following the <u>in line with available</u> IOTC Scientific Committee's available best practice guidelines for the safe release and handling of cetaceans, <u>while taking into consideration the safety of the crew</u> ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(2), point (b), introductory part				
154	(b) report the incident to the relevant authority of the flag State, with the following information:	(b) report the incident to the relevant authority of the <u>flag vessel's flag Member</u> State, with the following information:	(b) report the incident to the relevant authority of the <u>flag vessel's flag Member</u> State, with the following information:	
Article 20(2), point (b), first indent				
155	- the species (if known);	- the species (if known);	- the species (if known);	
Article 20(2), point (b), second indent				
156	- the number of individuals;	- the number of individuals;	- the number of individuals;	
Article 20(2), point (b), third indent				
157	- a short description of the interaction, including details of how and why the interaction occurred, if possible;	- a short description of the interaction, including details of how and why the interaction occurred, if possible;	- a short description of the interaction, including details of how and why the interaction occurred, if possible;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(2), point (b), fourth indent				
158	- the location of the encirclement;	- the location of the encirclement;	- the location of the encirclement;	
Article 20(2), point (b), fifth indent				
159	- the steps taken to ensure safe release; and	- the steps taken to ensure safe release; and	- the steps taken to ensure safe release; and	
Article 20(2), point (b), sixth indent				
160	- an assessment of the life status of the animal on release, including whether the cetacean was released alive but subsequently died.	- an assessment of the life status of the animal on release, including whether the cetacean was released alive but subsequently died.	- an assessment of the life status of the animal on release, including whether the cetacean was released alive but subsequently died.	
Article 20(3)				
161	3. Member States shall report the information referred to in under point (b) of paragraph 2, through	3. Member States shall report the information referred to in under point (b) of paragraph 2, through	3. Member States shall report the information referred to in under point (b) of paragraph 2, through	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive), or when an observer is on board through observer programmes and send it to the Commission, in accordance with Article 51(1) and (5).	logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive), or when an observer is on board through observer programmes and send it to the Commission <i>with EFCA in copy</i> , in accordance with Article 51(1) and (5). EFCA	logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive), or when an observer is on board through observer programmes and send it to the Commission, in accordance with Article 51(1) and (5).	
Article 21				
162	Article 21 Marine turtles	Article 21 Marine turtles	Article 21 Marine turtles	
Article 21(1), introductory part				
163	1. Union fishing vessels shall apply the following mitigation measures:	1. Union fishing vessels shall apply the following mitigation measures:	1. Union fishing vessels shall apply the following mitigation measures:	
Article 21(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
164	<p>(a) longline vessels shall carry line cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles that have been caught or entangled, taking all reasonable steps to ensure safe release and handling following the IOTC handling guidelines.¹</p> <p>_____</p> <p>1. https://www.iotc.org/sites/default/files/documents/2018/11/IOTC_turtles_for_web.pdf</p>	<p>(a) longline vessels shall carry line cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles <u>(species of families Cheloniidae and Dermochelyidae)</u> that have been caught or entangled, taking all reasonable steps to ensure safe release and handling following the IOTC handling guidelines <u>guidelines referred to in point 5 of Annex 6a to this Regulation.</u>[‡]</p> <p>_____</p> <p>‡. https://www.iotc.org/sites/default/files/documents/2018/11/IOTC_turtles_for_web.pdf</p> <p>Latin species names Annexes</p>	<p>(a) longline vessels shall carry line cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles <u>(species of families Cheloniidae and Dermochelyidae)</u> that have been caught or entangled, taking all reasonable steps to ensure safe release and handling following the IOTC handling guidelines.[‡]</p> <p>_____</p> <p>‡. https://www.iotc.org/sites/default/files/documents/2018/11/IOTC_turtles_for_web.pdf</p>	
Article 21(1), point (b), introductory part				
165	<p>(b) purse seine vessels shall, to the extent practicable:</p>	<p>(b) purse seine vessels shall, to the extent practicable:</p>	<p>(b) purse seine vessels shall, to the extent practicable:</p>	
Article 21(1), point (b), first indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
166	- avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle in accordance with the IOTC handling guidelines;	- avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle in accordance with the IOTC handling guidelines;	- avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle in accordance with the IOTC handling guidelines;	
Article 21(1), point (b), second indent				
167	- release all marine turtles found entangled in fish aggregating devices (FADs) or other fishing gears;	- release all marine turtles found entangled in fish aggregating devices (FADs) or other fishing gears;	- release all marine turtles found entangled in fish aggregating devices (FADs) or other <u>or</u> fishing gears <u>gear</u> ;	
Article 21(1), point (b), third indent				
168	- where a marine turtle is entangled in the net, stop the net roll as soon as the turtle comes out of the water. Before resuming the net roll, the operator shall disentangle the turtle without injuring it, and assist its recovery before returning it to the water; and	- where a marine turtle is entangled in the net, stop the net roll as soon as the turtle comes out of the water. Before resuming the net roll, the operator shall disentangle the turtle without injuring it, and assist its recovery before returning it to the water; and	- where a marine turtle is entangled in the net, stop the net roll as soon as the turtle comes out of the water. Before resuming the net roll, the operator shall disentangle the turtle without injuring it, and assist its recovery before returning it to the water; and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(1), point (b), fourth indent				
169	- carry and employ dip nets, when appropriate, to handle marine turtles.	- carry and employ dip nets, when appropriate, to handle marine turtles.	- carry and employ dip nets, when appropriate, to handle marine turtles.	
Article 21(2)				
170	2. Union fishing vessels shall bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water.	2. Union fishing vessels shall bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water.	2. Union fishing vessels shall bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water.	
Article 21(3)				
171	3. Member States shall ensure that Union fishing vessels use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, taking all reasonable steps	3. Member States shall ensure that Union fishing vessels use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, taking all reasonable steps	3. Member States shall ensure that Union fishing vessels use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, taking all reasonable steps	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards provided in IOTC handling guidelines referred to in paragraph 1 point (a).	in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards provided in IOTC handling the guidelines referred to in paragraph 1 _i point (a).	in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards provided in IOTC handling guidelines referred to in paragraph 1 point (a).	
Article 21(4)				
172	4. Member States shall report on the implementation the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations ¹ . 1. http://www.fao.org/publications/card/en/c/525d1262-f0ae-5270-bd6e-ac4ab03bbaf9/	4. Member States shall report on the implementation the FAO Guidelines <u>referred to in point 6 of Annex 6a to this Regulation</u> to Reduce Sea Turtle Mortality in Fishing Operations ¹ . 1. http://www.fao.org/publications/card/en/c/525d1262-f0ae-5270-bd6e-ac4ab03bbaf9/ Annexes	4. Member States shall report on the implementation <u>of</u> the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations ¹ . 1. http://www.fao.org/publications/card/en/c/525d1262-f0ae-5270-bd6e-ac4ab03bbaf9/	
Article 21(5)				
173	5. Member States shall send all data on their vessels interactions	5. Member States shall send all data on their vessels interactions	5. Member States shall send all data on their vessels interactions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with marine turtles to the Commission, in accordance with Article 51(1). The data shall include the level of logbook or observer coverage and an estimate of total mortality of marine turtles incidentally caught in their fisheries.	with marine turtles to the Commission <i>with EFCA in copy</i> , in accordance with Article 51(1). The data shall include the level of logbook or observer coverage and an estimate of total mortality of marine turtles incidentally caught in their fisheries. EFCA	with marine turtles to the Commission, in accordance with Article 51(1). The data shall include the level of logbook or observer coverage and an estimate of total mortality of marine turtles incidentally caught in their fisheries.	
Article 21(6)				
174	6. Union fishing vessels shall record all incidents involving marine turtles during fishing operations, including status on release (dead or alive) in the logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009. They shall report such incidents to their flag Member States with information, where possible, on the species, location of capture, conditions, actions taken on board and location of release. Member States shall send this information to the Commission, in accordance with Article 51(1).	6. Union fishing vessels shall record all incidents involving marine turtles during fishing operations, including status on release (dead or alive) in the logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009. They shall report such incidents to their flag Member States with information, where possible, on the species, location of capture, conditions, actions taken on board and location of release. Member States shall send this information to the Commission <i>with EFCA in copy</i> , in accordance	6. Union fishing vessels shall record all incidents involving marine turtles during fishing operations, including status on release (dead or alive) in the logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009. They shall report such incidents to their flag Member States with information, where possible, on the species, location of capture, conditions, actions taken on board and location of release. Member States shall send this information to the Commission, in accordance with Article 51(1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		with Article 51(1). EFCA		
Article 21(6a)				
174a		<u>6a. Union fishing vessels shall endeavour to adopt FAD designs that reduce the incidence of entanglement of marine turtles according to international standards.</u>		
Article 22				
175	Article 22 Seabirds	Article 22 Seabirds	Article 22 Seabirds	
Article 22(1), introductory part				
176	1. Union fishing vessels shall use mitigation measures to reduce in levels of seabird bycatch across all	1. Union fishing vessels shall use mitigation measures to reduce in levels of seabird <u>species of orders</u>	1. Union fishing vessels shall use mitigation measures to reduce in levels of seabird bycatch across all	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	fishing areas, seasons and fisheries:	<u>Procellariiformes, Pelecaniformes, Charadriiformes, Gaviiformes and Podicipediformes</u> bycatch across all fishing areas, seasons and fisheries: Latin species names	fishing areas, seasons and fisheries:	
Article 22(1), point (a)				
177	(a) in the area south of 25 degrees South latitude, all longline vessels shall use at least two of the three mitigation measures of Annex 4 and shall comply with the minimum standards for those measures;	(a) in the area south of 25 degrees South latitude, all longline vessels shall use at least two of the three mitigation measures of Annex 4 and shall comply with the minimum standards for those measures;	(a) in the area south of 25 degrees South latitude, all longline vessels shall use at least two of the three mitigation measures of Annex 4 and shall comply with the minimum standards for those measures;	
Article 22(1), point (b)				
178	(b) the design and deployment of bird scaring lines shall comply with the additional specifications in Annex 5.	(b) the design and deployment of bird scaring lines shall comply with the additional specifications in Annex 5.	(b) the design and deployment of bird scaring lines shall comply with the additional specifications in Annex 5.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(2)				
179	2. Union fishing vessels shall record data on incidental seabird bycatch by species, in particular through Regional Observer Scheme referred to in Article 30, and report these to the Commission in accordance with Article 51(1). Observers shall, to the extent possible, take photographs of seabirds caught by Union fishing vessels and transmit them to national seabird experts or the IOTC Secretariat for confirmation of identification.	2. Union fishing vessels shall record data on incidental seabird bycatch by species, in particular through Regional Observer Scheme referred to in Article 30, and report these to the Commission <i>with EFCA in copy</i> , in accordance with Article 51(1). Observers shall, to the extent possible, take photographs of seabirds caught by Union fishing vessels and transmit them to national seabird experts or the IOTC Secretariat for confirmation of identification. EFCA	2. Union fishing vessels shall record data on incidental seabird bycatch by species, in particular through Regional Observer Scheme referred to in Article 30, and report these to the Commission in accordance with Article 51(1). Observers shall, to the extent possible, take photographs of seabirds caught by Union fishing vessels and transmit them to national seabird experts or the IOTC Secretariat for confirmation of identification.	
Article 22(3)				
180	3. Member States shall inform the Commission how the Regional Observer Scheme referred to in paragraph Article 30 is implemented, in accordance with Article 51(5).	3. Member States shall inform the Commission <i>and EFCA</i> how the Regional Observer Scheme referred to in paragraph Article 30 is implemented, in accordance with Article 51(5).	3. Member States shall inform the Commission how the Regional Observer Scheme referred to in paragraph Article 30 is implemented, in accordance with Article 51(5).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Chapter IV				
181	Chapter IV Control Measures	Chapter IV Control Measures	Chapter IV Control Measures	
Section 1				
182	Section 1 General conditions	Section 1 General conditions	Section 1 General conditions	
Article 23				
183	Article 23 Documentation on board Union fishing vessels	Article 23 Documentation on board Union fishing vessels	Article 23 Documentation on board Union fishing vessels	
Article 23(1)				
184				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Union fishing vessels shall maintain fishing logbooks in accordance with this Regulation. The original recording contained in the fishing logbooks shall be kept on board the fishing vessel for at least 12 months.	1. Union fishing vessels shall maintain fishing logbooks in accordance with this Regulation. The original recording contained in the fishing logbooks shall be kept on board the fishing vessel for at least 12 months.	1. Union fishing vessels shall maintain fishing logbooks in accordance with this Regulation. The original recording contained in the fishing logbooks shall be kept on board the fishing vessel for at least 12 months.	
Article 23(2), introductory part				
185	2. Union fishing vessels shall carry on board valid documents issued by the competent authority of the flag Member State including:	2. Union fishing vessels shall carry on board valid documents issued by the competent authority of the flag Member State including:	2. Union fishing vessels shall carry on board valid documents issued by the competent authority of the flag Member State including:	
Article 23(2), point (a)				
186	(a) license, permit or authorisation to fish and terms and conditions attached to the license, permit of authorisation;	(a) license, permit or authorisation to fish and terms and conditions attached to the license, permit of authorisation;	(a) license, permit or authorisation to fish and terms and conditions attached to the license, permit <i>efor</i> authorisation;	
Article 23(2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
187	(b) vessel's name;	(b) vessel's name;	(b) vessel's name;	
Article 23(2), point (c)				
188	(c) port in which the vessel is registered and the registration number(s);	(c) port in which the vessel is registered and the registration number(s);	(c) port in which the vessel is registered and the registration number(s);	
Article 23(2), point (d)				
189	(d) international call sign;	(d) international call sign;	(d) international call sign;	
Article 23(2), point (e)				
190	(e) names and addresses of the owner(s) and if applicable , the charterer;	(e) names and addresses of the owner(s) and if applicable , the charterer;	(e) names and addresses of the owner(s) and, if applicable, the charterer;	
Article 23(2), point (f)				
191				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) overall length; and	(f) overall length; and	(f) overall length; and	
Article 23(2), point (g)				
192	(g) engine power, in kw/horsepower, where appropriate.	(g) engine power, in kw/horsepower, where appropriate.	(g) engine power, in kw/horsepower, where appropriate.	
Article 23(3)				
193	3. Member States shall verify the validity of the documents to be carried on board fishing vessels regularly, at least once a year.	3. Member States shall verify the validity of the documents to be carried on board fishing vessels regularly, at least once a year.	3. Member States shall verify the validity of the documents to be carried on board fishing vessels regularly, at least once a year.	
Article 23(4)				
194	4. Member States shall ensure that all documents carried on board and any further amendments to them are issued and certified by the competent authority and are marked in such a way that they can be readily identified with generally accepted standards such as the	4. Member States shall ensure that all documents carried on board and any further amendments to them are issued and certified by the competent authority and are marked in such a way that they can be readily identified with generally accepted <i>standards such as the</i>	4. Member States shall ensure that all documents carried on board and any further amendments to them are issued and certified by the competent authority and <i>that fishing vessels</i> are marked in such a way that they can be readily identified with generally accepted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	FAO Standard Specification for the Marking and Identification of Fishing Vessels. ¹ _____ 1. http://www.fao.org/3/a-i7783e.pdf	FAO Standard Specification for the Marking and Identification of Fishing Vessels <u>international standards</u> . ¹ _____ 1. http://www.fao.org/3/a-i7783e.pdf	standards, such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels. ¹ _____ 1. http://www.fao.org/3/a-i7783e.pdf	
Section 2				
195	Section 2 Record of vessels	Section 2 Record of vessels	Section 2 Record of vessels	
Article 24				
196	Article 24 Record of authorised fishing vessels	Article 24 Record of authorised fishing vessels	Article 24 Record of authorised fishing vessels	
Article 24(1), introductory part				
197	1. The following Union fishing vessels shall be registered in the IOTC record of fishing vessels:	1. The following Union fishing vessels shall be registered in the IOTC record of fishing vessels:	1. The following Union fishing vessels shall be registered in the IOTC record of fishing vessels:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(1), point (a)				
198	(a) vessels of 24 metres or more in overall length;	(a) vessels of 24 metres or more in overall length;	(a) vessels of 24 metres or more in overall length;	
Article 24(1), point (b)				
199	(b) vessels of less than 24 metres in overall length if the Union fishing vessels fish outside the exclusive economic zone (EEZ).	(b) vessels of less than 24 metres in overall length if the Union fishing vessels fish outside the exclusive economic zone (EEZ).	(b) vessels of less than 24 metres in overall length, if they if the Union fishing vessels fish outside the exclusive economic zone (EEZ) <u>of their flag State.</u>	
Article 24(2)				
200	2. Union fishing vessels that are not registered in the IOTC record referred to in paragraph 1, shall not be authorised to fish for, retain on board, tranship or land IOTC species or support any fishing activity or set drifting FADs in the Area. This provision shall not apply to vessels of less than 24 metres in overall length operating inside the EEZ of a Member State.	2. Union fishing vessels that are not registered in the IOTC record referred to in paragraph 1, shall not be authorised to fish for, retain on board, tranship or land IOTC species or support any fishing activity or set drifting FADs in the Area. This provision shall not apply to vessels of less than 24 metres in overall length operating inside the EEZ of a Member State.	2. Union fishing vessels that are not registered in the IOTC record referred to in paragraph 1, shall not be authorised to fish for, retain on board, tranship or land IOTC species or support any fishing activity or set drifting FADs <u>DFADs</u> in the Area. This provision shall not apply to vessels of less than 24 metres in overall length operating inside <u>in</u> the EEZ of a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member <u>their flag</u> State-	
Article 24(3), first subparagraph, introductory part				
201	3. Member States shall submit to the Commission the list of vessels complying with the requirements of paragraph 1, which are authorised to operate in the Area. This list shall include the following information for each vessel:	3. Member States shall submit to the Commission <u>with EFCA in copy</u> the list of vessels complying with the requirements of paragraph 1, which are authorised to operate in the Area. This list shall include the following information for each vessel: EFCA	3. Member States shall submit to the Commission the list of vessels complying with the requirements of paragraph 1, which are authorised to operate in the Area. This <u>That</u> list shall include the following information for each vessel:	
Article 24(3), first subparagraph, point (a)				
202	(a) name of vessel(s), register number(s);	(a) name of vessel(s), register number(s);	(a) name of vessel(s), register number(s);	
Article 24(3), first subparagraph, point (b)				
203	(b) IMO number;	(b) IMO number;	(b) IMO number;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(3), first subparagraph, point (c)				
204	(c) previous name(s) (if any) or indicate non-availability;	(c) previous name(s) (if any) or indicate non-availability;	(c) previous name(s) (if any) or indicate <i>its</i> non-availability;	
Article 24(3), first subparagraph, point (d)				
205	(d) previous flag(s) (if any) or indicate non-availability;	(d) previous flag(s) (if any) or indicate non-availability;	(d) previous flag(s) (if any) or indicate <i>its</i> non-availability;	
Article 24(3), first subparagraph, point (e)				
206	(e) details of previous deletion from other registries (if any) or indicate non-availability;	(e) details of previous deletion from other registries (if any) or indicate non-availability;	(e) details of previous deletion from other registries (if any) or indicate <i>their</i> non-availability;	
Article 24(3), first subparagraph, point (f)				
207	(f) international radio call sign(s) (if any), or indicate non-availability;	(f) international radio call sign(s) (if any), or indicate non-availability;	(f) international radio call sign(s) (if any), or indicate <i>its</i> non-availability;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(3), first subparagraph, point (g)				
208	(g) port of registration;	(g) port of registration;	(g) port of registration;	
Article 24(3), first subparagraph, point (h)				
209	(h) type of vessel(s), overall length (m) and gross tonnage (GT);	(h) type of vessel(s), overall length (m) and gross tonnage (GT);	(h) type of vessel(s), overall length (m) and gross tonnage (GT);	
Article 24(3), first subparagraph, point (i)				
210	(i) total volume of fish hold(s) in cubic metres;	(i) total volume of fish hold(s) in cubic metres;	(i) total volume of fish hold(s) in cubic metres;	
Article 24(3), first subparagraph, point (j)				
211	(j) name and address of owner(s) and operator(s);	(j) name and address of owner(s) and operator(s);	(j) name and address of owner(s) and operator(s);	
Article 24(3), first subparagraph, point (k)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
212	(k) name and address of beneficial owner(s), if known and different from vessel owner/operator or indicate non-availability;	(k) name and address of beneficial owner(s), if known and different from vessel owner/operator or indicate non-availability;	(k) name and address of beneficial owner(s), if known and different from vessel owner/operator, or indicate <u>their</u> non-availability;	
Article 24(3), first subparagraph, point (l)				
213	(l) name, address and registration number of company operating the vessel (if any);	(l) name, address and registration number of company operating the vessel (if any);	(l) name, - address and <u>and</u> registration number of company operating the vessel (if any);	
Article 24(3), first subparagraph, point (m)				
214	(m) gear(s) used;	(m) gear(s) used;	(m) gear (s) used;	
Article 24(3), first subparagraph, point (n)				
215	(n) time period(s) authorised for fishing and/or transhipping;	(n) time period(s) authorised for fishing and/or transhipping;	(n) time period(s) authorised for fishing and/or transhipping;	
Article 24(3), first subparagraph, point (o), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
216	(o) colour photographs of the vessel showing:	(o) colour photographs of the vessel showing:	(o) colour photographs of the vessel showing:	
Article 24(3), first subparagraph, point (o), first indent				
217	- the starboard and portsides, each showing the whole structure;	- the starboard and portsides, each showing the whole structure;	- the starboard and portsides, each showing the whole structure;	
Article 24(3), first subparagraph, point (o), second indent				
218	- the bow;	- the bow;	- the bow;	
Article 24(3), first subparagraph, point (o), third indent				
219	- at least one photograph clearly showing at least one of the external markings specified in point (a).	- at least one photograph clearly showing at least one of the external markings specified in point (a).	- at least one photograph clearly showing at least one of the external markings specified in point (a).	
Article 24(3), second subparagraph				
220				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	For vessels not authorized to operate outside the EEZ of the Member State, requirement laid down in paragraph 3(o) shall apply from 1 January 2022.	For vessels not authorized to operate outside the EEZ of the Member State, requirement laid down in paragraph 3(o) shall apply from 1 January 2022.	For vessels not authorized to operate outside the EEZ of the Member State, requirement laid down in paragraph 3(o) 3, point (o) shall apply from 1 January 2022.	
Article 24(4)				
221	4. Member States shall promptly notify the Commission of any addition to, deletion from, or amendment of the IOTC Record. The Commission shall send this information to the IOTC Secretariat without delay.	4. Member States shall promptly notify the Commission <u>with EFCA in copy</u> of any addition to, deletion from, or amendment of the IOTC Record. The Commission shall send this information to the IOTC Secretariat without delay. EFCA	4. Member States shall promptly notify the Commission of any addition to, deletion from, or amendment of the IOTC Record. The Commission shall send this information to the IOTC Secretariat without delay.	
Article 24(5)				
222	5. During the year, the Commission shall, if necessary, provide the IOTC Secretariat with updated information on Union fishing vessels registered in the IOTC record referred to in	5. During the year, the Commission shall, if necessary, provide the IOTC Secretariat with updated information on Union fishing vessels registered in the IOTC record referred to in	5. During the year, the Commission shall, if necessary, provide the IOTC Secretariat with updated information on Union fishing vessels registered in the IOTC record referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1.	paragraph 1.	paragraph 1.	
Article 25				
223	Article 25 Communication of information	Article 25 Communication of information	Article 25 Communication of information	
Article 25, first paragraph				
224	The information to be notified by the Member States to the Commission, in accordance with Article 24, shall be carried out in an electronic format in accordance with Article 39 of the Regulation (EU) 2017/2403.	The information to be notified by the Member States to the Commission <i>and EFCA</i> , in accordance with Article 24, shall be carried out in an electronic format in accordance with Article 39 of the Regulation (EU) 2017/2403. EFCA	The information to be notified by the Member States to the Commission, in accordance with Article 24, shall be carried out <i>submitted</i> in an electronic format in accordance with Article 39 of the Regulation (EU) 2017/2403.	
Article 26				
225	Article 26	Article 26	Article 26	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Authorisation of fishing vessels	Authorisation of fishing vessels	Authorisation of fishing vessels	
Article 26(1)				
226	1. Member States shall issue an authorisation to fish for the IOTC species for fishing vessels flying their flag in accordance with Article 21 of Regulation (EU) 2017/2403.	1. Member States shall issue an authorisation to fish for the IOTC species for fishing vessels flying their flag in accordance with Article 21 of Regulation (EU) 2017/2403.	1. Member States shall issue an authorisation to fish for the IOTC species for fishing vessels flying their flag in accordance with Article 21 of Regulation (EU) 2017/2403.	
Article 26(2), introductory part				
227	2. Member States shall submit to the Commission an updated template of the official authorisation to fish outside national jurisdictions, and update this information whenever this information changes. The Commission shall send this information to the IOTC Secretariat without delay. The template shall include the following information:	2. Member States shall submit to the Commission <u>with EFCA in copy</u> an updated template of the official authorisation to fish outside national jurisdictions, and update this information whenever this information changes. The Commission shall send this information to the IOTC Secretariat without delay. The template shall include the following information:	2. Member States shall submit to the Commission an updated template of the official authorisation to fish outside national jurisdictions, and update this <u>the</u> information whenever this information changes <u>in the template whenever necessary</u> . The Commission shall send this information to the IOTC Secretariat without delay. The template shall include the following information:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Article 26(2), point (a)				
228	(a) name of the competent authority;	(a) name of the competent authority;	(a) name of the competent authority;	
Article 26(2), point (b)				
229	(b) name and contact of personnel of the competent authority;	(b) name and contact of personnel of the competent authority;	(b) name and contact of personnel of the competent authority;	
Article 26(2), point (c)				
230	(c) signature of the personnel of the competent authority; and	(c) signature of the personnel of the competent authority; and	(c) signature of the personnel of the competent authority; and	
Article 26(2), point (d)				
231	(d) official stamp of the competent authority.	(d) official stamp of the competent authority.	(d) official stamp of the competent authority.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 26(3)				
232	3. The template referred in paragraph 2 shall be used exclusively for monitoring, control and surveillance purposes and a difference between the template and the authorisation carried onboard the vessel does not constitute an infraction, but will prompt the controlling State to clarify the issue with the identified Competent Authority of the flag State of the vessel in question.	3. The template referred in paragraph 2 shall be used exclusively for monitoring, control and surveillance purposes and a difference between the template and the authorisation carried onboard the vessel does not constitute an infraction, but will prompt the controlling State to clarify the issue with the identified Competent Authority of the flag State of the vessel in question.	3. The template referred <u>to</u> in paragraph 2 shall be used exclusively for monitoring, control and surveillance purposes, and a difference between the template and the authorisation carried onboard the vessel does not constitute an infraction, but will prompt the controlling State to clarify the issue with the identified Competent Authority of the flag State of the vessel in question.	
Article 27				
233	Article 27 Obligations for Member States issuing fishing authorisations	Article 27 Obligations for Member States issuing fishing authorisations	Article 27 Obligations for Member States issuing fishing authorisations	
Article 27(1), introductory part				
234				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Member States shall:	1. Member States shall:	1. Member States shall:	
Article 27(1), point (a)				
235	(a) authorise their vessels to operate in the Area only if they are able to fulfil the requirements and responsibilities under the IOTC Agreement, this Regulation and CMM;	(a) authorise their vessels to operate in the Area only if they are able to fulfil the requirements and responsibilities under the IOTC Agreement, this Regulation and CMM;	(a) authorise their vessels to operate in the Area only if they are able to fulfil the requirements and responsibilities under the IOTC Agreement, this Regulation and CMM <u>CMMs</u> ;	
Article 27(1), point (b)				
236	(b) take necessary measures to ensure that their fishing vessels comply with this Regulation and CMM;	(b) take necessary measures to ensure that their fishing vessels comply with this Regulation and CMM;	(b) take necessary measures to ensure that their fishing vessels comply with this Regulation and CMM <u>CMMs</u> ;	
Article 27(1), point (c)				
237	(c) take the necessary measures to ensure that their auxiliary fishing vessels keep on board valid certificates of vessel registration	(c) take the necessary measures to ensure that their auxiliary fishing vessels keep on board valid certificates of vessel registration	(c) take the necessary measures to ensure that their auxiliary fishing vessels keep on board valid certificates of vessel registration	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and valid authorisations to fish or tranship;	and valid authorisations to fish or tranship;	and valid authorisations to fish or tranship;	
Article 27(1), point (d), introductory part				
238	(d) ensure that their authorised fishing vessels have no history of IUU fishing activities or that, if a vessels has such a history, the new owner has provided sufficient evidence demonstrating that:	(d) ensure that their authorised fishing vessels have no history of IUU fishing activities or that, if a vessels has such a history, the new owner has provided sufficient evidence demonstrating that:	(d) ensure that their authorised fishing vessels have no history of IUU fishing activities or that, if a vessels has such a history, the new owner has provided sufficient evidence demonstrating that:	
Article 27(1), point (d), first indent				
239	- the previous owners and operators have no legal, beneficial or financial interest in, or control over that vessels;	- the previous owners and operators have no legal, beneficial or financial interest in, or control over that vessels;	- the previous owners and operators have no legal, beneficial or financial interest in, or control over that vessels;	
Article 27(1), point (d), second indent				
240	- the parties of the IUU incident have officially resolved the matter and sanctions have been	- the parties of the IUU incident have officially resolved the matter and sanctions have been	- the parties of the IUU incident have officially resolved the matter and sanctions have been	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	completed;	completed;	completed;	
Article 27(1), point (d), third indent				
241	- having taken into account all relevant facts, their auxiliary fishing vessels are not engaged in or associated with IUU fishing;	- having taken into account all relevant facts, their auxiliary fishing vessels are not engaged in or associated with IUU fishing;	- having taken into account all relevant facts, their auxiliary fishing vessels are not engaged in or associated with IUU fishing;	
Article 27(1), point (e)				
242	(e) ensure, to the extent possible under national legislation, that the owners and operators of their auxiliary fishing vessels are not engaged in or associated with tuna fishing activities conducted by vessels not registered in the IOTC record referred to in Article 24(1);	(e) ensure, to the extent possible under national legislation, that the owners and operators of their auxiliary fishing vessels are not engaged in or associated with tuna fishing activities conducted by vessels not registered in the IOTC record referred to in Article 24(1);	(e) ensure, to the extent possible under national legislation, that the owners and operators of their auxiliary fishing vessels are not engaged in or associated with tuna fishing activities conducted by vessels not registered in the IOTC record referred to in Article 24(1);	
Article 27(1), point (f)				
243	(f) take necessary measures to ensure, to the extent possible under	(f) take necessary measures to ensure, to the extent possible under	(f) take necessary measures to ensure, to the extent possible under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	national legislation, that the owners of auxiliary fishing vessels on the IOTC record referred to in Article 24(1) are citizens of, or legal entities in the flag Member State, so that any control or punitive action can be taken against them where required.	national legislation, that the owners of auxiliary fishing vessels on the IOTC record referred to in Article 24(1) are citizens of, or legal entities in the flag Member State, so that any control or punitive action can be taken against them where required.	national legislation, that the owners of auxiliary fishing vessels on the IOTC record referred to in Article 24(1) are citizens of, or legal entities in the flag Member State, so that any control or punitive action can be taken against them where required.	
Article 27(2)				
244	2. Member States shall report the results of the review of the actions and measures taken pursuant to paragraph 1 to the Commission, in accordance with Article 51(5).	2. Member States shall report the results of the review of the actions and measures taken pursuant to paragraph 1 to the Commission <u>with EFCA in copy</u> , in accordance with Article 51(5). EFCA	2. Member States shall report the results of the review of the actions and measures taken pursuant to paragraph 1 to the Commission, in accordance with Article 51(5).	
Article 27(3)				
245	3. Member States which issue licenses to their authorised fishing vessels shall report annually to the Commission all measures taken in	3. Member States which issue licenses to their authorised fishing vessels shall report annually to the Commission <u>with EFCA in copy</u>	3. Member States which issue licenses to their authorised fishing vessels shall report annually to the Commission all measures taken in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Annex I to CMM 05/07, using the format set out in Annex II of CMM 05/07, and in accordance with Article 51 of this Regulation.	all measures taken in accordance with the Annex I to CMM 05/07 <u>referred to in point 7 of Annex 6a to this Regulation</u> , using the format set out in the Annex H of CMM 05/07 <u>referred to in point 8 of Annex 6a to this Regulation</u> , and in accordance with Article 51 of this Regulation. EFCA Annexes	accordance with Annex I to CMM 05/07, using the format set out in Annex II of CMM 05/07, and in accordance with Article 51 of this Regulation.	
Article 28				
246	Article 28 Measures against vessels not registered in the IOTC record of vessels	Article 28 Measures against vessels not registered in the IOTC record of vessels	Article 28 Measures against vessels not registered in the IOTC record of vessels	
Article 28(1)				
247	1. Union fishing vessels not registered in the IOTC record referred to in Article 24(1), shall not fish for, retain on board, tranship or land IOTC species in	1. Union fishing vessels not registered in the IOTC record referred to in Article 24(1), shall not fish for, retain on board, tranship or land IOTC species in	1. Union fishing vessels not registered in the IOTC record referred to in Article 24(1), shall not fish for, retain on board, tranship or land IOTC species in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Area.	the Area.	the Area.	
Article 28(2), introductory part				
248	2. To ensure the effectiveness of this Regulation pertaining to species covered by statistical document programmes Member States:	2. To ensure the effectiveness of this Regulation pertaining to species covered by statistical document programmes Member States:	2. To ensure the effectiveness of this Regulation pertaining to species covered by statistical document programmes, Member States <i>shall</i> :	
Article 28(2), point (a)				
249	(a) shall validate statistical documents only for Union vessels on the IOTC record;	(a) shall validate statistical documents only for Union vessels on the IOTC record;	(a) <i>shall</i> validate statistical documents only for Union vessels on the IOTC record;	
Article 28(2), point (b)				
250	(b) shall require that, when imported into the territory of a CPC, the species covered by statistical document programmes caught by Union fishing vessels in the Area, shall be accompanied by	(b) shall require that, when imported into the territory of a CPC, the species covered by statistical document programmes caught by Union fishing vessels in the Area, shall be accompanied by	(b) <i>shall</i> require that, when imported into the territory of a CPC, the species covered by statistical document programmes caught by Union fishing vessels in the Area, shall be accompanied by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	statistical documents; and	statistical documents; and	statistical documents; and	
Article 28(2), point (c)				
251	(c) shall cooperate, when importing catch of species covered by statistical document programmes, with the glag Member States of vessels catching those species to ensure that statistical documents are not forged or do not contain misinformation.	(c) shall cooperate, when importing catch of species covered by statistical document programmes, with the glag Member States of vessels catching those species to ensure that statistical documents are not forged or do not contain misinformation.	(c) shall cooperate, when importing catch of species covered by statistical document programmes, with the glag glagflag Member States of vessels catching those species to ensure that statistical documents are not forged or do not contain misinformation.	
Article 28(3)				
252	3. Member States shall notify the Commission of any factual information showing that there are reasonable grounds for suspecting vessels not registered in the IOTC record to be engaged in fishing for or transshipment of IOTC species in the Area. The Commission shall notify the IOTC Secretariat of this information immediately.	3. Member States shall notify EFCA with the Commission in copy of any factual information showing that there are reasonable grounds for suspecting vessels not registered in the IOTC record to be engaged in fishing for or transshipment of IOTC species in the Area. The Commission EFCA shall notify the IOTC Secretariat of this information immediately.	3. Member States shall notify the Commission of any factual information showing that there are reasonable grounds for suspecting vessels not registered in the IOTC record to be engaged in fishing for or transshipment of IOTC species in the Area. The Commission shall notify the IOTC Secretariat of this information immediately.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Article 29				
253	Article 29 Record of active vessels fishing for tuna and swordfish	Article 29 Record of active vessels fishing for tuna and swordfish	Article 29 Record of active vessels fishing for tuna and swordfish	
Article 29(1), introductory part				
254	1. Member States with vessels fishing for tunas and swordfish in the Area shall, using the appropriate IOTC report template, submit to the Commission by 1 st February of each year a list of fishing vessels flying their flag that were active in the Area during the previous year:	1. Member States with vessels fishing for tunas and swordfish in the Area shall, using the appropriate IOTC report template, submit to the Commission <i>with EFCA in copy</i> by 1 st February of each year a list of fishing vessels flying their flag that were active in the Area during the previous year: EFCA	1. Member States with vessels fishing for tunas and swordfish in the Area shall, using the appropriate IOTC report template, submit to the Commission by 1 st February of each year a list of fishing vessels flying their flag that were active in the Area during the previous year <i>and that</i> :	
Article 29(1), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
255	(a) which are larger than 24 metres in overall length,	(a) which are larger than 24 metres in overall length,	(a) which are larger than 24 metres in overall length, <u>or</u>	
Article 29(1), point (b)				
256	(b) or in case of vessels shorter than 24 metres, those operating in waters outside the EEZ of the flag State.	(b) or in case of vessels shorter than 24 metres, those operating in waters outside the EEZ of the flag State.	(b) or in case of vessels shorter than 24 metres, those operating that <u>operated</u> in waters outside the EEZ of the <u>their</u> flag State.	
Article 29(1a)				
256a		<u><i>1a. Member States with vessels fishing for yellowfin tunas in the Area shall, using the appropriate IOTC report template, submit to the Commission by 1st February of each year a list of all fishing vessels flying their flag which have fished for yellowfin tuna in the Area during the previous year.</i></u>	<u><i>1a. Member States with vessels fishing for yellowfin tuna in the Area shall, using the appropriate IOTC report template, submit to the Commission by 1st February of each year a list of all fishing vessels flying their flag which have fished for yellowfin tuna in the Area during the previous year.</i></u>	
Article 29(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
257	2. The Commission shall forward this information to the IOTC Secretariat before the 15 February of each year.	2. The Commission shall forward this information <u>referred to in paragraphs 1 and 1a</u> to the IOTC Secretariat before the 15 February of each year.	2. The Commission shall forward this <u>the</u> information <u>referred to in paragraphs 1 and 2</u> to the IOTC Secretariat before the 15 February of each year.	
Article 29(3), introductory part				
258	3. The list of vessels referred to in paragraph 1 shall contain the following information for each vessel:	3. The list of vessels referred to in paragraph 1 shall contain the following information for each vessel:	3. The list of vessels referred to in paragraph 1 shall contain the following information for each vessel:	
Article 29(3), point (a)				
259	(a) the IOTC number;	(a) the IOTC number;	(a) the IOTC number;	
Article 29(3), point (b)				
260	(b) name and registration number;	(b) name and registration number;	(b) name and registration number;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(3), point (c)				
261	(c) IMO number, if available;	(c) IMO number, if available;	(c) IMO number, if available;	
Article 29(3), point (d)				
262	(d) previous flag (if any);	(d) previous flag (if any);	(d) previous flag (if any);	
Article 29(3), point (e)				
263	(e) international radio call sign (if any);	(e) international radio call sign (if any);	(e) international radio call sign (if any);	
Article 29(3), point (f)				
264	(f) vessel type, length and gross tonnage (GT);	(f) vessel type, length and gross tonnage (GT);	(f) vessel type, length and gross tonnage (GT);	
Article 29(3), point (g)				
265				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(g) name and address of owner, charterer or operator (where relevant);	(g) name and address of owner, charterer or operator (where relevant);	(g) name and address of owner, charterer or operator (where relevant);	
Article 29(3), point (h)				
266	(h) main target species; and	(h) main target species; and	(h) main target species; and	
Article 29(3), point (i)				
267	(i) period of authorisation.	(i) period of authorisation.	(i) period of authorisation.	
Section 3				
268	Section 3 Regional Observer Scheme	Section 3 Regional Observer Scheme	Section 3 Regional Observer Scheme	
Article 30				
269	Article 30 Regional Observer Scheme	Article 30 Regional Observer Scheme	Article 30 Regional Observer Scheme	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(1)				
270	1. Union fishing vessels of 24 meters overall length and over, and under 24 meters fishing outside of their EEZ, shall ensure that at least 5% of the number of operations/sets for each gear type while fishing in the Area are covered by observers endorsed by the regional observer scheme.	1. Union fishing vessels of 24 meters overall length and over, and under 24 meters fishing outside of their EEZ, shall ensure that at least 5% of the number of operations/sets for each gear type while fishing in the Area are covered by observers endorsed by the regional observer scheme.	1. <u>In order to improve the collection of scientific data</u> , Union fishing vessels of 24 meters overall length and over, and <u>those</u> under 24 meters fishing outside <u>the EEZ</u> of their <u>EEZ flag State</u> , shall ensure that at least 5 % of the number of operations/sets for each gear type while fishing in the Area are covered by observers endorsed by the regional observer scheme.	
Article 30(2)				
271	2. When purse seine vessels are carrying an observer as referred to in paragraph 1, this observer shall also monitor the catches at landing to identify the composition of bigeye tuna catches.	2. When purse seine vessels are carrying an observer as referred to in paragraph 1, this observer shall also monitor the catches at landing to identify the composition of bigeye tuna catches.	2. When purse seine vessels are carrying an observer as referred to in paragraph 1, this <u>that</u> observer shall also monitor the catches at landing to identify the composition of bigeye tuna catches.	
Article 30(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
272	3. The requirement in paragraph 2 is not applicable to Member States that already have a sampling scheme, the coverage of which fulfil requirements set out in paragraph 1.	3. The requirement in paragraph 2 is not applicable to Member States that already have a sampling scheme, the coverage of which fulfil requirements set out in paragraph 1.	3. The requirement <u>set out</u> in paragraph 2 is not applicable <u>shall not apply</u> to Member States that already have a sampling scheme, the coverage of which fulfil requirements set out in paragraph 1.	
Article 31				
273	Article 31 Observers' obligations	Article 31 Observers' obligations	Article 31 Observers' obligations	
Article 31(1), introductory part				
274	1. Observers on board Union fishing vessels shall:	1. Observers on board Union fishing vessels shall:	1. Observers on board Union fishing vessels shall:	
Article 31(1), point (a)				
275	(a) record and report their fishing activities and, verify positions of	(a) record and report their fishing activities and, verify positions of	(a) record and report their fishing activities and, verify positions of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the vessel;	the vessel;	the vessel;	
Article 31(1), point (b)				
276	(b) observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;	(b) observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;	(b) observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;	
Article 31(1), point (c)				
277	(c) record gear type, mesh size and attachments employed by the master;	(c) record gear type, mesh size and attachments employed by the master;	(c) record gear type, mesh size and attachments employed by the master;	
Article 31(1), point (d)				
278	(d) collect information to enable the cross-checking of entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and	(d) collect information to enable the cross-checking of entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and	(d) collect information to enable the cross-checking of entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31(1), point (e)				
279	(e) carry out scientific work as requested by the IOTC Scientific Committee.	(e) carry out scientific work as requested by the IOTC Scientific Committee.	(e) carry out scientific work as requested by the IOTC Scientific Committee.	
Article 31(2)				
280	2. The observer shall, within 30 days of completion of each trip, provide a report to the flag Member State. The report shall be provided by area of 1°latitude by 1°longitude. Member States shall send to the Commission within 140 days from reception, each report, but shall ensure that the reports from observer placed on the longline fleet are sent in continuous flow through the year. The Commission shall forward within 10 days the reports to the IOTC Secretariat.	2. The observer shall, within 30 days of completion of each trip, provide a report to the flag Member State. The report shall be provided by area of 1°latitude by 1°longitude. Member States shall send to <u>EFCA with</u> the Commission <u>in copy</u> within 140 days from reception, each report, but shall ensure that the reports from observer placed on the longline fleet are sent in continuous flow through the year. The Commission <u>EFCA</u> shall forward within 10 days the reports to the IOTC Secretariat.	2. The observer shall, within 30 days of completion of each trip, provide a report to the flag Member State. The report shall be provided by area of 1°latitude by 1°longitude. Member States shall send to the Commission within 140 days from reception, each report, but shall ensure that the reports from observer placed on the longline fleet are sent in continuous flow through the year. The Commission shall forward within 10 days the reports to the IOTC Secretariat.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Article 32				
281	Article 32 Field samplers	Article 32 Field samplers	Article 32 Field samplers	
Article 32(1)				
282	1. Field samplers shall monitor the number of landings by Union artisanal fishing vessels at the landing place. As regards artisanal fishing vessels, the samplers should cover at least 5% of the total number of fishing trips by such vessels or of the total number of active fishing vessels.	1. Field samplers shall monitor the number of landings by Union artisanal fishing vessels at the landing place. As regards artisanal fishing vessels, the samplers should cover at least 5% of the total number of fishing trips by such vessels or of the total number of active fishing vessels.	1. Field samplers shall monitor the number of landings by Union artisanal fishing vessels at the landing place. As regards artisanal fishing vessels, the samplers should cover at least 5% of the total number of fishing trips by such vessels or of the total number of active fishing vessels.	
Article 32(2)				
283	2. Field samplers shall collect information on land during	2. Field samplers shall collect information on land during	2. Field samplers shall collect information on land during	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	unloading of fishing vessels. Field sampling programmes can be used for quantifying catch, retained bycatch and collecting tag returns.	unloading of fishing vessels. Field sampling programmes can be used for quantifying catch, retained bycatch and collecting tag returns.	unloading of fishing vessels. Field sampling programmes can be used for quantifying catch, retained bycatch and collecting tag returns.	
Article 32(3)				
284	3. Field samplers shall monitor catches at the landing place with a view to estimating catch-at-size by type of boat, gear and species, or carry out such scientific work as requested by the IOTC Scientific Committee.	3. Field samplers shall monitor catches at the landing place with a view to estimating catch-at-size by type of boat, gear and species, or carry out such scientific work as requested by the IOTC Scientific Committee.	3. Field samplers shall monitor catches at the landing place with a view to estimating catch-at-size by type of boat, gear and species, or carry out such scientific work as requested by the IOTC Scientific Committee.	
Article 33				
285	Article 33 Member States obligations	Article 33 Member States obligations	Article 33 Member States obligations	
Article 33(1)				
286	1. Member States shall recruit qualified observers to place on-	1. Member States shall recruit qualified observers to place on-	1. Member States shall recruit qualified observers to place on-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	board vessels flying their flag.	board vessels flying their flag.	board vessels flying their flag.	
Article 33(2), introductory part				
287	2. Member States shall:	2. Member States shall:	2. Member States shall:	
Article 33(2), point (a)				
288	(a) take the necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;	(a) take the necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;	(a) take the necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;	
Article 33(2), point (b)				
289	(b) ensure that observers alternate vessels between their assignments;	(b) ensure that observers alternate vessels between their assignments;	(b) ensure that observers alternate vessels between their assignments;	
Article 33(2), point (c)				
290	(c) ensure that the vessel on which an observer is placed shall provide	(c) ensure that the vessel on which an observer is placed shall provide	(c) ensure that the vessel on which an observer is placed shall provide	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	suitable food and lodging during the observer's deployment of the same level as that of the officers, where possible;	suitable food and lodging during the observer's deployment of the same level as that of the officers <u>on board</u> , where possible;	suitable food and lodging during the observer's deployment of the same level as that of the officers, where possible;	
Article 33(2), point (d)				
291	(d) ensure that the master of a vessel cooperates with observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded; and	(d) ensure that the master of a vessel cooperates with observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded; and	(d) ensure that the master of a vessel cooperates with observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded; and	
Article 33(2), point (e)				
292	(e) bear the cost of the observer scheme.	(e) bear the cost of the observer scheme.	(e) bear the cost of the observer scheme.	
Article 33(3)				
293	3. Member States shall report the number of vessels monitored and	3. Member States shall report the number of vessels monitored and	3. Member States shall report the number of vessels monitored and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the coverage achieved by gear type to the Commission, in accordance with Article 51(6).	the coverage achieved by gear type to the Commission <u>with EFCA in copy</u> , in accordance with Article 51(6). EFCA	the coverage achieved by gear type to the Commission, in accordance with Article 51(6).	
Section 4				
294	Section 4 Monitoring and surveillance	Section 4 Monitoring and surveillance	Section 4 Monitoring and surveillance	
Article 34				
295	Article 34 Vessel monitoring system	Article 34 Vessel monitoring system	Article 34 Vessel monitoring system <u>(VMS)</u>	
Article 34(1)				
296	1. Member States shall, no later than two working days following detection or notification of technical failure or non-functioning	1. Member States shall, no later than two working days following detection or notification of technical failure or non-functioning	1. Member States shall, no later than two working days following detection or notification of technical failure or non-functioning	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the vessel monitoring device on board a Union fishing vessel, forward the geographical position of the vessel to the IOTC Secretariat, or shall ensure that these positions are forwarded to the IOTC Secretariat by the master or the owner of the vessel, or their representative.	of the vessel monitoring device on board a Union fishing vessel, forward the geographical position of the vessel to the IOTC Secretariat, or shall ensure that these positions are forwarded to the IOTC Secretariat by the master or the owner of the vessel, or their representative.	of the vessel monitoring device on board a Union fishing vessel, forward the geographical position of the vessel to the IOTC Secretariat, or shall ensure that these positions are forwarded to the IOTC Secretariat by the master or the owner of the vessel, or their representative.	
Article 34(2)				
297	2. Where a Member State suspects that one or more on-board vessel monitoring device on board the vessel of another flag Member State or another CPC does not meet required operational conditions, or have been tampered with, it shall immediately notify the Commission that will forward the notification to IOTC Secretariat and the vessel's flag State.	2. Where a Member State suspects that one or more on-board vessel monitoring device on board the vessel of another flag Member State or another CPC does not meet required operational conditions, or have been tampered with, it shall immediately notify <u>EFCA with the Commission</u> that will <u>in copy.</u> <u>EFCA shall</u> forward the notification to IOTC Secretariat and the vessel's flag State. <u>EFCA</u>	2. Where a Member State suspects that one or more on-board vessel monitoring device <u>devices</u> on board the vessel of another flag Member State or another CPC does do not meet required operational conditions, or have been tampered with, it shall immediately notify the Commission. <u>The Commission shall</u> that will forward the notification to <u>the</u> IOTC Secretariat and the vessel's flag State.	
Article 35				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
298	Article 35 Chartering	Article 35 Chartering	Article 35 Chartering	
Article 35(1), introductory part				
299	1. Chartering shall be subject to the following conditions:	1. Chartering shall be subject to the following conditions:	1. Chartering shall be subject to the following conditions:	
Article 35(1), point (a)				
300	(a) the flag CPC has consented in writing to the chartering agreement;	(a) the flag CPC has consented in writing to the chartering agreement;	(a) the flag CPC has consented in writing to the chartering agreement;	
Article 35(1), point (b)				
301	(b) the duration of the fishing operation under the chartering agreement does not exceed 12 months cumulatively in any calendar year;	(b) the duration of the fishing operation under the chartering agreement does not exceed 12 months cumulatively in any calendar year;	(b) the duration of the fishing operation under the chartering agreement does not exceed 12 months cumulatively in any calendar year;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 35(1), point (c)				
302	(c) fishing vessels to be chartered shall be registered with the responsible CPC which explicitly agree to comply with the CMM and enforce them on their vessels. All flag CPC shall effectively fulfil their duty to control their fishing vessels to ensure compliance with CMM;	(c) fishing vessels to be chartered shall be registered with the responsible CPC which explicitly agree to comply with the CMM and enforce them on their vessels. All flag CPC shall effectively fulfil their duty to control their fishing vessels to ensure compliance with CMM;	(c) fishing vessels to be chartered shall be registered with the responsible CPC which explicitly agree to comply with the CMM <u>CMMs</u> and enforce them on their vessels. All flag CPC shall effectively fulfil their duty to control their fishing vessels to ensure compliance with CMM <u>CMMs</u> ;	
Article 35(1), point (d)				
303	(d) fishing vessels to be chartered shall be on the IOTC record referred to in Article 24, authorised to operate in the Area;	(d) fishing vessels to be chartered shall be on the IOTC record referred to in Article 24, authorised to operate in the Area;	(d) fishing vessels to be chartered shall be on the IOTC record referred to in Article 24, authorised to operate in the Area;	
Article 35(1), point (e)				
304	(e) if the chartered vessel is allowed by the chartering CPC to operate in the high seas, the flag CPC shall be responsible for	(e) if the chartered vessel is allowed by the chartering CPC to operate in the high seas, the flag CPC shall be responsible for	(e) if the chartered vessel is allowed by the chartering CPC to operate in the high seas, the flag CPC shall be responsible for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	controlling the high seas fishing conducted pursuant to the charter arrangement;	controlling the high seas fishing conducted pursuant to the charter arrangement;	controlling the high seas fishing conducted pursuant to the charter arrangement;	
Article 35(1), point (f)				
305	(f) chartered vessels shall report Vessels Monitoring Scheme (VMS) and catch data to both the chartering CPC and flag CPC, and to the IOTC Secretariat, as provided in the Charter Notification Scheme detailed in Annex 6;	(f) chartered vessels shall report Vessels Monitoring Scheme (VMS) and catch data to both the chartering CPC and flag CPC, and to the IOTC Secretariat, as provided in the Charter Notification Scheme detailed in Annex 6;	(f) chartered vessels shall report Vessels Monitoring Scheme (VMS) and catch data to both the chartering CPC and flag CPC, and to the IOTC Secretariat, as provided in the Charter Notification Scheme detailed <u>set out</u> in Annex 6;	
Article 35(1), point (g)				
306	(g) all catches, including bycatches and discards, taken pursuant to the chartering agreement shall be counted against quota or fishing possibilities of the chartering CPC. The observer coverage on board such chartered vessels shall be counted against the coverage rate of the chartering CPC for its fishing activity under	(g) all catches, including bycatches and discards, taken pursuant to the chartering agreement shall be counted against quota or fishing possibilities of the chartering CPC. The observer coverage on board such chartered vessels shall be counted against the coverage rate of the chartering CPC for its fishing activity— <u>under</u>	(g) all catches, including bycatches and discards, taken pursuant to the chartering agreement shall be counted against quota or fishing possibilities of the chartering CPC. The observer coverage on board such chartered vessels shall be counted against the coverage rate of the chartering CPC for its fishing activity— <u>under</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the charter agreement;	the charter agreement <u>period</u> ;	the charter agreement;	
Article 35(1), point (h)				
307	(h) the chartering CPC shall report to the IOTC all catches, including bycatches and discards, and other information required by the IOTC;	(h) the chartering CPC shall report to the IOTC all catches, including bycatches and discards, and other information required by the IOTC;	(h) the chartering CPC shall report to the IOTC all catches, including bycatches and discards, and other information required by the IOTC;	
Article 35(1), point (i)				
308	(i) chartered vessels shall be duly equipped with VMS, and fishing gear shall be marked for effective fishery management;	(i) chartered vessels shall be duly equipped with VMS, and fishing gear shall be marked for effective fishery management;	(i) chartered vessels shall be duly equipped with VMS, and fishing gear shall be marked for effective fishery management;	
Article 35(1), point (j)				
309	(j) observer coverage of at least 5% of fishing effort;	(j) observer coverage of at least 5% of fishing effort;	(j) observer coverage of at least 5 % of fishing effort;	
Article 35(1), point (k)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
310	(k) chartered vessels shall have a fishing license issued by the chartering CPC, and shall not be on the IOTC IUU list;	(k) chartered vessels shall have a fishing license issued by the chartering CPC, and shall not be on the IOTC IUU list, <u>Community IUU vessel list or in any other IUU vessel list of other regional fisheries management organisation</u> ;	(k) chartered vessels shall have a fishing license issued by the chartering CPC, and shall not be on the IOTC IUU <u>vessel list, that of any other regional fisheries management organisation or on the Union IUU vessel</u> list;	
Article 35(1), point (l)				
311	(l) chartered vessels shall not be authorised to use the quota of the flag CPC, and in no case, shall the vessel be authorised to fish under more than one chartering agreement at the same time;	(l) chartered vessels shall not be authorised to use the quota of the flag CPC, and in no case, shall the vessel be authorised to fish under more than one chartering agreement at the same time;	(l) chartered vessels shall not be authorised to use the quota of the flag CPC, and in no case, shall the vessel be authorised to fish under more than one chartering agreement at the same time;	
Article 35(1), point (m)				
312	(m) landing shall take place in the ports of the CPC, or under the direct supervision of CPC, in order to assure that the activities of the chartered vessels do not undermine	(m) landing shall take place in the ports of the CPC, or under the direct supervision of CPC, in order to assure that the activities of the chartered vessels do not undermine	(m) landing shall take place in the ports of the CPC, or under the direct supervision of CPC, in order to assure that the activities of the chartered vessels do not undermine	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	CMM.	CMM.	CMM <u>CMMs</u> .	
Article 36				
313	Article 36 Charter notification scheme	Article 36 Charter notification scheme	Article 36 Charter notification scheme	
Article 36(1), introductory part				
314	1. The chartering Member State shall notify the Commission of any vessel to be identified as chartered in accordance with this Article without delay and no later than 50 hours before commencement of fishing activities under a charter agreement, by submitting electronically and without delay the following information with respect to each chartered vessel:	1. The chartering Member State shall notify the Commission <u>with EFCA in copy</u> of any vessel to be identified as chartered in accordance with this Article without delay <u>within 15 days</u> and no later than 50 <u>72</u> hours before commencement of fishing activities under a charter agreement, by submitting electronically and without delay the following information with respect to each chartered vessel: EFCA	1. The chartering Member State shall notify the Commission of any vessel to be identified as chartered in accordance with this Article without delay and no later than 50 hours before commencement of fishing activities under a charter agreement, by submitting electronically and without delay the following information with respect to each chartered vessel:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 36(1), point (a)				
315	(a) the name (in both original registration language and Latin alphabets) and registration of the chartered vessel, and IMO number:	(a) the name (in both original registration language and Latin alphabets) and registration of the chartered vessel, and IMO number:	(a) the name (in both original registration language and Latin alphabets) and registration of the chartered vessel, and IMO number:	
Article 36(1), point (b)				
316	(b) the name and contact address of the beneficial owner of the vessel;	(b) the name and contact address of the beneficial owner of the vessel;	(b) the name and contact address of the beneficial owner of the vessel;	
Article 36(1), point (c)				
317	(c) the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;	(c) the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;	(c) the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;	
Article 36(1), point (d)				
318				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) a copy of the chartering agreement and any fishing authorisation or license it has issued to the vessel, including the quota allocation or fishing possibility assigned to the vessel, and the duration of the chartering arrangement;	(d) a copy of the chartering agreement and any fishing authorisation or license it has issued to the vessel, including the quota allocation or fishing possibility assigned to the vessel, and the duration of the chartering arrangement;	(d) a copy of the chartering agreement and any fishing authorisation or license it has issued to the vessel, including the quota allocation or fishing possibility assigned to the vessel, and the duration of the chartering arrangement;	
Article 36(1), point (e)				
319	(e) its consent to the chartering agreement; and	(e) its consent to the chartering agreement; and	(e) its consent to the chartering agreement; and	
Article 36(1), point (f)				
320	(f) the measures adopted to implement these provisions.	(f) the measures adopted to implement these provisions.	(f) the measures adopted to implement these provisions.	
Article 36(2)				
321	2. The flag Member State shall notify the Commission of any vessel to be identified as chartered	2. The flag Member State shall notify the Commission <u>with EFCA in copy</u> of any vessel to be	2. The flag Member State shall notify the Commission of any vessel to be identified as chartered	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in accordance with this Article, without delay and no later than 50 hours before commencement of fishing activities under a charter agreement by submitting electronically the information with respect to each chartered vessel referred to in paragraph 1.	identified as chartered in accordance with this Article, without delay <i>within 17 days</i> and no later than 50 96 hours before commencement of fishing activities under a charter agreement by submitting electronically the information with respect to each chartered vessel referred to in paragraph 1. EFCA	in accordance with this Article, without delay and no later than 50 hours before commencement of fishing activities under a charter agreement by submitting electronically the information with respect to each chartered vessel referred to in paragraph 1.	
Article 36(3), introductory part				
322	3. Upon receiving the information from Member States set out in paragraph 1 or 2, the Commission shall forward the following information to the IOTC Secretariat:	3. Upon receiving the information from Member States set out in paragraph 1 or 2, the Commission shall forward the following information to the IOTC Secretariat:	3. Upon receiving the information from Member States set out in paragraph 1 or 2, the Commission shall forward the following information to the IOTC Secretariat:	
Article 36(3), point (a)				
323	(a) its consent to the chartering agreement;	(a) its consent to the chartering agreement;	(a) its consent to the chartering agreement;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 36(3), point (b)				
324	(b) the measures adopted to implement these provisions; and	(b) the measures adopted to implement these provisions; and	(b) the measures adopted to implement these provisions; and	
Article 36(3), point (c)				
325	(c) its agreement to comply with CMM.	(c) its agreement to comply with CMM.	(c) its agreement to comply with CMM <u>CMMs</u> .	
Article 36(4)				
326	4. Member States referred to in paragraph 1 and 2 shall immediately inform the Commission of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.	4. Member States referred to in paragraph 1 and 2 shall immediately inform the Commission <u>with EFCA in copy</u> of the start, suspension, resumption and termination of the fishing operations under the chartering agreement. EFCA	4. Member States referred to in paragraph 1 and 2 shall immediately inform the Commission of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 36(5)				
327	<p>5. Member States chartering fishing vessels shall report to the Commission by 10 February of each year the particulars of charter agreements made in the previous calendar year, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels in accordance with Article 35(1)(j). The Commission shall forward that information to the IOTC Secretariat by 28 February of each year.</p>	<p>5. Member States chartering fishing vessels shall report to the Commission <u>with EFCA in copy</u> by 10 February of each year the particulars of charter agreements made in the previous calendar year, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels in accordance with Article 35(1)(j). The Commission shall forward that information to the IOTC Secretariat by 28 February of each year.</p> <p>EFCA</p>	<p>5. Member States chartering fishing vessels shall report to the Commission by 10 February of each year the particulars of charter agreements made in the previous calendar year, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels in accordance with Article 35(1)(j). The Commission shall forward that information to the IOTC Secretariat by 28 February of each year.</p>	
Article 37				
328	<p>Article 37 Vessels with no nationality</p>	<p>Article 37 Vessels with no nationality</p>	<p>Article 37 Vessels with no nationality</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 37, first paragraph				
329	Where a Member State's vessel or aircraft makes any sighting of fishing vessels that are suspected of, or confirmed as, being without nationality that may be fishing in the high seas of the Area, that Member State shall report the sighting to the Commission, which shall forward the information to the IOTC Secretariat immediately.	Where a Member State's vessel or aircraft makes any sighting of fishing vessels that are suspected of, or confirmed as, being without nationality that may be fishing in the high seas of the Area, that Member State shall report the sighting to <u>EFCA with the Commission</u> , which in copy. <u>EFCA</u> shall forward the information to the IOTC Secretariat immediately. EFCA	Where a Member State's vessel or aircraft makes any sighting of fishing vessels that are suspected of, or confirmed as, being without nationality that may be fishing in the high seas of the Area, that Member State shall report the sighting to the Commission, which shall forward the information to the IOTC Secretariat immediately.	
Article 38				
330	Article 38 Fishing vessels with flags of convenience	Article 38 Fishing vessels with flags of convenience	Article 38 Fishing vessels with flags of convenience	
Article 38, first paragraph, introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
331	Member States shall, as regards large scale tuna longline vessels with flags of convenience:	Member States shall, as regards large scale tuna longline vessels with flags of convenience (FOCs) :	Member States shall, as regards large scale tuna longline vessels with flags of convenience:	
Article 38, first paragraph, point (a)				
332	(a) refuse landing and transhipment by flag of convenience vessels which are engaged in fishing activities diminishing the effectiveness of measures of this Regulation or adopted by the IOTC;	(a) refuse landing and transhipment by flag of convenience vessels which are engaged in fishing activities diminishing the effectiveness of measures of this Regulation or adopted by the IOTC;	(a) refuse landing and transhipment by flag of convenience vessels which are engaged in fishing activities diminishing the effectiveness of measures of this Regulation or adopted by the IOTC;	
Article 38, first paragraph, point (b)				
333	(b) take every possible action to urge their importers, transporters and other concerned operators to refrain from transacting in and transhipping tunas and tuna-like species caught by vessels carrying out flag of convenience fishing activities;	(b) take every possible action to urge their importers, transporters and other concerned operators to refrain from transacting in and transhipping tunas and tuna-like species caught by vessels carrying out flag of convenience fishing activities;	(b) take every possible action to urge their importers, transporters and other concerned operators to refrain from transacting in and transhipping tunas and tuna-like species caught by vessels carrying out flag of convenience fishing activities;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 38, first paragraph, point (ba)				
333a		<u><i>(ba) inform their general public of FOC fishing activities by tuna longline vessels which diminish the effectiveness of IOTC Conservation and Management Measures and urge them not to purchase fish harvested by such vessels;</i></u>		
Article 38, first paragraph, point (c)				
334	(c) urge their manufacturers and other concerned business people to prevent their vessels and equipment/devices from being used for flag of convenience longline fishing operations; and	(c) urge their manufacturers and other concerned business people to prevent their vessels and equipment/devices from being used for flag of convenience longline fishing operations; and	(c) urge their manufacturers and other concerned business people to prevent their vessels and equipment/devices from being used for flag of convenience longline fishing operations; and	
Article 38, first paragraph, point (d)				
335	(d) monitor and exchange information concerning flag of convenience fishing vessels activities including the port	(d) monitor and exchange information concerning flag of convenience fishing vessels activities including the port	(d) monitor and exchange information concerning flag of convenience fishing vessels activities, including the port	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sampling activities conducted by the IOTC Secretariat.	sampling activities conducted by the IOTC Secretariat.	sampling activities conducted by the IOTC Secretariat.	
Chapter V				
336	Chapter V Catch Data and Access Agreements	Chapter V Catch Data and Access Agreements	Chapter V Catch Data and Access Agreements	
Section 1				
337	Section 1 Control of catch data	Section 1 Control of catch data	Section 1 Control of catch data	
Article 39				
338	Article 39 Record of catch and effort data	Article 39 Record of catch and effort data	Article 39 Record of catch and effort data	
Article 39(1)				
339	1. Union fishing vessels shall keep	1. Union fishing vessels shall keep	1. Union fishing vessels shall keep	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	an electronic logbook to record data that includes, as minimum requirements, the information and data set out in Annex 1.	an electronic logbook to record data that includes, as minimum requirements, the information and data set out in Annex 1.	an electronic logbook to record data that includes, as minimum requirements, the information and data set out in Annex 1.	
Article 39(2)				
340	2. The logbook shall be completed by the master of the fishing vessel and be submitted to the flag Member State, as well as to the coastal State in whose EEZ the Union fishing vessel has fished. Only the part of the logbook corresponding to the activity deployed in the coastal State EEZ shall be provided to the coastal State.	2. The logbook shall be completed by the master of the fishing vessel and be submitted to the flag Member State, as well as to the coastal State in whose EEZ the Union fishing vessel has fished. Only the part of the logbook corresponding to the activity deployed in the coastal State EEZ shall be provided to the coastal State.	2. The logbook shall be completed by the master of the fishing vessel and be submitted to the flag Member State, as well as to the coastal State in whose EEZ the Union fishing vessel has fished. Only the part of the logbook corresponding to the activity deployed in the coastal State EEZ shall be provided to the coastal State.	
Article 39(3)				
341	3. Member States shall report to the Commission all the data for any given year on an aggregated basis in their annual reports, in accordance with Article 51(1).	3. Member States shall report to the Commission <u>with EFCA in copy</u> all the data for any given year on an aggregated basis in their annual reports, in accordance with Article 51(1).	3. Member States shall report to the Commission all the data for any given year on an aggregated basis in their annual reports, in accordance with Article 51(1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Article 40				
342	Article 40 Bigeye tuna catch certificate	Article 40 Bigeye tuna catch certificate	Article 40 Bigeye tuna catch certificate	
Article 40(1)				
343	1. All bigeye tuna imported into the territory of a Member State, shall be accompanied by an IOTC Bigeye Tuna Statistical Document, as provided in Appendix 1 of Annex I to CMM 01/06, or an IOTC bigeye tuna re-export certificate which meets the requirements of Appendix 2 of Annex I to CMM 01/06.	1. All bigeye tuna imported into the territory of a Member State, shall be accompanied by an IOTC Bigeye Tuna Statistical Document, as provided for in the <u>in Appendix 9 of Annex I to CMM 01/06 6a to this Regulation</u> , or an IOTC bigeye tuna re-export certificate which meets the requirements of Appendix 2 as provided for in the Appendix to the Annex referred to in point 10 of Annex I to CMM 01/06 6a to this Regulation .	1. All bigeye tuna imported into the territory of a Member State, shall be accompanied by an IOTC Bigeye Tuna Statistical Document, as provided in Appendix 1 of Annex I to CMM 01/06 8 , or an IOTC bigeye tuna re-export certificate which meets the requirements of Appendix 2 of Annex I to CMM 01/06 9 .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Annexes		
Article 40(2)				
344	2. By way of derogation from paragraph 1, bigeye tuna caught by purse seine vessel or pole and line (bait) vessels and destined principally for the canneries in the Area are not subject to this statistical requirement.	2. By way of derogation from paragraph 1, bigeye tuna caught by purse seine vessel or pole and line (bait) vessels and destined principally for the canneries in the Area are not subject to this statistical requirement.	2. By way of derogation from paragraph 1, bigeye tuna caught by purse seine vessel or pole and line (bait) vessels and destined principally for the canneries in the Area are not subject to this statistical requirement.	
Article 40(3), introductory part				
345	3. The documents referred to paragraph 1 shall be validated in accordance with the format set out in Appendix 4 of Annex I to CMM 01/06, in accordance with the following:	3. The documents referred to <u>in</u> paragraph 1 shall be validated in accordance with the format set out in Appendix 4 <u>the Annex referred to in point 11</u> of Annex I to CMM 01/06 <u>6a to this Regulation</u> , in accordance with the following <u>principles</u> :	3. The documents referred to paragraph 1 shall be validated in accordance with the format set out in Appendix 4 of Annex <u>IV</u> to CMM 01/06, in accordance <u>with 03/03 and</u> the following <u>rules</u> :	
		Annexes		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40(3), point (a)				
346	(a) IOTC bigeye tuna statistical document shall be validated by the flag Member State of the vessel that caught the tuna, or if the vessel is operating under a charter arrangement, by the State that exported the tuna; and	(a) IOTC bigeye tuna statistical document shall be validated by the flag Member State of the vessel that caught the tuna, or if the vessel is operating under a charter arrangement, by the State that exported the tuna; and	(a) <u>the</u> IOTC bigeye tuna statistical document shall be validated by the flag Member State of the vessel that caught the tuna, or if the vessel is operating under a charter arrangement, by the State that exported the tuna; and	
Article 40(3), point (b)				
347	(b) IOTC bigeye tuna re-export certificate shall be validated by the State that re-exported the tuna;	(b) IOTC bigeye tuna re-export certificate shall be validated by the State that re-exported the tuna;	(b) <u>the</u> IOTC bigeye tuna re-export certificate shall be validated by the State that re-exported the tuna;	
Article 40(3), point (c)				
348	(c) statistical documents for bigeye tuna caught by Union vessels, may be validated by the Member State where the products are landed, provided the corresponding quantities of bigeye tuna are exported outside the	(c) statistical documents for bigeye tuna caught by Union vessels, may be validated by the Member State where the products are landed, provided the corresponding quantities of bigeye tuna are exported outside the	(c) statistical documents for bigeye tuna caught by Union vessels, may be validated by the Member State where the products are landed, provided the corresponding quantities of bigeye tuna are exported outside the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union from the territory of the Member States of landing.	Union from the territory of the Member States of landing.	Union from the territory of the Member States of landing.	
Article 40(4)				
349	4. By 15 March of each year (for the period from 1 July to 31 December of the previous year) and 15 September (for the period from 1 January to 30 June of the current year) Member States that import bigeye tuna shall report to the Commission the data collected under the bigeye tuna statistical document programme, using the format of Appendix 3 of Annex I to CMM 01/06. The Commission shall examine the information and shall transmit it to the IOTC Secretariat by 1 April and 1 October respectively.	4. By 15 March of each year (for the period from 1 July to 31 December of the previous year) and 15 September (for the period from 1 January to 30 June of the current year) Member States that import bigeye tuna shall report to the Commission <u>with EFCA in copy</u> the data collected under the bigeye tuna statistical document programme, using the format of Appendix 3 <u>the Annex referred to in point 12</u> of Annex I to CMM 01/06 <u>6a to this Regulation</u> . The Commission shall examine the information and shall transmit it to the IOTC Secretariat by 1 April and 1 October respectively. EFCA Annexes	4. By 15 March of each year (for the period from 1 July to 31 December of the previous year) and 15 September (for the period from 1 January to 30 June of the current year) Member States that import bigeye tuna shall report to the Commission the data collected under the bigeye tuna statistical document programme, using the format of Appendix 3 of <u>set out in</u> Annex III to CMM 01/06 <u>03/03</u> . The Commission shall examine the information and shall transmit it to the IOTC Secretariat by 1 April and 1 October respectively.	
Article 40(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
350	5. Member States which export bigeye tuna shall examine export data upon receiving the import data referred to in paragraph 4, and shall report the results to the Commission annually, in accordance with Article 51(5).	5. Member States which export bigeye tuna shall examine export data upon receiving the import data referred to in paragraph 4, and shall report the results to the Commission <i>with EFCA in copy</i> annually, in accordance with Article 51(5). EFCA	5. Member States which export bigeye tuna shall examine export data upon receiving the import data referred to in paragraph 4, and shall report the results to the Commission annually, in accordance with Article 51(5).	
Chapter VI				
351	Chapter VI Port State Measures, Inspection, Enforcement and IUU	Chapter VI Port State Measures, Inspection, Enforcement and IUU	Chapter VI Port State Measures, Inspection, Enforcement and IUU	
Section 1				
352	Section 1 Port state measures	Section 1 Port state measures	Section 1 Port state measures	
Article 41				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
353	Article 41 Points of contact and designated ports	Article 41 Points of contact and designated ports	Article 41 Points of contact and designated ports	
Article 41(1), introductory part				
354	1. A Member State wishing to grant access to its ports to third country fishing vessels carrying IOTC species caught in the Area or fishery products originating from IOTC species that have not been previously landed or transhipped shall:	1. A Member State wishing to grant access to its ports to third country fishing vessels carrying IOTC species caught in the Area or fishery products originating from IOTC species that have not been previously landed or transhipped shall:	1. A Member State wishing to grant access to its ports to third country fishing vessels carrying IOTC species caught in the Area or fishery products originating from IOTC species that have not been previously landed or transhipped shall:	
Article 41(1), point (a)				
355	(a) designate the port to which third country fishing vessels may request entry pursuant to Article 5 of Regulation (EC) No 1005/2008;	(a) designate the port to which third country fishing vessels may request entry pursuant to Article 5 of Regulation (EC) No 1005/2008;	(a) designate the port to which third country fishing vessels may request entry pursuant to Article 5 of Regulation (EC) No 1005/2008;	
Article 41(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
356	(b) designate a point of contact for the purposes of receiving prior notice pursuant to Article 6 of Regulation (EC) No 1005/2008;	(b) designate a point of contact for the purposes of receiving prior notice pursuant to Article 6 of Regulation (EC) No 1005/2008;	(b) designate a point of contact for the purposes of receiving prior notice pursuant to Article 6 of Regulation (EC) No 1005/2008;	
Article 41(1), point (c)				
357	(c) designate a point of contact for the purposes of receiving inspection reports pursuant to Article 11(3) of Regulation (EC) No 1005/2008.	(c) designate a point of contact for the purposes of receiving inspection reports pursuant to Article 11(3) of Regulation (EC) No 1005/2008.	(c) designate a point of contact for the purposes of receiving inspection reports pursuant to Article 11(3) of Regulation (EC) No 1005/2008.	
Article 41(2)				
358	2. Member States shall transmit any changes to the list of designated points of contact and designated ports to the Commission at least 30 days before the changes take effect. The Commission shall forward that information to the IOTC Secretariat at least 15 days before the changes take effect.	2. Member States shall transmit any changes to the list of designated points of contact and designated ports to <i>EFCA with the Commission in copy</i> at least 30 days before the changes take effect. The Commission <i>EFCA</i> shall forward that information to the IOTC Secretariat at least 15 days before the changes take effect.	2. Member States shall transmit any changes to the list of designated points of contact and designated ports to the Commission at least 30 days before the changes take effect. The Commission shall forward that information to the IOTC Secretariat at least 15 days before the changes take effect.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA		
Article 42				
359	Article 42 Prior notice	Article 42 Prior notice	Article 42 Prior notice	
Article 42(1)				
360	1. By way of derogation from Article 6 (1) of Regulation (EC) No 1005/2008, the period for prior notification shall be at least 48 hours before the estimated time of arrival at the port.	1. By way of derogation from Article 6 (1) of Regulation (EC) No 1005/2008, the period for prior notification shall be at least 48 24 hours before the estimated time of arrival at the port <u>or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours.</u>	1. By way of derogation from Article 6 (1) of Regulation (EC) No 1005/2008, the period for prior notification shall be at least 48 24 hours before the estimated time of arrival at the port <u>or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours.</u>	
Article 42(2)				
361	2. By way of derogation from	2. By way of derogation from	2. By way of derogation from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6(1) of Regulation (EC) No 1005/2008, the information to be provided by masters of third country fishing vessels or their representatives, shall be that required under Annex I to CMM 16/11 which shall be accompanied by a catch certificate validated in accordance with Chapter III of Regulation (EC) No 1005/2008 if the third country fishing vessel carries on board IOTC fishery products.	Article 6(1) of Regulation (EC) No 1005/2008, the information to be provided by masters of third country fishing vessels or their representatives, shall be that required under <u>the Annex to CMM 16/11 referred to in point 13 of Annex 6a to this Regulation</u> which shall be accompanied by a catch certificate validated in accordance with Chapter III of Regulation (EC) No 1005/2008 if the third country fishing vessel carries on board IOTC fishery products. Annexes	Article 6(1) of Regulation (EC) No 1005/2008, the information to be provided by masters of third country fishing vessels or their representatives, shall be that required under Annex to CMM 16/11 <u>10</u> , which shall be accompanied by a catch certificate validated in accordance with Chapter III of Regulation (EC) No 1005/2008 if the third country fishing vessel carries on board IOTC fishery products.	
Article 42(3)				
362	3. The prior notice referred to in Article 6 of Regulation (EC) No 1005/2008 and the information required under paragraph 2 of this Article may be transmitted electronically by means of the e-PSM application. ¹ _____	3. The prior notice referred to in Article 6 of Regulation (EC) No 1005/2008 and the information required under paragraph 2 of this Article may be transmitted electronically by means of the e-PSM application <u>by e-PSM</u> . ⁴ _____	3. The prior notice referred to in Article 6 of Regulation (EC) No 1005/2008 and the information required under paragraph 2 of this Article may be transmitted electronically by means of <u>the through</u> e-PSM application. ⁴ _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. https://www.iotc.org/compliance/port-state-measures	1. https://www.iotc.org/compliance/port-state-measures	1. https://www.iotc.org/compliance/port-state-measures	
Article 42(4)				
363	4. Port Member States may request any additional information in order to determine whether the fishing vessels referred to in paragraph 1 have engaged in IUU fishing or related activities.	4. Port Member States may request any additional information in order to determine whether the fishing vessels referred to in paragraph 1 have engaged in IUU fishing or related activities.	4. Port Member States may request any additional information in order to determine whether the fishing vessels referred to in paragraph 1 have engaged in IUU fishing or related activities.	
Article 43				
364	Article 43 Authorisation to enter, land and tranship in ports	Article 43 Authorisation to enter, land and tranship in ports	Article 43 Authorisation to enter, land and tranship in ports	
Article 43(1)				
365	1. After receiving the relevant information pursuant to Article 42 of this Regulation, a port Member State shall decide whether to	1. After receiving the relevant information pursuant to Article 42 of this Regulation, a port Member State shall decide whether to	1. After receiving the relevant information pursuant to Article 42 of this Regulation, a port Member State shall decide whether to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorise or deny the third country fishing vessel entry into and use of its ports. Where a third country fishing vessel has been denied entry, the port Member State shall inform the flag State of the vessel and the Commission which shall forward the information to the IOTC Secretariat without delay. Port Member States shall deny entry to fishing vessels included in the IOTC list of IUU vessels.	authorise or deny the third country fishing vessel entry into and use of its ports. Where a third country fishing vessel has been denied entry, the port Member State shall inform the flag State of the vessel and <u>EFCA with</u> the Commission which <u>in copy. EFCA</u> shall forward the information to the IOTC Secretariat without delay. Port Member States shall deny entry to fishing vessels included in the IOTC list of IUU vessels, <u>Community IUU vessel list or in any other IUU vessel list of other regional fisheries management organisation.</u> EFCA	authorise or deny the third country fishing vessel entry into and use of its ports. Where a third country fishing vessel has been denied entry, the port Member State shall inform the flag State of the vessel and the Commission which shall forward the information to the IOTC Secretariat without delay. Port Member States shall deny entry to fishing vessels included in the IOTC <u>IUU vessel list, that of any other regional fisheries management organisation or the Community IUU vessel list</u> list of IUU vessels.	
Article 43(2)				
366	2. Where a prior notice has been received by means of the e-PSM the port Member State shall communicate its decision to authorise or deny entry into port through the same application.	2. Where a prior notice has been received by means of the e-PSM the port Member State shall communicate its decision to authorise or deny entry into port through the same application.	2. Where a prior notice has been received by means of the e-PSM <u>through e-PSM application,</u> the port Member State shall communicate its decision to authorise or deny entry into port through the same application.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 43(3)				
367	<p>3. Pursuant to Article 8(1) of Regulation (EC) No 1005/2008, in the case of carrier vessels, the declaration required shall be an IOTC transshipment declaration and shall submit such declaration at least 48 hours prior to the intended time of landing. The Member States where transshipments are to be landed shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State of the carrier vessel, any port State involved in the transshipments to be landed and the flag states of the catching fishing vessels involved to ensure that landings are consistent with the reported catch amount of each catching fishing vessel. This verification shall be carried out in such a way that the carrier vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.</p>	<p>3. Pursuant to Article 8(1) of Regulation (EC) No 1005/2008, in the case of carrier vessels, the declaration required shall be an IOTC transshipment declaration and shall submit such declaration at least 48 hours prior to the intended time of landing. The Member States where transshipments are to be landed shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State of the carrier vessel, any port State involved in the transshipments to be landed and the flag states of the catching fishing vessels involved to ensure that landings are consistent with the reported catch amount of each catching fishing vessel. This verification shall be carried out in such a way that the carrier vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.</p>	<p>3. Pursuant to Article 8(1) of Regulation (EC) No 1005/2008, in the case of carrier vessels, the declaration required shall be an IOTC transshipment declaration and shall submit such declaration at least 48 hours prior to the intended time of landing. The Member States where transshipments are to be landed shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag State of the carrier vessel, any port State involved in the transshipments to be landed and the flag states of the catching fishing vessels involved to ensure that landings are consistent with the reported catch amount of each catching fishing vessel. This verification shall be carried out in such a way that the carrier vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 43(4)				
368	4. Where a landing or transshipment declaration is received by the port Member State from a catching fishing vessel pursuant to Article 8(1) of Regulation (EC) No 1005/2008, the port Member States shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC to ensure that landings and/or transshipments are consistent with the amount of catches reported for each catching vessel.	4. Where a landing or transshipment declaration is received by the port Member State from a catching fishing vessel pursuant to Article 8(1) of Regulation (EC) No 1005/2008, the port Member States shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC to ensure that landings and/or transshipments are consistent with the amount of catches reported for each catching vessel.	4. Where a landing or transshipment declaration is received by the port Member State from a catching fishing vessel pursuant to Article 8(1) of Regulation (EC) No 1005/2008, the port Member States shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC to ensure that landings and/or transshipments are consistent with the amount of catches reported for each catching vessel.	
Article 43(5)				
369	5. Each port Member State shall submit to the Commission by 15 June of each year, the list of fishing vessels that are not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the Area in the preceding calendar year. This information shall be included in the	5. Each port Member State shall submit to <i>EFCA with the Commission in copy</i> by 15 June of each year, the list of fishing vessels that are not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the Area in the preceding calendar year. This	5. Each port Member State shall submit to the Commission by 15 June of each year, the list of fishing vessels that are not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the Area in the preceding calendar year. This information shall be included in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate IOTC report template and shall detail the catch composition by weight and species landed. The Commission shall examine such reports and transmit it to the IOTC Secretariat by 30 June of each year.	information shall be included in the appropriate IOTC report template and shall detail the catch composition by weight and species landed. The Commission <u>EFCA</u> shall examine such reports and transmit it to the IOTC Secretariat by 30 June of each year, <u>with the Commission in copy</u> . EFCA	appropriate IOTC report template and shall detail the catch composition by weight and species landed. The Commission shall examine such reports and transmit it to the IOTC Secretariat by 30 June of each year.	
Section 2				
370	Section 2 Inspection	Section 2 Inspection	Section 2 Inspection	
Article 44				
371	Article 44 Port inspection	Article 44 Port inspection	Article 44 Port inspection	
Article 44(1)				
372				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Each year, port Member State shall inspect in their designated ports at least 5% of all landings or transshipments related to IOTC species made by fishing vessels that are not flagged to that port Member State.	1. Each year, port Member State shall inspect in their designated ports at least 5% of all landings or transshipments related to IOTC species made by fishing vessels that are not flagged to that port Member State.	1. Each year, port Member State shall inspect in their designated ports at least 5% of all landings or transshipments related to IOTC species made by fishing vessels that are not flagged to that port Member State.	
Article 44(2)				
373	2. Inspections shall involve the monitoring of the entire landing or transshipment and include a cross-check between the quantities, by species, recorded in the prior notice and the quantities by species actually landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities (by species) of fish remaining on board.	2. Inspections shall involve the monitoring of the entire landing or transshipment and include a cross-check between the quantities, by species, recorded in the prior notice and the quantities by species actually landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities (by species) of fish remaining on board.	2. Inspections shall involve the monitoring of the entire landing or transshipment and include a cross-check between the quantities, by species, recorded in the prior notice and the quantities by species actually landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities (by species) of fish remaining on board.	
Article 45				
374	Article 45	Article 45	Article 45	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Inspection procedure	Inspection procedure	Inspection procedure	
Article 45(1)				
375	1. This Article shall apply in addition to the rules on the inspection procedure laid down in Article 10 of Regulation (EC) No 1005/2008.	1. This Article shall apply in addition to the rules on the inspection procedure laid down in Article 10 of Regulation (EC) No 1005/2008.	1. This Article shall apply in addition to the rules on the inspection procedure laid down in Article 10 of Regulation (EC) No 1005/2008.	
Article 45(2)				
376	2. Inspectors from port Member States shall be properly qualified inspectors authorised for that purpose, and shall carry a valid document of identity that they shall present to the master of the vessel to be inspected.	2. Inspectors from port Member States shall be properly qualified inspectors authorised for that purpose, and shall carry a valid document of identity that they shall present to the master of the vessel to be inspected.	2. Inspectors from port Member States shall be properly qualified inspectors authorised for that purpose, and shall carry a valid document of identity that they shall present to the master of the vessel to be inspected.	
Article 45(3)				
377	3. As a minimum standard port Member States shall ensure that	3. As a minimum standard port Member States shall ensure that	3. As a minimum standard port Member States shall ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>their inspectors carry out the tasks set out in Annex II to CMM 16/11. Port Member States, in carrying out inspections in their ports, shall require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof.</p>	<p>their inspectors carry out the tasks set out in the Annex II to CMM 16/11 <u>referred to in point 14 of Annex 6a to this Regulation</u>. Port Member States, in carrying out inspections in their ports, shall require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof.</p> <p>Annexes</p>	<p>their inspectors carry out the tasks set out in Annex II to CMM 16/11. Port Member States, in carrying out inspections in their ports, shall require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof.</p>	
Article 45(4)				
378	<p>4. In the written report of the results of each inspection, each port Member State shall, as a minimum, include the information set out in Annex III to CMM 16/11. Within 3 working days of the completion of the inspection, the port Member State shall transmit a copy of the inspection report and, upon request, an original or certified copy thereof, to the master of the inspected</p>	<p>4. In the written report of the results of each inspection, each port Member State shall, as a minimum, include the information set out in the Annex III to CMM 16/11 <u>referred to in point 15 of Annex 6a to this Regulation</u>. Within 3 working days of the completion of the inspection, the port Member State shall transmit a copy of the inspection report and, upon request, an original or</p>	<p>4. In the written report of the results of each inspection, each port Member State shall, as a minimum, include the information set out in Annex III to CMM 16/11. Within 3 working days of the completion of the inspection, the port Member State shall transmit a copy of the inspection report and, upon request, an original or certified copy thereof, to the master of the inspected</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	vessel, to the flag State, and to the Commission, which shall forward the report to the IOTC Secretariat.	certified copy thereof, to the master of the inspected vessel, to the flag State <u>to EFCA</u> , and to the Commission, which <u>EFCA</u> shall forward the report to the IOTC Secretariat. EFCA Annexes	vessel, to the flag State, and to the Commission, which shall forward the report to the IOTC Secretariat.	
Article 45(5)				
379	5. By 15 June of each year, port Member States shall submit to the Commission, the list of fishing vessels not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the IOTC area the preceding calendar year. This information shall detail the catch composition by weight and species landed. The Commission shall forward this information to the IOTC Secretariat by 1 July of each year.	5. By 15 June of each year, port Member States shall submit to <u>EFCA with the Commission in copy</u> , the list of fishing vessels not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the IOTC area the preceding calendar year. This information shall detail the catch composition by weight and species landed. The Commission <u>EFCA</u> shall forward this information to the IOTC Secretariat by 1 July of each year. EFCA	5. By 15 June of each year, port Member States shall submit to the Commission, the list of fishing vessels not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the IOTC area the preceding calendar year. This information shall detail the catch composition by weight and species landed. The Commission shall forward this information to the IOTC Secretariat by 1 July of each year.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Section 3				
380	Section 3 Enforcement	Section 3 Enforcement	Section 3 Enforcement	
Article 46				
381	Article 46 Procedure in case of evidence of infringements of IOTC measures during port inspections	Article 46 Procedure in case of evidence of infringements of IOTC measures during port inspections	Article 46 Procedure in case of evidence of infringements of IOTC measures during port inspections	
Article 46(1)				
382	1. If the information collected during the inspection provides evidence that a fishing vessel has committed a breach of the IOTC measures, this Article shall apply in addition to Article 11 of Regulation (EC) No 1005/2008.	1. If the information collected during the inspection provides evidence that a fishing vessel has committed a breach of the IOTC measures, this Article shall apply in addition to Article 11 of Regulation (EC) No 1005/2008.	1. If the information collected during the inspection provides evidence that a fishing vessel has committed a breach of the IOTC measures, this Article shall apply in addition to Article 11 of Regulation (EC) No 1005/2008.	
Article 46(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
383	2. The competent authorities of the port Member State shall forward a copy of the inspection report to the Commission as soon as possible and in any case within three working days. The Commission shall transmit that report to the IOTC Secretariat and to the flag CPC point of contact without delay.	2. The competent authorities of the port Member State shall forward a copy of the inspection report to <u>EFCA with</u> the Commission <u>in copy</u> as soon as possible and in any case within three working days. The Commission <u>EFCA</u> shall transmit that report to the IOTC Secretariat and to the flag CPC point of contact without delay. EFCA	2. The competent authorities of the port Member State shall forward a copy of the inspection report to the Commission as soon as possible and in any case within three working days. The Commission shall transmit that report to the IOTC Secretariat and to the flag CPC point of contact without delay.	
Article 46(3)				
384	3. Port Member States shall promptly notify the action taken in the event of infringements to the competent authority of the flag CPC and to the Commission who shall transmit that information to the IOTC Secretariat.	3. Port Member States shall promptly notify the action taken in the event of infringements to the competent authority of the flag CPC and to <u>EFCA with</u> the Commission who <u>in copy. EFCA</u> shall transmit that information to the IOTC Secretariat. EFCA	3. Port Member States shall promptly notify the action taken in the event of infringements to the competent authority of the flag CPC and to the Commission who shall transmit that information to the IOTC Secretariat.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47				
385	Article 47 Alleged infringements reported by Member States	Article 47 Alleged infringements reported by Member States	Article 47 Alleged infringements reported by Member States	
Article 47(1)				
386	1. Member States shall submit to the Commission, using the reporting form of Annex I to CMM 18/03, any documented information that indicates possible instances of non-compliance by any fishing vessel with IOTC conservation and management measures in the Area over the past two years at least 40 days in advance of the annual meeting of the IOTC. The Commission shall examine that information and, if appropriate, forward it to the IOTC Secretariat at least 30 days in advance of the annual meeting.	1. Member States shall submit to <u>EFCA with the Commission in copy</u> , using the reporting form of <u>the Annex 1 to CMM 18/03 referred to in point 16 of Annex 6a to this Regulation</u> , any documented information that indicates possible instances of non-compliance by any fishing vessel with IOTC conservation and management measures in the Area over the past two years at least 40 days in advance of the annual meeting of the IOTC. The Commission <u>EFCA</u> shall examine that information and, if appropriate, forward it to the IOTC Secretariat at least 30 days in advance of the annual meeting.	1. Member States shall submit to the Commission, using the reporting form of Annex I to CMM 18/03, any documented information that indicates possible instances of non-compliance by any fishing vessel with IOTC conservation and management measures in the Area over the past two years at least 40 <u>80</u> days in advance of the annual meeting of the IOTC. The Commission shall examine that information and, if appropriate, forward it to the IOTC Secretariat at least 30 <u>70</u> days in advance of the annual <u>compliance</u> <u>committee</u> meeting.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		EFCA Annexes		
Article 47(2), introductory part				
387	2. The documented information referred to in paragraph 1, shall be accompanied by information concerning the IUU fishing activity of each of the listed vessels including but not limited to:	2. The documented information referred to in paragraph 1, shall be accompanied by information concerning the IUU fishing activity of each of the listed vessels including but not limited to:	2. The documented information referred to in paragraph 1; shall be accompanied by <i>the</i> information concerning the IUU fishing activity of each of the listed vessels, including but not limited to:	
Article 47(2), point (a)				
388	(a) reports regarding the alleged IUU fishing activity relating to CMM in force;	(a) reports regarding the alleged IUU fishing activity relating to CMM in force;	(a) reports regarding the alleged IUU fishing activity relating to CMM CMMs in force;	
Article 47(2), point (b)				
389	(b) trade information obtained on the basis of relevant trade statistics such as those from statistical documents and other verifiable national or international statistics;	(b) trade information obtained on the basis of relevant trade statistics such as those from statistical documents and other verifiable national or international statistics;	(b) trade information obtained on the basis of relevant trade statistics such as those from statistical documents and other verifiable national or international statistics;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47(2), point (c), introductory part				
390	(c) an information obtained from other sources or gathered from fishing grounds such as:	(c) an information obtained from other sources or gathered from fishing grounds such as:	(c) an information obtained from other sources or gathered from fishing grounds, such as:	
Article 47(2), point (c), first indent				
391	- information gathered from inspections undertaken in port or at sea; or	- information gathered from inspections undertaken in port or at sea; or	- information gathered from inspections undertaken in port or at sea; or	
Article 47(2), point (c), second indent				
392	- information from coastal states including VMS transponder or Automatic Identification System (AIS) data, surveillance data from satellites or airborne or seaborne assets; or	- information from coastal states including VMS transponder or Automatic Identification System (AIS) data, surveillance data from satellites or airborne or seaborne assets; or	- information from coastal states including VMS transponder or Automatic Identification System (AIS) data, surveillance data from satellites or airborne or seaborne assets; or	
Article 47(2), point (c), third indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
393	- IOTC programmes, except where such a programme stipulates that information gathered is to be kept confidential; or	- IOTC programmes, except where such a programme stipulates that information gathered is to be kept confidential; or	- IOTC programmes, except where such a programme stipulates that information gathered is to be kept confidential; or	
Article 47(2), point (c), fourth indent				
394	- information and intelligence collected by third parties.	- information and intelligence collected by third parties.	- information and intelligence collected by third parties.	
Article 48				
395	Article 48 Alleged infringements reported by CPC and the IOTC Secretariat	Article 48 Alleged infringements reported by CPC and the IOTC Secretariat	Article 48 Alleged infringements reported by CPC and the IOTC Secretariat	
Article 48(1)				
396	1. Where the Commission receives from a CPC or the IOTC Secretariat any information indicating alleged IUU fishing	1. Where the Commission <u>EFCA</u> receives from a CPC or the IOTC Secretariat any information indicating alleged IUU fishing	1. Where the Commission receives from a CPC or the IOTC Secretariat any information indicating alleged IUU fishing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	activities by a Union fishing vessel, it shall transmit that information to the concerned Member State without delay.	activities by a Union fishing vessel, it shall transmit that information to the concerned Member State without delay, <u>with the Commission in copy</u> . EFCA	activities by a Union fishing vessel, it shall transmit that information to the concerned Member State without delay.	
Article 48(2)				
397	2. The concerned Member State shall provide the Commission with the findings of any investigation undertaken in relation to the allegations of non-compliance by fishing vessels flying its flag, and any actions taken to address compliance concerns, at least 45 days in advance of the annual meeting of the IOTC. The Commission shall forward that information to the IOTC at least 15 days in advance of the annual meeting.	2. The concerned Member State shall provide <u>EFCA with the Commission in copy</u> with the findings of any investigation undertaken in relation to the allegations of non-compliance by fishing vessels flying its flag, and any actions taken to address compliance concerns, at least 45 days in advance of the annual meeting of the IOTC. The Commission <u>EFCA</u> shall forward that information to the IOTC at least 15 days in advance of the annual meeting. EFCA	2. The concerned Member State shall provide the Commission with the findings of any investigation undertaken in relation to the allegations of non-compliance by fishing vessels flying its flag, and any actions taken to address compliance concerns, at least 45 days in advance of the annual meeting of the IOTC. The Commission shall forward that information to the IOTC at least 15 days in advance of the annual meeting.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 49				
398	Article 49 Draft IOTC IUU vessel list	Article 49 Draft IOTC IUU vessel list	Article 49 Draft IOTC IUU vessel list	
Article 49(1)				
399	1. If the Commission receives official notification of the inclusion of a Union fishing vessel in the draft IOTC IUU vessel list from the IOTC Secretariat, it shall transmit that notification, including the supporting evidence and any other documented information provided by the IOTC Secretariat, to the concerned flag Member State.	1. If the Commission <u>EFCA</u> receives official notification of the inclusion of a Union fishing vessel in the draft IOTC IUU vessel list from the IOTC Secretariat, it shall transmit that notification, including the supporting evidence and any other documented information provided by the IOTC Secretariat, to the concerned flag Member State, <u>with the Commission in copy</u> . <u>EFCA</u>	1. If the Commission receives official notification of the inclusion of a Union fishing vessel in the draft IOTC IUU vessel list from the IOTC Secretariat, it shall transmit that notification, including the supporting evidence and any other documented information provided by the IOTC Secretariat, to the concerned -flag Member State <u>concerned</u> .	
Article 49(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
400	2. The concerned Member State shall provide comments not later than 30 days in advance of the annual meeting of the IOTC Compliance Committee. The Commission shall examine and forward that information to the IOTC Secretariat at least 15 days in advance of the annual meeting of the Compliance Committee.	2. The concerned Member State shall provide comments not later than 30 days in advance of the annual meeting of the IOTC Compliance Committee. The Commission <u>EFCA</u> shall examine and forward that information to the IOTC Secretariat, <u>with the Commission in copy</u> , at least 15 days in advance of the annual meeting of the Compliance Committee. <u>EFCA</u>	2. The concerned Member State shall provide comments not later than 30 days in advance of the annual meeting of the IOTC Compliance Committee. The Commission shall examine and forward that information to the IOTC Secretariat at least 15 days in advance of the annual meeting of the Compliance Committee.	
Article 49(3), introductory part				
401	3. Once notified by the Commission, the authorities of the concerned flag Member State shall:	3. Once notified by the Commission <u>EFCA</u> , the authorities of the concerned flag Member State shall: <u>EFCA</u>	3. Once notified by the Commission, the authorities of the concerned flag Member State <u>concerned</u> shall:	
Article 49(3), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
402	(a) notify the owner and the operators of the fishing vessel of its inclusion in the draft IOTC IUU vessel list and of the possible consequences that may result from this inclusion being confirmed in the IUU vessel list adopted by the IOTC, and	(a) notify the owner and the operators of the fishing vessel of its inclusion in the draft IOTC IUU vessel list and of the possible consequences that may result from this inclusion being confirmed in the IUU vessel list adopted by the IOTC, and	(a) notify the owner and the operators of the fishing vessel of its inclusion in the draft IOTC IUU vessel list and of the possible consequences that may result from this inclusion being confirmed in the IUU vessel list adopted by the IOTC, and	
Article 49(3), point (b)				
403	(b) closely monitor the vessels included in the draft IOTC IUU list, in order to determine their activities and detect possible changes of name, flag, or registered owner of those vessels.	(b) closely monitor the vessels included in the draft IOTC IUU list, in order to determine their activities and detect possible changes of name, flag, or registered owner of those vessels.	(b) closely monitor the vessels included in the draft IOTC IUU <u>IUU vessel</u> list, in order to determine their activities and detect possible changes of name, flag, or registered owner of those vessels.	
Article 50				
404	Article 50 Provisional IOTC IUU vessel list	Article 50 Provisional IOTC IUU vessel list	Article 50 Provisional IOTC IUU vessel list	
Article 50(1), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
405	1. In order to prevent a Union fishing vessel included in the draft IUU vessel list, as referred to under Article 49, from being included in the provisional IOTC IUU vessel list, the flag Member State shall provide following information to the Commission:	1. In order to prevent a Union fishing vessel included in the draft IUU vessel list, as referred to under Article 49, from being included in the provisional IOTC IUU vessel list, the flag Member State shall provide following information to the Commission <u>EFCA</u> : EFCA	1. In order to prevent a Union fishing vessel included in the draft <u>IOTC</u> IUU vessel list, as referred to under Article 49, from being included in the provisional IOTC IUU vessel list, the flag Member State shall provide <u>the</u> following information to the Commission <u>demonstrating that</u> :	
Article 50(1), point (a), introductory part				
406	(a) demonstrating that the vessel has, at all relevant times, complied with the conditions of its authorisation and:	(a) demonstrating that the vessel has, at all relevant times, complied with the conditions of its authorisation and:	(a) demonstrating that the vessel has, at all relevant times, complied with the conditions of its authorisation and:	
Article 50(1), point (a), first indent				
407	- that the vessel has conducted fishing in a manner consistent with the CMM;	- that the vessel has conducted fishing in a manner consistent with the CMM; <u>or</u>	- that the vessel has conducted fishing <u>activities</u> in a manner consistent with the CMM <u>CMMs</u> ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 50(1), point (a), second indent				
408	- that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	- that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	- that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	
Article 50(1), point (a), third indent				
409	- that the vessel has fished exclusively for species not covered by the Agreement; or	- that the vessel has fished exclusively for species not covered by the Agreement; or	- that the vessel has fished exclusively for species not covered by the Agreement; or	
Article 50(1), point (b)				
410	(b) demonstrating that effective punitive action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements.	(b) demonstrating that effective punitive action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements.	(b) demonstrating that effective punitive action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 50(2)				
411	2. The Commission shall examine this information and transmit it to the IOTC Secretariat without delay.	2. The Commission EFCA shall examine this information and transmit it to the IOTC Secretariat, <u>with the Commission in copy,</u> without delay. EFCA	2. The Commission shall examine this <u>the</u> information <u>referred to in paragraph 1</u> and transmit it to the IOTC Secretariat without delay.	
Chapter VII				
412	Chapter VII Final Provisions	Chapter VII Final Provisions	Chapter VII Final Provisions	
Article 51				
413	Article 51 Data reporting	Article 51 Data reporting	Article 51 Data reporting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51(1), introductory part				
414	1. Before 15 June of each year, Member States shall submit to the Commission information, for the preceding calendar year, the information concerning the following elements, using the table in Annex II to CMM 18/07:	1. Before 15 June of each year, Member States shall submit to the Commission <u>with EFCA in copy</u> information, for the preceding calendar year, the information concerning the following elements, using the table in <u>the Annex II to CMM 18/07 referred to in point 17 of Annex 6a to this Regulation:</u> EFCA Annexes	1. Before 15 June of each year, Member States shall submit to the Commission information, for the preceding calendar year, the information concerning the following elements, using the table in Annex II to CMM 18/07, using the table set out in Annex II to CMM 18/07, the information for the preceding calendar year, concerning the following elements:	
Article 51(1), point (a)				
415	(a) estimates of the total catch by species and gear, if possible quarterly, separated, whenever possible, by retained catches in live weight and by discards in live weight or numbers, for all species under the IOTC mandate as well as the most commonly caught elasmobranch species according to records of catches and incidents;	(a) estimates of the total catch by species and gear, if possible quarterly, separated, whenever possible, by retained catches in live weight and by discards in live weight or numbers, for all species under the IOTC mandate as well as the most commonly caught elasmobranch species according to records of catches and incidents;	(a) estimates of the total catch by species and gear, if possible quarterly, separated, whenever possible, by retained catches in live weight and by discards in live weight or numbers, for all species under the IOTC mandate as well as the most commonly caught elasmobranch species according to records of catches and incidents;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51(1), point (b)				
416	(b) total catch data concerning cetaceans, marine turtles and seabirds data as referred to in Articles 20, 21 and 22, respectively;	(b) total catch data concerning cetaceans, marine turtles and seabirds data as referred to in Articles 20, 21 and 22, respectively;	(b) total catch data concerning cetaceans, marine turtles and seabirds data as referred to in Articles 20, 21 and 22, respectively;	
Article 51(1), point (c)				
417	(c) for purse seine and pole and line fisheries, data on catch and effort shall be stratified by fishing mode. The data shall be extrapolated to the total national monthly catches for each gear and documents describing the extrapolation procedures shall also be submitted routinely;	(c) for purse seine and pole and line fisheries, data on catch and effort shall be stratified by fishing mode. The data shall be extrapolated to the total national monthly catches for each gear and documents describing the extrapolation procedures shall also be submitted routinely;	(c) for purse seine and pole and line fisheries, data on catch and effort shall be stratified by fishing mode. The data shall be extrapolated to the total national monthly catches for each gear and documents describing the extrapolation procedures shall also be submitted routinely;	
Article 51(1), point (d)				
418	(d) for longline fisheries, data on catches by species, in numbers or weight, and effort as the number of hooks deployed shall be provided	(d) for longline fisheries, data on catches by species, in numbers or weight, and effort as the number of hooks deployed shall be provided	(d) for longline fisheries, data on catches by species, in numbers or weight, and effort as the number of hooks deployed shall be provided	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by 5° grid area and monthly strata. Documents describing the extrapolation procedures shall also be submitted routinely;	by 5° grid area and monthly strata. Documents describing the extrapolation procedures shall also be submitted routinely;	by 5° grid area and monthly strata. Documents describing the extrapolation procedures shall also be submitted routinely;	
Article 51(1), point (e)				
419	(e) a summary of the most recent yellowfin tuna catches in accordance with the Article 39;	(e) a summary of the most recent yellowfin tuna catches in accordance with the Article 39;	(e) a summary of the most recent yellowfin tuna catches in accordance with the Article 39;	
Article 51(1), point (f)				
420	(f) zero catches that shall be reported using the table in Annex II to CMM 18/07.	(f) zero catches that shall be reported using the table in <u>the Annex II to CMM 18/07 referred to in point 17 of Annex 6a to this Regulation.</u> Annexes	(f) zero catches that shall be reported using the table <u>set out</u> in Annex II to CMM 18/07.	
Article 51(2), introductory part				
421				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. To the information referred to in paragraph 1, Member States shall add the following fishing effort data by the purse seiners fleet using supply vessels and FADs:	2. To the information referred to in paragraph 1, Member States shall add the following fishing effort data by the purse seiners fleet using supply vessels and FADs:	2. To the information referred to in paragraph 1, Member States shall add the following fishing effort data by the purse seiners fleet using supply vessels and FADs:	
Article 51(2), point (a)				
422	(a) the number and characteristics of purse seine supply vessels, operating under their flag, or assisting purse seine vessels operating under their flag, or licensed to operate in their EEZ, which have been operated in the Area;	(a) the number and characteristics of purse seine supply vessels, operating under their flag, or assisting purse seine vessels operating under their flag, or licensed to operate in their EEZ, which have been operated in the Area;	(a) the number and characteristics of purse seine supply vessels, operating under their flag, or assisting purse seine vessels operating under their flag, or licensed to operate in their EEZ, which have been operated in the Area;	
Article 51(2), point (b)				
423	(b) number and days at sea by purse seine vessels and purse seine supply vessels by 1° grid area and month to be reported by the flag Member State of the supply vessel;	(b) number and days at sea by purse seine vessels and purse seine supply vessels by 1° grid area and month to be reported by the flag Member State of the supply vessel;	(b) number and days at sea by purse seine vessels and purse seine supply vessels by 1° grid area and month to be reported by the flag Member State of the supply vessel;	
Article 51(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
424	(c) the positions, dates and the time of setting, FAD identifier and type, and FAD design characteristics of each FAD.	(c) the positions, dates and the time of setting, FAD identifier and type, and FAD design characteristics of each FAD.	(c) the positions, dates and the time of setting, FAD identifier and type, and FAD design characteristics of each FAD.	
Article 51(3), introductory part				
425	3. The information referred to in paragraph 1, for type of vessels and in regard to provisional and final data, shall be submitted to the Commission on the following dates:	3. The information referred to in paragraph 1, for type of vessels and in regard to provisional and final data, shall be submitted to the Commission <i>with EFCA in copy</i> on the following dates: EFCA	3. The information referred to in paragraph 1, for type of vessels and in regard to provisional and final data, shall be submitted to the Commission on the following dates:	
Article 51(3), point (a)				
426	(a) Provisional data for longline fleets operating on the high seas for the previous year shall be submitted no later than 15 June of each year. Final data shall be submitted no later than 15	(a) Provisional data for longline fleets operating on the high seas for the previous year shall be submitted no later than 15 June of each year. Final data shall be submitted no later than 15	(a) Provisional data for longline fleets operating on the high seas for the previous year shall be submitted no later than 15 June of each year. Final data shall be submitted no later than 15	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	December of each year;	December of each year;	December of each year;	
Article 51(3), point (b)				
427	(b) Final data for all other fleets, including supply vessels, shall be submitted no later than 15 June each year.	(b) Final data for all other fleets, including supply vessels, shall be submitted no later than 15 June each year.	(b) Final data for all other fleets, including supply vessels, shall be submitted no later than 15 June each year.	
Article 51(4)				
428	4. The Commission shall analyse the information, and send it to the IOTC Secretariat by the specific deadlines provided in the Regulation.	4. The Commission shall analyse the information, and send it to the IOTC Secretariat by the specific deadlines provided in the Regulation.	4. The Commission shall analyse the information, and send it to the IOTC Secretariat by the specific deadlines provided in the Regulation.	
Article 51(5)				
429	5. Member States shall submit to the Commission 75 days before the annual meeting of the IOTC, information for the preceding calendar year, containing the	5. Member States shall submit to the Commission <i>with EFCA in copy</i> 75 days before the annual meeting of the IOTC, information for the preceding calendar year,	5. Member States shall submit to the Commission 75 days before the annual meeting of the IOTC, information for the preceding calendar year, containing the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches. The Commission shall compile the information into a Union implementation report and sent it to the IOTC Secretariat.	containing the information on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches. The Commission shall compile the information into a Union implementation report and sent it to the IOTC Secretariat, with EFCA in copy . EFCA	information on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches. The Commission shall compile the information into a Union implementation report and sent it to the IOTC Secretariat.	
Article 51(6), introductory part				
430	6. Flag Member States shall send annually to the Commission a national scientific report, not later than 45 days before the session of the IOTC Scientific Committee, at a date communicated by the Commission, containing the following points:	6. Flag Member States shall send annually to the Commission with EFCA in copy a national scientific report, not later than 45 days before the session of the IOTC Scientific Committee, at a date communicated by the Commission, containing the following points: EFCA	6. Flag Member States shall send annually to the Commission a national scientific report, not later than 45 days before the session of the IOTC Scientific Committee, at a date communicated by the Commission, containing the following points:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51(6), point (a)				
431	(a) general fisheries statistics;	(a) general fisheries statistics;	(a) general fisheries statistics;	
Article 51(6), point (b)				
432	(b) report on the implementation of Committee recommendations;	(b) report on the implementation of Committee recommendations;	(b) report on the implementation of Committee recommendations;	
Article 51(6), point (c)				
433	(c) the progress achieved undertaking research as provided in Article 15(4), Article 16(3), Article 17(4), Article 18(5); and	(c) the progress achieved undertaking research as provided in Article 15(4), Article 16(3), Article 17(4), Article 18(5); and	(c) the progress achieved undertaking research as provided in Article 15(4), Article 16(3), Article 17(4), Article 18(5); and	
Article 51(6), point (d)				
434	(d) other relevant information related to fishing activities for species under the IOTC mandate as	(d) other relevant information related to fishing activities for species under the IOTC mandate as	(d) other relevant information related to fishing activities for species under the IOTC mandate as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	well as sharks, other byproduct and bycatch species.	well as sharks, other byproduct and bycatch species.	well as sharks, other byproduct and bycatch species.	
Article 51(7)				
435	7. The report referred to in paragraph 6 shall be reported in accordance with the template prescribed by the Scientific Committee of the IOTC. The Commission shall send to the flag Member States the required template. The Commission shall analyse the information in the report, compile them into a Union report and send it to the IOTC Secretariat.	7. The report referred to in paragraph 6 shall be reported in accordance with the template prescribed by the Scientific Committee of the IOTC. The Commission shall send to the flag Member States the required template. The Commission shall analyse the information in the report, compile them into a Union report and send it to the IOTC Secretariat <u>with copy to EFCA</u> . EFCA	7. The report referred to in paragraph 6 shall be reported in accordance with the template prescribed by the Scientific Committee of the IOTC. The Commission shall send to the flag Member States the required template. The Commission shall analyse the information in the report, compile them into a Union report and send it to the IOTC Secretariat.	
Article 52				
436	Article 52 Confidentiality	Article 52 Confidentiality	Article 52 Confidentiality	

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Article 52, first paragraph				
437	Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.	Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.	Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.	
Article 52, first paragraph a				
437a		<p><u>All personal data collected, transferred and stored in the framework of this Regulation shall comply with Regulation (EU) 2016/679^{1a}.</u></p> <p><u>^{1a} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016,</u></p>		

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		<u>p. 1)</u>		
Article 52a				
437b			<u>Article 52a</u>	
Article 52a(1), introductory part				
437c			<u>Guidelines</u>	
Article 52a(1), point (a)				
437d			<u>The Commission shall provide Member States which have fishing opportunities in the fisheries managed by the IOTC with any guidelines developed by the IOTC, in particular with regard to:</u>	
Article 52a(1), point (b)				
437e			<u>(a) identification guides and</u>	

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			<u>handling practices for sharks;</u>	
Article 52a(1), point (c)				
437f			<u>(b) handling procedures for mobulid rays;</u>	
Article 52a(1), point (d)				
437g			<u>(c) the IOTC Scientific Committee's best practice guidelines for the safe release and handling of whale sharks;</u>	
Article 52a(1), point (e)				
437h			<u>(d) the IOTC Scientific Committee's best practice guidelines for the safe release and handling of cetaceans; and</u>	
Article 52a(1), point (f)				

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437i			<u>(e) handling guidelines on marine turtles.</u>	
Article 52a(1), point (g)				
437j			<u>The Member States concerned shall ensure that those guidelines are provided to the masters of their vessels engaged in the fisheries concerned, which shall take all reasonable steps to apply such guidelines.</u>	
Article 53				
438	Article 53 Procedure for amendments	Article 53 Procedure for amendments	Article 53 Procedure for amendments	
Article 53(-1)				
438a		<u>-1. The Commission shall adopt, by ... /6 months after the date of</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>entry into force of this Regulation], a delegated act in accordance with Article 54 supplementing this Regulation with the provisions of and Annexes to the measures referred to in Annex 6a to this Regulation. The Commission is empowered to adopt delegated acts in accordance with Article 54 to amend that delegated act subsequently.</u></p> <p>Annexes</p>		
Article 53(1), introductory part				
439	<p>1. Where necessary in order to implement into Union law amendments to, or supplement, the existing IOTC resolutions which become binding on the Union, and insofar as amendments to Union law do not go beyond the IOTC resolutions, the Commission is empowered to adopt delegated acts in accordance with Article 54 for the purpose of amending:</p>	<p>1. Where necessary in order to implement into Union law amendments to, or supplement, the existing IOTC resolutions which become binding on the Union, and insofar as amendments to Union law do not go beyond the IOTC resolutions, the Commission is empowered to adopt delegated acts in accordance with Article 54 for the purpose of amending<u>The Commission is empowered to</u></p>	<p>1. Where necessary in order to implement into Union law amendments to, or supplement, the existing IOTC resolutions which become binding on the Union, and insofar as amendments to Union law do not go beyond the IOTC resolutions, the Commission is empowered to adopt delegated acts in accordance with Article 54 for the purpose of amending:</p>	

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		<p><u><i>adopt delegated acts in accordance with Article 54 amending this Regulation in order to adapt it to measures adopted by IOTC that bind the Union and its Member States as regards:</i></u></p> <p>Annexes</p>		
Article 53(1), point (a)				
440	(a) information per vessel for the list of active vessels for tuna and swordfish, of Article 24(3);	(a) information per vessel for the list of active vessels for tuna and swordfish, of Article 24(3);	(a) information per vessel for the list of active vessels for tuna and swordfish, of Article 24(3);	
Article 53(1), point (b)				
441	(b) percentage of observer coverage of Article 30(1);	(b) percentage of observer coverage of Article 30(1);	(b) percentage of observer coverage of Article 30(1);	
Article 53(1), point (c)				
442	(c) field samplers coverage for	(c) field samplers coverage for	(c) field samplers coverage for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	artisanal fisheries of Article 32(1);	artisanal fisheries of Article 32(1);	artisanal fisheries of Article 32(1);	
Article 53(1), point (d)				
443	(d) conditions of chartering of Article 35(1);	(d) conditions of chartering of Article 35(1);	(d) conditions of chartering of Article 35(1);	
Article 53(1), point (e)				
444	(e) percent of inspections for port landings of Article 44(1);	(e) percent of inspections for port landings of Article 44(1);	(e) percent of inspections for port landings of Article 44(1);	
Article 53(1), point (f)				
445	(f) reporting deadlines of Article 29(1)and(2), Article 45(5), Article 51;	(f) reporting deadlines of Article 29(1)and(2), Article 45(5), Article 51;	(f) reporting deadlines of Article 29(1)and(2), Article 45(5), Article 51;	
Article 53(1), point (g)				
446	(g) Annexes 1 to 6;	(g) Annexes 1 to 6 6a ;	(g) Annexes 1 to 6 10 ;	

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		Annexes		
Article 53(1), point (h)				
447	(h) references to international acts of Article 3(12), Article 9(3)(d), Article 9(4), Article 10, Article 12(1), Article 18(3) and (5), Article 21(4), Article 23(4), Article 27(3), Article 40(1), (3) and (4), Article 42(2) and (3), Article 45 (3) and (4), Article 47(1), Article 51(1), and Article 51(1)(f).	(h) references to international acts of Article 3(12), Article 9(3)(d), Article 9(4), Article 10, Article 12(1), Article 18(3) and (5), Article 21(4), Article 23(4), Article 27(3), Article 40(1), (3) and (4), Article 42(2) and (3), Article 45 (3) and (4), Article 47(1), Article 51(1), and Article 51(1)(f).	(h) references to international acts of Article 3(12), Article 9(3)(d) <u>9(3)(a)</u> , Article 9(4), Article 10, Article 12(1), Article 18(3) and (5), Article 21(4), Article 23(4), Article 27(3), Article 40(1), 40 (3) and (4), Article 42(2) and (3) <u>42(3)</u> , Article 45 (3) <u>45(3)</u> and (4), Article 47(1), Article 51(1), and Article 51(1)(f).	
		Annexes		
Article 53(2)				
448	2. Any amendments adopted in accordance with paragraph 1 shall be strictly limited to the implementation of amendments and/or supplement to the IOTC resolutions concerned into Union	2. Any amendments adopted in accordance with paragraph 1 <u>paragraphs 1 and 2</u> shall be strictly limited to the implementation of amendments and/or supplement to the <u>to or</u>	2. Any amendments adopted in accordance with paragraph 1 shall be strictly limited to the implementation <u>into Union law</u> of amendments <u>of, and/or supplements to, and/or supplement</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	law.	<u>replacements of the respective</u> IOTC resolutions concerned into Union law <u>which are binding on</u> <u>the Union.</u>	to the IOTC resolutions concerned into Union law <u>that are binding on</u> <u>the Union.</u>	
		Annexes		
Article 54				
449	Article 54 Exercise of delegation	Article 54 Exercise of delegation	Article 54 Exercise of delegation	
Article 54(1)				
450	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 54(2)				
451	2. The power to adopt delegated	2. The power to adopt delegated	2. The power to adopt delegated	

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	acts referred to in Article 53 shall be conferred on the Commission for a period of five years from [dd.mm.yyyy]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	acts referred to in Article 53 shall be conferred on the Commission for a period of five years from [dd.mm.yyyy]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	acts referred to in Article 53 shall be conferred on the Commission for a period of five years from [dd.mm.yyyy]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 54(3)				
452	3. The delegation of power referred to in Article 53 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect	3. The delegation of power referred to in Article 53 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect	3. The delegation of power referred to in Article 53 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect	

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	the validity of any delegated act already in force.	the validity of any delegated act already in force.	the validity of any delegated act already in force.	
Article 54(4)				
453	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 54(5)				
454	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 54(6)				
455	6. A delegated act adopted pursuant to Article 53 shall enter	6. A delegated act adopted pursuant to Article 53 shall enter	6. A delegated act adopted pursuant to Article 53 shall enter	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 55				
456	Article 55 Amendments to Council Regulations (EC) No 1936/2001, (EC) No 1984/2003, and (EC) No 520/2007	Article 55 Amendments to Council Regulations (EC) No 1936/2001, (EC) No 1984/2003, and (EC) No 520/2007	Article 55 Amendments to Council Regulations (EC) No 1936/2001, (EC) No 1984/2003, and (EC) No 520/2007	
Article 55(1)				
457	1. Article 2(b), Article 20, Article 20a, Article 20b, Article 20c,	1. Article 2(b), Article 20, Article 20a, Article 20b, Article 20c,	1. Article 2(b), Article 20, Article 20a, Article 20b, Article 20c,	

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	Article 20d, Article 20e, Article 21 and Article 21a of Regulation (EC) No 1936/2001 are deleted.	Article 20d, Article 20e, Article 21 and Article 21a of Regulation (EC) No 1936/2001 are deleted.	Article 20d, Article 20e, Article 21 and Article 21a of Regulation (EC) No 1936/2001 are deleted.	
Article 55(2)				
458	2. Article 1(b), Article 8(b) and Annexes VII, XII, XIV, and XVIII Regulation (EC) No 1984/2003 are deleted.	2. Article 1(b), Article 8(b) and Annexes VII, XII, XIV, and XVIII Regulation (EC) No 1984/2003 are deleted.	2. Article 1(b), Article 8(b) and Annexes VII, XII, XIV, and XVIII Regulation (EC) No 1984/2003 are deleted.	
Article 55(3)				
459	3. Article 4(2), Article 18, Article 19, and Article 20 of Regulation (EC) No 520/2007 are deleted.	3. Article 4(2), Article 18, Article 19, and Article 20 of Regulation (EC) No 520/2007 are deleted.	3. Article 4(2), Article 18, Article 19, and Article 20 of Regulation (EC) No 520/2007 are deleted.	
Article 56				
460	Article 56 Entry into force	Article 56 Entry into force	Article 56 Entry into force	
Article 56, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
461	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 56, second paragraph				
462	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
463	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
464	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
465	The President	The President	The President	
Formula				
466	For the Council	For the Council	For the Council	
Formula				
467	The President	The President	The President	