EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007

REGULATION (EU) 2022/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C 341, 24.8.2021, p. 108.

2 Position of the European Parliament of 13 September 2022 (not yet published in the Official Journal) and decision of the Council of ….

Whereas:

(1) An objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council[1], is to ensure the exploitation of living aquatic resources in a way that provides sustainable economic, environmental and social conditions.

(2) The Union has, by means of Council Decision 98/392/EC[2], approved the United Nations Convention of 10 December 1982 on the Law of the Sea and has, by means of Council Decision 98/414/EC[3], ratified the Agreement on the Implementation 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 Fish Stocks and Highly Migratory Fish Stocks, 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 Union participates in efforts made in international waters to conserve fish stocks and strives to strengthen global ocean governance and to promote sustainable fisheries management.

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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).

2 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).

3 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).

(3) By means of Council Decision 2005/75/EC[1], the European Community approved its accession to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the 'Convention'), that establishes the Western and Central Pacific Fisheries Commission (WCPFC).

(4) The WCPFC has the authority to adopt legally-binding decisions ('Conservation and Management Measures' or 'CMM') for the conservation of fisheries resources under its purview. Those decisions are mainly addressed to the contracting parties to the Convention, but also contain obligations for the operators (for instance, masters of fishing vessels).

(5) Upon their entry into force, the CMMs are binding on all contracting parties to the Convention, including the Union.

(6) While relevant key provisions of the CMMs are implemented on an annual basis in the context of the fishing opportunities Regulation, the remaining provisions were last implemented under Title V of Council Regulation (EC) No 520/2007[2]. It is therefore necessary to ensure that the CMM adopted by the WCPFC are implemented into Union law fully and in a timely manner and are, therefore, uniformly and effectively implemented within the Union, and give clarity and predictability to operators of Union fishing vessels.

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1 Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

2 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) N° 973/2001 (OJ L 123, 12.5.2007, p. 3).

(7) Pursuant to Regulation (EU) No 1380/2013, Union activities in international fisheries 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 CFP, in particular to ensure that exploitation of living marine biological resources is environmentally sustainable in the long-term and restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield, to provide conditions for an economically viable and competitive fishing capture and processing industry and for land-based fishing-related activity and to contribute to the availability of sustainable food supplies.

(8) In accordance with Regulation (EU) 2019/473 of the European Parliament and of the Council[1], the European Fisheries Control Agency (EFCA) is, at the Commission's request, to assist the Union and the Member States in their relationship with third countries and regional international fisheries organisations of which the Union is a member. In line with that Regulation, when needed for the implementation of Union obligations, EFCA is, at the request of the Commission, to coordinate control and inspection activities by Member States on the basis of international control and inspection programmes, which can include programmes implemented in WCPFC CMMs. EFCA may draw up, in concert with the Member States concerned, joint operational inspection and surveillance programmes for that purpose by establishing joint deployment plans. It is therefore appropriate to adopt provisions in this Regulation that include EFCA, when designated by the Commission as the body designated by the Commission that receives from Member States, and transmits to the WCPFC Secretariat, information relating to control and inspection, such as at sea inspection reports and relevant notifications under the WCPFC Regional Observer Programme ('ROP').

[1] 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).

(9) Taking into consideration that CMMs are likely to be amended further in the future at the WCPFC's annual meetings, in order to swiftly implement those CMMs into Union law, to reinforce the level playing field and further support the long-term sustainable management of the stocks, 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 the following: vessel information submission, Vessel Monitoring Scheme ('VMS') requirements, the percentage of observer coverage scheme under the ROP, the rights and obligations of observers, the rights and obligations of vessel operators, masters and crews, reporting deadlines and Annexes I to VI, covering bird mitigation measures, markings of and other technical specifications for vessels, minimum standards for Automatic Location Communicators used in the WCPFC VMS, the WCPFC Transhipment Declaration and the depiction of shark lines. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. 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.

[1] OJ L 123, 12.5.2016, p. 1.

(10) The delegated powers provided for in this Regulation should not affect the implementation into Union law of future changes to CMMs under the ordinary legislative procedure.

(11) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[1], and delivered formal comments on 14 June 2021. Personal data processed in the framework of this Regulation should be treated in accordance with the applicable provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council[2] and Regulation (EU) 2018/1725. In order to ensure the fulfilment of obligations under this Regulation, the personal data should be stored for a period of 10 years. In the event that the personal data in question are needed for the follow-up on an infringement, an inspection or judicial or administrative procedures, it is possible to store those data for a period exceeding 10 years, but no longer than 20 years.

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1 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

2 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, p. 1).

(12) Article 4(4) and Article 28 of Regulation (EC) No 520/2007 should be deleted as this Regulation implements all WCPFC measures,

HAVE ADOPTED THIS REGULATION:

Chapter I
General Provisions

Article 1

Subject matter

This Regulation lays down management and conservation measures relating to fishing in the area covered by the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which the Union has acceded pursuant to Decision 2005/75/EC, and with respect to the species of fish under the purview of that Convention.

Article 2

Scope

This Regulation applies to Union fishing vessels carrying out fishing in the Convention Area.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) ‘the Convention’ means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, as amended from time to time;

(2) ‘the Convention Area’ means the area to which the Convention applies as described in Article 3(1) thereof;

(3) ‘WCPFC’ means the Western and Central Pacific Fisheries Commission established under the Convention;

(4) ‘Union fishing vessel’ means any vessel flying the flag of a Member State, used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessel directly involved in such fishing;

(5) ‘fishing’ means:

(a) searching for, catching, taking or harvesting fish;

(b) attempting to search for, catch, take or harvest fish;

(c) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish for any purpose;

(d) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(e) any operations at sea directly in support of, or in preparation for, any activity described in points (a) to (d), including transhipment; or

(f) use of any vessel, vehicle, aircraft or hovercraft, for any activity described in points (a) to (d), except for emergencies involving the health and safety of the crew or the safety of a vessel;

(6) ‘CMM’ means the applicable Conservation and Management Measures adopted by the WCPFC;

(7) ‘fishing opportunities’ means fishing quotas, fishing effort allocated to a Member State or closure periods, as provided for in a Union legal act in force for the Convention Area;

(8) ‘unfit for human consumption’:

(a) means, but is not limited to, fish that:

(i) is meshed or crushed in the purse seine net;

(ii) is damaged due to shark or whale depredation; or

(iii) has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch as well as efforts to release the fish alive; and

(b) does not include fish that:

(i) is considered undesirable in terms of size, marketability or species composition; or

(ii) is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.

(9) ‘fish aggregating device‘ or ‘FAD’ means any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including, but not limited to, buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with;

(10) ‘shallow-set’ means fisheries in which the majority of hooks are set at a depth shallower than 100 metres;

(11) ‘Record’ means the WCPFC Record of Fishing Vessels;

(12) ‘WIN’ means the WCPFC identification number;

(13) ‘VMS’ means a Vessel Monitoring System;

(14) ‘ROP’ means the Regional Observer Programme established by the WCPFC to collect verified catch data, other scientific data, and additional information related to the fishery in the Convention Area and to monitor the implementation of the CMMs;

(15) ‘instrumented buoy’ is a buoy with a clearly marked reference number allowing it to be identified and which is equipped with a satellite-tracking system to monitor its position;

(16) ‘data buoy’ is a floating device, either drifting or anchored, that is 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;

(17) ‘WCPFC Transhipment Declaration’ means a document containing the information set out in Annex IV;

(18) ‘Eastern High Seas Pocket’ means the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to the east and Kiribati to the north with the geographical coordinates and as shown on the map set out in Annex V;

(19) ‘mobulid rays’ means species of the family *Mobulidae*, which includes manta rays and mobula rays;

(20) ‘automatic location communicator’ or ‘ALC’ means a near real-time satellite position fixing transmitter;

(21) ‘discards’ means catches that are returned to the sea;

(22) ‘authorised inspector’ means an inspector of a contracting party to the Convention whose identity has been communicated to the WCPFC;

(23) ‘authorised Union inspector’ means a Union inspector whose identity has been communicated to the WCPFC in accordance with any act adopted pursuant to Article 79(7) of Council Regulation (EC) No 1224/2009[1].

[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).

Article 4

Authorisations

1. Member States shall manage the number of authorisations to fish and the level of fishing in accordance with the fishing opportunities.

2. Each authorisation shall set out for the Union fishing vessel for which it is issued:

   (a) the specific areas, species and time periods for which the authorisation is valid;

   (b) the activities which the Union fishing vessel is permitted to carry out;

   (c) a prohibition on fishing, retention on board, transhipment or landing by the Union fishing vessel in areas under the jurisdiction of another State except pursuant to any licence, permit or authorisation that is required by such other State;

   (d) a requirement that the Union fishing vessel keeps on board the authorisation issued pursuant to this paragraph, or a certified copy thereof, and any licence, permit or authorisation, or a certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration.

Chapter II

Conservation And Management Measures

Article 5

Catch retention in the tropical tuna purse seine fishery

1. Union purse seine vessels fishing in exclusive economic zones and on the high seas within the Convention Area bounded by 20°N and 20°S shall retain on board all catches of bigeye, skipjack and yellowfin tuna except in the following situations:

   (a) where, in the final set of a trip, there is insufficient storage space to accommodate all fish caught in that set; in which case, the excess fish caught in that last set may be transferred to and retained on board another purse seine vessel, provided that this is not prohibited under applicable law;

   (b) where the fish are unfit for human consumption; and

   (c) where a serious malfunction of equipment occurs.

2. Where the master of a Union fishing vessel determines that a fish should not be taken on board for reasons related to the size, marketability or species composition, the fish shall be released before the net is fully pursed and not more than one half of the net has been retrieved.

3. Where the master of a Union fishing vessel determines that a fish should not be taken on board because it was caught during the final set of a trip when there is insufficient storage space to accommodate all fish caught in that set, the fish may be discarded provided that:

   (a) the master and crew attempt to release the fish alive as soon as possible; and

   (b) no further fishing is undertaken after the discard until the fish on board the fishing vessel have been landed or transhipped.

4. Fish shall be discarded from Union fishing vessels only after an ROP observer has estimated the species composition of the fish to be discarded.

5. Within 48 hours after any discard, the master of the Union fishing vessel shall submit to the WCPFC Secretariat, with the flag Member State and the Commission in copy, a report that includes the following information:

   (a) name, flag and WIN of the Union fishing vessel and name and nationality of the master;

(b) licence number;

(c) name of the observer on board;

(d) date, time and location (latitude/longitude) of discarding;

(e) date, time, location (latitude/longitude) and type (drifting FAD, anchored FAD, free school, etc.) of the set;

(f) reason that the fish were discarded, including a statement of retrieval status if the fish were discarded because they were unfit for human consumption;

(g) estimated tonnage and species composition of discarded fish;

(h) estimated tonnage and species composition of retained fish from that set;

(i) if the fish were discarded in accordance with paragraph 3, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and

(j) any other information deemed relevant by the master of the Union fishing vessel.

6. The master of the Union fishing vessel shall provide, at the same time that it is submitted to the WCPFC Secretariat, the information referred to in paragraph 5 to an ROP observer on board.

Article 6

Monitoring and control in the tropical tuna purse seine fishery

1. Notwithstanding Article 26, the VMS polling frequency of vessel position transmission shall be increased to every 30 minutes during the FAD closure periods as defined in the fishing opportunities Regulation.

2. Union purse seine vessels shall not operate under manual reporting during the FAD closure periods.

3. If the automatic reception of VMS positions of the Union fishing vessels by the WCPFC Secretariat is discontinued, the vessel shall not be directed to return to port until the WCPFC Secretariat has exhausted all reasonable steps to re-establish normal automatic reception of VMS positions.

4. Union purse seine vessels shall carry an ROP observer if that vessel is fishing within the area bounded by 20°N and 20°S:

   (a) on the high seas;

   (b) on the high seas and in waters under the jurisdiction of one or more coastal States; or

   (c) in waters under the jurisdiction of two or more coastal States.

Article 7

FADs and instrumented buoys in the tropical tuna purse seine fishery

1. The design and construction of FADs to be deployed in, or that drift into, the Convention Area shall comply with the following specifications:

   (a) if the floating or raft part (flat or rolled structure) of the FAD is covered with a mesh net, it shall have a stretched mesh size of less than 7 cm and the mesh net shall be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed;

   (b) if a mesh net is used, it shall have a stretched mesh size of less than 7 cm or be tied tightly in bundles or "sausages" with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel of less than 7 cm stretched mesh size net or a solid sheet (such as canvas or nylon) may be used.

2. During the FAD closure periods established by Union acts on allocation of fishing opportunities, Union purse seine vessels, including any of their fishing gears or tenders, conducting a set shall be prohibited from being located within one nautical mile of a FAD.

3. Union fishing vessels shall not be used to aggregate fish, or to move aggregated fish, including by using underwater lights and chumming.

4. FADs or associated electronic equipment shall not be retrieved by a Union fishing vessel during a FAD closure period unless:

   (a) FADs or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the FAD closure period; and

   (b) the Union fishing vessel does not conduct any set either for a period of 7 days after retrieval or within a 50 nautical mile radius of the point of retrieval of any FAD.

5. In addition to paragraph 4, Union fishing vessels shall not operate in cooperation with each other in order to catch aggregated fish.

6. Union fishing vessels shall not conduct any set during the closure period within one nautical mile of a point where a FAD has been retrieved by another vessel within 24 hours before the set, if the master of the Union fishing vessel has the knowledge of the location and time of that FAD retrieval.

7. Member States shall ensure that the vessels flying their flag operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.

Article 8

Instrumented buoys

Instrumented buoys shall be activated exclusively on board the purse seine vessel.

Article 9

Data buoys

1. Fishing within one nautical mile of, or interacting with, a data buoy shall be prohibited. That prohibition shall include encircling a data buoy with fishing gear, tying up or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring, and cutting a data buoy anchor line.

2. Where a Union fishing vessel becomes entangled with a data buoy, the entangled fishing gear shall be removed with as little damage to the data buoy as possible.

3. The master of a Union fishing vessel shall report to the flag Member State all entanglements, providing the date, location and nature of the entanglement, along with any identifying information contained on the data buoy. The report shall be sent immediately by that flag Member State to the Commission.

4. Notwithstanding paragraph 1, scientific research programmes notified to and authorised by the Commission may operate Union fishing vessels within one nautical mile of a data buoy, as long as they do not interact with those data buoys in the manner referred to in paragraph 1.

Article 10

Eastern High Seas Pocket special management area

1. Masters of Union fishing vessels operating in the Eastern High Seas Pocket shall report sightings of any fishing vessel to their flag Member State, the Commission or a body designated by it, and the WCPFC Secretariat. The information to be reported shall include: date and time (UTC), position (true degrees of latitude and longitude), bearing, markings, speed (knots) and vessel type. Fishing vessels shall ensure that the information is transmitted within six hours of a sighting taking place.

2. Adjacent coastal states or territories shall receive continuous near real-time VMS data.

Article 11

Transhipment

1. All transhipments made in the Convention Area concerning highly migratory species covered by the Convention shall take place in a port and shall be weighted in accordance with Article 60 of Regulation (EC) No 1224/2009.

2. Member States shall report to the Commission transhipments made by vessels flying their flag, unless the vessel is operated under charter, lease or other similar mechanism as an integral part of the domestic fleet of a coastal State in the Convention Area.

3. The master of a Union fishing vessel offloading fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transhipment in port or outside the Convention Area, shall complete the WCPFC Transhipment Declaration for each transhipment of catch taken in the Convention Area. The WCPFC Transhipment Declaration shall be sent to the competent authority of the Union fishing vessel's flag Member State.

4. The master of a Union fishing vessel receiving fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transhipment in port or outside the Convention Area, shall complete the WCPFC Transhipment Declaration for each transhipment of catch taken in the Convention Area. The WCPFC Transhipment Declaration shall be sent to the competent authority of the Union fishing vessel's flag Member State.

5. Flag Member States shall validate those data in conformity with Article 109 of Regulation (EC) No 1224/2009 and shall, where possible, correct information received from Union fishing vessels engaging in transhipment operations, using all available information such as catch and effort data, position data, observer reports and port monitoring data.

Article 12

Transhipment to and from non-contracting party vessels

1. Union fishing vessels shall not engage in transhipment operations to or from a vessel flagged to a non-contracting party unless that vessel has been authorised by a decision of the WCPFC, such as:

   (a) a non-contracting party carrier vessel that is on the Record; or

   (b) a non-contracting party fishing vessel that is licenced to fish in the exclusive economic zone of a contracting party in accordance with a decision of the WCPFC.

2. In the situation referred to in paragraph 1, the master of the Union carrier vessel or the chartering Member State shall send the WCPFC Transhipment Declaration to the competent authority of the flag Member State and Article 11(5) shall apply.

Chapter III
Protection Of Marine Species

Article 13

Mobulid rays

1. It shall be prohibited to target mobulid rays (genus Mobula) by means of fishing or intentional setting.

2. It shall also be prohibited to retain on board, tranship, land or offer for sale any part or whole carcass of mobulid rays.

3. Union fishing vessels shall ensure the prompt release, alive and unharmed to the extent practicable, of mobulid rays, and shall do so in a manner that would result in the least possible harm to the specimen captured, while taking into consideration the safety of the crew.

4. Notwithstanding paragraph 3, in the case of mobulid rays that are unintentionally caught and landed as part of a purse seine vessel's operation, the vessel shall, at the point of landing or transhipment, surrender the whole mobulid ray to the responsible authorities or, where possible, discard them. Mobulid rays surrendered in that manner shall not be sold or bartered but may be donated for purposes of domestic human consumption.

5. The catches referred to in paragraph 4, shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009. The information to be reported shall include the life status upon release (dead or alive).

Article 14

General measure for the protection of sharks

The Union longline vessels targeting tuna and billfish shall not use branch lines running directly off the longline floats or drop lines, known as shark lines as depicted in Annex VI.

Article 15

Oceanic Whitetip Sharks

1. It shall be prohibited to retain on board, tranship, store on a fishing vessel, land or offer for sale any oceanic whitetip shark (*Carcharhinus longimanus*) in whole or in part.

2. Any oceanic whitetip shark caught shall be released as soon as possible after the shark is brought alongside the vessel before being cut free, in order to facilitate a species identification, in a manner that results in as little harm to the shark as possible.

3. ROP observers shall be allowed to collect biological samples from oceanic whitetip sharks that are dead on haulback, provided that the sampling is part of a research project approved by the WCPFC Scientific Committee.

4. Incidental catches of oceanic white tip sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009. The information to be reported shall include the life status upon release (dead or alive).

Article 16

Whale sharks

1. It shall be prohibited to set a purse seine on a school of tuna associated with a whale shark (*Rhincodon typus*), if the whale shark is sighted prior to the commencement of the set.

2. In the event that a whale shark is unintentionally encircled by the purse seine net, the Union fishing vessel shall:

   (a) ensure that all reasonable steps are taken to ensure its safe release; and

   (b) report the incident to the relevant authority of the flag Member State, including information on the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).

3. Incidental catches of whale sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009. The information to be reported shall include the life status upon release (dead or alive).

Article 17

Silky sharks

1. It is prohibited to retain on board, tranship, store on a fishing vessel or land any silky shark (*Carcharhinus falciformis*) in whole or in part.

2. Silky sharks caught shall be released as soon as possible after the shark is brought alongside the Union fishing vessel before being cut free, in order to facilitate a species identification, in a manner that results in as little harm to the shark as possible.

3. Incidental catches of silky sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009. The information to be reported shall include the life status upon release (dead or alive).

4. Member States shall estimate, through data collected from observer programmes and other means such as fishing logbooks or electronic monitoring, the number of releases of silky sharks caught, including the life status upon release (dead or alive), and report this information to the Commission in accordance with Article 38(3), point (d).

5. ROP Observers shall be allowed to collect biological samples from silky sharks caught that are dead on haulback, provided that the sampling is part of a research project approved by the WCPFC Scientific Committee.

Article 18

Cetaceans

1. It shall be prohibited to set a purse seine net on a school of tuna associated with a cetacean (infraorder *Cetacea*), if the animal is sighted prior to commencement of the set.

2. In the event that a cetacean is unintentionally encircled by a purse seine net, the Union fishing vessel shall ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operations until the animal has been released and is no longer at risk of recapture.

3. Incidental catches of cetaceans shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009. The information to be reported shall include the life status upon release (dead or alive).

Article 19

Seabird mitigation measures

1. Union longline vessels fishing south of 30°S shall use either:

   (a) at least two of the following mitigation measures: weighted branch lines, night setting or tori lines (bird scaring lines); or

   (b) hook-shielding devices.

2. Union longline vessels fishing in between the parallels of 25°S and 30°S, shall use one of the following mitigation measures: weighted branch lines, tori lines or hook-shielding devices.

3. Union longline vessels that are 24 metres or more in overall length fishing north of 23°N shall use at least two of the mitigation measures of Table 1 of Annex I, including at least one from Column A of that table.

4. Tori lines may be used only in accordance with the specifications set out in Annex I.

5. The measures referred to in this Article, shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009. The information to be reported shall include the life status upon release (dead or alive).

Article 20

Sea turtles

1. Union fishing vessels shall bring on board any captured hard-shell sea turtle (family *Cheloniidae*) that is comatose or inactive, as soon as possible after capture, and shall foster its recovery, including giving it resuscitation, before returning it to the water. Masters and operators of Union fishing vessels shall ensure that the crew is aware of and uses proper mitigation and handling techniques.

2. Union purse seine vessels shall:

(a) avoid the encirclement of sea turtles and, if a sea turtle is unintentionally encircled or entangled, take practicable measures to safely release the turtle;

(b) release all sea turtles observed to be entangled in FADs or fishing gear;

(c) if a sea turtle is entangled in a net, ensure that the net roll is stopped as soon as the turtle comes out of the water, that the turtle is disentangled without injuring it before resuming the net roll and, to the extent practicable, assist the recovery of the turtle before returning it to the water;

(d) carry and employ dip nets, when appropriate, to handle turtles.

3. Union longline vessels that fish in a shallow-set manner shall use at least one of the following methods to mitigate the capture of sea turtles:

(a) the use of only large circle hooks, which are fishing hooks that are generally circular or oval in shape and which are originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not exceeding 10 degrees;

(b) the use of only finfish for bait;

(c) the use of any other measure, mitigation plan or activity that has been reviewed by the WCPFC Scientific Committee and the WCPFC Technical and Compliance Committee and approved by the WCPFC as being capable to reduce the interaction rate (observed numbers per hooks fished) of turtles in shallow-set longline fisheries.

4. Paragraph 3 shall not apply to shallow-set longline fisheries in which the observed mean sea turtle interaction rates are lower than 0,019 sea turtles (all species combined) per 1 000 hooks over the preceding three consecutive years and the level of observer coverage is of at least 10 % during each of those three years.

Article 21

Marine pollution

Union fishing vessels shall be prohibited from discharging any plastics, oil, fuel products or oily residues, garbage, food waste, domestic waste, incinerator ashes and sewage into the sea. That prohibition shall not apply to fishing gears or devices supporting fishing, such as FADs, released into the water for fishing.

Chapter IV
Vessels Requirements And Chartering

Article 22

Record

1. Member States shall ensure that Union fishing vessels have been listed in the Record in accordance with this Regulation.

2. Any Union fishing vessel not listed in the Record shall be deemed not to be authorised to fish for, retain on board, tranship, transport or land highly migratory fish stocks in the Convention Area.

3. Member States shall notify the Commission of any factual information showing that there are reasonable grounds to suspect that a vessel that is not listed in the Record is fishing for or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area.

Article 23

Submission of vessel information

1. Each flag Member State shall submit electronically to the Commission the following information with respect to each Union fishing vessel listed in the Record:

(a) name of the Union fishing vessel, registration number, WIN, previous names (if known) and port of registry;

(b) name and address of the owner or owners;

(c) name and nationality of the master;

(d) previous flag (if any);

(e) international radio call sign;

(f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);

(g) colour photograph of the vessel;

(h) where and when the vessel was built;

(i) type of vessel;

(j) normal crew complement;

(k) type of fishing method or methods;

(l) length (specify type and metric);

(m) moulded depth (specify metric);

(n) beam (specify metric);

(o) gross registered tonnage (GRT) or gross tonnage (GT);

(p) power of main engine or engines (specify metric);

(q) carrying capacity, including freezer type, capacity and number, fish hold capacity and capacity of freezer chambers (specify metric);

(r) the form and number of the authorisation granted by the flag Member State including any specific areas, species and time periods for which it is valid; and

(s) International Maritime Organization number or Lloyd's Register number.

2. Member States shall notify the Commission of any changes to the information referred to in paragraph 1, and of any Union fishing vessel to be added to or deleted from the Record, within 12 days of any such change having been made and in any event not later than seven days before the commencement of fishing activities in the Convention Area by the vessel concerned.

3. Member States shall submit to the Commission information requested by the Commission with respect to Union fishing vessels listed in the Record not later than seven days after such request.

4. Before 1 June of each year, each Member State shall submit to the Commission a list of all Union fishing vessels that were listed in the Record at any time during the preceding calendar year, together with each vessel's WIN and an indication of whether each vessel fished for highly migratory fish stocks in the Convention Area beyond its area of jurisdiction. The indication shall be expressed as follows, as appropriate, the vessel (a) fished, or (b) did not fish.

5. Member States that operate vessels under lease, charter or similar arrangements that result in data reporting obligations being conferred on a party other than the flag State shall make arrangements to ensure that the flag State can meet its obligations under paragraph 4.

6. Member States shall submit complete fishing vessel record data to the Commission that meet the structure and format specifications of Attachment 1 to CMM 2014-03, and submit vessel photographs that meet the specifications of Attachment 2 to CMM 2014-03.

7. The submission of vessel record data to the Commission shall be in an electronic form that meets the electronic formatting specifications of Attachment 3 to CMM 2014-03.

Article 24

Bunkering

Member States shall ensure that fishing vessels flying their flag only provide bunkering for, are bunkered by or are otherwise supported by:

(a) fishing vessels flagged to contracting parties;

(b) fishing vessels flagged to non-contracting parties if such vessels are listed in the Record; or

(c) fishing vessels operated by non-contracting parties under charter, lease or similar arrangements and comply with the CMMs.

Article 25

Marking and identification of fishing vessels

1. Union fishing vessels operating in the Convention Area, shall be marked for their identification with the International Telecommunication Union Radio Call Sign (IRCS).

2. Union fishing vessels shall comply with the markings and other technical specifications provided for in Annex II.

Article 26

Vessel Monitoring System (VMS)

Union fishing vessels operating in the Convention Area shall use two monitoring systems:

(a) a VMS established in accordance with Article 9 of Regulation (EC) No 1224/2009 and any act adopted pursuant thereto; and

(b) the VMS which receives data directly from Union fishing vessels operating on the high seas in the Convention Area which is either administered by the WCPFC or reporting to the Pacific Islands Fisheries Forum Agency, and for the purposes of which Member States shall:

(i) ensure that their fishing vessels on the high seas in the Convention Area comply with the VMS requirements established by the WCPFC and are equipped with ALCs that shall communicate such data as determined by the WCPFC;

(ii) ensure that VMS equipment on their fishing vessels complies with standards, specifications and procedures for the fishing vessel monitoring in the Convention Area provided in Annex III;

(iii) cooperate to ensure compatibility between national and high seas VMSs;

(iv) ensure that the ALC installed on board their fishing vessels conform to the minimum standards set out in Annex III;

(v) ensure that the default position reporting rate is four hours while in the Convention Area (six position reports per day);

(vi) ensure that vessels that exit the Convention Area report their position once a day.

Article 27

Charter notification scheme

1. Within 20 days, or in any event within 96 hours before commencement of fishing activities under a charter arrangement, the chartering Member State shall notify the Commission of any vessel to be identified as chartered by submitting electronically the following information with respect to each chartered vessel:

(a) name of the fishing vessel;

(b) WIN;

(c) name and address of the owner or owners;

(d) name and address of the charterer;

(e) the duration of the charter arrangement; and

(f) the flag State of the fishing vessel.

2. Upon receipt of the information referred to in paragraph 1, the Commission shall immediately notify the WCPFC Secretariat thereof.

3. Each chartering Member State shall notify the Commission and the flag State, within 20 days, or in any event within ninety-six hours before commencement of fishing activities under a charter arrangement, of:

(a) any additional chartered vessels, along with the information referred to in paragraph 1;

(b) any change in the information referred to in paragraph 1 with respect to any chartered vessel; and

(c) the termination of the charter of any vessel previously notified under paragraph 1.

4. Only vessels listed in the Record shall be eligible for charter.

5. Vessels on the WCPFC IUU (illegal, unreported and unregulated fishing) vessel list, or the IUU List of another Regional Fisheries Management Organisation shall not be eligible for charter.

6. Catches and fishing effort of vessels notified as chartered shall be attributed to the chartering Member States or contracting party. The chartering Member State shall report annually to the Commission the catch and fishing effort of chartered vessels in the previous year.

7. Paragraph 6 shall not apply to the tropical tuna purse seine fishery, for which catch and fishing effort shall be attributed to the flag State.

Chapter V
Regional Observer Programme

Article 28

ROP

1. The objective of the ROP is to collect verified catch data, other scientific data and additional information related to the fishery in the Convention Area and to monitor the implementation of the CMMs.

2. The ROP shall apply to vessels fishing:

(a) exclusively on the high seas;

(b) on the high seas and in waters under the jurisdiction of one or more coastal States; and

(c) in the waters under the jurisdiction of two or more coastal States.

3. Member States shall be responsible for meeting the level of observer coverage as set by the WCPFC.

4. Member States shall achieve 100 % observer coverage annually by ROP observers for purse-seine fishery in the area bounded by 20°N and 20°S, and at least 5 % coverage annually by ROP observers for other fisheries.

5. The duties of observers operating under the ROP shall include the collection of catch data and other scientific data, the monitoring of the implementation of the CMMs and the collection of any additional information related to the fishery that may be decided by the WCPFC.

6. ROP observers shall remain attentive and shall collect information on practices that could harm the environment, in accordance with the applicable CMM.

7. Union fishing vessels fishing in the Convention Area shall accept on board an ROP observer.

8. Member States shall use the information collected by observers for the purpose of investigating possible instances of non-compliance and shall cooperate in the exchange of such information, including by proactively requesting copies of observer reports and by responding to and facilitating the fulfilment of such requests, in accordance with standards adopted by the WCPFC.

9. The rights of observers shall include:

(a) full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, the fish on board and areas which may be used to hold, process, weigh or store fish;

(b) full access to the vessel's records including its logs and documentation for the purpose of inspection and copying of records, reasonable access to navigational equipment, charts and radios and other information relating to fishing;

(c) upon request, access to and use of communications equipment and crew for entry, transmission and receipt of work related data or information;

(d) access to any additional equipment present on board in order to facilitate the work of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.;

(e) access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples;

(f) a notice of at least 15 minutes before the start of a hauling or net setting procedure, unless the observer specifically requests not to be notified;

(g) access to food, accommodation, medical facilities and sanitary facilities of a reasonable standard, equivalent to those normally available to an officer on board the vessel;

(h) the provision of adequate space on the bridge or another designated area for clerical work and of adequate space on the deck for observer duties;

(i) freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.

10. The obligations of observers are the following:

(a) being capable of performing the duties set out by this Regulation and the applicable CMMs;

(b) acceptance of and compliance with agreed confidentiality rules and procedures with respect to the fishing operations of vessels and of vessel owners;

(c) maintenance of independence and impartiality at all times while on duty under the ROP;

(d) compliance with the ROP protocols for ROP observers on board a vessel;

(e) compliance with the laws and regulations of the contracting party and the cooperating non-party, as defined by the Convention, that exercise jurisdiction over the vessel;

(f) respecting the hierarchy and general rules of behaviour that apply to all vessel crew;

(g) performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel, with due consideration to the operational requirements of the vessel and communicating regularly with the master of the vessel for that purpose;

(h) familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers and first aid kits;

(i) communicating regularly with the vessel master on relevant observer issues and duties;

(j) observance of the ethnic traditions of the crew and of the customs of the flag State of the vessel;

(k) adherence to the applicable code of conduct for observers;

(l) promptly writing reports and submitting them to the Commission in accordance with procedures adopted by the WCPFC;

(m) not unduly interfering with the lawful operations of the vessel, in carrying out their duties giving due consideration to the operational requirements of the vessel and to the extent practicable minimising disruption of the operation of vessels fishing in the Convention Area.

Article 29

Rights and obligations of vessel operators, masters and crews

1. The rights of vessel operators and masters shall include:

(a) a reasonable period of prior notification of the placement of an ROP observer;

(b) the compliance of that observer with the general rules of behaviour, hierarchy, laws and regulations applicable; and

(c) the opportunity to review and comment on the ROP observer's report, and the right to include additional information deemed relevant or a personal statement.

2. The fishing vessel operators, including the masters of fishing vessels, shall comply with the following obligations:

(a) accepting on board the vessel any person identified as an ROP observer when required by the WCPFC;

(b) informing the crew of the timing of the ROP observer's boarding as well as their rights and responsibilities when an ROP observer boards the vessel;

(c) assisting the ROP observer to safely embark and disembark the vessel at an agreed place and time;

(d) giving notice to the ROP observer at least 15 minutes before the start of a set or haul on board, unless the observer specifically requests not to be notified;

(e) allowing and assisting the ROP observer to carry out all duties safely;

(f) allowing the ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying;

(g) allowing the ROP observer to have reasonable access to navigational equipment, charts and radios, and to other information relating to fishing;

(h) permitting access to any additional equipment present in order to facilitate the work of the ROP observer while on board the vessel, such as high-powered binoculars, electronic means of communication, etc.;

(i) allowing and assisting the ROP observer to remove and store samples from the catch;

(j) providing food, accommodation and adequate sanitary amenities to the ROP observer while on board the vessel, at no expense to the observer or the ROP observer provider or any government providing observers, as well as providing medical facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel;

(k) providing insurance coverage to the ROP observer while on board the vessel, for the duration of the observer's time on board;

(l) allowing and assisting the ROP observer to have full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board and areas which may be used to hold, process, weigh or store fish;

(m) ensuring that the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or subject to a bribe attempt in the performance of his or her duties;

(n) ensuring that the ROP observer is not coerced or convinced to breach his or her responsibilities.

3. The rights of the fishing vessel crew shall include:

(a) the compliance of the ROP observer with the general rules of behaviour, hierarchy, laws and regulations applicable;

(b) a reasonable period of prior notification of the placement of an ROP observer given by the master of the vessel; and

(c) privacy in crew personal areas.

4. The fishing vessel crew shall comply with the following obligations:

(a) refraining from impeding or delaying observer duties and from coercing or convincing the ROP observer to breach his or her responsibilities;

(b) compliance with this Regulation, regulations and procedures established under the Convention, and guidelines, regulations or conditions established by the Member State that exercises jurisdiction over the vessel;

(c) allowing, and assisting with the provision of, full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board and areas that may be used to hold, process, weigh or store fish;

(d) allowing and assisting the ROP observer to carry out all duties safely;

(e) allowing and assisting the ROP observer to remove and store samples from the catch;

(f) compliance with directions given by the master of the fishing vessel with respect to the ROP observers' duties.

Article 30

Safety of observers

1. If an ROP observer is missing or presumed fallen overboard, the master of a fishing vessel shall:

(a) immediately cease all fishing operations;

(b) immediately commence search and rescue operations and search for at least 72 hours, unless force majeure constrains flag Member States to allow the vessels flying their flag to cease search and rescue operations before the 72 hours have elapsed or unless instructed by the flag Member State to continue searching beyond the 72 hour time-limit;

(c) immediately notify the flag Member State thereof;

(d) immediately alert other vessels in the vicinity by using all available means of communication;

(e) cooperate fully in any search and rescue operation;

(f) whether or not the search is successful, return the vessel for further investigation to the nearest port, as agreed by the flag Member State and the observer provider;

(g) provide a report on the incident to the observer provider and the appropriate authorities on the incident; and

(h) cooperate fully in all official investigations, and preserve any potential evidence and the personal effects and quarters of the deceased or missing observer.

2. Paragraph 1, points (a), (c) and (h), shall also apply in the event that an ROP observer dies. In addition, the master of the fishing vessel shall ensure that the body is well-preserved for the purposes of an autopsy and investigation.

3. If an ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the master of the fishing vessel shall:

(a) immediately cease fishing operations;

(b) immediately notify the flag Member State thereof;

(c) care for the observer and provide any medical treatment available and possible on board the vessel;

(d) assist in the disembarkation and transport of the observer to a medical facility equipped to provide the required care, as soon as practicable in accordance with the flag Member State's directions or, in the absence of such directions, with the directions provided by the ROP observer provider; and

(e) cooperate fully in all official investigations into the cause of the illness or injury.

4. For the purposes of paragraphs 1 to 3, the flag Member State shall ensure that the appropriate maritime rescue coordination centre, the ROP observer provider and the WCPFC Secretariat are immediately notified.

5. If there are reasonable grounds to believe an ROP observer has been assaulted, intimidated, threatened or harassed such that his or her health or safety is endangered and the ROP observer or the ROP observer provider indicates to the flag Member State that they wish for the observer to be removed from the fishing vessel, the flag Member State shall ensure that the master of the fishing vessel:

(a) immediately takes action to preserve the safety of the ROP observer and mitigate and resolve the situation on board;

(b) notifies the flag Member State and the ROP observer provider of the situation, including the status and location of the observer, as soon as possible;

(c) assists in the safe disembarkation of the observer in a manner and place as agreed by the flag Member State and the ROP observer provider, that facilitates access to any necessary medical treatment; and

(d) cooperates fully in all official investigations into the incident.

6. If there are reasonable grounds to believe that an ROP observer has been assaulted, intimidated, threatened or harassed, but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the flag Member State shall ensure that the master of a fishing vessel:

(a) takes action to preserve the safety of the ROP observer and mitigate and resolve the situation on board as soon as possible;

(b) notifies the flag Member State and the ROP observer provider of the situation as soon as possible; and

(c) cooperates fully in all official investigations into the incident.

7. If, after port disembarkation from a fishing vessel of an ROP observer, an ROP observer provider identifies a possible violation involving assault or harassment of the ROP observer while on board the fishing vessel, the ROP observer provider shall notify, in writing, the flag Member State and the WCPFC Secretariat. That Member State shall inform the Commission, or a body designated by it, of the notification received.

8. Following the notification referred to in paragraph 7, the flag Member State shall:

(a) investigate the event based on the information given by the ROP observer provider and take any appropriate action in response to the results of the investigation;

(b) cooperate fully in any investigation conducted by the ROP observer provider, including submitting the report of the incident to the ROP observer provider and the appropriate authorities; and

(c) notify the observer provider and the WCPFC Secretariat, with the Commission, or a body designated by it, in copy, of the results of its investigation and any action taken.

9. Member States shall ensure that their national observer providers:

(a) immediately notify the Member State in the event that an ROP observer dies, is missing or presumed fallen overboard in the course of observer duties;

(b) cooperate fully in any search and rescue operation;

(c) cooperate fully in all official investigations into any incident involving an ROP observer;

(d) assist in the disembarkation and replacement of an ROP observer in a situation involving the serious illness or injury of that observer as soon as possible;

(e) assist in the disembarkation of an ROP observer in any situation involving threats to, or the assault, intimidation or harassment of, that observer where the observer wishes to be removed from the vessel as soon as possible; and

(f) provide the Member State with a copy of the ROP observer report on alleged infringements involving that provider's ROP observer upon request.

10. Flag Member States shall ensure that their authorised inspection vessels cooperate in any search and rescue operation involving an ROP observer.

Chapter VI
Boarding And Inspection

Article 31

Duties of the master of a Union fishing vessel during an inspection

1. Without prejudice to any obligation of the master of a Union fishing vessel during an inspection provided for in any act adopted pursuant to Regulation (EC) No 1224/2009, during a boarding and the conduct of an inspection the master of a Union fishing vessel shall:

(a) follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorised inspection vessels and inspectors;

(b) accept and facilitate the prompt and safe boarding by authorised inspectors;

(c) cooperate with and assist in the inspection of the vessel pursuant to the WCPFC boarding and inspection procedures;

(d) refrain from unduly obstructing or delaying the authorised inspectors in the performance of their duties;

(e) allow the authorised inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;

(f) provide the authorised inspectors with reasonable facilities, equivalent to those normally available to an officer on board the vessel, including, where appropriate, food and accommodation; and

(g) facilitate safe disembarkation by the authorised inspectors.

2. If the master of a Union fishing vessel refuses to allow an authorised inspector to carry out a boarding and inspection activity in accordance with the procedures set out in this Regulation, that master shall explain the reason for such refusal. The authorities of the inspection vessel shall immediately notify the flag Member States authorities of the fishing vessel, as well as the Commission, or a body designated by it, of the master's refusal and any explanation provided. The Commission shall immediately inform the WCPFC Secretariat of such notification.

3. When notified of a refusal pursuant to paragraph 2, the flag Member State authorities of a fishing vessel shall direct the master to accept boarding and inspection unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection.

4. If the master does not comply with a direction given pursuant to paragraph 3, the flag Member State shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The flag Member State shall immediately notify the authorities of the inspection vessel and the Commission, or a body designated by it, of the action it has taken.

Article 32

Procedure in case of serious infringements

1. Upon receipt of a notification of a possible serious infringement as referred to in Article 33 from an authorised inspector of a contracting party, the flag Member State of the fishing vessel concerned shall without delay:

   (a) assume its obligation to investigate in accordance with Article 43 of Council Regulation (EC) No 1005/2008[1] and, if the evidence warrants, take enforcement action against the fishing vessel concerned and notify the authorised inspector's authorities, the Commission, or a body designated by it, and the WCPFC Secretariat thereof; or

[1] 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).

(b) authorise the authorised inspector's authorities to complete the investigation of the possible infringement and notify the Commission, or a body designated by it, and the WCPFC Secretariat thereof.

2. Authorised Union inspectors shall treat inspection reports in accordance with Article 76 of Regulation (EC) No 1224/2009.

3. In the case of paragraph 1, point (b), the Member State authorities of the authorised inspector shall submit the specific evidence collected by the authorised inspectors, along with the results of their investigation, to the flag state authorities of the fishing vessel immediately upon completion of the investigation. Upon receipt of a notification pursuant to paragraph 1, the flag Member State of the fishing vessel shall respond without delay and in any event no later than within three working days.

Article 33

Serious infringement

1. Each of the following violations constitutes a serious infringement within the meaning of Article 90 of Regulation (EC) No 1224/2009:

(a) fishing without a licence, permit or authorisation issued by the flag Member State;

(b) failure to maintain sufficient records of catch and catch-related data in accordance with reporting requirements set out in this Regulation's or significant misreporting of such catch or catch-related data;

(c) fishing in a closed area;

(d) fishing during a closed season;

(e) intentional taking or retention of species in contravention of any applicable CMM and of this Regulation;

(f) significant violation of catch limits or quotas in fishing opportunities;

(g) using prohibited fishing gear;

(h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;

(i) concealing, tampering with or disposing of evidence relating to investigation of a violation;

(j) multiple infringements which taken together constitute a serious disregard of measures in force pursuant to this Regulation;

(k) refusal to accept a boarding and inspection;

(l) unduly obstruct or delay an authorised inspector;

(m) intimidation of or physical attacks on the ROP observer;

(n) intentionally tampering with or disabling the VMS;

(o) fishing by Union fishing vessels not listed in the Record;

(p) fishing near a data buoy or taking a data buoy on board in breach of Article 9(1) or (2).

2. Where it has been established that a Union fishing vessel has been involved in the commission of a serious infringement, the authorities of the flag Member State shall withdraw the licence of that vessel and ensure that that vessel does not fish in that Convention area until the sanctions imposed by the flag Member State in respect of the violation have been complied with.

Article 34

Enforcement

1. The authorities of the flag Member State shall regard interference by fishing vessels flying its flag, or the master or crew of such vessels, with an authorised inspector or an authorised inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.

2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-contracting parties, or fishing vessels that appear to be without nationality, undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to the flag Member State, the Commission or a body designated by it, and the WCPFC Secretariat.

3. Member States shall report fishing vessels of non-contracting parties referred to in paragraph 2 to the Commission, or a body designated by it, and the flag State of the vessel concerned.

Chapter VII
Port State Measures

Article 35

Port State measures

The master of a Union fishing vessel shall cooperate with the port authorities of any contracting party in implementing port State measures under the Convention and this Regulation.

Article 36

Procedure in the event of suspected IUU fishing

Where, following a port inspection, a Member State receives an inspection report indicating that there are clear grounds to believe that a vessel flying its flag has engaged in IUU fishing or fishing related activities in support of IUU fishing, it shall immediately and fully investigate the matter in accordance with Article 43 of Regulation (EC) No 1005/2008 and Article 25 of the Convention.

Chapter VIII
Final Provisions

Article 37

Guidelines

1. The Commission shall provide Member States which have fishing opportunities in the fisheries managed by the WCPFC, with any guidelines adopted by the WCPFC, in particular with regard to:

   (a) the handling practices for mobulid rays;

   (b) the best handling practises of whale sharks and other sharks;

   (c) the handling of sea turtles; and

   (d) the safe release of cetaceans.

2. The Member States concerned shall ensure that the guidelines referred to in paragraph 1 are provided to the masters of the vessels flying their flag engaged in those fisheries. Those masters shall take all reasonable steps to apply such guidelines.

Article 38

Reporting

1. Member States shall submit to the Commission, by 20 April of each year, scientific data in accordance with the applicable WCPFC reporting requirements with respect to scientific data and, by 15 June of each year, an annual report on the implementation of this Regulation that complies with the WCPFC reporting requirements under the CMMs, including on any checks they have imposed on their fleets and any monitoring, control and compliance measures they have established to ensure compliance with such checks.

2. Catch and fishing effort by the Union vessels shall be reported under the applicable CMMs according to the following species groups: albacore tuna, bigeye tuna, skipjack, yellowfin tuna, swordfish, other billfish, and sharks. Estimates of discards and releases shall also be provided for each of those species. Catch estimates shall also be provided for other species as determined by the Commission.

3. The annual report referred to in paragraph 1 shall include in particular the following:

   (a) the catch levels of fishing vessels flying their flag that have taken striped marlin (*Kajikia audax*) as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S;

(b) the annual catch levels taken by each of the fishing vessels flying their flag that has taken South Pacific albacore (*Thunnus alalunga*), as well as the number of vessels actively fishing for South Pacific albacore in the Convention Area south of 20°S;

(c) the progress of implementation of this Regulation with respect to sea turtles conservation, including information collected on interactions with sea turtles in fisheries managed under the Convention;

(d) an estimate, through data collected from observer programmes and other means, of the number of releases of silky sharks and oceanic whitetip sharks, including the life status upon release (dead or alive);

(e) the number of WCPFC transhipment declarations received pursuant to Article 11(3) and (4), that they have sent to the Commission;

(f) any instances in which whale sharks have been encircled by the purse seine nets of the vessels flying their flag, including the details required under Article 16(2), point (b);

(g) any instances in which cetaceans have been encircled by the purse seine nets of the vessels flying their flag in accordance with Article 18(2);

(h) all transhipment operations covered by Article 11, in accordance with the guidelines in Annex II to CMM 2009-06;

(i) an annual statement of compliance measures under Article 25(8) of the Convention concerning action that they have taken in response to any alleged infringement of this Regulation, including boarding and inspections of the fishing vessels flying their flag that resulted in the observation of alleged infringements, including any proceedings instituted and sanctions applied.

4. Member States shall also report, as part of their annual report referred to in paragraph 1, to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish (*Xiphias gladius*) for:

(a) vessels flying their flag south of 20°S, other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another contracting party;

(b) vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20°S; and

(c) any other vessels fishing within their waters south of 20°S.

5. Member States shall also report to the Commission, or a body designated by it, as soon as possible any sightings of fishing vessels that appear to be without nationality, that may be fishing in the high seas of the Convention Area for species covered by the Convention.

Article 39

Alleged non-compliance reported by the WCPFC

1. If the Commission receives from the WCPFC any information indicating a suspected non-compliance with the Convention or a CMM by a Member State or by vessels flying its flag, the Commission shall transmit that information to the Member State concerned without delay.

2. The Member State shall provide the Commission, or a body designated by it, with the findings of any investigation undertaken in relation to the allegations of non-compliance and any actions taken to address compliance concerns within one month after receiving the information from the Commission as referred to in paragraph 1.

3. The Commission shall forward the findings referred to in paragraph 2 to the WCPFC at least 60 days in advance of the WCPFC Technical and Compliance Committee meeting.

Article 40

Confidentiality and data protection

1. In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States and the Commission, or the body designated by it under this Regulation, shall ensure confidential treatment of electronic reports and messages transmitted to, and received from, the WCPFC Secretariat.

2. All personal data collected, transferred and stored under this Regulation shall be treated in accordance with Regulations (EU) 2016/679 and (EU) 2018/1725.

3. Personal data processed under this Regulation shall not be stored for a period longer than 10 years, except if those personal data are necessary to allow the follow-up of an infringement or an inspection, or for the purpose of judicial or administrative procedures. In those cases, the personal data may be stored for 20 years. If personal data are retained for a longer period, the data shall be anonymised.

Article 41

Procedure for amendments

1. The Commission is empowered to adopt delegated acts in accordance with Article 42 in order to amend this Regulation in respect of the following:

   (a) the vessel information to be submitted to the Commission in accordance with Article 23(1);

   (b) the VMS requirements provided for in Article 26;

   (c) the percentage of observer coverage under the ROP referred to in Article 28(4);

   (d) the rights and obligations of ROP observers referred to in Article 28(9) and (10);

(e) the rights and obligations of vessel operators, masters and crews referred to in Article 29;

(f) the reporting deadlines for the reporting obligation referred to in Article 38(1);

(g) Annexes I to VI.

2. The delegated powers referred to paragraph 1 shall be strictly limited to the implementation of amendments to, or replacements of, CMMs which are binding on the Union, into Union law.

Article 42

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 41 shall be conferred on the Commission for a period of five years from ... [the date of entry into force of this Regulation]. 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.

3. The delegation of power referred to in Article 41 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 the validity of any delegated acts already in force.

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.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 41 shall enter 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 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 43

Amendment to Regulation (EC) No 520/2007

Article 4(4) and Article 28 of Regulation (EC) No 520/2007 are deleted.

Article 44

Entry into force

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

Done at ...,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

Bird Mitigation Measures

Table 1: Mitigation Measures

Column A	Column B
Side setting with a bird curtain and weighted branch lines[1]	Tori line[2]
Night setting with minimum deck lighting	Blue-dyed bait
Tori line	Deep setting line shooter
Weighted branch lines	Management of offal discharge
Hook-shielding devices[3]	

[1] If using side setting with a bird curtain and weighted branch lines from Column A, this will be counted as two mitigation measures.

[2] If a tori line is selected from both Column A and Column B, this equates to simultaneously using two (i.e. paired) tori lines.

[3] Hook-shielding devices can be used as a stand-alone measure.

Specifications

1. Tori lines (South of 25° South)

(a) For vessels ≥35 m total length

(i) Deploy at least one tori line. Where practical, vessels are encouraged to use a second tori line at times of high bird abundance or activity; both tori lines shall be deployed simultaneously, one on each side of the line being set. If two tori lines are used, baited hooks shall be deployed within the area bounded by the two tori lines.

(ii) A tori line using long and short streamers shall be used. Streamers shall be: brightly coloured, a mix of long and short streamers.

(1) Long streamers shall be placed at intervals of no more than 5 m, and long streamers must be attached to the line with swivels that prevent streamers from wrapping around the line. Long streamers of sufficient length to reach the sea surface in calm conditions must be used.

(2) Short streamers (greater than 1 m in length) shall be placed no more than 1 m apart.

(iii) Vessels shall deploy the tori line to achieve a desired aerial extent greater than or equal to 100 m. To achieve this aerial extent the tori line shall have a minimum length of 200 m, and shall be attached to a tori pole >7 m above the sea surface located as close to the stern as practical.

(iv) If vessels use only one tori line, the tori line shall be deployed windward of sinking baits.

(b) For vessels <35 m total length

(i) A single tori line using either long and short streamers, or short streamers only shall be used.

(ii) Streamers shall be: brightly coloured long and/or short (but greater than 1 m in length); streamers must be used and placed at intervals as follows:

(1) Long streamers placed at intervals of no more than 5 m for the first 75 m of tori line.

(2) Short streamers placed at intervals of no more than 1 m.

(iii) Long streamers should be attached to the line in a way that prevent streamers from wrapping around the line. All long streamers shall reach the sea-surface in calm conditions. Streamers may be modified over the first 15 m to avoid tangling.

(iv) Vessels shall deploy the tori line to achieve a minimum aerial extent of 75 m. To achieve this aerial extent the tori line shall be attached to a tori pole >6 m above the sea surface located as close to the stern as practical. Sufficient drag must be created to maximise aerial extent and maintain the line directly behind the vessel during crosswinds. To avoid tangling, this is best achieved using a long in-water section of rope or monofilament.

(v) If two tori lines are used, the two lines must be deployed on opposing sides of the main line.

2. Tori lines (North of 23° North)

(a) Long Streamer

(i) Minimum length: 100 m

(ii) Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of the point where the hookline enters the water.

(iii) Must be attached so that the aerial extent is maintained over the sinking baited hooks.

(iv) Streamers must be less than 5 m apart, be using swivels and long enough so that they are as close to the water as possible.

(v) If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

(b) Short Streamer (For vessels ≥24 m total length)

(i) Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.

(ii) Must be attached so that the aerial extent is maintained over the sinking baited hooks.

(iii) Streamers must be less than 1 m apart and be 30 cm minimum length.

(iv) If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the main line.

(c) Short Streamer (For vessels <24 m total length)

This design shall be reviewed no later than three years from the implementation date based on scientific data.

(i) Must be attached to the vessel such that it is suspended from a point a minimum of 5 m above the water at the stern on the windward side of a point where the hookline enters the water.

(ii) Must be attached so that the aerial extent is maintained over the sinking baited hooks.

(iii) If streamers are used, it is encouraged to use the streamers designed to be less than 1 m apart and be 30 cm minimum length.

(iv) If two (i.e. paired) tori lines are used, the two lines must be deployed on opposing sides of the mainline.

3. Side setting with bird curtain and weighted branch lines

(a) Mainline deployed from port or starboard side as far from stern as practicable (at least 1 m), and if mainline shooter is used, must be mounted at least 1m forward of the stern.

(b) When seabirds are present the gear must ensure mainline is deployed slack so that baited hooks remain submerged.

(c) Bird curtain must be employed:

(i) Pole aft of line shooter at least 3 m long;

(ii) Minimum of three main streamers attached to upper 2 m of pole;

(iii) Main streamer diameter minimum 20 mm;

(iv) Branch streamers attached to end of each main streamer long enough to drag on water (no wind) – minimum diameter 10 mm.

4. Night setting

(a) No setting between nautical dawn and before nautical dusk.

(b) Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date.

(c) Deck lighting to be kept to a minimum. Minimum deck lighting should not breach minimum standards for safety and navigation.

5. Weighted branch lines

Following minimum weight specifications are required:

(a) one weight greater than or equal to 40 g within 50 cm of the hook;

(b) greater than or equal to a total of 45 g attached to within 1 m of the hook;

(c) greater than or equal to a total of 60 g attached to within 3,5 m of the hook; or

(d) greater than or equal to a total of 98 g weight attached to within 4 m of the hook.

6. Hook-shielding devices

Hook-shielding devices encase the point and barb of baited hooks to prevent seabird attacks during line setting. The following devices have been approved for use in WCPFC fisheries:

Hookpods, which comply with the following performance characteristics:

(a) the device encases the point and barb of the hook until it reaches a depth of at least 10 metres or has been immersed for at least 10 minutes;

(b) the device meets current minimum standards for branch line weighting as specified in this Annex; and

(c) the device is designed to be retained on the fishing gear rather than being lost.

7. Management of offal discharge

(a) either no offal discharge during setting or hauling;

(b) or strategic offal discharge from the opposite side of the boat to setting/hauling to actively encourage birds away from baited hooks.

8. Blue-dyed bait

(a) If using blue-dyed bait it must be fully thawed when dyed.

(b) The WCPFC Secretariat shall distribute a standardised colour placard.

(c) All bait must be dyed to the shade shown in the placard.

9. Deep setting line shooter

(a) Line shooters must be deployed in a manner such that the hooks are set substantially deeper than they would be lacking the use of the line shooter, and such that the majority of hooks reach depths of at least 100 m.

ANNEX II

Markings and other technical specifications of fishing vessels

1. Union fishing vessels shall display the WIN in the English language prominently at all times:

   (a) on the vessel's hull or superstructure, port and starboard. Operators may place fixtures that are inclined at an angle to the vessel's side or superstructure provided that the angle of inclination would not prevent sighting of the sign from another vessel or from the air;

   (b) on a deck, except as provided for in paragraph 3. Should an awning or other temporary cover be placed so as to obscure the mark on a deck, the awning or cover shall also be marked. These marks should be placed athwartships with the top of the numbers or letters towards the bow.

2. The WIN shall be placed:

   (a) as high as possible above the waterline on both sides of the vessel and it shall be ensured that such parts of the hull as the flare of the bow and the stern are avoided;

   (b) in a manner that does not allow the marks to be obscured by the fishing gear whether it is stowed or in use;

(c) in a manner so that they are clear of flow from scuppers or overboard discharges including areas which might be prone to damage or discolouration from the catch of certain types of species; and

(d) so that they do not extend below the waterline.

3. Undecked vessels shall not be required to display the WIN on a horizontal surface. However, operators are encouraged to fit a board on which the WIN is placed so that it may be clearly seen from the air.

4. Boats, skiffs and craft carried by the vessel for fishing operations shall bear the same WIN as the vessel concerned.

5. Union fishing vessels shall comply with the following in placing the WIN on the vessel:

(a) block lettering and numbering is used throughout;

(b) the width of the letters and numbers is in proportion to the height;

(c) the height (h) of the letters and numbers is in proportion to the size of the vessel and in accordance with the following:

(i) for the WIN to be placed on the hull, superstructure and/or inclined surfaces: the length of vessel overall (LOA) shall be displayed in metres (m); the height of letters and numbers in metres (m) shall not be less than: 1,0 m for vessels of 25 m and over, 0,8 m for vessels at least 20 m but less than 25 m, 0,6 m for vessels of at least 15 m but less than 20 m, 0,4 m for vessels of at least 12 m but less than 15 m, 0,3 m for vessels of at least 5 m but less than 12 m, 0,1 m for vessels under 5 m;

(ii) for the WIN to be placed on deck: the height shall not be less than 0,3 m for all classes of vessels of 5 m and over;

(d) the length of the hyphen is half the height of the letters and numbers;

(e) the width of the stroke for all letters, numbers and the hyphen is h/6;

(f) the space between letters and/or numbers does not exceed h/4 nor be less than h/6;

(g) the space between adjacent letters having sloping sides does not exceed h/8 nor be less than h/10;

(h) the WIN is white on a black background, or black on a white background;

(i) the background shall extend to provide a border around the WIN of not less than h/6;

(j) good quality marine paint is used throughout;

(k) the WIN meets the requirements of these specifications where retro-reflective or heat generating substances are used; and

(l) the WIN and the background are maintained in good condition at all times.

ANNEX III

Minimum Standards for Automatic Location Communicators (ALCs)
used in the WCPFC Vessel Monitoring System

1. The ALC shall automatically and independently of any intervention on the vessel communicate the following data:

   (i) ALC static unique identifier;

   (ii) the current geographical position (latitude and longitude) of the vessel; and

   (iii) the date and time (expressed in Universal Time Constant [UTC]) of the fixing of the position of the vessel referred to in point (ii).

2. The data referred to in paragraph 1, points (ii) and (iii), shall be obtained from a satellite-based positioning system.

3. ALCs fitted to fishing vessels must be capable of transmitting data referred to in paragraph 1, hourly.

4. The data referred to paragraph 1 shall be received by the WCPFC within 90 minutes of being generated by the ALC, under normal operating conditions.

5. ALCs fitted to fishing vessels must be protected so as to preserve the security and integrity of data referred to in paragraph 1.

6. Storage of information within the ALC must be safe, secure and integrated under normal operating conditions.

7. It must not be reasonably possible for anyone other than the monitoring authority to alter any of that authority's data stored in the ALC, including the frequency of position reporting to that authority.

8. Any features built into the ALC or terminal software to assist with servicing shall not allow unauthorised access to any areas of the ALC that could potentially compromise the operation of the VMS.

9. ALCs shall be installed on vessels in accordance with their manufacturer's specifications and applicable standards.

10. Under normal satellite navigation operating conditions, positions derived from the data forwarded must be accurate to within 100 square metres Distance Root Mean Squared (DRMS) (i.e. 98 % of the positions must be within this range).

11. The ALC and/or forwarding service provider must be able to support the ability for data to be sent to multiple independent destinations.

12. The satellite navigation decoder and transmitter shall be fully integrated and housed in the same tamper-proof physical enclosure.

13. A standard format for manual position reporting in the event of ALC Malfunction or Failure is as follows:

(a) WIN

(b) Vessel Name

(c) Date: dd/mm/yy

(d) Time: 24 hour format HH:MM (UTC)

(e) Latitude –DD-MM-SS (N/S)

(f) Longitude –DDD-MM-SS (E/W)

(g) Activity (Fishing/Searching/Transit/Transhipping)

ANNEX IV

Information to be included in the WCPFC Transhipment Declaration

1. A unique document identifier

2. The name of the fishing vessel and its WIN

3. The name of the carrier vessel and its WIN

4. The fishing gear used to take the fish

5. The quantity of product[1](including species and its processed state[2]) to be transhipped

6. The state of fish (fresh or frozen)

7. The quantity of by-product[3] to be transhipped

8. The geographic location[4] of the highly migratory fish stock catches

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1 Tuna and tuna-like species.

2 Whole; gutted and headed; gutted, headed and tailed; gutted only, not gilled; gilled and gutted; gilled, gutted and tailed; shark fins.

3 Non tuna and tuna-like species.

4 Geographic location of catch means sufficient information to identify what proportion of the catch was taken in the following areas: high seas, outside the Convention Area, EEZs (listed separately). Location of catches not required for receiving vessel.

9. The date and location[1] of the transhipment

10. If applicable, the name and signature of the WCPFC observer

11. The quantity of product already on board the receiving vessel and the geographic origin[2] of that product.

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[1] Location of transhipment is to be in decimal latitude and longitude to the nearest 0,1 degrees and accompanied by a description of the location, such as high seas, outside the Convention Area or within a named EEZ.

[2] The origin of product shall be reported by RFMO area and will include the quantity of product from each different area.

ANNEX V

Coordinates and map of the Eastern High Sea Pocket

LONGITUDE	LATITUDE
-155.495308	-11.375548
-155.498321	-11.391248
-155.375667	-11.6652
-155.144789	-12.031226
-155.087069	-12.286791
-155.011312	-12.527927
-154.988916	-12.541928
-155.011131	-12.528155
-155.4405	-12.58823
-155.8398	-12.7045
-156.3396	-12.96024
-156.748	-13.26971
-157.0805	-13.57845
-157.4277	-13.99567
-157.6434	-14.37697
-157.7986	-14.73752
-157.9131	-15.11709
-157.962	-15.46605
-158.039622	-15.653761
-158.122829	-15.877123
-158.127739	-15.869203
-158.231024	-15.803568
-158.36955	-15.745447
-158.496828	-15.694033
-158.661362	-15.634953
-158.821586	-15.583395

LONGITUDE	LATITUDE
-159.026918	-15.539192
-159.190663	-15.503491
-159.372631	-15.472738
-159.548569	-15.453715
-159.736692	-15.448871
-159.90316	-15.449959
-160.083542	-15.463548
-160.226654	-15.480612
-160.365423	-15.495182
-160.451319	-15.514117
-160.406016	-15.448192
-160.316351	-15.338878
-160.217964	-15.213622
-160.156932	-15.110787
-160.074995	-14.978629
-160.011413	-14.890788
-159.926847	-14.750107
-159.87787	-14.621808
-159.79653	-14.407807
-159.75968	-14.275899
-159.711458	-14.113648
-159.682425	-13.98575
-159.655144	-13.863674
-159.621745	-13.726376
-159.619708	-13.634445
-159.616001	-13.561895
-159.614094	-13.509574
-159.561966	-13.476838
-159.464666	-13.417237
-159.323121	-13.349332
-159.212807	-13.287211

LONGITUDE	LATITUDE
-159.104174	-13.209011
-158.983445	-13.143509
-158.882253	-13.049931
-158.744371	-12.94646
-158.649624	-12.872332
-158.560938	-12.795621
-158.495677	-12.723884
-158.424306	-12.639442
-158.333838	-12.548261
-158.2853	-12.45563
-158.071642	-12.43816
-157.8909	-12.42376
-157.747379	-12.436771
-157.631174	-12.428707
-157.4811	-12.39678
-157.229515	-12.356368
-157.039477	-12.306157
-156.868471	-12.243143
-156.665366	-12.174288
-156.495214	-12.106995
-156.3649	-12.01769
-156.25113	-11.967768
-156.113903	-11.894359
-156.012144	-11.844092
-155.895851	-11.761728
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-155.495308	-11.375548

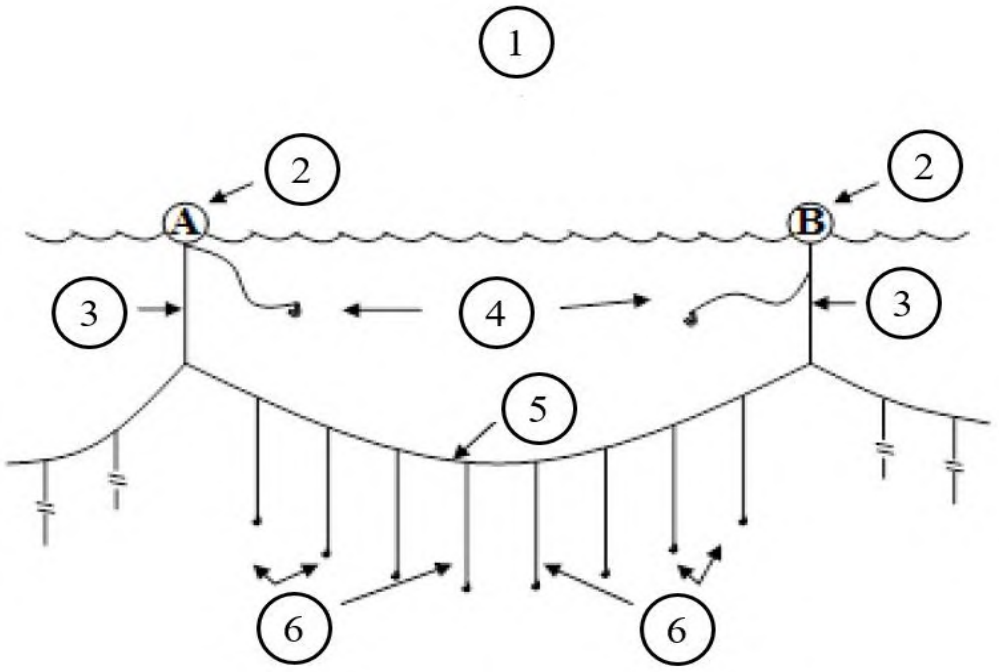


Legend:

1. Eastern High Seas Pocket (E-HSP)
2. High Seas
3. Kiribati
4. Cook Islands
5. French Polynesia

ANNEX VI

Schematic diagram of a shark line



Legend:

1. Longline
2. Float
3. Floatline
4. Shark lines
5. Mainline
6. Snoods