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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation, management and control measures applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries, amending Regulation (EU) 2019/1241 of the European Parliament and of the Council and Council Regulation (EC) No 1224/2009, and repealing Council Regulation (EEC) No 1899/85 and Regulation (EU) No 1236/2010 - Revised Presidency compromise

Delegations will find attached a revised Presidency compromise (REV 3) on the above-mentioned Commission proposal.

Changes to the Commission proposal are presented in **bold underline** and ~~strikethrough~~.

2023/0206 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down conservation, management and control measures applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries, amending Regulation (EU) 2019/1241 of the European Parliament and of the Council and Council Regulation (EC) No 1224/2009, and repealing Council Regulations (EEC) No 1899/85 and (EEC) No 1638/87 and Regulation (EU) No 1236/2010

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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,

Whereas:

(1) One of the objectives of the Common Fisheries Policy, as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council[2], is to ensure exploitation of marine biological resources in a way that provides sustainable economic, environmental and social conditions.

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1 [Opinion reference]

2 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) By Council Decision 98/392/EC[3], the Union approved the United Nations Convention on the Law of the Sea. By Council Decision 98/414/EC[4], the Union approved the Agreement for the Implementation of that Convention 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 takes part in efforts made in the high seas to conserve fish stocks.

(3) By Council Decision 81/608/EEC[5], the European Economic Community approved the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries ('NEAFC Convention'), which established the North-East Atlantic Fisheries Commission (NEAFC). The 2004 and 2006 amendments to the NEAFC Convention were approved by Council Decision 2009/550/EC[6]. The amendments formally entered into force on 29 October 2013, although, in accordance with the 2005 Declaration on the Interpretation and Implementation of the Convention on the Future Multilateral Cooperation in North-East Atlantic Fisheries (the London Declaration), it was agreed to implement the amendments on a provisional basis from their adoption, pending their entry into force.

(4) The NEAFC Convention aims to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. To that end, ~~the~~ NEAFC ~~Commission~~ has the authority to adopt legally binding decisions ('recommendations') for the conservation, management and control of fishery resources under its purview. These recommendations are essentially addressed to the NEAFC Contracting Parties, but also contain obligations for operators (e.g. masters of fishing vessels). Such measures may become binding upon the Union and, in the case of the Union, are to be implemented into Union law to the extent to which they are not already covered by Union law.

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3 Council Decision 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).

4 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).

5 Council Decision of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries (OJ L 227, 12.8.1981, p. 21).

6 Council Decision of 5 March 2009 on the approval of amendments to the Convention on future multilateral cooperation in the North-East Atlantic Fisheries allowing for the establishment of dispute settlement procedures, the extension of the scope of the Convention and a review of the objectives of the Convention (OJ L 184, 16.7.2009, p. 12).

(5) NEAFC Recommendation 19:2014[7] establishes measures to protect vulnerable marine ecosystems by determining areas closed for bottom fishing, existing bottom fishing areas and the requirements for exploratory fishing. Certain parts of that Recommendation have been implemented into Union law by Regulation (EU) 2019/1241 of the European Parliament and of the Council[8]. It is therefore appropriate that this Regulation ensures full implementation into Union law of that Recommendation in its entirety.

(6) The NEAFC has also adopted recommendations 01:2023[9] and 04:2023[10] establishing closed areas for redfish in the Irminger Sea and for Rockall haddock. Those recommendations should be implemented in Union law.

(7) For certain fisheries, NEAFC was not in a position to adopt relevant recommendations, such as measures for redfish in ICES 1 and 2. Nevertheless, conservation measures should be adopted in line with the Union positions expressed in NEAFC to ensure conservation benefits for those stocks.

(8) The last implementation into Union law of control measures adopted by NEAFC was enacted by Regulation (EU) No 1236/2010[11]. Since then, NEAFC has amended some measures that are already in force and adopted new measures that are not yet implemented into Union law. This relates in particular to control measures under the NEAFC Scheme of control and enforcement (the Scheme).

(9) The Scheme is a recommendation establishing control and enforcement measures applicable to vessels flying the flag of Contracting Parties and operating in the Regulatory Area, arrangements for inspection and surveillance procedures at sea in the NEAFC Regulatory Area, and procedures in case of infringement which must be implemented by the Contracting Parties. It includes certain control measures applicable to the Convention

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7 https://www.neafc.org/system/files/Recommendation-19-2014-VME-protection-as-amended-by-Rec-09-2015-Rec-10-2018-Rec-10-2021-Rec-06-and-07-2023.pdf

8 Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

9 https://www.neafc.org/system/files/Recommendation-01_Redfish-Irminger-Sea.pdf

10 https://www.neafc.org/system/files/Recommendation-04_Rockall-Haddock.pdf

11 Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ L 348, 31.12.2010, p. 17).

Area, covering waters under the jurisdiction of the NEAFC Contracting Parties, such as requirements on labelling for frozen fish. The Scheme also provides for a port state control system applicable to fishing vessels of NEAFC Contracting Parties carrying on board fishery resources from the Convention Area and intending to call ports of another Contracting Party. This system requires a prior notification from the operator, to be verified by the flag Contracting Party, before the port State grants the authorisation to land, tranship or make use of other port services.

(10) NEAFC Recommendation 19:2019[12] introduced an electronic reporting system (ERS) for the communication of data between the NEAFC Contracting Parties and the NEAFC Secretariat based on the FLUX UN/CEFACT standard for sustainable fisheries management. The introduction of this standard is associated with the entry into force of a new NEAFC Scheme of control and enforcement. It is necessary to implement this recommendation into Union law.

(11) In 2022, the Union, the Faroe Islands, Greenland, Iceland, Norway and the United Kingdom held consultations on control measures for certain pelagic fisheries in the North-East Atlantic. Those consultations were concluded in November 2022, on the basis of the Union position endorsed by the Council on 14 October 2022. The measures agreed in these consultations[13] should be implemented into Union law. In accordance with the agreement of the Parties to these fisheries consultations, the application of certain measures should be deferred in order to provide for sufficient implementation time.

(11a) **<u>The landing and weighing of landings above 10 tonnes of certain pelagic stocks should be monitored through camera and sensor technologies in landing and processing facilities where more than 3 000 tonnes of those stocks are weighed per calendar year. All landings should be counted to determine the threshold of 3 000 tonnes. The Commission should be empowered to revise those measures in an agile manner pursuant to future agreements reached in coastal States consultations or within the framework of NEAFC.</u>**

[12] https://www.neafc.org/system/files/Recommendation%2019_Introducing-ERS-based-on-FLUX-UN-CEFACT.pdf

[13] Agreed Record signed by Heads of Delegation of respective Parties in November 2022 (https://oceans-and-fisheries.ec.europa.eu/system/files/2022-12/2022-coastal-states-fisheries-consultations-control-measures_en.pdf).

(12) Personal data processed in the framework of this Regulation should be treated in accordance with the applicable provisions of Regulations of the European Parliament and of the Council (EU) 2016/679[14] and (EU) 2018/1725[15]. In order to ensure the fulfilment of obligations under this Regulation, the personal data should be stored for no longer than 5 years after receiving the relevant data. In the event that the personal data in question are needed for the follow-up of complaints, infringements, judicial or administrative procedures, Member States and the Commission should be able to retain certain data until the end of the concerned administrative or judicial proceedings or the time needed for the application of sanctions. Moreover, safeguards in particular against misuse, including accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access should be laid down in accordance with the requirements set out in Regulations (EU) 2016/679 and 2018/1725 and in this Regulation.

(13) 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 and delivered an opinion on [date][16].

(14) In order to swiftly implement into Union law future NEAFC Recommendations amending or supplementing the ones referred to in this Regulation, power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of amending provisions concerning procedures for the notification of contact points, transmission of notifications and authorisations of fishing vessels, ~~for the~~ communications of transhipments, communications to the NEAFC Secretariat, global reporting of catch and fishing effort, notification of deployments of inspection vessels and aircrafts, notifications of infringements, surveillance ~~procedures~~, and ~~for~~ the notification of infringements; requirements for stowage plans, list of regulated resources, vulnerable marine ecosystem (VME) indicator species, coordinates of the existing bottom fishing areas, technical measures applicable in the Regulatory Area; data elements of messages, production logbook, electronic fishing logbook and port of landing reports; data transmission formats, procedures for fisheries monitoring centers to manually

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14 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).

15 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).

16 [Opinion reference].

validate messages; data elements for the notification of inspectors and inspection platforms, surveillance activities and surveillance and sighting reports; inspection report templates, rules on the construction and use of boarding ladders, data elements of the notification of designation of ports and templates of the port state control forms. In order to swiftly implement into Union law future measures endorsed by the Union and other North East Atlantic coastal States in consultations relating to the control of certain pelagic fisheries, the power to adopt acts in accordance with Article 290 of the TFEU should also be delegated to the Commission in respect of amending provisions concerning restrictions for pelagic vessels on catch handling and discharge, derogations on the prohibition to use automatic grading equipment and move-on provisions.

(15) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[17]. 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.

(16) The NEAFC conservation and management measures applicable in the Regulatory Area were last implemented into Union law by Council Regulations (EEC) No 1899/85[18] and **(EEC) No 1638/87[19], as well as** Annex XII to Regulation (EU) 2019/1241 of the European Parliament and of the Council[20]. In the interest of clarity, simplification and legal certainty, Article 5(h), Chapter VI and Annex XII to Regulation (EU) 2019/1241 are deleted and

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17 Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

18 Council Regulation (EEC) No 1899/85 of 8 July 1985 establishing a minimum mesh size for nets used when fishing for capelin in that part of the zone of the Convention on future multilateral cooperation in the north-east Atlantic fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention (OJ L 179, 11.7.1985, p. 2).

19 **Council Regulation (EEC) No 1638/87 of 9 June 1987 fixing the minimum mesh size for pelagic trawls used in fishing for blue whiting in that part of the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries which extends beyond the maritime waters falling within the fisheries jurisdiction of Contracting Parties to the Convention (OJ L 153, 13.6.1987, p. 7).**

20 Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 1050).

replaced by the provisions in this Regulation~~, and Council Regulation (EEC) No 1899/85~~. Council Regulation**s** (EEC) No 1899/85 **and (EEC) No 1638/87 are** ~~is~~ repealed and replaced by the provisions in this Regulation.

(17) For the same reasons, Articles 54b and 54c of Council Regulation (EC) No 1224/2009[21] containing certain control measures for pelagic fisheries are deleted and replaced by the provisions in this Regulation.

(18) The NEAFC control measures were last implemented into Union law by Regulation (EU) No 1236/2010 of the European Parliament and of the Council[22]. Therefore, Regulation (EU) No 1236/2010 is repealed and replaced by this Regulation;

HAVE ADOPTED THIS REGULATION:

TITLE I
GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation:

(a) lays down conservation and management measures and implements the amendments to the Scheme of control and enforcement adopted by the North-East Atlantic Fisheries Commission (the NEAFC Scheme);

(b) establishes measures for certain pelagic fisheries in the Convention Area and Union waters of the Committee for Eastern Central Atlantic Fisheries (CECAF) area, as

[21] Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community 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).

[22] Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ L 348, 31.12.2010, p. 17).

specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and the Council[23]; and

(c) amends certain provisions of Regulation (EU) 2019/1241 of the European Parliament and of the Council and of Council Regulation (EC) No 1224/2009.

2. This Regulation applies without prejudice to the obligations set out in existing regulations in the fisheries sector, in particular Regulation of the European Parliament and of the Council (EU) 2017/2403[24], and Council Regulations (EC) No 1005/2008[25] and (EC) No 1224/2009.

TITLE II
NEAFC MEASURES

CHAPTER I
SCOPE AND DEFINITIONS

Article 2

Scope

Title II of this Regulation applies to:

(a) Union fishing vessels operating in the Regulatory Area under the auspices of NEAFC;

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23 Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

24 Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

25 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) Union vessels with catches on board from the Convention Area, where specifically referred to; and

(c) third country vessels with catches on board from the Convention Area in Union waters or ports, where specifically referred to.

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Article 3

Definitions

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

1. 'NEAFC' means the North-East Atlantic Fisheries Commission;

2. 'Convention Area' means the areas

(a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding:

i. the Baltic Sea and the Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbierg and from Gilbierg Head to the Kullen, and

ii. the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5°36' west longitude

(b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

3. 'Regulatory Area' means the waters of the Convention Area, which lie beyond the waters under the fisheries jurisdiction of Contracting Parties;

4. 'vulnerable marine ecosystems' or 'VMEs' means marine ecosystems identified using the criteria in paragraphs 42 and 43 of the Food and Agricultural Organisation (FAO) International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;

5. 'regulated resources' means the fishery resources which are subject to recommendations under the Convention and are listed in Annex I;

6. ‘VME indicator species’ means the species that signals the occurrence of VMEs, as specified in Annex II;

7. ‘bottom fishing’ means the use of fishing gear that is likely to contact the seafloor during the normal course of fishing operations;

8. ‘existing bottom fishing areas’ means the portion of the Regulatory Area where bottom fishing occurred in the period between 1987 to 2007, as defined by the coordinates set out in Annex III;

9. ‘exploratory bottom fishing’ means all commercial bottom fishing within restricted bottom fishing areas or, if there are significant changes to the conduct and technology of bottom fishing, within existing bottom fishing areas;

10. ‘fishing activities’ means fishing, including joint fishing operations, fish processing operations, the transhipment or landing of fishery resources or products thereof and any other commercial activity in preparation for, or related to fishing, including packaging, transporting, refuelling or resupplying;

11. ‘fishing vessel’ means any vessel used or intended for use for the purpose of commercial exploitation of fishery resources, including fish processing vessels and vessels engaged in transhipment;

12. ‘encounter’ means the catch of VME indicator species above the following threshold levels:

    (a) for a trawl tow and fishing gear other than longlines: the presence of more than 30 kg of live coral and/or 400 kg of live sponge; and

    (b) for a longline set: the presence of VME indicators on 10 hooks per 1000 hook segment or per 1200 m section of long line, whichever is shorter;

13. ‘VMS’ means a satellite-based fishing vessel monitoring system providing the competent authorities with data at regular intervals on the position, course and speed of the fishing vessel;

14. ‘report’ means the standardised information related to fishing activities recorded by electronic means;

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15. ‘NEAFC Secretariat’ means the NEAFC Secretary and other staff appointed by NEAFC in accordance with Article 3(7) of the Convention;

16. ‘significant adverse impacts’ means impacts referred to in paragraphs 17 to 20 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;

17. ‘fishery resources’ means the resources of fish, molluscs, crustaceans and including sedentary species, excluding, in so far as they are dealt with by other international agreements, highly migratory species listed in Annex I of the United Nations Convention on the Law of the Sea of 10 December 1982, and anadromous stocks;

18. ‘message’ means the standardised form in which reports are exchanged between Contracting Parties and the NEAFC Secretariat or between Member States and the Commission;

19. ‘Convention’ means the Convention on future multilateral cooperation in North-East Atlantic fisheries[26];

20. ‘IMO number’ means a 7-digit number allocated by the International Maritime Organisation (IMO) or any other agency which has been given that authority at the time of construction or when a ship is first included in the IMO registry of ships;

21. ‘electronic fishing logbook’ means the record by computerised means of fishing activity details recorded by the master of a fishing vessel and transmitted to the flag State from the prior notification of entry into the Regulatory Area until the exit from the Regulatory Area.

22. ‘FMC’ means a land-based fisheries monitoring centre of the flag State;

23. ‘prior notification’ means a report on the intention to perform an activity in the future;

24. ‘fishing trip’ means with regard to fishing activities in the Regulatory Area, any voyage of a fishing vessel during which fishing activities are conducted from the time of entry into until its exit from the Regulatory Area;

25. ‘declaration’ means a report of a fishing activity that is taking or has taken place at the time of its recording and transmission;

[26] Convention on future multilateral cooperation in North-East Atlantic fisheries (OJ L 227 12.8.1981, p. 22).

26. ‘transhipment operation’ means the direct transfer of any quantity of fishery resources **or products thereof** retained on board from one fishing vessel to another;

27. ‘Contracting Parties’ means the Contracting Parties to the Convention;

28. ‘EFCA’ means the European Fisheries Control Agency as established by Regulation (EU) 2019/473 of the European Parliament and of the Council[27];

29. ‘port’ means any place on shore used for landing or for the provision of services in relation to, or in support of, fishing activities, or a place on or close to the shore designated by a Contracting Party for transhipping of fishery resources;

30. ‘joint fishing operation’ means any operation between two or more fishing vessels where catch is taken from the fishing gear of one fishing vessel to another;

31. ‘electronic data’ means all documents, reports, messages and forms electronically transmitted and received pursuant to the provisions of the NEAFC Scheme;

32. ‘closed bottom fishing areas’ means areas closed to bottom fishing for the protection of VMEs in the Regulatory Area, as specified in point 8 of Annex IV;

33. ‘non-Contracting Party vessel’ means any vessel engaged in fishing activities that is neither flagged in a Contracting Party nor in an active cooperating non-Contracting Party to NEAFC, or fishing vessels for which there are reasonable grounds for suspecting them to be without nationality;

34. ‘IUU fishing’ means any illegal, unreported and unregulated fishing activities as defined in Article 2(1) to (4) of Regulation (EC) No 1005/2008; and

35. ‘CFR number’ means the unique identification number of the vessel in the Union fishing fleet, irrespective of any national fishing fleet numbers and as referred to in Article 8 of the Commission Implementing Regulation (EU) 2017/218[28].

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[27] 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).

[28] Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

CHAPTER II

CONSERVATION MEASURES

PUBLIC

Article 4

Measures to protect VMEs

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, outside the existing bottom fishing areas listed in Annex III sequentially joining with rhumb lines the indicated coordinates, which shall be measured according to the WGS84 system. This paragraph shall not apply to exploratory bottom fishing activities as set out in Article 5.

2. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the areas listed in point 8 of Annex IV sequentially joining with rhumb lines the indicated coordinates, which shall be measured according to the WGS84 system.

2a If ICES advises that there are sub-areas where significant adverse impacts on VMEs are not considered likely within the areas referred to in paragraph 2 of this Article, the Union may propose to NEAFC to amend the relevant Recommendation to exclude those sub-areas from the prohibition under paragraph 2.

3. The master of a Union fishing vessel carrying out bottom fishing shall quantify the catches of VME indicator species. Where the quantity of VME indicator species ~~represents~~ **amounts to** an encounter in a fishing operation, the master shall:

   (a) if the encounter is discovered in connection with the hauling of a trawl gear, cease fishing and move out of an area defined as a 2 nautical mile wide band (polygon) on both sides of the track of the trawl haul during which an encounter occurred. The track is defined as the line joining consecutive VMS positions, supplemented by the most precise available positioning information, between the start and the end of the tow, extended by 2 nautical miles at both ends;

   (b) if the encounter is discovered in connection with other bottom fishing gears, cease fishing and move away at least 2 nautical miles from the position that the evidence suggests is closest to the exact encounter location.

4. The master shall use all available sources of information and report without delay to the flag Member State the details of the incident, including the track or position determined pursuant to points (a) and (b) of paragraph 3.

4a. The accuracy of the information reported to the flag Member States shall be the responsibility of the master.

5. The flag Member State shall send without delay the details of the incident to the Commission, which shall forward this information to the NEAFC Secretariat.

6. Masters of Union fishing vessels shall ~~implement~~ **comply with** temporary closures in the areas identified by NEAFC following information on encounters with possible VMEs until the NEAFC Secretariat notifies the re-opening of those areas.

Article 5

Exploratory bottom fishing activities

1. Exploratory bottom fishing activities shall be subject to a prior assessment by the NEAFC Permanent Committee on Management and Science (PECMAS) and the International Council for the Exploration of the Sea (ICES).

2. Member States whose vessels wish to engage in exploratory bottom fishing shall gather data necessary for a prior assessment by PECMAS and ICES and submit by electronic means to the Commission the following information for the purpose of evaluating requests for exploratory fishing:

   (a) a harvesting plan, which outlines the target species, proposed dates and areas and the type of bottom fishing gear to be used. Area and effort restrictions shall be considered to ensure that fishing occurs on a gradual basis in a limited geographical area;

   (b) a mitigation plan, including measures to prevent significant adverse impact to VMEs that may be encountered during fishing activities;

   (c) a catch monitoring plan, including recording and reporting of all species caught;

   (d) a system for catch recording and reporting allowing for a sufficiently detailed assessment of activity;

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(e) a fine-scale data collection plan on the distribution of intended tows and sets, to the extent practicable on a tow-by-tow and set-by-set basis;

(f) a data collection plan to facilitate the identification of VMEs in the area where the fishing activities took place;

(g) plans for the monitoring of bottom fishing, using gear monitoring technology, including cameras, if practicable;

(h) data from seabed mapping programmes, echosounders and, if practicable, multibeam sounders, and other data relevant to the preliminary assessment of the risk of significant adverse impacts on VMEs; and

(i) a preliminary assessment of the known and anticipated impacts of the proposed bottom fishing addressing, *inter alia*:

i. a harvesting plan including the type of fishing conducted or contemplated, including vessel and gear types, fishing areas, target and potential by-catch species, fishing effort levels and duration of fishing;

ii. best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;

iii. identification, description and mapping (geographical location and extent) of VMEs known or likely to occur in the fishing area;

iv. identification, description and evaluation of the occurrence, character, scale and duration of likely impacts, including cumulative impacts of the proposed fishery on VMEs in the fishing area;

v. data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge and an evaluation of uncertainties in the information presented in the assessment;

vi. risk assessment of likely impacts caused by fishing operations to determine which impacts on VMEs are likely to have or imply significant adverse impacts; and

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vii. information contained in the mitigation plan concerning mitigation and management measures to be used to prevent significant adverse impacts on VMEs and the measures to be used to monitor the effects of fishing operations.

3. The flag Member State shall:

(a) send the request for prior assessment of exploratory bottom fishing activities and the accompanying information to the Commission at least seven months prior to the proposed start of the fishing;

(b) ensure that its fishing vessels participating in exploratory bottom fishing have an observer on board, who shall:

i. monitor any set for evidence of presence of VMEs and identify coral, sponges and other organisms to the lowest taxonomical level possible;

ii. record on data sheets the following information for identification of VMEs: vessel name, gear type, date, position (latitude/longitude), depth, species code, trip number, set number and the name of the observer; and

iii. collect, if required, representative samples from the entire catch and provide the samples to the relevant scientific body of the flag Member State.

(c) authorise the start of the exploratory bottom fishing only after the activities have been approved by ~~the~~ NEAFC ~~Commission~~; and

(d) provide a report of the results of the exploratory bottom fishing activities to ICES and the Commission, which shall forward it to the NEAFC Secretariat.

4. The Commission shall forward the request and the accompanying information to the NEAFC Secretariat without delay.

5. Masters of Union fishing vessels shall:

(a) commence the exploratory bottom fishing only after the activity has been approved by ~~the~~ NEAFC ~~Commission~~ and authorised by the flag Member State; and

(b) have a scientific observer on board during the exploratory bottom fishing activities.

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Article 6

Other technical and conservation measures in the Regulatory Area

The technical measures and other conservation measures applicable in the Regulatory Area are set out in points 1 to 7 of Annex IV.

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CHAPTER III
CONTROL AND ENFORCEMENT MEASURES

SECTION 1
GENERAL PROVISIONS

Article 7

Designation of contact points

1. Member States shall designate contact points for receiving surveillance and inspection reports and data in accordance with Articles 17, 22, 23, 33(4) and 35(1), and a contact point for receiving notifications and issuing authorisations in accordance with Articles 28 and 29.

2. The designation of contact points shall include, as appropriate, the telephone number, email address, fax number and, where the NEAFC Scheme provides for the use of an online application on the NEAFC website, the name, organisation, job title, role within the organisation and individual email address.

3. Member States shall inform the Commission of their designated contact points referred to in paragraph 1 and any subsequent changes to the information referred to in paragraph 2 no later than fifteen days before those changes are applicable. The Commission shall promptly transmit the information to the NEAFC Secretariat.

4. Member States shall ensure that the designated contact points for receiving notifications and issuing authorisations in accordance with Articles 28 and 29 are available 24 hours a day, seven days a week.

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SECTION 2

CONTROL MEASURES

Article 8

Control of notified and authorised Union fishing vessels

1. Member States shall send by electronic means to the Commission the information of all fishing vessels flying their flag and registered in the Union which they intend to authorise to conduct fishing activities in the Regulatory Area. This information shall be sent by 15 December each year for the following year ~~or~~ **and** in any case before the vessel's entry into the Regulatory Area.

2. The information referred to in paragraph 1 and any changes thereof relating shall include the relevant data for notification, authorisation, withdrawal, limitation or suspension messages set out in Annex V.

3. The Commission shall promptly forward the information referred to in paragraph 1 to the NEAFC Secretariat.

4. Union fishing vessels shall not conduct fishing activities in the Regulatory Area under the remit of the Convention unless they are listed as NEAFC notified vessels and, in the case of fishing activities conducted on regulated resources, as vessels authorised to fish for those regulated resources.

5. A flag Member States shall:

   (a) authorise fishing vessels flying its flag for fishing activities only where it is able to exercise effectively its flag State responsibilities in respect of such vessels;

   (b) ensure that only authorised fishing vessels flying its flag conduct fishing activities on regulated resources;

   (c) ensure that fishing vessels flying its flag comply with applicable recommendations adopted by NEAFC; and

(d) undertake to manage the number of authorised fishing vessels and their fishing effort commensurate to the fishing opportunities available to that Member State.

6. The following information on the lists of fishing vessels notified and authorised to fish in the Regulatory Area may be made publicly available on the NEAFC website:

(a) vessel name;

(b) IMO number (where available);

(c) flag State;

(d) external registration number (where available);

(e) international radio call sign;

(f) vessel type (where available);

(g) vessel tonnage;

(h) vessel length;

(i) vessel engine power; and

(j) authorised regulated resources, start date and end date of the authorisation.

7. Unless otherwise provided, Union research vessels carrying out scientific research on fishery resources in the Regulatory Area shall not be bound by conservation and control measures pertaining to fishing in the Regulatory Area, except for research vessels marketing all or part of the catch obtained during research activities in the Regulatory Area. Such research vessels marketing all or part of the catch shall be notified in accordance with paragraph 1 and comply with the obligations on recording and reporting requirements applicable to Union fishing vessels.

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Article 9

Vessel requirements

1. Union fishing vessels shall be marked in such a way that they can be readily identified in accordance with Article 6 of Commission Implementing Regulation (EU) 404/2011[29].

2. In addition to the requirements established in Article 7(1) of Implementing Regulation (EU) 404/201**1**, Union fishing vessels shall carry on board documents issued by the appropriate certifying authority of the flag Member State in which it is registered showing at least the following data elements:

   (a) vessel name;

   (b) the letter(s) of the port or district in which it is registered, and the number(s) under which it is registered;

   (c) its international radio call sign;

   (d) IMO number if subject to IMO Resolution A.1078(28);

   (e) the names and addresses of the owner and, where relevant, the charterer;

   (f) vessel length; and

   (g) engine power, in kW/horsepower.

3. The documents referred to in Article 7(2) and (3) of Implementing Regulation (EU) 404/2011 for Union fishing vessels of 17 metres length overall or more with fish rooms and for Union vessels with chilled or refrigerated seawater tanks shall be checked at regular intervals by the competent authority of the flag Member State.

Article 10

Marking of gear

1. **Fishing gear used by** Union fishing vessels in the Regulatory Area shall be marked in accordance with Articles 8 to 17 of Regulation (EU) 404/2011 and generally accepted

[29] Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112 30.4.2011, p. 1).

international standards, in particular the 1967 Convention on Conduct of Fishing Operations in the North Atlantic.

2. It shall be prohibited to deploy fishing gear that is not marked, if marking is required, or if the marking ~~contravenes~~ **does not meet** the requirements referred to in paragraph 1. NEAFC fisheries inspectors may remove and dispose of a fishing gear with non-compliant marking, as well as fish that are found in the gear.

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Article 11

*~~Garbage~~ **Waste** at sea and retrieval of lost gear*

1. ~~1.~~ Masters of Union fishing vessels are prohibited from deliberately abandoning or discarding fishing gear and from discharging waste from ships as defined in Directive (EU) 2019/883 of the European Parliament and of the Council[30] into the sea, in accordance with MARPOL Annex V on Regulations for the Prevention of Pollution by Garbage from Ships.

1a. Any deliberate abandonment or discarding of fishing gear, and any discharge of waste from ships as described in paragraph 1 above shall be the responsibility of the master.

2. In addition to the information referred to in Article 48 of Council Regulation (EC) 1224/2009 required in those cases where the lost gear cannot be retrieved, Union fishing vessels shall notify the competent authorities of its flag Member State within 24 hours of the following:

(a) the call sign of the vessel;

(b) the quantity of lost gear; and

(c) if the vessel has tried to retrieve the gear or not.

[30] Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).

3. The Member State shall without delay notify the information referred to in paragraph 2 and Article 48 of Regulation 1224/2009 to the Commission, which shall transmit it to the NEAFC Secretariat.

4. Member States shall undertake to retrieve on a regular basis lost fixed gears belonging to vessels flying their flag.

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Article 12

Labelling of frozen fish

When frozen, all fish caught in the Convention Area shall be identified with a clearly legible label or stamp. The label or stamp shall be placed at the time of stowage on each box or block of frozen fish and shall indicate the 3-alpha FAO code of the species, production date in numerals, the ICES sub-area and division where the catch was taken and the name of the vessel which caught the fish.

SECTION 3

MONITORING OF FISHERIES

Article 13

Recording of catch and fishing effort

1. Masters of Union fishing vessels engaged in fishing activities in the Regulatory Area shall keep an electronic fishing logbook.

2. The electronic fishing logbook data forwarded by the master and stored at the FMC shall be considered as the official data. These data and any changes thereof shall be notified to the NEAFC Secretariat by the FMC without delay.

3. Masters of Union fishing vessels engaged in fishing activities which **process and/or** freeze their catch shall in addition:

   (a) record their cumulative production by species and product form in a production logbook in accordance with Annex VI; and

(b) stow in the hold all processed catch in such a way that the location of each species can be identified from a stowage plan maintained on board the fishing vessel in accordance with the following requirements:

i. processed catches shall be stowed and marked in such a way that the same species, product categories and quantities can be identified when stowed in different parts in the hold;

ii. the stowage plan shall show the location of the products in the holds as well as the quantities of the products on board stated in kg and be updated every day for the preceding day reckoned from 00:00 hours until 24:00 hours (UTC); and

iii. the list of codes of product form, type of packing and type of container shall be in accordance with the NEAFC Master Data Register available on the NEAFC website.

4. Union fishing vessels with frozen catch on board of fishery resources caught in the Convention Area by more than one fishing vessel may stow the fish from each vessel in more than one part of the hold, provided that the fish from each donor vessel is clearly separate (for example by plastic, plywood, netting etc.) from fish caught by other fishing vessels. All catches taken inside the Convention Area shall be stowed separately from all catches taken outside that area.

5. The recordings in the electronic fishing logbook shall be available for inspectors on board the fishing vessel for a period of at least 12 months.

6. All recorded date and time elements shall be indicated in UTC time. Coordinates shall be reported in Decimal Degrees to three decimal places using the WGS84 coordinate reference system.

7. The master of the fishing vessel shall be responsible for ensuring that the quantities recorded in accordance with this Article correspond accurately to the quantities kept on board.

Article 14

Communication of fishing activities

1. Masters of Union fishing vessels shall:

(a) transmit the electronic fishing logbook data by electronic means to their FMC, including at a minimum the data set out in Annex VII including all catches when the vessel engaged in fishing activities for fishery resources;

(b) send a prior notification of entry before entering the Regulatory Area no ~~more~~ **earlier** than 12 hours and ~~at least~~ **no later than** 2 hours in advance of each entry into the Regulatory Area, indicating the start of the fishing trip and including the information on catch retained on board prior to entering the Regulatory Area;

(c) transmit a correction report for the prior notification of entry before entering the Regulatory Area to update the information on catch retained on board, date and time and position at the time of the transmission, if the fishing vessel has engaged in fishing activities after sending the prior notification of entry and before entering the Regulatory Area;

(d) record daily all data for all fishing operations in the electronic fishing logbook and submit a fishing operation declaration to the FMC at least daily and no later than 23:59 UTC. On days where no fishing operations have been conducted or no catches have been taken a nil report shall be transmitted. Data for fishing operations may be reported per haul or as daily information. Each transmission of the electronic fishing logbook shall include information on the catch that has been taken in the Regulatory Area since the last communication of catches;

(e) record and transmit a separate report for each gear, if the fishing vessel used more than one type of gear on the same day;

(f) record all fishing operations within the Regulatory Area in the electronic fishing logbook and transmit the data to the FMC before exiting the Regulatory Area or on receipt of a notification of inspection in the Regulatory Area;

(g) transmit to the FMC a prior notification of exit before exiting the Regulatory Area no ~~more~~ **earlier** than 8 hours and ~~at least~~ **no later than** 2 hours in advance of each exit, including the total quantity on board by species; and

(h) transmit a correction report for the prior notification of exit before leaving the Regulatory Area to update the information on catch on board, date and time and exit position, if the fishing vessel has engaged in fishing activities after sending the prior

notification of exit report and before exiting the Regulatory Area. In addition, the master shall record these fishing activities in the electronic fishing logbook and transmit the information to the FMC before submitting the correction to the prior notification of exit.

2. Masters of Union fishing vessels shall be prohibited from:

(a) cancelling a prior notification of entry report after entering the Regulatory Area;

(b) cancelling a prior notification of exit report after leaving the Regulatory Area;

(c) cancelling a prior notification more than once;

(d) sending a new prior notification outside the time limits given in paragraph 1(b) and (g); and

(e) correcting data recorded in the electronic fishing logbook after 12:00 UTC of the day after the reported fishing operations were finalised, or after leaving the Regulatory Area.

3. The FMC may accept corrections outside of given time limits, in accordance with Article 17(7).

4. The FMC shall ensure that:

(a) data recorded in the electronic fishing logbook is corrected only in cases allowed for in this Regulation; and

(b) that all corrections and cancellations are recorded and visible for inspection purposes.

5. The information on catches referred to in this Article shall be given in kilograms live weight.

Article 15

Communication and regulation of transhipments at sea

1. Masters of Union fishing vessels engaged in transhipment operations at sea of fishery resources caught in the Regulatory Area ~~shall comply with the following conditions~~,

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regardless of the area where the transhipment at sea takes place**, and transhipment operations that take place within the Regulatory Area of fisheries resources caught outside the Regulatory Area, shall comply with the following conditions**:

(a) communicate reports of transhipments in accordance with the specification and format set out in Annex VII by electronic means to their FMC. These reports shall include the quantities on-loaded and off-loaded for each transhipment. The master of a Union donor fishing vessels shall transmit a donor transhipment notification report at least 24 hours in advance of the transhipment. The master of a Union receiver fishing vessel shall make a receiver transhipment declaration report no later than 1 hour after transhipment. The reports shall include the date, time, geographical position of the planned transhipment and total round weight by species to be off-loaded or which have been on-loaded in kilograms and the identification of vessels transhipped to or from, respectively;

(b) transhipment operations may only commence after the authorisations have been given by the flag Contracting Party of the receiving vessel. In the case of EU receiver vessels, the flag Member State shall transmit the authorisation to tranship without delay to the NEAFC Secretariat with the Commission and EFCA in copy; and

(c) without prejudice to the provisions in Section 5, subsequent to having been involved in a transhipment operation at sea involving fishery resources caught in the Regulatory Area, **or in a transhipment operation in the Regulatory Area of fisheries resources caught outside the Regulatory Area,** the master of a Union receiver fishing vessel shall send a port of landing notification report in the format set out in Annex VII, indicating the total catch onboard, total weight to be landed, the name of port and the date and time of landing, at least 24 hours in advance of any landing, regardless of whether the landing is to take place in a port inside or outside the Convention Area.

2. It shall be prohibited to correct the donor transhipment notification report, but such a report may be cancelled before the commencement of the transhipment operation. If a donor transhipment notification report is cancelled and a new one is sent, the time limits specified in paragraph 1(a) shall apply.

3. It shall be prohibited to correct the port of landing notification report, but such a report may be cancelled. If a port of landing notification is cancelled and a new one is sent, the time limits specified in paragraph 1~~the~~ shall apply.

4. The information in the reports referred to in paragraph 1 shall be expressed in kilograms live weight.

5. Masters of Union fishing vessels shall not engage in transhipment or joint fishing operations with vessels of non-Contracting Parties which have not been granted the status of active cooperating non-Contracting Parties.

6. Masters of Union fishing vessels engaged in transhipment operations which on-load quantities on board shall not engage in any other fishing activity, including joint fishing operations, during the same trip.

Article 16

Vessel monitoring system

1. Member States shall:

(a) establish and operate an FMC to monitor the fishing activities of vessels flying their flag, which shall be equipped with computer hardware and software enabling automatic data processing and electronic data transmission and provide for back-up and recovery procedures in case of system failures;

(b) implement a VMS for its fishing vessels which conduct fishing activities, or plan to conduct fishing activities in the Regulatory Area;

(c) require their fishing vessels conducting fishing activities in the Regulatory Area to be equipped with an autonomous system able to automatically transmit messages to the FMC, allowing a continuous tracking of the position of the fishing vessel;

(d) ensure that the autonomous system enables a fishing vessel to communicate by satellite to the FMC reports including the following information:

i. the vessel identification;

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ii. the most recent geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, with a confidence interval of 99%;

iii. the date and time of the fixing of said position of the vessel; and

iv. the speed and course at the time of fixing of said position of the vessel**;**~~.~~

(e) transmit to the NEAFC Secretariat the position reports in real time for vessels flying their flag upon entering into or exiting from the Regulatory Area and at least once every hour when operating in the Regulatory Area;

(f) cooperate with the Commission, EFCA and the NEAFC Secretariat in order to maintain a database delimiting the Regulatory Area suitable for importing coordinates directly into a Geographic Information System. Changes to these coordinates shall be notified to the NEAFC Secretariat without delay in a computer readable form in accordance with the procedures described in Annex VIII with the Commission and EFCA in copy. The coordinates shall be without prejudice to each Member State's position concerning the delimitation of sea areas under their sovereignty and jurisdiction;

(g) ensure that the data received from its fishing vessels to which VMS requirements apply are recorded in a computer readable form and stored for at least three years; and

(h) in respect of bottom fishing in the Regulatory Area:

i. implement an automatic system able to monitor and detect possible bottom fishing in areas outside the existing bottom fishing areas, and possible fishing inside closed bottom fishing areas; and

ii. ensure that delimitations of closed bottom fishing areas are installed in their VMS.

2. Masters of Union fishing vessels shall ensure that the satellite tracking devices are fully operational at all times and that the information in paragraph 1 is transmitted to the FMC. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month of that event. After this period, it shall be prohibited to commence a fishing trip with a defective satellite tracking device. Where a device stops functioning and a fishing trip lasts more

than one month, the repair or the replacement has to take place as soon as the vessel enters a port, and the fishing vessel shall not be authorised to continue or commence a fishing trip without the satellite tracking device having been repaired or replaced.

3. The master of a fishing vessel with a defective VMS tracking device shall communicate, at least every 4 hours, reports containing the information in paragraph 1(d) to the FMC in accordance with the format set out in Annex IX.

Article 17

Communication to the NEAFC Secretariat

1. Member States shall use an electronic reporting system to transmit without delay the reports and information to the NEAFC Secretariat with the Commission and EFCA in copy, implementing:

   (a) the Fishing Activity Domain XML Schema Definition based on the UN/FLUX P1000-3 standard compliant with the FLUX Fishing Activities Implementation Document adopted by NEAFC and notified by the Commission, to exchange fishing logbook data, prior notification data, transhipment declaration data, and landing declaration data referred to in Articles 14 and 15;

   (b) the Vessel Position Domain XML Schema Definition based on the UN/FLUX P1000-7 standard compliant with the FLUX Vessel Position Implementation Document adopted by NEAFC and notified by the Commission, to report VMS data referred to in Article 16; and

   (c) data exchange formats and data communication systems compliant with the rules set out in Annex X.

2. In the event of technical malfunction, reports shall be transmitted to the NEAFC Secretariat within 24 hours of receipt or as otherwise agreed with the NEAFC Secretariat, in accordance with the technical specifications in the Business Continuity Guidelines in the NEAFC Information Security Management System.

3. Masters of Union fishing vessels shall fulfil the reporting requirements set out in Article 14, Article 15 and Article 16(2) and (3). Fishing activity reports referred to in Article 14 and 15 can only be considered accepted if a positive acknowledgment from the NEAFC

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Secretariat is received. The flag Member State FMC shall without delay inform the master of the fishing vessel of the status of the report received by the NEAFC Secretariat.

4. The master of a Union fishing vessel who has not received a positive acknowledgment on a fishing activity report from the NEAFC Secretariat shall immediately make appropriate amendments and resubmit the fishing activity report to the flag FMC. If the master still does not receive a positive acknowledgment, or if it is no longer possible to amend or resubmit fishing activity reports due to time limits, the master shall contact the flag Member State FMC to receive the necessary guidance on follow-up procedures, to ensure that the data referred to in Articles 14 and 15 is submitted.

5. In the event of equipment failures or transmission failures preventing the correct submission of fishing activity reports, the master of a Union fishing vessel shall immediately notify the flag Member State FMC about problems influencing the data exchanges and, as appropriate, inform the flag Member State FMC of any actions taken to resolve the failure. The FMC shall communicate the necessary follow-up procedures to the master to ensure that the data referred to in Articles 14 and 15 is submitted, if necessary, by using alternative means.

6. Union fishing vessels shall be equipped with an electronic recording and reporting system on board, fully operational at all times. In the event of a technical malfunction of the electronic recording and reporting system on board a Union fishing vessel:

   (a) the system shall be repaired or replaced within one month and as soon as the fishing vessel enters a port, whichever is the earlier; and

   (b) the fishing vessel shall not be authorised to leave port to commence fishing without the system having been repaired or replaced.

7. The FMC may, as a fall-back procedure and after individual evaluation and validation, accept reports outside of time limits, correct or manually create reports. In all these cases, the FMC shall use the FMC marking set out in Annex XI when communicating reports and information to the NEAFC Secretariat. The FMC marking shall be part of the agreed fallback procedures and shall be used in situations where the master of the vessel is not able to comply with the reporting requirements, either due to technical problems on board the vessel or communication problems between the vessel and its FMC. The FMC marking may also be used in situations where communication problems between the FMC and the

NEAFC Secretariat delay the data exchanges. The FMC marking will indicate that the FMC has assisted the fishing vessel by handling the report on behalf of the master, after individual evaluation and validation of a report.

8. Member States, EFCA and the Commission may request the NEAFC Secretariat a return message every time an electronic transmission of a report or message is transmitted in the format specified in Annex X.

9. All reports and messages communicated pursuant to Articles 14, 15 and 16 shall be treated in a confidential manner.

Article 18

Global reporting of catch and fishing effort

1. In accordance with Article 33(2) of Regulation (EC) 1224/2009, each Member State shall inform the Commission by computer transmission before the 15th day of each month of the quantities of fishery resources caught by vessels flying their flag during the preceding month in the Regulatory Area, in areas under the national fisheries jurisdiction of third countries and in Union waters of the Convention Area.

2. The Commission shall compile the data referred to in paragraph 1 for all Member States and forward to the NEAFC Secretariat the Union provisional monthly statistics of catches in accordance with the requirements approved by NEAFC.

SECTION 4

JOINT INSPECTION AND SURVEILLANCE

Article 19

General provisions for inspections and surveillance

1. EFCA shall coordinate the inspection and surveillance activities for the Union under the scope of the NEAFC Scheme, including the activities under the Port State Control measures referred to in Section 5. It may draw up, in consultation with the Member States concerned and the Commission, a joint deployment plan referred to in Article 2 of

Regulation (EU) 2019/473 for the Union participation in the NEAFC Scheme for the following year.

2. The Member States whose fishing vessels are engaged in fishing activities in the Regulatory Area shall adopt the necessary measures to facilitate the implementation of the NEAFC Scheme, particularly with regard to the human and material resources required and the periods and zones in which these resources are to be deployed.

3. If, at any time more than 10 Union fishing vessels are engaged in fishing activities carried out in respect of regulated resources in the Regulatory Area, EFCA and the Member States concerned shall ensure that an inspection vessel is present during that time in the Regulatory Area, or that an agreement has been concluded with another Contracting Party to cooperate and jointly operate an inspection vessel.

4. Member States **and EFCA** shall ensure that the inspections are carried out in a non-discriminatory manner and in accordance with the NEAFC Scheme. The number of inspections shall be based upon fleet size and by taking into account the time spent in the Regulatory Area. Inspections shall ensure equal treatment of all Contracting Parties with fishing vessels operating in the Regulatory Area.

Article 20

NEAFC inspectors

1. Member States whose fishing vessels are authorised to fish in the Regulatory Area shall assign inspectors to the NEAFC Scheme to carry out inspection and surveillance activities (NEAFC inspectors).

2. Member State shall issue a special identity document to each NEAFC inspector in accordance with the format set out in Annex XII.

3. Each NEAFC inspector shall carry and produce the special identity document when boarding a fishing vessel.

4. NEAFC inspectors shall avoid the use of force except in the case of legitimate self-defence. When carrying out inspections on board fishing vessels, NEAFC inspectors shall not carry fire-arms.

5. NEAFC inspectors shall avoid causing any inconvenience to the fishing vessel or interfering with its activities and the catch retained on board, except when and to the extent necessary to carry out their duties.

6. Member States shall ensure that NEAFC inspectors from another Contracting Party are permitted to carry out inspections on board fishing vessels flying their flag.

Article 21

Means of control and inspection

1. Member States shall make available to their NEAFC inspectors adequate means to enable them to carry out their surveillance and inspection tasks and assign inspection vessels and aircrafts to the Scheme.

2. By 1 December each year, Member States shall notify EFCA the following information:

   (a) the names and unique numbers of the NEAFC inspectors, including their e-mail address; and

   (b) the inspection vessels, as well as the types of aircraft and their identification details (registration number, name, radio call-sign and e-mail addresses) assigned to the NEAFC Scheme during that year.

3. By 1 January each year, EFCA shall compile and send the information referred to in paragraph 2 to the NEAFC Secretariat with the Commission in copy.

4. Member States shall notify any changes in the information referred to in paragraph 2 to EFCA, which in turn shall notify the NEAFC Secretariat with the Commission in copy.

5. The information referred to in paragraph 2 and 4 shall be provided by electronic means in accordance with the formats set out in Annex XIII.

6. Inspection vessels assigned to the NEAFC Scheme and carrying NEAFC inspectors, as well as the boarding craft deployed by that vessel, shall display the NEAFC inspection signal as illustrated in Annex XIV. Aircrafts assigned to the NEAFC Scheme shall have their international radio call sign clearly displayed.

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7. Member States and EFCA shall notify the deployment of their inspection vessels and aircrafts assigned to the NEAFC Scheme to the NEAFC Secretariat through the secure part of the NEAFC website or as set out in Annex XV.

8. Member States shall also notify the information referred to in paragraph 7 to EFCA, which shall coordinate all Union deployments and keep a record of the date and hour of the start and termination of duties of inspection vessels and aircrafts assigned to the Scheme.

Article 22

Surveillance procedures

1. Surveillance shall be based on sightings carried out by NEAFC inspectors visually or by other means of surveillance from a vessel or aircraft assigned to the NEAFC Scheme.

2. NEAFC inspectors shall complete the surveillance report ~~in accordance with Part 1 of Annex XVI~~ and submit a copy to EFCA.

3. The inspecting Member State and EFCA shall forward without delay the data from each surveillance report by electronic transmission in a sighting report with a format in accordance with ~~Part 2 of~~ Annex XVI to the Contracting Party of the fishing vessel concerned and to the NEAFC Secretariat, with EFCA in copy. Any images captured during the surveillance shall be forwarded upon request to the Contracting Party of the fishing vessel concerned.

Article 23

Inspection procedures at sea

1. NEAFC inspectors shall not board any fishing vessel without transmitting prior notice by radio to that vessel or without giving that vessel the appropriate signal using the International Code of Signals, including the identity of the inspection platform. However, it shall not be necessary for such notice to be acknowledged as received.

2. NEAFC inspectors shall have the authority to examine all relevant areas, decks and rooms of the fishing vessel, catch (whether processed or not), nets or other gears, equipment and any relevant documents they deem necessary to verify compliance with the conservation

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and management measures adopted by NEAFC and to question the master or a person designated by the master.

3. The fishing vessel to be boarded shall not be required to stop or manoeuvre when fishing, shooting or hauling. The NEAFC inspectors may order that the hauling of the fishing gear be interrupted or delayed until they have boarded the fishing vessel provided that such order is transmitted within 30 minutes after the fishing vessel has received the prior notice referred to in paragraph 1.

4. NEAFC inspectors may instruct a fishing vessel to delay its entry into or exit from the Regulatory Area for up to 6 hours from the time of transmission by the fishing vessel of the reports referred to in Article 14(1)(b) and (g).

5. The duration of an inspection shall not exceed 4 hours, or the time it takes to haul in the net and to inspect the net and the catch, whichever is longer. However, where an infringement is reported, the NEAFC inspectors may stay on board for the time necessary for the completion of measures provided for in Article 34(1)(b).

6. In special circumstances relating to the size of a fishing vessel and the quantities of fish retained on board, the duration of the inspection may exceed the limits laid down in paragraph 5. In such a situation, NEAFC inspectors shall under no circumstances stay on board of the fishing vessel longer than the time required to complete the inspection. The reasons for exceeding the limit stipulated in paragraph 5 shall be recorded in the inspection report.

7. No more than ~~two~~**four** NEAFC inspectors shall board a fishing vessel of another Contracting Party.

8. In carrying out their inspection, the NEAFC inspectors may request the master to provide any assistance which is required.

9. NEAFC inspectors shall not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection.

10. Inspection platforms shall manoeuvre at a safe distance from the fishing vessels in accordance with good seamanship.

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11. NEAFC inspectors shall document each inspection by completing an inspection report in the format established in Annex XVII. The inspection report may be commented upon by the master and shall be signed by the NEAFC inspectors at the end of the inspection. NEAFC inspectors shall provide the master of the fishing vessel with a copy of the inspection report.

12. NEAFC inspectors shall transmit without delay a copy of each inspection report to EFCA and promptly upload the information of the inspection report into the secure part of the NEAFC website. The original or a certified copy of each inspection report shall be forwarded upon request to the Contracting Party of the inspected vessel.

Article 24

Obligations of the master of Union fishing vessels during an inspection at sea

The master of a Union fishing vessel shall:

(a) permit the inspection by duly notified NEAFC inspectors regardless of the Contracting Party that notified the inspectors;

(b) facilitate prompt and safe boarding and disembarkation of NEAFC inspectors by providing a boarding ladder constructed and used as described in Annex XVIII;

(c) if a mechanical hoist is provided, ensure that its ancillary equipment is of a type approved by the competent authorities. It shall be of such design and construction as to ensure that the inspectors can be embarked and disembarked in a safe manner including a safe access from the hoist to the deck and vice versa. A boarding ladder complying with the provisions in Annex XVIII shall be kept on deck adjacent to the hoist and available for immediate use;

(d) cooperate with and assist in the inspection of the fishing vessel conducted pursuant to this Regulation and not obstruct, intimidate or interfere with the NEAFC inspectors in the performance of their duties and ensure their safety;

(e) allow the NEAFC inspectors to communicate with the authorities of the flag State and the inspecting Contracting Party;

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(f) provide access to any areas, decks and rooms of the fishing vessel, catch (whether processed or not), nets or other gears, equipment and any information or documents which the inspector deems necessary in accordance with Article 23(2);

(g) provide copies of documents as required by the NEAFC inspectors; and

(h) provide the NEAFC inspectors with reasonable facilities, including, where appropriate, food and accommodation when they remain on board the vessel in accordance with Article 37(3).

SECTION 5

PORT STATE CONTROL OF CONTRACTING PARTIES' THIRD COUNTRY FISHING VESSELS

Article 25

Scope

The provisions set out in this Section apply to the use of ports of Member States by fishing vessels carrying on board fishery resources, caught in the Convention Area by fishing vessels flying the flag of another Contracting Party, that have not been previously landed or transhipped at a port. The provisions in this Section also apply to masters of Union fishing vessels or their representative intending to call a port of another Contracting Party carrying on board fisheries resources caught in the Convention Area and that have not been previously landed or transhipped at a port.

Article 26

Application of the FAO Agreement on Port State Measures

1. The provisions of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing[31] (the FAO PSMA) shall apply *mutatis mutandis* as a minimum standard for the Port State Control of fishing vessels referred to in Article 25, without prejudice to additional provisions contained in this Section.

[31] Council Decision (2011/443/EU) of 20 June 2011 on the approval, on behalf of the European Union, of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (OJ L 191, 22.7.2011, p. 1).

2. Member States shall cooperate in the effective implementation of the FAO PSMA and in the exchange of information relevant to the implementation of the Scheme referred to in this Section.

Article 27

Designated ports

1. Member States shall designate and notify to the Commission the list of ports where vessels carrying on board fishery resources caught in the Convention Area by fishing vessels flying the flag of another Contracting Party and that have not been previously landed or transhipped at a port can land, tranship or make use of port services. The list shall include the information specified in Annex XIX and be sent to the Commission at least 15 days before it comes into force.

2. Any changes to the list shall be sent by the Member States to the Commission 15 days before the changes come into force.

3. The Commission shall notify the NEAFC Secretariat of those ports and of any changes to the list without delay.

4. Landing, transhipments and use of port services by fishing vessels referred to in Article 25 shall only be allowed in designated ports.

Article 28

Prior notification of entry into port

1. Masters of fishing vessels or their representatives carrying fish referred to in Article 25 intending to call into a Union port and masters of Union fishing vessels or their representatives carrying on board fishery resources caught in the Convention Area and intending to call into a port of another Contracting Party shall notify the competent authorities of the port State no later than 3 working days before the estimated time of arrival. Port Member States may establish another notification period, taking into account, in particular, the type of processing of the fish caught or the distance between the fishing grounds and its ports. In such a case, the port Member State shall without delay inform the Commission, which shall promptly notify the NEAFC Secretariat.

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2. The prior notification referred to in paragraph 1 shall be made through the NEAFC website, by filling in the Port State Control (PSC) form provided for in Annex XX with Part A duly completed as follows:

(a) the form PSC 1 shall be used where the vessel is carrying its own catches;

(b) the form PSC 2 shall be used where the vessel has engaged in transhipment operations, providing the information separately for catches from each donor vessel.

3. If the NEAFC website is offline, the prior notification referred to in paragraph 1 shall be sent by email or a fax-based system.

4. The prior notification referred to in paragraph 1 may be cancelled by the sender by notifying the competent authorities of the port intended to be used by the master no later than 24 hours before the notified estimated time of arrival in that port. Port Member States may establish another notification period for cancellation. In such a case, the Member State shall without delay inform the Commission, which shall promptly notify the NEAFC Secretariat.

5. The competent authorities of the port Member State shall forward without delay a copy of the notifications referred to in paragraphs 1 and 3 to the NEAFC Secretariat, to the flag State of the fishing vessel and to the flag State or States of the donor vessels when the fishing vessel has engaged in transhipment operations.

Article 29

Authorisation to land, tranship and for other use of ports

1. Port Member States shall ensure that, following a notification transmitted pursuant to Article 28, the flag State of the fishing vessel intending to land or tranship or, where the fishing vessel has engaged in transhipment operations outside a port, the flag State or States of the donor vessels complete Part B of the PSC form to confirm or otherwise, that:

(a) the fishing vessel which declared having caught the fish had sufficient quota for the species declared;

(b) the quantities of fish on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable;

(c) the fishing vessels declared having caught the fish had authorisation to fish in the areas declared;

(d) the presence of the vessel in the area of catch declared has been verified according to VMS data.

2. The master of the fishing vessel shall not commence the landing or transhipment operations or make use of port services before authorisation has been given by the competent authorities of the port Member State by duly completing Part C of the PSC form through the NEAFC website, and the estimated time of arrival reported in the prior notification (PSC1 or PSC2) has expired. Such authorisation shall only be given if the confirmation from the flag State referred to in paragraph 1 has been received. However, landing, transhipment operations and the use of other port services may commence prior to estimated time of arrival with permission from the competent authorities of the port State.

3. By way of derogation from paragraph 2, the port Member State may authorise all or part of a landing in the absence of the confirmation from the flag State referred to in paragraph 1, subject to the following conditions:

(a) the fish concerned shall be kept in storage under the control of the competent authorities; and

(b) the fish concerned shall only be released to be sold, taken over or transported once the confirmation referred to in paragraph 1 has been received; and

(c) if the confirmation has not been received within 14 days of the landing, the competent authorities of the port Member State may confiscate and dispose of the fish in accordance with national rules.

4. Landing, transhipment and other use of port services shall not be authorised if the port Member State receives clear evidence that the catch on board was taken in contravention of applicable requirements of a Contracting Party in respect of areas under its national jurisdiction.

5. The competent authorities of the port Member State shall without delay notify their decision on whether or not an authorisation for landing, transhipment or other use of port services have been granted to the master of the vessel or the representative of the master, to

the flag State of the vessel and to the NEAFC Secretariat by completing as appropriate Part C of the PSC form.

Article 30

NEAFC port inspectors and officials

1. Inspections shall be conducted by authorised Member State officials knowledgeable of Recommendations established under the Convention.

2. Subject to the agreement of the port Member State, the Commission may invite inspectors of other NEAFC Contracting Parties to accompany the port Member State inspectors and observe the inspection.

3. By 1 December each year, port Member States shall notify EFCA with the following information:

   (a) the names and details of the NEAFC port inspectors authorised to carry out inspections under the scope of the NEAFC Port State Control Scheme in accordance with the format of Annex XIII;

   (b) the names and details of the officials authorising landings, transhipments and the use of other port services.

4. By 1 January each year, EFCA shall compile and send the information referred to in paragraph 3 to the NEAFC Secretariat with the Commission in copy.

5. Member States shall notify any changes in the lists referred to in paragraph 3 to EFCA, which in turn shall forward them without delay to the NEAFC Secretariat with the Commission in copy.

Article 31

Port inspections

1. In the context of the joint inspection and surveillance Scheme referred to in Article 19(1), Member States shall ensure that port inspections of fishing vessels under the scope of Article 25 are based on a harmonised risk assessment methodology established in

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cooperation with and under the coordination of EFCA, taking into consideration the general guidelines outlined in Annex XXI.

2. For risk assessment and, as appropriate, inspection, following a prior notification referred to in Article 28, Member States shall ensure that NEAFC port inspectors shall assess the electronic fishing logbook and VMS data regarding all fishing activities inside the Regulatory Area sent by that vessel to the NEAFC Secretariat for a period of one year prior to the planned landing. In case of transhipment, the data of the donor vessels shall also be assessed.

3. For each year, each Member State shall carry out inspections of at least 5 % of landings or transhipments of fresh fish and at least 7.5 % of frozen fish in its ports subject to Article 25. The inspection of a fishing vessel landing or transhipping both fresh and frozen catches shall be counted against the benchmarks for both fresh and frozen fish.

4. Member States shall ensure that inspections shall be conducted in a fair, transparent and non-discriminatory manner and shall not constitute harassment of operators of any fishing vessel.

5. Member States shall ensure within the inspection procedures that the inspectors shall:

(aa) carry and present an appropriate idenity document to the mater of the fishing vessel at the earliest opportunity during an inspection;

(a) examine all relevant areas of the vessel in order to verify compliance with the relevant conservation and management measures;

(b) make all possible efforts to avoid delaying a vessel unduly, to ensure that the vessel suffers the minimum interference and inconvenience and to avoid the degradation of the quality of the fish;

(c) not interfere with the master's ability to communicate with the authorities of the flag State;

(d) verify that the vessel identification documentation on board and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag state or international records of vessels if necessary;

(e) verify that the vessel's flag and markings (e.g. name, external registration number, IMO number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;

(f) verify that the authorisations for fishing and fishing-related activities are true, complete, correct and consistent with the information provided in accordance with Article 28;

(g) review all other relevant documentation and records held on board, including those in electronic format and VMS data from the flag State or relevant regional fisheries management organisations. Relevant documentation may include logbooks, catch, transhipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora[32];

(h) examine all relevant fishing gear on board, including any gear stowed out of sight as well as related devices, and verify that they are in conformity with the conditions of the authorisations. The fishing gear shall also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;

(i) determine whether the fish on board were harvested in accordance with the applicable authorisations;

(j) monitor the entire discharge or transhipment and cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped;

(k) examine the fish, including by sampling, to determine their quantity and composition. In doing so, inspectors may open containers where the fish have been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;

[32] Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (OJ L 75, 19.3.2015, p. 1).

(l) when the landing or transhipment is completed, verify and note the quantities by species of fish remaining on board;

(m) evaluate whether there is clear evidence for believing that a vessel has engaged in illegal, unreported or unregulated fishing or fishing-related activities in support of such fishing;

(n) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag state, in particular where the master has serious difficulties in understanding the content of the report; and

(o) arrange, where necessary and possible, for the translation of relevant documentation.

6. Member States shall facilitate communication with the master or senior crew members of the vessel, including, where possible and where needed, by ensuring that the inspector is accompanied by an interpreter.

7. This Article shall apply in addition to the rules on inspection procedures set out in Article 10 of Council Regulation (EC) No 1005/2008.

Article 32

Obligations of operators during port inspections

1. This Article applies in addition to the general obligations established in Article 113 of Implementing Regulation (EU) 404/2011.

2. The master of a fishing vessel which is being inspected or, where relevant, the representative of the master, shall comply with the obligations established in Article 114 of Implementing Regulation (EU) 404/2011 and, as applicable, with the obligations established in Article 24 of this Regulation.

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Article 33

Inspection reports

1. Each NEAFC port inspection shall be documented by the completion of a Port State Control inspection report (PSC 3 Form) as set out in Annex XXII.

2. The master of a fishing vessel may add comments to the inspection report, which shall be signed by the inspector and the master at the end of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel or its representative.

3. The authorities of the port Member State shall ensure that a copy of each inspection report is transmitted without delay to the flag State of the inspected fishing vessel, to the flag State or States of donor vessels where the vessel has engaged in transhipment operations, and to the NEAFC Secretariat, with the Commission and EFCA in copy. The original or a certified copy of each inspection report shall be forwarded on request to the flag State of the inspected vessel.

4. Member States shall designate the competent authorities which are to receive inspection reports in accordance with this Article.

SECTION 6

INFRINGEMENTS

Article 34

Infringement procedures

1. Where inspectors report an infringement by a fishing vessel relating to any fishing activity and contrary to the conservation and management measures adopted by NEAFC, they shall:

   (a) record the infringement in the report referred to in Articles 22(3), 23(11) or 33(1);

   (b) record the evidences deemed necessary relating to the infringement;

   (c) take all necessary measures to ensure security and continuity of the evidence for subsequent dockside inspection. An identification mark may be affixed securely to

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any part of the fishing gear which appears to the inspector to be or to have been in contravention of applicable measures; ~~and~~

(d) attempt immediately to communicate with ~~the inspecting Member State authorities and EFCA~~ **an inspector or designated authority of the flag State of the inspected fishing vessel; and** ~~.~~

(e) immediately communicate with the inspecting Member State authorities and EFCA.

2. The inspecting Member State or EFCA if the inspection or surveillance is carried out by the latter shall communicate in writing and by electronic means the details of the infringement to the designated authority of the flag State of the inspected vessel and to the Commission and EFCA, whenever possible, within the first working day following the start of the inspection. Where appropriate, the inspecting Member State or EFCA shall also communicate the findings to the Contracting Party in whose waters the infringement took place and to the State of which the vessel's master is a national.

3. The inspecting Member State or EFCA shall send without delay the original of the surveillance or inspection report with any supporting documents to the competent authorities of the flag State of the inspected fishing vessel, with copy to the NEAFC Secretariat, the Commission and EFCA.

4. In case of infringement of NEAFC rules noted in the report referred to in Article 33(1) (PSC 3 inspection report), the inspecting Member State shall either take appropriate enforcement measures or notify, by e-mail, the designated authorities of the Contracting Party of the inspected fishing vessel about the intention to transfer the proceedings. This procedure is without prejudice to the jurisdiction of both Contracting Parties to enforce their own legislation and to the jurisdiction of the flag State regarding fishing activities within the NEAFC Regulatory Area.

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Article 35

Follow-up in the case of an alleged infringement

1. Member States shall designate the competent authorities which are to receive the evidence of an infringement. The designated competent authorities notified of an infringement committed by a fishing vessel of that Member State shall take prompt action to receive and consider the evidence of the infringement and conduct any further investigation necessary for the follow up to the infringement and, whenever possible, inspect the fishing vessel concerned.

2. Member States shall consider and act upon reports from NEAFC inspectors of other Contracting Parties under the Scheme on the same basis as reports from their own inspectors. Member States shall cooperate with each other and with other Contracting Parties in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under the Scheme.

Article 36

Serious infringements

For the purpose of this Regulation, the following infringements in respect of fishery resources shall be considered to be serious:

(a) fishing without a valid authorisation issued by the flag State;

(b) fishing without quota or after its exhaustion;

(c) use of prohibited fishing gear;

(d) serious misrecording of catches of regulated resources;

(e) repeated failure to comply with Articles 14 and 16 or, in respect of regulated resources, Article 15;

(f) landing or transhipping in a port not designated in accordance with Article 27;

(g) failure to comply with the requirements established in Article 28(1) to (4);

(h) landing or transhipping without authorisation of the port State or before the prenotified estimated time of arrival without permission of the port State as referred to in Article 29;

(i) preventing inspectors from carrying out their duties;

(j) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

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

(l) concealing, tampering with or disposing of evidence relating to an investigation;

(m) multiple violations which together constitute a serious disregard of conservation and management measures;

(n) engaging in transhipment or joint fishing operations with vessels of a non-Contracting Party which has not been accorded the status of active cooperating non-Contracting Party by NEAFC;

(o) supplying any provisions, fuel or other services to vessels that have been placed on the list of vessels carrying out IUU fishing referred to in Article 47(1).

Article 37

Follow up in the case of serious infringements

1. If an inspector considers that there are clear grounds for believing that the master or the operator of a fishing vessel has committed a serious infringement, that inspector shall promptly notify that infringement to the competent authorities of the inspecting Member State, the Commission and EFCA. The inspecting Member State or EFCA, in case the inspection was carried out by the latter, shall forward the information without delay to the NEAFC Secretariat, the competent authorities of the flag State of the vessel and, where appropriate, to the flag State or States of the donor vessels when the inspected vessel has engaged in transhipment operations.

2. In order to preserve the evidence, the inspector shall take all necessary measures to ensure the security and continuity thereof whilst minimising inconvenience to the vessel and interference with its operations.

3. In the case of an inspection at sea in the Regulatory Area, the inspector is entitled to remain on board the fishing vessel for the period necessary to provide information to an inspector duly authorised by the flag Contracting Party or until the response of the flag Contracting Party requires the inspector to leave the fishing vessel.

Article 38

Follow-up in the case of serious infringements by a Union fishing vessel

1. Flag Member State shall respond to a notification of serious infringement without delay and shall ensure that the Union fishing vessel concerned is inspected within 72 hours by an inspector duly authorised in relation to the infringement.

2. Following notification of the results of the examination referred to in paragraph 1 and Article 37(1), the flag Member State shall, if the evidence so warrants, require the fishing vessel to proceed immediately to a port designated by that flag Member State for a thorough inspection under its authority and in the presence of a NEAFC inspector from any other Contracting Party that wishes to participate.

3. The flag Member State may authorise the inspecting State to bring without delay the fishing vessel to a port designated by the flag Member State.

4. If the fishing vessel is not called to port, the flag Member State must provide due justification in a timely manner to EFCA and the Commission, which shall forward the information to the inspecting Contracting Party and the NEAFC Secretariat.

5. Where a fishing vessel is required to proceed to port for a thorough inspection pursuant to paragraphs 2 or 3, a NEAFC inspector from another Contracting Party may, subject to the consent of the flag Member State of the fishing vessel, board and remain on board the fishing vessel as it proceeds to port and may be present during the inspection of the fishing vessel in port.

6. Flag Member States shall promptly inform the Commission and EFCA of the outcome of the inspection and of the measures that they have adopted as a result of the infringement.

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Article 39

Measures to ensure compliance

Member State**s** shall ensure that appropriate measures are systematically taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible for a breach of the conservation and management measures adopted by NEAFC **that are enforceable on them**.

Article 40

Reports on surveillance and inspection activities, on infringements and their follow-up and on IUU activities

1. By 1 February each year, each Member State shall report to EFCA and the Commission the following information:

   (a) the number of inspections it has carried out under Articles 22, 23 and 31, specifying the number of inspections by flag State of the inspected fishing vessel and, in the case of infringement, the date and position of the respective fishing vessel and the nature of infringement;

   (b) the number of hours flown and the number of hours at sea on NEAFC patrols, the number of sightings by flag State of the sighted vessels and the list of individual fishing vessels for which a surveillance report has been completed;

   (c) the number of inspections of non-Contracting Party vessels that it conducted under this Scheme at sea or in its ports, the names of the vessels inspected and their respective flag States, the dates of the inspections, the names of any ports where the inspections were conducted and the results of such inspections;

   (d) where fish are landed or transhipped following an inspection pursuant to this Scheme, the report shall also include the evidence presented pursuant to Article 46; and

   (e) the status of the proceedings concerning each infringement of the conservation and management measures adopted by NEAFC which were committed during the previous calendar year. The infringements shall continue to be listed in each subsequent report until the proceedings are concluded in accordance with the

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relevant provisions of national law. The report shall indicate the status of the proceedings and in particular whether the case is pending, under appeal or still under investigation. The report shall describe in specific terms any sanctions or penalties imposed, stating in particular the amount of fines, the value of forfeited fish and/or gear, any written warnings given and, if no action has been taken, the reasons thereof.

2. The information referred to in paragraph 1 shall be provided in conformity with the templates adopted by NEAFC.

3. EFCA shall compile a Union report on the basis of the reports of the Member States and the information available under the Union joint inspection and surveillance Scheme. EFCA shall send the Union report to the Commission by 20 February each year. The Commission shall send the Union report to the NEAFC Secretariat by 1 March each year.

SECTION 7

MEASURES TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY FISHING VESSELS

Article 41

Scope

This Section shall apply to non-Contracting Parties' fishing vessels used or intended for use for fishing activities carried out in respect of fishery resources in the Convention Area.

Article 42

Sightings and identifications of non-Contracting Party fishing vessels

1. Member States or EFCA shall transmit without delay any information regarding non-Contracting Party vessels sighted or otherwise identified as engaging in fishing activities in the Convention Area to EFCA with the Commission in copy. EFCA shall inform promptly the NEAFC Secretariat and all other Member States of each sighting report it receives.

2. EFCA or the Member State which sighted the non-Contracting Party fishing vessel shall attempt to inform that vessel without delay that it has been sighted or by other means

identified as engaging in fishing activities in the Convention Area and is consequently presumed, unless its flag State has been accorded the status of active cooperating non-Contracting Party by NEAFC, to be undermining the conservation and management measures adopted by NEAFC.

3. In the case of a non-Contracting Party fishing vessel sighted or by other means identified as engaging in transhipment activities, the presumption of undermining the NEAFC conservation and management measures adopted by NEAFC shall apply to any other non-Contracting Party fishing vessel that has been identified as having engaged in such activities with that vessel.

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Article 43

Inspections at sea

1. NEAFC inspectors shall request permission to board and inspect non-Contracting Party fishing vessels sighted or otherwise identified by a Contracting Party as engaging in fishing activities in the Convention Area. If the master consents to the boarding and inspection of the vessel, the inspection shall be documented by the completion of an inspection report, as set out in Annex XVII.

2. NEAFC inspectors shall without delay transmit a copy of the inspection report to the master of the non-Contracting Party fishing vessel, to the Commission and to EFCA. EFCA shall forward the copy promptly to the NEAFC Secretariat. Where the evidence in that report so warrants, a Member State shall take appropriate action in accordance with international law.

3. If the master does not consent to the boarding and inspection of his vessel or does not fulfil any one of the obligations laid down in Article 24(b) to (f), the non-Contracting Party fishing vessel shall be presumed to have engaged in IUU fishing activities. The NEAFC inspector shall inform without delay EFCA and the Commission. The Commission shall promptly inform the NEAFC Secretariat.

Article 44

Entry into port

1. The masters of a non-Contracting Party fishing vessel intending to call into port shall notify the competent authorities of the port Member State in accordance with the provisions of Article 28. The port Member State concerned shall forward this information without delay to the flag State of the fishing vessel and to the NEAFC Secretariat with the Commission and EFCA in copy.

2. The port Member State shall prohibit the entry into its ports of non-Contracting Party fishing vessels that have not given the required prior notice of entry or provided the information referred to in paragraph 1.

3. The port Member State shall communicate without delay the decision to prohibit the entry into port to the master of the non-Contracting Party fishing vessel or to a representative of the master, to the flag State of the vessel and to the NEAFC Secretariat with the Commission and EFCA in copy.

Article 45

Inspections in port

1. Member States shall ensure that all non-Contracting Party fishing vessels allowed to enter one of their ports are inspected in accordance with the provisions of Article 31(4) to (78). The non-Contracting Party fishing vessel shall not be allowed to land or tranship any fish until the inspection is completed. Each inspection shall be documented by the completion of an inspection report as provided for in Article 33.

2. Where the master of the non-Contracting Party fishing vessel has failed to fulfil any of the obligations laid down in Article 24(b) to (f), the vessel shall be presumed to have engaged in IUU activities.

3. The port Member State shall immediately transmit the information on the results of all inspections of non-Contracting Party fishing vessels conducted in its ports and concerning subsequent action to the NEAFC Secretariat with the Commission and EFCA in copy.

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Article 46

Landings, transhipments and use of port

1. Landings, transhipments or other use of port by non-Contracting Party vessels may only start after authorisation has been given by the competent authorities of the port Member State in accordance with Article 7 of Council Regulation (EC) No 1005/2008.

2. When a non-Contracting Party fishing vessel has entered the port, Member States shall deny that vessel landing, transhipping, processing and packaging of fishery resources and other port services, including refuelling, resupplying, maintenance and dry-docking, if:

   (a) the vessel has been inspected pursuant to Article 45 and the inspection reveals that there are species on board which are subject to NEAFC recommendations, unless the master of that fishing vessel provides satisfactory evidence to the competent authorities proving that the fish were caught outside the Regulatory Area or in compliance with all relevant NEAFC recommendations; or

   (b) the flag State of that fishing vessel, or the flag State or States of donor fishing vessels when the vessel has engaged in transhipment operations, does not provide the confirmation in accordance with the provisions of Article 29; or

   (c) the master of that vessel has failed to fulfil any one of the obligations laid down in Article 24(b) to (f); or

   (d) Member States have received clear evidence that the fishery resources on board were taken in the waters under the jurisdiction of a Contracting Party in contravention of applicable regulations; or

   (e) Member States have sufficient proof that the vessel has otherwise been engaged in IUU fishing activities in the Convention Area or has supported such fishing activities.

3. In the case of denial under paragraph 2, Member States shall communicate their decision to the master of the non-Contracting Party fishing vessel or to a representative of the master and to the NEAFC Secretariat with the Commission and EFCA in copy.

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4. Member States shall withdraw their denial of the use of their ports in respect of a non-Contracting Party fishing vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer exist.

5. Where a Member State has withdrawn its denial pursuant to paragraph 4, it shall promptly notify those to whom a communication was made pursuant to paragraph 3.

Article 47

Action against vessels appearing in the NEAFC IUU vessel lists

1. Member States shall ensure that fishing vessels appearing in the NEAFC provisional ('A') or confirmed ('B') lists of vessels carrying out IUU fishing are:

   (a) inspected in accordance with the provisions of Article 45 when they enter their ports;

   (b) not authorised to land or tranship in their ports or;

   (c) not given assistance in any way or allowed to participate in any transhipment or joint fisheries operations by fishing vessels, support vessels, refuel vessels, mother-ships and cargo vessels flying their flag; and

   (d) not supplied with provisions, fuel or other services.

2. The provisions laid down in paragraphs 1(b) to (d) shall not apply to vessels appearing on the NEAFC IUU 'A' list where a recommendation has been made to NEAFC that the vessels in question should be removed from the 'A' list.

3. Further to the measures under paragraph 1, Member States shall take the following measures regarding vessels appearing on the 'B' list:

   (a) prohibit the entry into their ports of such vessels and communicate such prohibition in accordance with Article 44(3);

   (b) prohibit the authorisation of such vessels to fish in waters under their national jurisdiction;

   (c) prohibit the chartering of such vessels;

   (d) refuse the granting of their flag to such vessels;

(e) prohibit the imports of fish coming from such vessels;

(f) prohibit importers, transporters and other sectors concerned, from transhipping and trading of fishery products caught by such vessels; and

(g) collect and exchange any appropriate information with other Member States and Contracting Parties other than the Union or cooperating non-Contracting Parties with the aim of detecting, controlling and preventing false import/export certificates regarding fishery products from such vessels.

4. The provisions in paragraphs 1(d), 3(a) and (d) shall not apply where Contracting Parties are permitted to supply provisions, fuel or other services or grant their flag to a vessel on the IUU list following a recommendation made to NEAFC based on satisfactory evidence showing that a vessel is destined for scrapping or will be permanently reassigned for purposes other than fishing activities.

TITLE III
MEASURES APPLICABLE TO CERTAIN PELAGIC FISHERIES

CHAPTER I
GENERAL PROVISIONS

Article 48

Scope

Unless otherwise provided, this Title applies to Union fishing vessels and third country fishing vessels operating in Union waters engaged in fisheries on herring (*Clupea harengus*), mackerel (*Scomber scombrus*), horse mackerel (*Trachurus spp.*) and blue whiting (*Micromesistius poutassou*) in the Convention Area and Union waters of CECAF. **The measures on remote surveillance set out in Article 52 shall only apply to landings of those species exceeding 10 tonnes.**

CHAPTER II

PELAGIC FISHERIES

Article 49

Catch handling and discharge restrictions on pelagic fishing vessels

1. The maximum space between bars in the water separator on board pelagic fishing vessels shall be 10 mm. The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 mm. Holes in the chutes before the water separator shall not exceed 15 mm in diameter.

2. The master of a pelagic fishing vessel shall carry on board at all times drawings related to the catch handling and discharge capabilities. The drawings and any modification thereto shall be certified by the competent authorities of the flag Member State. The master shall send a copy of the drawings and any modifications thereto to the competent fisheries authorities of the flag Member State, which shall carry out periodic verifications on the accuracy of the drawings.

3. Pelagic fishing vessels are prohibited from discharging fish under their water line, including from buffer tanks or refrigerated seawater tanks.

4. Any discharge points under the waterline shall be sealed. However, the flag Member States may issue a fishing authorisation in accordance with Article 7 of Council Regulation (EC) No 1224/2009 allowing a discharge point under the waterline not to be sealed, provided that:

   (a) any use of the discharge point can be monitored by the control authorities by remote electronic means; and

   (b) the discharge point and associated electronic monitoring means are described in the certified drawings referred to in paragraph 2.

Article 50

Restrictions on the use of automatic grading equipment

1. The carrying or use on board of a fishing vessel of equipment capable of automatically grading by size herring, mackerel, blue whiting or horse mackerel shall be prohibited.

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2. By way of derogation from paragraph 1, the carrying on board and use of such equipment is permitted provided that:

(a) the whole of the catch which may be lawfully retained on board

i. is stored in a frozen state,

ii. the graded fish are frozen immediately after grading, processing and packing and no graded fish is returned to the sea except for by-products such as offal or heads, and

iii. the equipment is installed and located on the vessel in such a way as to ensure immediate freezing and not to allow the return of marine species to the sea; or

(b) the grading equipment on board the vessel has been removed from a power source and sealed by competent authorities prior to the start of the fishing trip rendering the grading system unable to be used until the competent authorities remove the seals; or

(c) the fishing vessel is equipped with remote electronic monitoring systems on board for the purpose of verifying compliance with the landing obligation; or

(d) the fishing vessel has an observer on board with the purpose of monitoring compliance with the landing obligation.

Article 51

Move-on provisions

Masters of fishing vessels shall change the fishing area in which they operate from any position of a previous fishing operation in which more than 10 % by live weight of the catches of any of the species referred to in Article 48 consist of catches below the relevant minimum conservation reference sizes.

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CHAPTER III

SPECIAL RULES FOR WEIGHING AND PROCESSING FACILITIES

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Article 52

Remote surveillance

1. Port Member States shall ensure surveillance by camera and sensor technologies at landing and processing facilities where more than 3,000 tonnes per year of the species referred to in Article 48 are weighed.

2. The surveillance shall apply to the landing and processing locations and facilities and cover the flow of landed fish until the weighing has been completed. This requirement does not apply during the transportation of landed catches to the processing and weighing facility.

3. The person responsible for the weighing shall:

   (a) provide the competent authorities with live stream and real-time access to the surveillance data; and

   (b) store the surveillance data for a minimum period of 6 months and a maximum period of 3 years and provide the competent authorities with a copy of the stored data upon request.

4. The data obtained in accordance with this Article shall be used solely for fisheries control purposes and shall not be used for the identification of natural persons.

5. The Commission is empowered to adopt delegated acts in accordance with Article 55 to amend this Article in line with the measures adopted in coastal States consultations or within the NEAFC framework.

TITLE IV
FINAL PROVISIONS

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Article 53

Data management, protection of personal data and confidentiality

1. Personal data required for the application of Article 7(2), Article 13, Article 14(1), Article 15(1), Article 16(1), point (d), Article 17(3) to (5), Article 20(2), Article 21(2) to (5) and (7) and (8), Article 22(2) and (3), Article 23(11) and (12), Article 24, points (f) and (g), Article 27(1) and (2), Article 28(1) and (2), Article 30(3) and (4), Article 31(5), Article 33, Article 34, Article 35(1), Article 37(1), Article 38(1), Article 39, Article 40(1) and (3), Article 42(1), Article 43(1) and (2), Article 45(3), Article 47(1) and (3), Article 49(2) and (4), Article 50(2), points (c) and (d), and Article 52 shall be collected and processed by the authorities of the Member States, EFCA and the Commission for the following purposes:

   (a) complying with the obligations of identifying relevant contact points and carry out data exchanges of fisheries data in accordance with Articles 7 and 8, Articles 13 to 19, Article 21 and 22, Articles 27 to 31, Articles 33 to 35, Articles 37 to 40, Articles 42 to 46, Articles 49 and 50 and Article 52 of this Regulation;

   (b) monitoring of fishing opportunities including quota uptake in accordance with Article 18 of this Regulation;

   (c) validation of data in accordance with Article 17 of this Regulation;

   (d) monitoring, control, inspection and surveillance of fishing activities in accordance with Article 19 to 47 of this Regulation; and

   (e) enquiries pertaining to complaints, infringements, and judicial or administrative proceedings, in accordance with Articles 35 to 40 and Articles 42 to 47 of this Regulation.

2. Personal data received in accordance with this Regulation shall not be stored for longer than it is necessary for the purpose it was collected and, in any event, longer than 5 years from the collection, except for personal data that is necessary to allow the follow up of complaints, infringements and judicial or administrative proceedings, which may be

retained until the end of the concerned procedure, administrative or judicial proceedings or the time needed for the application of sanctions. If the information is retained for a longer period, the data shall be anonymized.

3. The authorities of the Member States shall be regarded as controllers as defined in Article 4(7) of Regulation (EU) 2016/679 in relation with the processing of personal data which they collect and transmit pursuant to this Regulation.

4. The Commission and EFCA shall be each regarded as controllers as defined in Article 3(8) of Regulation (EU) 2018/1725 in relation with the processing of personal data which they collect and transmit pursuant to this Regulation.

5. In addition to the obligations established in Regulations (EU) 2016/679 and (EU) 2018/1725, the authorities of the Member States, EFCA and the Commission shall each:

   (a) ensure confidential treatment when transmitting and receiving electronic data;

   (b) take the necessary measures to comply with the confidentiality and security provisions set out in Recommendations approved by NEAFC, including appropriate encryption protocols to ensure confidentiality and authenticity;

   (c) where necessary, at the request of the NEAFC Secretariat, rectify or erase electronic reports or messages processed in a manner which does not comply with this Regulation;

   (d) ensure that electronic data is stored and used only for monitoring, control, inspection and enforcement or other purposes specified in this Regulation; and

   (e) ensure that all transmission of electronic data use data communication systems duly tested with the NEAFC Secretariat.

6. The authorities of the Member States, EFCA and the Commission shall each ensure the security of the processing of personal data in respect of the processing of personal data that takes place for the application of this Regulation, including the processing of personal data by the authorities having a right to access relevant fisheries databases. In particular, they shall adopt the necessary measures, including a business continuity plan and measures to comply with the Guidelines and Terms and Conditions for the Information Security Management System adopted by NEAFC Recommendation 08:2014, in order to:

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(a) physically protect data, including by making contingency plans for the protection of critical infrastructure;

(b) prevent the unauthorised reading, copying, modification or removal of data media;

(c) prevent the unauthorised input of data and the unauthorised access, modification or deletion of recorded personal data;

(d) prevent the unauthorised processing of data and any unauthorised copying, modification or deletion of data;

(e) ensure that persons authorised to access the relevant fisheries data bases have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;

(f) ensure that it is possible to verify and establish to which bodies personal data may be transmitted and what data has been processed in the relevant fisheries data bases, when, by whom and for what purpose;

(g) prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the relevant fisheries data bases or during the transport of data media, in particular by means of appropriate encryption techniques; and

(h) monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation.

7. The obligations under Article 113 of Council Regulation (EC) No 1224/2009 shall also apply to the data collected and received within the framework of this Regulation.

Article 54

Procedure for amendments

1. The Commission is empowered to adopt delegated acts in accordance with Article 55 ~~concerning~~ **in order to implement** measures adopted by NEAFC ~~concerning~~**amending**:

(a) the procedures for the notification of contact points referred to in Article 7(1) to (3);

(b) the procedures for the transmission of notifications and authorisations of fishing vessels provided for in Article 8(1) and (2);

(c) the requirements for stowage plans set out in Article 13(3)(b);

(d) the procedures for communications of transhipments set out in Article 15(1) to (3);

(e) the procedures for communications to the NEAFC Secretariat set out in Article 17(1) and (8);

(f) the procedures for the global reporting of catch and fishing effort provided for in Article 18;

(g) the procedures for the notification of deployments of inspection vessels and aircrafts set out in Article 21(7);

(h) the surveillance procedure set out in Article 22;

(i) the procedures for the notification of infringements referred to in Article 34(2) and (3);

(j) the list of regulated resources set out in the Annex I;

(k) the list of VME indicator species set out in Annex II;

(l) the coordinates of the existing bottom fishing areas set out in Annex III;

(m) the technical measures applicable in the Regulatory Area set out in Annex IV;

(n) the data elements of the messages set out in Annex V;

(o) the data elements of the production logbook set out in Annex VI;

(p) the data elements of the electronic fishing logbook, transhipment and port of landing reports set out in Annex VII;

(q) the data transmission format and data elements set out in Annex X;

(r) the FMC marking procedures set out in Annex XI;

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(s) the data elements for the notification of inspector and inspection platforms set out in Annex XIII;

(t) the data elements for the notification of surveillance activities set out in Annex XV;

(u) the data elements for the transmission of surveillance and sighting reports set out in Annex XVI;

(v) the inspection report templates set out in Annex XVII and XXII;

(w) the rules on the construction and use of boarding ladders set out in Annex XVIII;

(x) the data elements of the notification of designation of ports set out in Annex XIX; and

(y) the template of the port state control forms set out in Annex XX.

2. Amendments in accordance with paragraph 1 shall be strictly limited to the implementation of measures amending or supplementing the NEAFC Scheme and other NEAFC Recommendations.

3. The Commission is empowered to adopt delegated acts in accordance with Article 55 amending Title III of this Regulation to adapt it to measures endorsed by the Union and other North East Atlantic coastal States**, as documented in an agreed record of proceedings,** in consultations relating to the control of the fisheries referred to in Article 48**, or within the framework of NEAFC,** concerning:

(a) the restrictions for pelagic vessels on catch handling and discharge set out in Article 49;

(b) the derogations on the prohibition to use automatic grading equipment set out in Article 50(2); ~~and~~

(c) the move-on provisions referred to in Article 51**; and**

(d) the provisions on remote surveillance of landings referred to in Article 52.

4. Amendments in accordance with paragraph 3 shall be strictly limited to the implementation of measures endorsed by the Union and other North-East Atlantic coastal States in consultations relating to the control of the fisheries referred to in Article 48.

Article 55

Exercise of the delegation

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

2. The power to adopt delegated acts referred to in Article 54 shall be conferred on the Commission for a period of five years from 1 December 2023. 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 54 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 act 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 on Better Law-Making of 13 April 2016.

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 54 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 56

Amendments to other Regulations

1. In Council Regulation (EC) No 1224/2009, Articles 54b and 54c are deleted.

2. In Regulation (EU) 2019/1241, Article 5(h), Chapter VI and Annex XII are deleted.

Article 57

Repeals

1. Council Regulations (EEC) No 1899/85 **and (EEC) No 1638/87** ~~(EU)~~ and **Regulation (EU)** No 1236/2010 are repealed.

2. References to the repealed Regulations shall be construed as references to this Regulation.

Article 58

Entry into force and application

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

Article ~~50~~**49**(4) and Article 52 shall apply from 1 January 2026.

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

Done at Brussels,

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

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