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**Interinstitutional File:  
2021/0103(COD)**

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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007 - Revised Mandate for negotiations with the European Parliament

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Delegations will find attached the “4-column”-document of the above-mentioned proposal. It shows the current state of negotiations. Delegations are advised that it is based on the general principle that “nothing is agreed until everything is agreed”. This document does not include Annexes 1 and 2 since neither institution has proposed a change and therefore the Commission proposal could be agreed without modification.

In the fifth column, the Presidency is indicating its suggested way forward to prepare for a revised mandate. In rows where your feedback is particularly appreciated, the text is marked in **blue**:

- Recitals in rows 11 and 15;
- Provisions related to Data protection (rows 17a and 426a);
- Provisions where the scientific name of the species was added (rows 136, 145, 150, 157, 163, 176, 407, 408, 416);
- Others rows: 56 (and 580c), 72, 80, 91, 110, 111, 146, 160, 262, 363, 394-396, 402c, 402ea.

This document will be examined at the Working Party on Fisheries Policy on 5 May 2022.

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

2021/0103(COD)

Non-versioned [LATEST TEXT]

29-04-2022 at 10h25

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Formula					
1	2021/0103 (COD)			2021/0103 (COD) Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Proposal Title					
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation and management measures applicable in the Western			Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation and management measures applicable in the Western	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007			and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Formula					
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Citation 1					
4	Having regard to the Treaty			Having regard to the Treaty	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	on the Functioning of the European Union, and in particular Article 43(2) thereof,			<p>on the Functioning of the European Union, and in particular Article 43(2) thereof,</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Citation 2					
5	Having regard to the proposal from the European Commission,			<p>Having regard to the proposal from the European Commission,</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Citation 3					
6	After transmission of the draft legislative act to the national parliaments,			After transmission of the draft legislative act to the national parliaments,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Citation 4					
7	<p>Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,</p> <p><sup>1</sup>. OJ C , , p . .</p>			<p>Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,</p> <p><sup>1</sup>. OJ C , , p . .</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Citation 5					
8	<p>Acting in accordance with the ordinary legislative procedure,</p>			<p>Acting in accordance with the ordinary legislative procedure,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Formula					
9	Whereas:			<p>Whereas:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Recital 1					
10	(1) The objective of the Common Fisheries Policy ('CFP'), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>1</sup> is to ensure exploitation of living aquatic resources in a way that provides sustainable			(1) The objective of the Common Fisheries Policy ('CFP'), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>1</sup> is to ensure exploitation of living aquatic resources in a way that provides sustainable	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>economic, environmental and social conditions.</p> <p>1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common, Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).</p>			<p>economic, environmental and social conditions.</p> <p>1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common, Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Recital 1a					
10a		<p><u><i>(1a) In accordance with Article 3 of Regulation (EU) 2019/473 of the European Parliament and of the Council<sup>1</sup>, the mission of the European Fisheries Control Agency (EFCA) is, inter alia, to</i></u></p>		<p>Outstanding issue EFCA</p>	<p>For EFCA see separate document.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<p><u><i>organise the operational coordination of fisheries control and inspection activities by Member States for the implementation of international control and inspection programmes such as the ones implemented in WCPFC CMMs, and to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties. It is therefore appropriate for EFCA to be the body that receives from Member States and transmits to the WCPFC Secretariat information relating to control and inspection, such as at sea inspection reports and notifications of the WCPFC Regional Observer Programme.</i></u></p> <p><u><i>1. Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on</i></u></p>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<a href="#"><u>the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).</u></a>			
Recital 2					
11	(2) The European Union has by Council Decision 98/392/EC <sup>1</sup> approved the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks <sup>2</sup> , which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to	(2) The European Union has by Council Decision 98/392/EC <sup>1</sup> approved the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks <sup>2</sup> , which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to		(2) The European Union has by Council Decision 98/392/EC <sup>1</sup> approved the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks <sup>2</sup> , which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to	Agree to text in draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>conserve fish stocks.</p> <p>1. 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).</p> <p>2. Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).</p>	<p>conserve fish stocks <u>and should strive for orderly and sustainable global ocean governance and fisheries management.</u></p> <p>1. 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).</p> <p>2. Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).</p>		<p>conserve fish stocks <u>and should strive for sustainable global ocean governance and fisheries management.</u></p> <p>1. 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).</p> <p>2. Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).</p> <p><b>Outstanding issue</b></p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue: "orderly"</p>	
Recital 3					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
12	<p>(3) By Council Decision 2005/75/EC<sup>1</sup> the European Community approved the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention), establishing the Western and Central Pacific Fisheries Commission (WCPFC).</p> <p>1. Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).</p>			<p>(3) By Council Decision 2005/75/EC<sup>1</sup> the European Community approved the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (the Convention), establishing the Western and Central Pacific Fisheries Commission (WCPFC).</p> <p>1. Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Recital 4					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
13	(4) WCPFC has the authority to adopt legally-binding decisions ('Conservation and Management Measures', 'CMM') for the conservation of fisheries resources under its purview. These acts are essentially addressed to the WCPFC Contracting Parties, but also contain obligations for the operators (e.g. vessel masters).			<p>(4) WCPFC has the authority to adopt legally-binding decisions ('Conservation and Management Measures', 'CMM') for the conservation of fisheries resources under its purview. These acts are essentially addressed to the WCPFC Contracting Parties, but also contain obligations for the operators (e.g. vessel masters).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Recital 5					
14	(5) Upon their entry into force, the WCPFC conservation and management measures are binding on all WCPFC			(5) Upon their entry into force, the WCPFC conservation and management measures are binding on all WCPFC	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Contracting Parties, including the Union;			Contracting Parties, including the Union;  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Recital 6					
15	(6) While relevant key provisions of CMM are implemented on an annual basis in the context of the fishing opportunities regulation, the remaining provisions were last implemented through Title V of Council Regulation (EC) No 520/2007 <sup>1</sup> laying down technical measures for the conservation of certain stocks of highly migratory species. It is therefore necessary to ensure that the CMM adopted by the WCPFC are fully implemented into Union law and are,	(6) While relevant key provisions of CMM are implemented on an annual basis in the context of the fishing opportunities regulation, the remaining provisions were last implemented through Title V of Council Regulation (EC) No 520/2007 <sup>1</sup> laying down technical measures for the conservation of certain stocks of highly migratory species. It is therefore necessary to ensure that the CMM adopted by the WCPFC are <i>timely and</i> fully implemented into Union		(6) While relevant key provisions of CMM are implemented on an annual basis in the context of the fishing opportunities regulation, the remaining provisions were last implemented through Title V of Council Regulation (EC) No 520/2007 <sup>1</sup> laying down technical measures for the conservation of certain stocks of highly migratory species. It is therefore necessary to ensure that the CMM adopted by the WCPFC are <i>timely and</i> fully implemented into Union	Agree to text in draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>therefore, uniformly and effectively implemented within the Union.</p> <p>1. Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) N° 973/2001 (OJ L 123, 12.5.2007, p. 3).</p>	<p>law and are, therefore, uniformly and effectively implemented within the Union <u>and give clarity and predictability to operators of Union fishing vessels.</u></p> <p>1. Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) N° 973/2001 (OJ L 123, 12.5.2007, p. 3).</p>		<p>law and are, therefore, uniformly and effectively implemented within the Union <u>and give clarity and predictability to operators of Union fishing vessels.</u></p> <p>1. Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) N° 973/2001 (OJ L 123, 12.5.2007, p. 3).</p> <p><b>Outstanding issue</b></p> <p>Text Origin: EP Mandate</p>	
Recital 7					
16	<p>(7) Taking into consideration that WCPFC decisions are likely to be amended further in future at its annual meetings, in order to swiftly incorporate these decisions into Union law, and to reinforce the level playing field and further support the long-</p>	<p>(7) Taking into consideration that WCPFC decisions are likely to be amended further in future at its annual meetings, in order to swiftly incorporate these decisions into Union law, and to reinforce the level playing field and further support the long-</p>		<p><b>Annex IIIa</b> <b>Outstanding issue</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>term sustainable management of the stocks, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following aspects: the WCPFC Transshipment Declaration, reporting notices for transshipment, best handling practices for mobulid rays, whale sharks and other sharks, reference to shark lines depiction, handling practices for cetaceans and sea turtle, vessel information submission, Vessel Monitoring Scheme ('VMS') requirements, percentage of observer coverage scheme under the Regional Observer Programme ('ROP'), and duties of observers, and reporting deadlines, reporting formats for transshipment and Annexes 1 to 3 covering bird</p>	<p>term sustainable management of the stocks, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following aspects: the <del>WCPFC Transshipment Declaration, reporting notices for transshipment, best handling practices for mobulid rays, whale sharks and other sharks, reference to shark lines depiction, handling practices for cetaceans and sea turtle, vessel information submission,</del> Vessel Monitoring Scheme ('VMS') requirements, percentage of observer coverage scheme under the Regional Observer Programme ('ROP'), and duties of observers, and reporting deadlines; <del>reporting formats for transshipment</del> and Annexes <del>I to 3</del> <u>I to IIIa</u> covering bird</p>			



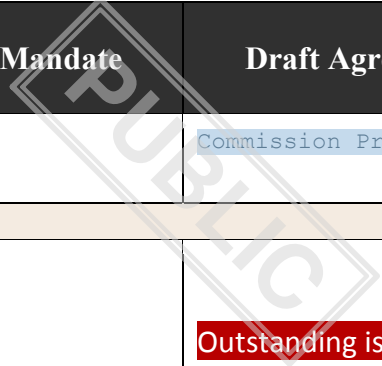
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>mitigations measures, marking and other specifications for vessels, and standards for Automatic Location Communicators used in the WCPFC Vessel Monitoring System. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. 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</p>	<p>mitigations measures, marking and other specifications for vessels, and standards for Automatic Location Communicators used in the WCPFC Vessel Monitoring System. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. 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</p>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>the preparation of delegated acts.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, Interinstitutional Agreement of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).</p>	<p>the preparation of delegated acts.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union <del>and the</del> <u>and the</u> European Commission on Better Law-Making, Interinstitutional Agreement of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).</p>			
Recital 8					
17	<p>(8) The delegated acts provided for in this Regulation should not affect the implementation into Union law of future changes to CMMs through the ordinary legislative procedure.</p>			<p>(8) The delegated acts provided for in this Regulation should not affect the implementation into Union law of future changes to CMMs through the ordinary legislative procedure.</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Recital 8a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
17a		<p><u><i>(8a) All personal data collected, transferred and stored under this Regulation should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup> as well as with Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>2</sup>.</i></u></p> <p><u><i>1. 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).</i></u></p> <p><u><i>2. 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</i></u></p>		<p><u><i>(8a) 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<sup>1</sup>, and delivered formal comments on 14 June 2021. Personal data processed in the framework of this Regulation is to be treated in accordance with the applicable provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>2</sup> and Regulation (EU) 2018/1725.</i></u></p> <p><u><i>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295,</i></u></p>	<p>Agree to text in Draft Agreement.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<a href="#">1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</a>		<p><a href="#">21.11.2018, p. 39).</a>  <a href="#">2. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</a></p> <p><b>Data Protection Green</b>  lighted at 2nd ITM</p> <p>Council compromise proposal</p>	
Recital 9					
18	(9) Article 4(4) and Article 28 of Council Regulation (EC) No 520/2007 should be deleted as provisions of this Regulation implement all WCPFC measures.			<p>(9) Article 4(4) and Article 28 of Council Regulation (EC) No 520/2007 should be deleted as provisions of this Regulation implement all WCPFC measures.</p> <p><b>Green lighted at 1st ITM</b>  <b>Unchanged, potentially agreed</b></p> <p>Text Origin:</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Recital 9a					
18a		<u><i>(9a) The WCPFC secretariat should abide by a science-based management of fisheries, promote the importance of research and innovation activities by all contracting parties and boost the adoption of innovative technologies, in order to achieve sustainable development in the whole fisheries production chain and in the fisheries stocks, and the conservation of a healthy environment, and to ensure fair competition between Union and third country operators.</i></u>		Outstanding issue	Pending new EP compromise proposal. No reaction expected at this stage.
Formula					
19	HAVE ADOPTED THIS REGULATION:			HAVE ADOPTED THIS REGULATION: Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
CHAPTER I					
20	CHAPTER I GENERAL PROVISIONS			<p>CHAPTER I GENERAL PROVISIONS</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 1					
21	Article 1 Subject matter			<p>Article 1 Subject matter</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 1, first paragraph					
22	<p>This Regulation lays down management and conservation measures relating to fishing in the area covered by the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>1</sup> and with respect to the species of fish under the purview of that Convention.</p> <p><sup>1</sup> Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).</p>			<p>This Regulation lays down management and conservation measures relating to fishing in the area covered by the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>1</sup> and with respect to the species of fish under the purview of that Convention.</p> <p><sup>1</sup> Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 2					
23	Article 2 Scope			Article 2 Scope  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 2, first paragraph					
24	This Regulation applies to Union fishing vessels carrying out fishing in the Convention Area.	This Regulation applies to Union fishing vessels carrying out fishing in the <u>Western and Central Pacific Fisheries</u> Convention Area.		This Regulation applies to Union fishing vessels carrying out fishing in the Convention Area.  Green lighted at 2nd ITM  Text Origin: Commission Proposal	
Article 3					
25	Article 3 Definitions			Article 3 Definitions  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, introductory part					
26	For the purposes of this Regulation, the following definitions shall apply:			<p>For the purposes of this Regulation, the following definitions shall apply:</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (a)					
27	(a) ‘the Convention’ means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, as amended from time to time;			(a) ‘the Convention’ means the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, as amended from time to time;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (b)					
28	(b) ‘the Convention Area’ means the area to which the Convention applies as described in its Article 3.1;	(b) ‘the Convention Area’ means the area to which the <u>Western and Central Pacific Fisheries</u> Convention applies as described in its Article 3.1;		<p>(b) ‘the Convention Area’ means the area to which the Convention applies as described in its Article 3.1;</p> <p>Green lighted at 2nd ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (c)					
29	(c) ‘WCPFC’ means the Fisheries Commission for the Western and Central Pacific Ocean established under the Convention;			<p>(c) ‘WCPFC’ means the Fisheries Commission for the Western and Central Pacific Ocean established under the Convention;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 3, first paragraph, point (d)					
30	(d) 'Union fishing vessel' means any vessel flying the flag of a Member State, used or intended for use for the purpose of fishing, including support ships, carrier vessels and any other vessel directly involved in such fishing;	(d) 'Union fishing vessel' means any vessel flying the flag of a Member State, used or intended for use for the purpose of fishing, including support ships, carrier vessels, <u>fish-processing vessels</u> and any other vessel directly involved in <del>such</del> <u>fishing operations</u> ;		To be aligned as much as possible with the Control Regulation.	
Article 3, first paragraph, point (e), introductory part					
31	(e) 'fishing' means:			(e) 'fishing' means:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 3, first paragraph, point (e), first indent					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
32	- searching for, catching, taking or harvesting fish;			<p>- searching for, catching, taking or harvesting fish;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (e), second indent					
33	- attempting to search for, catch, take or harvest fish;			<p>- attempting to search for, catch, take or harvest fish;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (e), third indent					
34	- engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or			<p>- engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or</p>	

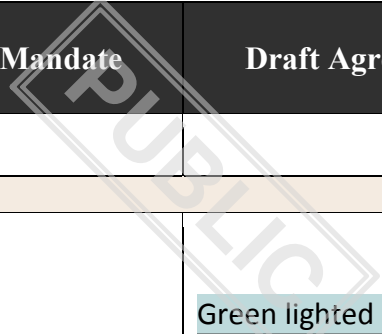
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	harvesting of fish for any purpose;			harvesting of fish for any purpose; Unchanged, potentially agreed Green lighted at 1st ITM Text Origin: Commission Proposal	
Article 3, first paragraph, point (e), fourth indent					
35	- placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;			- placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons; Unchanged, potentially agreed Green lighted at 1st ITM Text Origin: Commission Proposal	
Article 3, first paragraph, point (e), fifth indent					
36	- any operations at sea directly in support of, or in preparation for, any activity	- any operations at sea directly in support of, or in preparation for, any activity		- any operations at sea directly in support of, or in preparation for, any activity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	described in subparagraphs (i) to (iv), including transshipment;	described in <del>subparagraphs (i) to (iv)</del> <u>the first to fourth indents of this point</u> , including transshipment;		described in subparagraphs (i) to (iv), including transshipment;  Green lighted at 1st ITM To be solved by JL. Minor drafting changes  Text Origin: Commission Proposal	
Article 3, first paragraph, point (e), sixth indent					
37	- use of any other vessel, vehicle, aircraft or hovercraft, for any activity described in subparagraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel;	- use of any other vessel, vehicle, aircraft or hovercraft, for any activity described in <del>subparagraphs (i) to (v)</del> <u>the first to fifth indents of this point</u> , except for emergencies involving the health and safety of the crew or the safety of a vessel;		- use of any other vessel, vehicle, aircraft or hovercraft, for any activity described in subparagraphs (i) to (v) except for emergencies involving the health and safety of the crew or the safety of a vessel;  Green lighted at 1st ITM To be solved by JL. Minor drafting changes  Text Origin: Commission Proposal	
Article 3, first paragraph, point (f)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
38	<p>(f) ‘CMM’ means Conservation and Management Measures adopted by the WCPFC currently in force,<sup>1</sup> as amended from time to time;</p> <p>1. <a href="https://www.wcpfc.int/conservation-and-management-measures">https://www.wcpfc.int/conservation-and-management-measures</a></p>	<p>(f) ‘CMM’ means <u>the applicable</u> Conservation and Management Measures adopted by the WCPFC <i>currently in force,<sup>1</sup> as amended from time to time;</i></p> <p><i>1. <a href="https://www.wepfe.int/conservation-and-management-measures">https://www.wepfe.int/conservation-and-management-measures</a></i></p>	<p>(f) ‘CMM’ means <b>applicable</b> Conservation and Management Measures adopted by the WCPFC <i>currently in force,<sup>1</sup> as amended from time to time;</i></p> <p><i>1. <a href="https://www.wcpfc.int/conservation-and-management-measures">https://www.wcpfc.int/conservation-and-management-measures</a></i></p>	<p>(f) ‘CMM’ means <u>the applicable</u> Conservation and Management Measures adopted by the WCPFC <i>currently in force,<sup>1</sup> as amended from time to time;</i></p> <p><i>1. <a href="https://www.wepfe.int/conservation-and-management-measures">https://www.wepfe.int/conservation-and-management-measures</a></i></p> <p>Green lighted at 1st ITM</p> <p>Text Origin: EP Mandate</p>	
Article 3, first paragraph, point (g)					
39	<p>(g) ‘fishing opportunities’ means fishing quotas, effort allocated to a Member State, or closure periods as provided in a Union act in force for the Convention Area;</p>			<p>(g) ‘fishing opportunities’ means fishing quotas, effort allocated to a Member State, or closure periods as provided in a Union act in force for the Convention Area;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 3, first paragraph, point (h), introductory part					
40	(h) 'unfit for human consumption' includes, but is not limited to fish that:	(h) 'unfit for human consumption' <del>includes, but is not limited to fish that:</del>		(h) 'unfit for human consumption' includes, but is not limited to fish that:  Green lighted at 1st ITM To be solved by JL.  Text Origin: Commission Proposal	
Article 3, first paragraph, point (h), point (1)					
40a		<u>(1) includes, but is not limited to fish that:</u>		Green lighted at 1st ITM To be solved by JL.	
Article 3, first paragraph, point (h), first indent					
41	- is meshed or crushed in the purse seine net; or	- is meshed or crushed in the purse seine net; or		- is meshed or crushed in the purse seine net; or  Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 3, first paragraph, point (h), second indent					
42	- is damaged due to shark or whale depredation; or	- is damaged due to shark or whale depredation; or		- is damaged due to shark or whale depredation; or  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 3, first paragraph, point (h), third indent					
43	- has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch as well as efforts to release the fish alive;	- has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch as well as efforts to release the fish alive;		- has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch as well as efforts to release the fish alive;  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 3, first paragraph, point (h), point (2)					
43a		<u>(2) does not include fish that:</u>		Green lighted at 1st ITM To be solved by JL.	
Article 3, first paragraph, point (i), introductory part					
44	(i) 'unfit for human consumption' does not include fish that:	(i) <del>'unfit for human consumption' does not include fish that:</del> Deleted		(i) 'unfit for human consumption' does not include fish that:  To be solved by JL. Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 3, first paragraph, point (i), first indent					
45	- is considered undesirable in terms of size, marketability, or species composition; or	- is considered undesirable in terms of size, marketability, or species composition; or		- is considered undesirable in terms of size, marketability, or species composition; or  Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (i), second indent					
46	- is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.	- is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.		<p>- is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (j)					
47	(j) 'fish aggregating device' or 'FAD' means any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics,			<p>(j) 'fish aggregating device' or 'FAD' means any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with;			bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with; <b>Unchanged, potentially agreed</b> Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 3, first paragraph, point (k)					
48	(k) 'Shallow-set' means fisheries are those in which the majority of hooks fish at depth shallower than 100 metres;			(k) 'Shallow-set' means fisheries are those in which the majority of hooks fish at depth shallower than 100 metres;  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 3, first paragraph, point (l)					
49	(l) 'Record' means the			(l) 'Record' means the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	WCPFC Record of Fishing Vessels;			WCPFC Record of Fishing Vessels; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 3, first paragraph, point (m)					
50	(m) 'WIN' means WCPFC identification number;			(m) 'WIN' means WCPFC identification number;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 3, first paragraph, point (n)					
51	(n) 'VMS' means the Vessels Monitoring System;			(n) 'VMS' means the Vessels Monitoring System;  Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				agreed Text Origin: Commission Proposal	
Article 3, first paragraph, point (o)					
52	(o) 'ROP' means the Regional Observer Programme established by the WCPFC to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the CMM;			(o) 'ROP' means the Regional Observer Programme established by the WCPFC to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the CMM;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 3, first paragraph, point (p)					
53	(p) 'an instrumented buoy' is a buoy with a clearly			(p) 'an instrumented buoy' is a buoy with a clearly	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	marked reference number allowing it to be identified and which is equipped with a satellite-tracking system to monitor its position;			<p>marked reference number allowing it to be identified and which is equipped with a satellite-tracking system to monitor its position;</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 3, first paragraph, point (q)					
54	(q) 'data buoy' is a floating device, either drifting or anchored, that is deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities;			<p>(q) 'data buoy' is a floating device, either drifting or anchored, that is deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities;</p> <p>Green lighted at 1st ITM Unchanged, potentially</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				agreed Text Origin: Commission Proposal	
Article 3, first paragraph, point (r)					
55	(r) ‘WCPFC Transhipment Declaration’ means a document containing information from Annex I to CMM 2009-06, as amended from time to time;	(r) ‘WCPFC Transhipment Declaration’ means a document containing information <del>from Annex I to CMM 2009-06, as amended</del> <u>from time to time referred to in Annex IIIa, point 1, to this Regulation;</u>	(r) ‘WCPFC Transhipment Declaration’ means a document containing <b>the</b> information from Annex I to CMM 2009-06, as amended from time to time <b>and set out in Annex IV to this Regulation;</b>	(r) ‘WCPFC Transhipment Declaration’ means a document containing <u>the</u> information <del>from Annex I to CMM 2009-06, as amended</del> <u>from time to time referred to in Annex IIIa, point 1, to this Regulation;</u>  Annex IIIa Green lighted at 2nd ITM  Text Origin: EP Mandate	
Article 3, first paragraph, point (s)					
56	(s) ‘Eastern High Seas Pocket’ means the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to	(s) ‘Eastern High Seas Pocket’ means the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to	(s) ‘Eastern High Seas Pocket’ means the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to	(s) ‘Eastern High Seas Pocket’ means the area of high seas bounded by the Exclusive Economic Zones of the Cook Islands to the west, French Polynesia to	Agree to include coordinates in Annex.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	the east and Kiribati to the north with the geographical coordinates provided in the CMM 2016-02;	the east and Kiribati to the north with the geographical coordinates provided in <del>the CMM 2016-02</del> <u>Annex IIIa, point 2, to this Regulation</u> ;	the east and Kiribati to the north with the <b>following</b> geographical coordinates, as provided in the CMM 2016-02: [coordinates provided in CMM 2016-02 to be inserted here];	the east and Kiribati to the north with the geographical coordinates provided in <del>the CMM 2016-02</del> <u>Annex IIIa, point 2, to this Regulation</u> ;  Annex IIIa Green lighted at 2nd ITM  Text Origin: EP Mandate	
Article 3, first paragraph, point (t)					
57	(t) ‘mobulid rays’ means species of the family Mobulidae, which includes manta rays and mobula rays;			(t) ‘mobulid rays’ means species of the family Mobulidae, which includes manta rays and mobula rays;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 3, first paragraph, point (u)					
58	(u) ‘ALC’ means			(u) ‘ALC’ means	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	'automatic location communicator' a near real-time satellite position fixing transmitter;			'automatic location communicator' a near real-time satellite position fixing transmitter;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 3, first paragraph, point (v)					
59	(v) 'discards' means catches that are returned to the sea;			(v) 'discards' means catches that are returned to the sea;  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 3, first paragraph, point (w)					
60	(w) 'authorised inspector' means an inspector of a contracting party to the			(w) 'authorised inspector' means an inspector of a contracting party to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	WCPFC whose identity was communicated to the WCPFC;			WCPFC whose identity was communicated to the WCPFC; Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 3, first paragraph, point (x)					
61	(x) 'authorised Union inspector' means a Union inspector whose identity was communicated to the WCPFC in accordance with Article 121 of Regulation (EU) 404/2011.			(x) 'authorised Union inspector' means a Union inspector whose identity was communicated to the WCPFC in accordance with Article 121 of Regulation (EU) 404/2011.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 4					
62					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Article 4 Authorisations			Article 4 Authorisations Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 4(1)					
63	1. Member States shall manage the number of authorisations to fish and the level of fishing in accordance with the fishing opportunities.			1. Member States shall manage the number of authorisations to fish and the level of fishing in accordance with the fishing opportunities. Unchanged, potentially agreed Green lighted at 1st ITM Text Origin: Commission Proposal	
Article 4(2), introductory part					
64	2. Each authorisation shall set out for the Union			2. Each authorisation shall set out for the Union	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	fishing vessel to which it is issued:			fishing vessel to which it is issued: Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 4(2), point (a)					
65	(a) the specific areas, species and time periods for which the authorisation is valid;			(a) the specific areas, species and time periods for which the authorisation is valid; Unchanged, potentially agreed Green lighted at 1st ITM Text Origin: Commission Proposal	
Article 4(2), point (b)					
66	(b) permitted activities by the Union fishing vessel;			(b) permitted activities by the Union fishing vessel; Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 4(2), point (c)					
67	(c) a prohibition of fishing, retention on board, transshipment or landing by the vessel in areas under the national jurisdiction of another State except pursuant to any licence, permit or authorisation that may be required by such other State;			<p>(c) a prohibition of fishing, retention on board, transshipment or landing by the vessel in areas under the national jurisdiction of another State except pursuant to any licence, permit or authorisation that may be required by such other State;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 4(2), point (d)					
68	(d) the requirement that the Union fishing vessel keeps			(d) the requirement that the Union fishing vessel keeps	

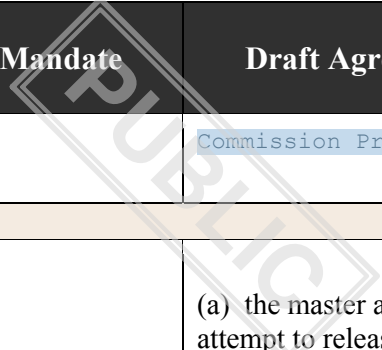
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	on board the authorisation issued pursuant to this paragraph, or certified copy thereof; any licence, permit or authorisation, or certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration.			<p>on board the authorisation issued pursuant to this paragraph, or certified copy thereof; any licence, permit or authorisation, or certified copy thereof, issued by a coastal State, as well as a valid certificate of vessel registration.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
CHAPTER II					
69	CHAPTER II CONSERVATION AND MANAGEMENT MEASURES			<p>CHAPTER II CONSERVATION AND MANAGEMENT MEASURES</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 5					
70	Article 5 Catch retention in the tropical tuna purse seine fishery			Article 5 Catch retention in the tropical tuna purse seine fishery  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 5(1), introductory part					
71	1. Union purse seine vessels fishing in Exclusive Economic Zones and on the high seas within the Convention Area bounded by 20°N and 20°S shall retain on board all catches of bigeye, skipjack, and yellowfin tuna with the following exceptions:			1. Union purse seine vessels fishing in Exclusive Economic Zones and on the high seas within the Convention Area bounded by 20°N and 20°S shall retain on board all catches of bigeye, skipjack, and yellowfin tuna with the following exceptions:  Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 5(1), point (a)					
72	(a) when, in the final set of a trip, there is insufficient storage space to accommodate all fish caught in that set, the excess fish taken in that last set may be transferred to and retained on board another purse seine vessel, provided this is not prohibited under applicable national law; or	(a) when, in the final set of a trip, there is insufficient storage space to accommodate all fish caught in that set, the excess fish taken in that last set may be transferred to and retained on board another purse seine vessel, provided this is not <del>national</del> law; or		(a) when, in the final set of a trip, there is insufficient storage space to accommodate all fish caught in that set, the excess fish taken in that last set may be transferred to and retained on board another purse seine vessel, provided this is not <del>national</del> law; or  Minor drafting changes Green lighted at 2nd ITM  Text Origin: EP Mandate	Agree to text in Draft Agreement.
Article 5(1), point (b)					
73	(b) when the fish are unfit for human consumption; or			(b) when the fish are unfit for human consumption; or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(1), point (c)					
74	(c) when a serious malfunction of equipment occurs.			<p>(c) when a serious malfunction of equipment occurs.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(2)					
75	2. Where the master of a Union fishing vessel determines that fish should not be taken on board for reasons related to the size, marketability, or species composition, the fish shall be released before the net is			<p>2. Where the master of a Union fishing vessel determines that fish should not be taken on board for reasons related to the size, marketability, or species composition, the fish shall be released before the net is</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	fully pursued and not more than one half of the net has been retrieved.			<p>fully pursued and not more than one half of the net has been retrieved.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(3), introductory part					
76	<p>3. Where the master of a Union fishing vessel determines that fish should not be taken on board because it was caught during the final set of a trip when there is insufficient storage space to accommodate all fish caught in that set, the fish may be discarded provided that:</p>			<p>3. Where the master of a Union fishing vessel determines that fish should not be taken on board because it was caught during the final set of a trip when there is insufficient storage space to accommodate all fish caught in that set, the fish may be discarded provided that:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin:</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 5(3), point (a)					
77	(a) the master and crew attempt to release the fish alive as soon as possible;			(a) the master and crew attempt to release the fish alive as soon as possible;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 5(3), point (b)					
78	(b) no further fishing is undertaken after the discard until the fish on board the fishing vessel has been landed or transhipped.			(b) no further fishing is undertaken after the discard until the fish on board the fishing vessel has been landed or transhipped.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 5(4)					
79	4. Fish shall be discarded from Union fishing vessels only after a ROP observer has estimated the species composition of the fish to be discarded.			<p>4. Fish shall be discarded from Union fishing vessels only after a ROP observer has estimated the species composition of the fish to be discarded.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(5), introductory part					
80	5. Within 48 hours after any discard, the Member State shall submit to the WCPFC Secretariat, with the Commission in copy, a report that includes the following information:	5. Within 48 hours after any discard, the <del>Member State</del> <u>master of the Union fishing vessel</u> shall submit to the WCPFC Secretariat, with the <u>flag Member State, the Commission and EFCA</u> in copy, a report that includes the following information:		<p>5. Within 48 hours after any discard, the <del>Member State</del> <u>master of the Union fishing vessel</u> shall submit to the WCPFC Secretariat, with <u>the flag Member State</u>, the Commission in copy, a report that includes the following information:</p> <p>EFCA Green lighted at 2nd ITM Outstanding</p>	<p>Agree with text in Draft Agreement.</p> <p>For EFCA see separate document.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>issue</p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue: EFCA</p>	
Article 5(5), point (a)					
81	(a) name, flag and WCPFC identification number of the fishing vessel name and nationality of the master;			<p>(a) name, flag and WCPFC identification number of the fishing vessel name and nationality of the master;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(5), point (b)					
82	(b) licence number;			<p>(b) licence number;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 5(5), point (c)					
83	(c) name of the observer on board;			(c) name of the observer on board;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 5(5), point (d)					
84	(d) date, time and location (latitude/longitude) of discarding;			(d) date, time and location (latitude/longitude) of discarding;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 5(5), point (e)					
85	(e) date, time, location			(e) date, time, location	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(latitude/longitude) and type (drifting FAD, anchored FAD, free school etc.) of the set;			(latitude/longitude) and type (drifting FAD, anchored FAD, free school etc.) of the set;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 5(5), point (f)					
86	(f) reason that fish were discarded, including a statement of retrieval status if fish were discarded in accordance with paragraph 4 of Article 7;	(f) reason that fish were discarded, including a statement of retrieval status if fish were discarded <del>in accordance with paragraph 4 of Article 7</del> because they were unfit for human consumption;		Linked to rows 40 to 46  Outstanding issue	
Article 5(5), point (g)					
87	(g) estimated tonnage and species composition of discarded fish;			(g) estimated tonnage and species composition of discarded fish;  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(5), point (h)					
88	(h) estimated tonnage and species composition of retained fish from that set;			<p>(h) estimated tonnage and species composition of retained fish from that set;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 5(5), point (i)					
89	(i) if fish were discarded in accordance with paragraph 3, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and			<p>(i) if fish were discarded in accordance with paragraph 3, a statement that no further fishing will be undertaken until the catch on board has been unloaded; and</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 5(5), point (j)					
90	(j) any other information deemed relevant by the vessel master.			(j) any other information deemed relevant by the vessel master. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 5(6)					
91	6. The master of the Union fishing vessel shall provide the information described in paragraph 5 to a ROP observer on board.	6. The master of the Union fishing vessel shall provide, <u>at the same time</u> , the information described in paragraph 5 to a ROP observer on board.		6. The master of the Union fishing vessel shall provide, <u>at the same time</u> , the information described in paragraph 5 to a ROP observer on board. Green lighted at 2nd ITM	Agree with text in Draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: EP Mandate	
Article 6					
92	Article 6 Monitoring and control in the tropical tuna purse seine fishery			Article 6 Monitoring and control in the tropical tuna purse seine fishery  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 6(1)					
93	1. Notwithstanding Article 26, VMS polling frequency of vessel position transmission shall be increased to every 30 minutes during the FAD closure periods as defined in the fishing opportunities.			1. Notwithstanding Article 26, VMS polling frequency of vessel position transmission shall be increased to every 30 minutes during the FAD closure periods as defined in the fishing opportunities.  Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				agreed Text Origin: Commission Proposal	
Article 6(2)					
94	2. Union purse seine vessels shall not operate under manual reporting during the FAD closure periods.			2. Union purse seine vessels shall not operate under manual reporting during the FAD closure periods.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 6(3)					
95	3. If automatic reception of VMS positions of the Union fishing vessels by the WCPFC Secretariat is discontinued, the vessel will not be directed to return to port until the WCPFC Secretariat has			3. If automatic reception of VMS positions of the Union fishing vessels by the WCPFC Secretariat is discontinued, the vessel will not be directed to return to port until the WCPFC Secretariat has	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	exhausted all reasonable steps to re-establish normal automatic reception of VMS positions.			<p>exhausted all reasonable steps to re-establish normal automatic reception of VMS positions.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 6(4), introductory part					
96	4. Purse seine vessels shall carry a ROP observer if that vessel is fishing within the area bounded by 20°N and 20°S in one of the following situations:			<p>4. Purse seine vessels shall carry a ROP observer if that vessel is fishing within the area bounded by 20°N and 20°S in one of the following situations:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 6(4), point (a)					
97					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(a) on the high seas, or			(a) on the high seas, or Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 6(4), point (b)					
98	(b) on the high seas and in waters under the jurisdiction of one or more coastal States,			(b) on the high seas and in waters under the jurisdiction of one or more coastal States,  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 6(4), point (c)					
99	(c) or in waters under the jurisdiction of two or more coastal States.			(c) or in waters under the jurisdiction of two or more coastal States.  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7					
100	<p>Article 7 FADs and instrumented buoys in the tropical tuna purse seine fishery</p>			<p>Article 7 FADs and instrumented buoys in the tropical tuna purse seine fishery</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(1), introductory part					
101	<p>1. The design and construction of FADs to be deployed in, or that drifts into the Convention Area shall comply with the following specifications:</p>			<p>1. The design and construction of FADs to be deployed in, or that drifts into the Convention Area shall comply with the following specifications:</p> <p>Green lighted at 1st ITM</p>	

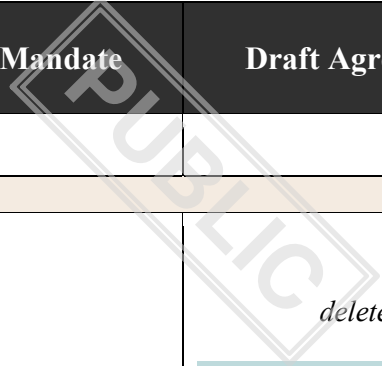
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(1), point (a)					
102	(a) if the floating or raft part (flat or rolled structure) of the FAD is covered with mesh net it must have a stretched mesh size less than 7 cm (2.5 inches) and the mesh net must be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed;			<p>(a) if the floating or raft part (flat or rolled structure) of the FAD is covered with mesh net it must have a stretched mesh size less than 7 cm (2.5 inches) and the mesh net must be well wrapped around the whole raft so that there is no netting hanging below the FAD when it is deployed;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(1), point (b)					
103	(b) if mesh net is used, it			(b) if mesh net is used, it	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>must have a stretched mesh size of less than 7 cm (2.5 inches) or be tied tightly in bundles or “sausages” with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel of less than 7 cm (2.5 inches) stretched mesh size net or a solid sheet (such as canvas or nylon) can be used.</p>			<p>must have a stretched mesh size of less than 7 cm (2.5 inches) or be tied tightly in bundles or “sausages” with enough weight at the end to keep the netting taut down in the water column. Alternatively, a single weighted panel of less than 7 cm (2.5 inches) stretched mesh size net or a solid sheet (such as canvas or nylon) can be used.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(2)					
104	<p>2. During the FAD closure periods established by Union acts on allocation of fishing opportunities, Union purse seine vessels, including any of their fishing gears or tenders, conducting a set are</p>			<p>2. During the FAD closure periods established by Union acts on allocation of fishing opportunities, Union purse seine vessels, including any of their fishing gears or tenders, conducting a set are</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	prohibited from being located within one nautical mile of a FAD.			prohibited from being located within one nautical mile of a FAD. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 7(3)					
105	3. Union fishing vessels shall not be used to aggregate fish, or to move aggregated fish, including using underwater lights and chumming.			3. Union fishing vessels shall not be used to aggregate fish, or to move aggregated fish, including using underwater lights and chumming. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 7(4), introductory part					
106	4. FADs or associated			4. FADs or associated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>electronic equipment shall not be retrieved by a Union fishing vessel during the period of a FAD closure unless:</p>			<p>electronic equipment shall not be retrieved by a Union fishing vessel during the period of a FAD closure unless:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(4), point (a)					
107	<p>(a) FADs or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the FAD closure period; and</p>			<p>(a) FADs or associated electronic equipment are retrieved and kept on board the vessel until landed or until the end of the FAD closure period; and</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(4), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
108	(b) the Union fishing vessel does not conduct any set either for a period of 7 days after retrieval or within a 50 nautical mile radius of the point of retrieval of any FAD.			<p>(b) the Union fishing vessel does not conduct any set either for a period of 7 days after retrieval or within a 50 nautical mile radius of the point of retrieval of any FAD.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 7(5)					
109	5. In addition to paragraph 4, Union fishing vessels shall not operate in cooperation with each other in order to catch aggregated fish.			<p>5. In addition to paragraph 4, Union fishing vessels shall not operate in cooperation with each other in order to catch aggregated fish.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

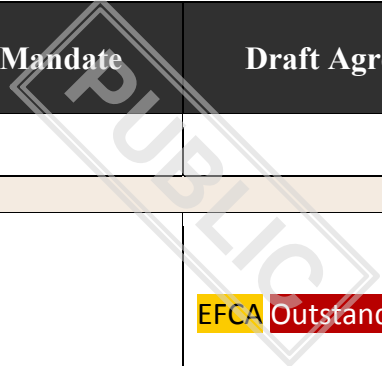


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 7(6)					
110	6. Union fishing vessels shall not conduct any set during the closure period within one nautical mile of a point where a FAD has been retrieved by another vessel within 24 hours before the set.	6. <i>Union fishing vessels shall not conduct any set during the closure period within one nautical mile of a point where a FAD has been retrieved by another vessel within 24 hours before the set.</i> Deleted		deleted  Green lighted at 2nd ITM <b>Outstanding issue</b>  Outstanding issue: Pending confirmation from WCPFC Secretariat.	Agree to delete.
Article 7(7)					
111	7. Paragraphs 2 to 6 apply also to the high seas FADs.	7. <i>Paragraphs 2 to 6 apply also to the high seas FADs.</i> Deleted		deleted  Green lighted at 2nd ITM <b>Outstanding issue</b>  Outstanding issue: Pending confirmation from WCPFC Secretariat.	Agree to delete.
Article 7(8)					
112	8. Member Stats shall			8. Member Stats shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	ensure that their vessels operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.			<p>ensure that their vessels operating in the waters of a coastal State comply with the laws of that coastal State relating to FAD management, including FAD tracking.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 8					
113	Article 8 Instrumented buoys			<p>Article 8 Instrumented buoys</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 8, first paragraph					
114	The instrumented buoy			The instrumented buoy	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	shall be activated exclusively on board the purse seine vessel.			shall be activated exclusively on board the purse seine vessel. Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 9					
115	Article 9 Data Buoys			Article 9 Data Buoys  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 9(1)					
116	1. Fishing within one nautical mile of, or interacting with, a data buoy is prohibited. This includes encircling the			1. Fishing within one nautical mile of, or interacting with, a data buoy is prohibited. This includes encircling the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	buoy with fishing gear; tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or cutting a data buoy anchor line.			buoy with fishing gear; tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or cutting a data buoy anchor line.  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  <i>Text Origin:</i> <i>Commission Proposal</i>	
Article 9(2)					
117	2. Where a Union fishing vessel becomes entangled with a data buoy, the entangled fishing gear shall be removed with as little damage to the data buoy as possible.			2. Where a Union fishing vessel becomes entangled with a data buoy, the entangled fishing gear shall be removed with as little damage to the data buoy as possible.  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  <i>Text Origin:</i> <i>Commission Proposal</i>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 9(3)					
118	3. The master of a Union fishing vessel shall report to the flag Member State all entanglements providing the date, location and nature of the entanglement, along with any identifying information contained on the data buoy. The report shall be sent immediately by that flag Member State to the Commission.	3. The master of a Union fishing vessel shall report to the flag Member State all entanglements providing the date, location and nature of the entanglement, along with any identifying information contained on the data buoy. The report shall be sent immediately by that flag Member State to the Commission <u>with EFCA in copy</u> .		EFCA Outstanding issue	For EFCA see separate document.
Article 9(4)					
119	4. Notwithstanding paragraph 1, scientific research programmes notified to and authorised by the Commission may operate fishing vessels within one nautical mile of a data buoy, so long as they do not interact with those data buoys as described in paragraph 1.			4. Notwithstanding paragraph 1, scientific research programmes notified to and authorised by the Commission may operate fishing vessels within one nautical mile of a data buoy, so long as they do not interact with those data buoys as described in paragraph 1.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 10					
120	Article 10 Eastern High Seas Pocket Special Management Area			<p>Article 10 Eastern High Seas Pocket Special Management Area</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 10(1)					
121	1. Masters of Union fishing vessels operating in the Eastern High Seas Pocket shall report sightings of any fishing vessel to their flag Member State, the Commission, and	1. Masters of Union fishing vessels operating in the Eastern High Seas Pocket shall report sightings of any fishing vessel to their flag Member State, <del>the Commission, and</del> .		<p>EFCA Outstanding issue</p> <p>Agree on last part of EP amendment (inclusion of latitude/longitude)</p>	<p>EP to come back to this line, no reaction expected at this stage.</p> <p>For EFCA see separate document.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	the WCPFC Secretariat. Such information should include: date and time (UTC), position (true degrees), bearing, markings, speed (knots), and vessel type. Fishing vessels shall ensure this information is transmitted within six hours of a sighting event taking place.	<u><i>The flag Member State shall transmit that information immediately to the WCPFC Secretariat, with the Commission and EFCA in copy.</i></u> Such information should include: date and time (UTC), position (true degrees <u><i>of latitude and longitude</i></u> ), bearing, markings, speed (knots), and vessel type. Fishing vessels shall ensure this information is transmitted within six hours of a sighting event taking place.			
Article 10(2)					
122	2. Adjacent coastal states or territories shall receive continuous near real-time VMS data.			2. Adjacent coastal states or territories shall receive continuous near real-time VMS data.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 10(2a)					
122a		<u>2a. The implementation of this Regulation shall be without prejudice to the sustainable fisheries partnership agreements between the European Union and the Government of the Cook Islands and between the European Community and the Republic of Kiribati;</u>		<u>2a. deleted</u> Green lighted at 2nd ITM	
Article 11					
123	Article 11 Transshipment			Article 11 Transshipment Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 11(1)					
124					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>1. All transshipments made in the Convention Area concerning highly migratory species covered under the Convention shall take place in a port and shall be weighted in accordance with Article 60 of Regulation (EC) No 1224/2009<sup>1</sup>.</p> <p>1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, (OJ L 343 22.12.2009, p. 1)</p>			<p>1. All transshipments made in the Convention Area concerning highly migratory species covered under the Convention shall take place in a port and shall be weighted in accordance with Article 60 of Regulation (EC) No 1224/2009<sup>1</sup>.</p> <p>1. Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006, (OJ L 343 22.12.2009, p. 1)</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 11(2)					
125	2. Member States shall report transshipments made by vessels flying their flag, unless the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal State in the Convention Area.	2. Member States shall report <u>to the Commission, with EFCA in copy,</u> transshipments made by vessels flying their flag, unless the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal State in the Convention Area. <u>The Commission shall transmit that report to the WCPFC Secretariat.</u>		2. Member States shall report <u>to the Commission</u> transshipments made by vessels flying their flag, unless the vessel is operated under charter, lease or other similar mechanisms, as an integral part of the domestic fleet of a coastal State in the Convention Area.  <b>EFCA Outstanding issue</b>  Text Origin: EP Mandate  Outstanding issue: EFCA and last addition of EP mandate	EP to come back to this line, no reaction expected at this stage.  For EFCA see separate document.
Article 11(3)					
126	3. The master of a Union fishing vessel offloading fishery products of highly	3. The master of a Union fishing vessel offloading fishery products of highly	3. The master of a Union fishing vessel offloading fishery products of highly	3. The master of a Union fishing vessel offloading fishery products of highly	Agree to text in draft Agreement, PRES will defend inclusion of “in the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>migratory fish stocks covered by and taken in the Convention Area during a transhipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transhipment Declaration, including the information set out in Annex I of CMM 2009-06, for each transhipment of catch taken in the Convention Area. The WCPFC Transhipment Declaration shall be sent to the competent authority of the vessel's Member State.</p>	<p>migratory fish stocks covered by and taken in the Convention Area during a transhipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transhipment Declaration, including the information <del>set out in</del> <u>referred to in Annex I of CMM 2009-06 IIIa, point 1, to this Regulation</u>, for each transhipment of catch taken in the Convention Area. The WCPFC Transhipment Declaration shall be sent to the competent authority of the vessel's Member State.</p>	<p>migratory fish stocks covered by and taken in the Convention Area during a transhipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transhipment Declaration, <del>including the information set out in Annex I of CMM 2009-06</del>, for each transhipment of catch taken in the Convention Area. The WCPFC Transhipment Declaration shall be sent to the competent authority of the vessel's Member State <b>in the official language of the WCPFC</b>.</p>	<p>migratory fish stocks covered by and taken in the Convention Area during a transhipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transhipment Declaration, including the information <del>set out in</del> <u>referred to in Annex I of CMM 2009-06 IIIa, point 1, to this Regulation</u>, for each transhipment of catch taken in the Convention Area. The WCPFC Transhipment Declaration shall be sent to the competent authority of the vessel's Member State.</p> <p>Annex IIIa Green lighted at 2nd ITM Outstanding issue</p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue: "official language of the WCPFC"</p>	<p>official language of the WCPFC".</p>
Article 11(4)					

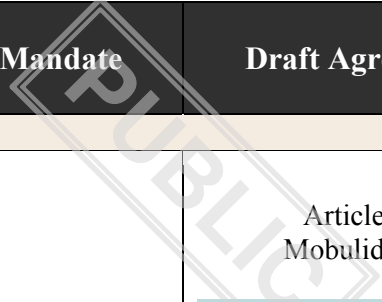
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
127	<p>4. The master of a Union fishing vessel receiving fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transshipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transshipment Declaration, including the information set out in Annex I of CMM 2009-06, for each transshipment of catch taken in the Convention Area. The WCPFC Transshipment Declaration shall be sent to the competent authority of its Member State.</p>	<p>4. The master of a Union fishing vessel receiving fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transshipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transshipment Declaration, including the information <del>set out</del> <u>referred to</u> in Annex <del>I of CMM 2009-06</del> <u>IIIa, point 1, to this Regulation</u>, for each transshipment of catch taken in the Convention Area. The WCPFC Transshipment Declaration shall be sent to the competent authority of its Member State.</p>	<p>4. The master of a Union fishing vessel receiving fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transshipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transshipment Declaration, <del>including the information set out in Annex I of CMM 2009-06</del>, for each transshipment of catch taken in the Convention Area. The WCPFC Transshipment Declaration shall be sent to the competent authority of its Member State <b>in the official language of the WCPFC</b>.</p>	<p>4. The master of a Union fishing vessel receiving fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transshipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transshipment Declaration, including the information <del>set out</del> <u>referred to</u> in Annex <del>I of CMM 2009-06</del> <u>IIIa, point 1, to this Regulation</u>, for each transshipment of catch taken in the Convention Area. The WCPFC Transshipment Declaration shall be sent to the competent authority of its Member State.</p> <p><b>Annex IIIa Outstanding issue</b> Green lighted at 2nd ITM</p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue:</p>	<p>Agree to text in draft Agreement, PRES will defend inclusion of “in the official language of the WCPFC”.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				"official language of the WCPFC"	
Article 11(5)					
128	5. Flag Member States shall validate this data in conformity with Article 109 of Regulation (EC) 1224/2009 and where possible, correct information received from vessels undertaking transshipment, using all available information such as catch and effort data, position data, observer reports and port monitoring data.			5. Flag Member States shall validate this data in conformity with Article 109 of Regulation (EC) 1224/2009 and where possible, correct information received from vessels undertaking transshipment, using all available information such as catch and effort data, position data, observer reports and port monitoring data.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 12					
129	Article 12			Article 12	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Transhipment to and from non-Contracting Party Vessels			Transhipment to and from non-Contracting Party Vessels Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 12(1), introductory part					
130	1. Union fishing vessels shall not engage in transhipment operations to or from a vessel flagged to a non contracting party unless that vessel has been authorised by a decision of the WCPFC, such as:			1. Union fishing vessels shall not engage in transhipment operations to or from a vessel flagged to a non contracting party unless that vessel has been authorised by a decision of the WCPFC, such as: Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 12(1), point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
131	(a) a non-contracting party carrier vessel that is on the Record; or			<p>(a) a non-contracting party carrier vessel that is on the Record; or</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 12(1), point (b)					
132	(b) a non-contracting party fishing vessel that is licenced to fish in the Exclusive Economic Zone of a Contracting Party in accordance with a decision of the WCPFC.			<p>(b) a non-contracting party fishing vessel that is licenced to fish in the Exclusive Economic Zone of a Contracting Party in accordance with a decision of the WCPFC.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 12(2)					

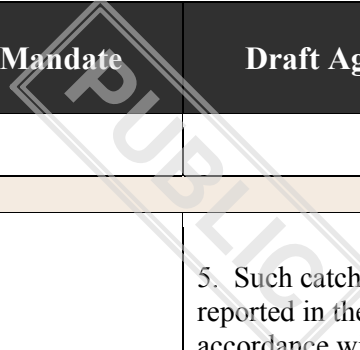
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
133	2. In the situation specified in paragraph 1, the master of a Union carrier vessel or chartering Member State shall send WCPFC Transshipment Declaration to the competent authority of the flag Member State and Article 11(5) applies.			<p>2. In the situation specified in paragraph 1, the master of a Union carrier vessel or chartering Member State shall send WCPFC Transshipment Declaration to the competent authority of the flag Member State and Article 11(5) applies.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
CHAPTER III					
134	CHAPTER III PROTECTION OF MARINE SPECIES			<p>CHAPTER III PROTECTION OF MARINE SPECIES</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 13					
135	Article 13 Mobulid rays			Article 13 Mobulid rays  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 13(1)					
136	1. It is prohibited to target mobulid rays by means of fishing or intentional setting.	1. It is prohibited to target mobulid rays ( <u>genus Mobula</u> ) by means of fishing or intentional setting.		1. It is prohibited to target mobulid rays ( <u>genus Mobula</u> ) by means of fishing or intentional setting.  Green lighted at 1st ITM Scientific name Minor drafting changes  Text Origin: EP mandate	Agree to text in Draft Agreement.
Article 13(2)					
137	2. It is also prohibited to			2. It is also prohibited to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	retain on board, tranship, land, or offer for sale any part or whole carcass of mobulid rays.			retain on board, tranship, land, or offer for sale any part or whole carcass of mobulid rays.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 13(3)					
138	3. Union fishing vessel shall ensure the prompt release, alive and unharmed to the extent practicable, of mobulid rays, and shall do so in a manner that will result in the least possible harm to the specimen captured. Union fishing vessels shall take all reasonable steps to apply the handling practices detailed in Annex 1 to CMM 2019-05, while taking into consideration the safety of the crew.	3. Union fishing vessel shall ensure the prompt release, alive and unharmed to the extent practicable, of mobulid rays, and shall do so in a manner that will result in the least possible harm to the specimen captured. Union fishing vessels shall take all reasonable steps to apply the handling practices <del>detailed</del> referred to in Annex <del>1 to CMM 2019-05</del> IIIa, point 3, to this Regulation, while taking into consideration the	3. Union fishing vessel shall ensure the prompt release, alive and unharmed to the extent practicable, of mobulid rays, and shall do so in a manner that will result in the least possible harm to the specimen captured. <del>Union fishing vessels shall take all reasonable steps to apply the handling practices detailed in Annex 1 to CMM 2019-05,</del> while taking into consideration the safety of the crew.	Annex IIIa Guidelines Outstanding issue	Presidency will continue to defend the Council position.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		safety of the crew.	Moved to new Article 36a(1)(a).		
Article 13(4)					
139	4. Notwithstanding paragraph 3, in the case of mobulid rays that are unintentionally caught and landed as part of a purse seine vessel's operation, the vessel must, at the point of landing or transshipment, surrender the whole mobulid ray to the responsible authorities, or discard them where possible. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.			4. Notwithstanding paragraph 3, in the case of mobulid rays that are unintentionally caught and landed as part of a purse seine vessel's operation, the vessel must, at the point of landing or transshipment, surrender the whole mobulid ray to the responsible authorities, or discard them where possible. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 13(5)					
140	5. Such catches shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).			5. Such catches shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 14					
141	Article 14 General measure for the protection of sharks			Article 14 General measure for the protection of sharks  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 14(1)					
142	1. The Union long line vessels targeting tuna and billfish shall not use branch lines running directly off the longline floats or drop lines, known as shark lines as depicted in Annex I to CMM 2019-04.	1. The Union long line vessels targeting tuna and billfish shall not use branch lines running directly off the longline floats or drop lines, known as shark lines as depicted in Annex <del>I to</del> <u>CMM 2019-04 IIIa, point 4, to this Regulation.</u>	1. The Union long line vessels targeting tuna and billfish shall not use branch lines running directly off the longline floats or drop lines, known as shark lines as depicted in Annex I to CMM 2019-04 <b>and set out in Annex V to this Regulation.</b>	1. The Union long line vessels targeting tuna and billfish shall not use branch lines running directly off the longline floats or drop lines, known as shark lines as depicted in Annex <del>I to</del> <u>CMM 2019-04 IIIa, point 4, to this Regulation.</u>  Annex IIIa Green lighted at 2nd ITM  Text Origin: EP Mandate	
Article 14(2)					
143	2. Union fishing vessels shall take all reasonable steps to follow the guidelines for both longline and purse seine fisheries for best handling practises of sharks <sup>1</sup> adopted by the WCPFC.	2. Union fishing vessels shall take all reasonable steps to follow the guidelines for both longline and purse seine fisheries for best handling practises of sharks <sup>1</sup> <del>adopted by the WCPFC</del> <u>referred to in Annex IIIa, point 5, to this</u>	<i>deleted</i>  Moved to new Article 36a (1)(b).	Annex IIIa Guidelines Outstanding issue	Presidency will continue to defend the Council position.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	1. <a href="https://www.wepfc.int/doc/supplemm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and">https://www.wepfc.int/doc/supplemm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and</a>	<u>Regulation.</u>  †. <a href="https://www.wepfc.int/doc/supplemm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and">https://www.wepfc.int/doc/supplemm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and</a>			
Article 15					
144	Article 15 Oceanic Whitetip Sharks			Article 15 Oceanic Whitetip Sharks  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 15(1)					
145	1. It is prohibited to retain on board, tranship, store on a fishing vessel, land or offer for sale any oceanic whitetip shark, in whole or in part.	1. It is prohibited to retain on board, tranship, store on a fishing vessel, land or offer for sale any oceanic whitetip shark <u>(Carcharhinus longimanus)</u> , in whole or in part.		1. It is prohibited to retain on board, tranship, store on a fishing vessel, land or offer for sale any oceanic whitetip shark <u>(Carcharhinus longimanus)</u> , in whole or in part.	Agree with text in Draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Scientific name Green lighted at 1st ITM	
Article 15(2)					
146	2. Any oceanic whitetip shark caught shall be released as soon as possible after the shark is brought alongside the vessel, in a manner that results in as little harm to the shark as possible.	2. Any oceanic whitetip shark caught shall be released as soon as possible <del>after the shark is brought alongside the vessel,</del> in a manner that results in as little harm to the shark as possible.		2. Any oceanic whitetip shark caught shall be released as soon as possible after the shark is brought alongside the vessel, <u>before being cut free in order to facilitate a species identification,</u> in a manner that results in as little harm to the shark as possible.  Green lighted at 2nd ITM  Text Origin: Commission compromise Proposal	Agree with text in Draft Agreement.
Article 15(3)					
147	3. ROP observers shall be allowed to collect biological samples from oceanic white tip sharks that are dead on haulback, provided that the samples			3. ROP observers shall be allowed to collect biological samples from oceanic white tip sharks that are dead on haulback, provided that the samples	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	are part of a research project approved by the WCPFC Scientific Committee.			<p>are part of a research project approved by the WCPFC Scientific Committee.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 15(4)					
148	4. Incidental catches of oceanic white tip sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).			<p>4. Incidental catches of oceanic white tip sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 16					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
149	Article 16 Whale sharks			Article 16 Whale sharks Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 16(1)					
150	1. It shall be prohibited to set a purse seine on a school of tuna associated with a whale shark if the whale shark is sighted prior to the commencement of the set.	1. It shall be prohibited to set a purse seine on a school of tuna associated with a whale shark ( <i>Rhincodon typus</i> ) if the whale shark is sighted prior to the commencement of the set.		1. It shall be prohibited to set a purse seine on a school of tuna associated with a whale shark ( <i>Rhincodon typus</i> ) if the whale shark is sighted prior to the commencement of the set.  Green lighted at 1st ITM Scientific name Minor drafting changes	Agree with text in Draft Agreement.
Article 16(2), introductory part					
151	2. In the event that a whale			2. In the event that a whale	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	shark is unintentionally encircled in the purse seine net, the Union vessel shall:			shark is unintentionally encircled in the purse seine net, the Union vessel shall:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 16(2), point (a)					
152	(a) ensure that all reasonable steps are taken to ensure its safe release; and			(a) ensure that all reasonable steps are taken to ensure its safe release; and  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 16(2), point (b)					
153	(b) report the incident to the relevant authority of the flag Member State,			(b) report the incident to the relevant authority of the flag Member State,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).			<p>including the number of individuals, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the whale shark on release (including whether the animal was released alive but subsequently died).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 16(3)					
154	3. In taking steps to ensure the safe release of the whale shark as required under paragraph 2(a), Union fishing vessels shall take all reasonable steps to follow the guidelines of best handling practises of whale sharks <sup>1</sup> adopted by	3. In taking steps to ensure the safe release of the whale shark as required under paragraph 2(a), Union fishing vessels shall take all reasonable steps to follow the guidelines of best handling practises of whale sharks <sup>1</sup> <del>adopted by</del>	<p><i>deleted</i></p> <p>Moved to new Article 36a(1)(b).</p>	<p>Annex IIIa Guidelines</p> <p>Outstanding issue</p>	Presidency will continue to defend the Council position.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>the WCPFC.</p> <p>1.  <a href="https://www.wcpfc.int/doc/supplemm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks">https://www.wcpfc.int/doc/supplemm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks</a></p>	<p><del>the WCPFC</del> <u>referred to in Annex IIIa, point 6, to this Regulation.</u></p> <p>1.  <del><a href="https://www.wcpfc.int/doc/supplemm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks">https://www.wcpfc.int/doc/supplemm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks</a></del></p>			
Article 16(4)					
155	<p>4. Incidental catches of whale sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).</p>			<p>4. Incidental catches of whale sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).</p> <p>Green lighted at 1st ITM            Unchanged, potentially agreed</p> <p>Text Origin:            Commission Proposal</p>	
Article 17					
156	Article 17			Article 17	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Silky Sharks			Silky Sharks Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 17(1)					
157	1. It is prohibited to retain on board, tranship, store on a fishing vessel, or land any silky shark in whole or in part.	1. It is prohibited to retain on board, tranship, store on a fishing vessel, or land any silky shark ( <u><i>Carcharhinus falciformis</i></u> ) in whole or in part.		1. It is prohibited to retain on board, tranship, store on a fishing vessel, or land any silky shark ( <u><i>Carcharhinus falciformis</i></u> ) in whole or in part.  Green lighted at 1st ITM Scientific name Minor drafting changes	Agree with text in Draft Agreement.
Article 17(2)					
158	2. Silky sharks caught shall be released as soon as possible after the shark is brought alongside the Union fishing vessel, in a			2. Silky sharks caught shall be released as soon as possible after the shark is brought alongside the Union fishing vessel, in a	

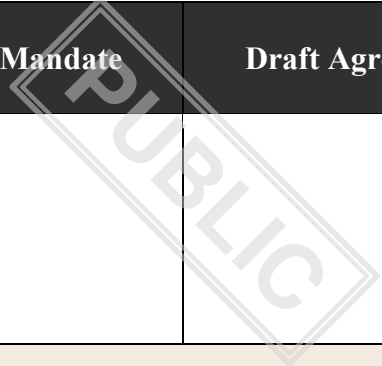
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	manner that results in as little harm to the shark as possible.			<p>manner that results in as little harm to the shark as possible.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 17(3)					
159	3. Incidental catches of silky sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).			<p>3. Incidental catches of silky sharks shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 17(4)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
160	4. Member States shall estimate, through data collected from observer programmes and other means such as fishing logbooks or electronic monitoring, the number of releases of silky sharks caught, including the status upon release (dead or alive), and report this information to the Commission in accordance with Article 37.	4. Member States shall estimate, through data collected from observer programmes and other means such as fishing logbooks or electronic monitoring, the number of releases of silky sharks caught, including the status upon release (dead or alive), and report this information to the Commission in accordance with Article <del>37</del> <u>37(3), point (d)</u> .		4. Member States shall estimate, through data collected from observer programmes and other means such as fishing logbooks or electronic monitoring, the number of releases of silky sharks caught, including the status upon release (dead or alive), and report this information to the Commission in accordance with Article <del>37</del> <u>37(3), point (d)</u> .  Green lighted at 2nd ITM  Text Origin: EP Mandate	Agree with text in Draft Agreement.
Article 17(5)					
161	5. ROP Observers shall be allowed to collect biological samples from silky sharks caught that are dead on haulback, provided that the samples are part of a research project approved			5. ROP Observers shall be allowed to collect biological samples from silky sharks caught that are dead on haulback, provided that the samples are part of a research project approved	

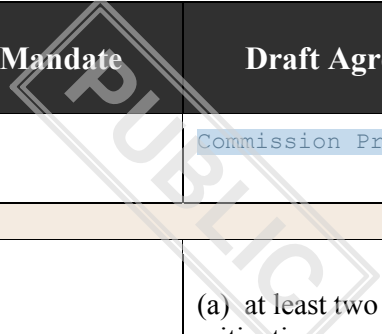
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	by the WCPFC Scientific Committee.			by the WCPFC Scientific Committee. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 18					
162	Article 18 Cetaceans			Article 18 Cetaceans Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 18(1)					
163	1. It is prohibited to set a purse seine net on a school of tuna associated with a cetacean, if the animal is sighted prior to commencement of the set.	1. It is prohibited to set a purse seine net on a school of tuna associated with a cetacean ( <i>infraorder Cetacea</i> ), if the animal is sighted prior to		1. It is prohibited to set a purse seine net on a school of tuna associated with a cetacean ( <i>infraorder Cetacea</i> ), if the animal is sighted prior to	Agree with text in Draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		commencement of the set.		commencement of the set. Scientific name Green lighted at 1st ITM	
Article 18(2)					
164	2. In the event that a cetacean is unintentionally encircled in the purse seine net, the Union fishing vessels shall ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operations until the animal has been released and is no longer at risk of recapture.			2. In the event that a cetacean is unintentionally encircled in the purse seine net, the Union fishing vessels shall ensure that all reasonable steps are taken to ensure its safe release. This shall include stopping the net roll and not recommencing fishing operations until the animal has been released and is no longer at risk of recapture.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 18(3)					
165					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	3. Incidental catches of cetaceans shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).			<p>3. Incidental catches of cetaceans shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 18(4)					
166	4. In taking steps to ensure the safe release of the cetacean as required under paragraph 2, the Union fishing vessels shall take all reasonable steps to follow the guidelines adopted by the WCPFC. The Commission is empowered to adopt delegated acts in accordance with Article 46 for the purpose of amending or supplementing	4. In taking steps to ensure the safe release of the cetacean as required under paragraph 2, the Union fishing vessels shall take all reasonable steps to follow the guidelines <del>adopted by the WCPFC. The Commission is empowered to adopt delegated acts in accordance with Article 46 for the purpose of amending or</del>	<p><i>deleted</i></p> <p>Moved to new Article 36a (provision to be added there).</p>	<p>Annex IIIa Guidelines Outstanding issue</p>	Presidency will continue to defend the Council position.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	this Regulation with the Annex containing the WCPFC guidelines.	<i>supplementing referred to in Annex IIIa, point 7, to this Regulation <del>with the Annex containing the WCPFC guidelines.</del></i>			
<b>Article 19</b>					
167	Article 19 Seabird mitigation measures			Article 19 Seabird mitigation measures  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
<b>Article 19(1), introductory part</b>					
168	1. Union longline vessels fishing south of 30° South shall use either:			1. Union longline vessels fishing south of 30° South shall use either:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin:	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 19(1), point (a)					
169	(a) at least two of three mitigation measures: weighted branch lines; night setting; or tori lines (bird scaring lines); or			(a) at least two of three mitigation measures: weighted branch lines; night setting; or tori lines (bird scaring lines); or  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 19(1), point (b)					
170	(b) hook-shielding devices.			(b) hook-shielding devices.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 19(2)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
171	2. Union longline vessels fishing in between the parallels of 25° South and 30° South, shall use one of the following mitigation measures: weighted branch lines; tori lines; or hook-shielding devices.			<p>2. Union longline vessels fishing in between the parallels of 25° South and 30° South, shall use one of the following mitigation measures: weighted branch lines; tori lines; or hook-shielding devices.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 19(3)					
172	3. Union longline vessels that are 24 meters or more in overall length fishing North of 23° shall use at least two of the mitigation measures of Table 1 of Annex 1 to this Regulation, including at least one from Column A.			<p>3. Union longline vessels that are 24 meters or more in overall length fishing North of 23° shall use at least two of the mitigation measures of Table 1 of Annex 1 to this Regulation, including at least one from Column A.</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 19(4)					
G	173	4. Tori lines can be used only in accordance with specifications of Annex 1 to this Regulation.		<p>4. Tori lines can be used only in accordance with specifications of Annex 1 to this Regulation.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	G
Article 19(5)					
G	174	5. Such interactions shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).		<p>5. Such interactions shall be reported in the logbook in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive).</p>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 20					
175	Article 20 Sea turtles			Article 20 Sea turtles  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 20(1)					
176	1. Union fishing vessel shall bring on board any captured hard-shell sea turtle that is comatose or inactive as soon as possible after capture and foster its resuscitation, before returning it to the water.	1. Union fishing vessel shall bring on board any captured hard-shell sea turtle ( <i>family Cheloniidae</i> ) that is comatose or inactive as soon as possible after capture and foster its resuscitation, before	1. Union fishing vessel shall bring on board any captured hard-shell sea turtle that is comatose or inactive as soon as possible after capture and foster its resuscitation, before returning it to the water.	1. Union fishing vessel shall bring on board any captured hard-shell sea turtle ( <i>family Cheloniidae</i> ) that is comatose or inactive as soon as possible after capture and foster its resuscitation, before	Agree to text in Draft Agreement.  On guidelines, Presidency will continue to defend the Council position.

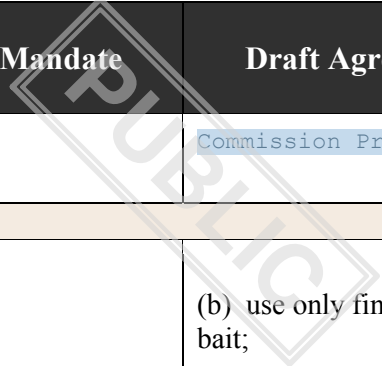
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>Masters and operators of Union fishing vessels shall ensure that crew is aware of and use proper mitigation and handling techniques, as described in the WCPFC guidelines for Handling of Sea Turtles.<sup>1</sup></p> <p>1. WCPFC Guidelines for the Handling of Sea Turtles  <a href="https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles">https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles</a> and  <a href="https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics">https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics</a></p>	<p>returning it to the water. Masters and operators of Union fishing vessels shall ensure that crew is aware of and use proper mitigation and handling techniques, as <i>described in the WCPFC guidelines for Handling of Sea Turtles referred to in <a href="#">Annex IIIa, point 8, to this Regulation</a></i>.<sup>+</sup></p> <p><i>1. WCPFC Guidelines for the Handling of Sea Turtles</i>  <a href="https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles">https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles</a> and  <a href="https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics">https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics</a></p>	<p>Masters and operators of Union fishing vessels shall ensure that crew is aware of and use proper mitigation and handling techniques, as described in the WCPFC guidelines for Handling of Sea Turtles.<sup>+</sup></p> <p>1. WCPFC Guidelines for the Handling of Sea Turtles  <a href="https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles">https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles</a> and  <a href="https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics">https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics</a></p> <p>Moved to new Article 36a(1)(c).</p>	<p>returning it to the water. Masters and operators of Union fishing vessels shall ensure that crew is aware of and use proper mitigation and handling techniques, as <i>described in the WCPFC guidelines for Handling of Sea Turtles(...)</i>.<sup>+</sup></p> <p><i>1. WCPFC Guidelines for the Handling of Sea Turtles</i>  <a href="https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles">https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles</a> and  <a href="https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics">https://www.wcpfc.int/doc/supplemm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics</a></p> <p>Annex IIIa Scientific name Guidelines  Outstanding issue</p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue: guidelines</p>	
Article 20(2), introductory part					
177	2. Union purse seine vessels shall:			2. Union purse seine vessels shall:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 20(2), point (a)					
178	(a) avoid the encirclement of sea turtles, and if a sea turtle is unintentionally encircled or entangled, take practicable measures to safely release the turtle;			<p>(a) avoid the encirclement of sea turtles, and if a sea turtle is unintentionally encircled or entangled, take practicable measures to safely release the turtle;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 20(2), point (b)					
179	(b) release all sea turtles observed to be entangled in FADs or other fishing gear;			<p>(b) release all sea turtles observed to be entangled in FADs or other fishing gear;</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 20(2), point (c)					
180	<p>(c) ensure that if a sea turtle is entangled in the net, the net roll is stopped as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water;</p>			<p>(c) ensure that if a sea turtle is entangled in the net, the net roll is stopped as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 20(2), point (d)					

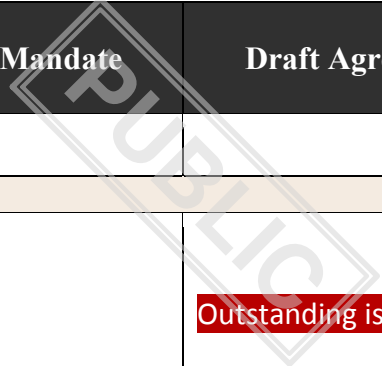
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
181	(d) carry and employ dip nets, when appropriate, to handle turtles.			(d) carry and employ dip nets, when appropriate, to handle turtles. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 20(3)					
182	3. Union longline vessels shall take all reasonable steps to ensure that when carrying and using line cutters and de-hookers to handle and promptly release sea turtles caught or entangled, the WCPFC guidelines referred in paragraph 1 are followed as much as possible.		<i>deleted</i> Moved to new Article 36a(1)(c).	Guidelines Outstanding issue	Presidency will continue to defend the Council position.
Article 20(4), introductory part					
183	4. Union longline vessels that fish in a shallow-set			4. Union longline vessels that fish in a shallow-set	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	manner shall use at least one of the following three methods to mitigate the capture of sea turtles:			<p>manner shall use at least one of the following three methods to mitigate the capture of sea turtles:</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 20(4), point (a)					
184	(a) use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and which are originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not exceeding 10 degrees;			<p>(a) use only large circle hooks, which are fishing hooks that are generally circular or oval in shape and which are originally designed and manufactured so that the point is turned perpendicularly back to the shank. These hooks shall have an offset not exceeding 10 degrees;</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin:</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 20(4), point (b)					
185	(b) use only finfish for bait;			(b) use only finfish for bait;  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 20(4), point (c)					
186	(c) use any other measure, mitigation plan or activity that has been reviewed by the WCPFC Scientific Committee (SC) and the WCPFC Technical and Compliance Committee (TCC) and approved by the WCPFC to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in shallow-set longline fisheries.			(c) use any other measure, mitigation plan or activity that has been reviewed by the WCPFC Scientific Committee (SC) and the WCPFC Technical and Compliance Committee (TCC) and approved by the WCPFC to be capable of reducing the interaction rate (observed numbers per hooks fished) of turtles in shallow-set longline fisheries.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 20(5)					
187	<p>5. The requirements of paragraph 4 do not apply to shallow-set longline fisheries in which the observed mean sea turtle interaction rates is lower than 0.019 sea turtles (all species combined) per 1,000 hooks, over the preceding three consecutive years, and the level of observer coverage is of at least 10% during each of those three years.</p>			<p>5. The requirements of paragraph 4 do not apply to shallow-set longline fisheries in which the observed mean sea turtle interaction rates is lower than 0.019 sea turtles (all species combined) per 1,000 hooks, over the preceding three consecutive years, and the level of observer coverage is of at least 10% during each of those three years.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

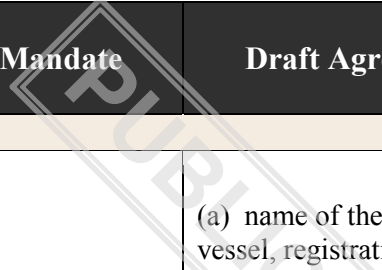


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 21					
188	Article 21 Discharge of plastic	Article 21 <del>Discharge of plastic</del> <u>Marine pollution</u>		Outstanding issue	Title will be chosen once agreement on Article.
Article 21, first paragraph					
189	Union fishing vessels are prohibited from discharging any plastics not constituting fishing gear (including plastic packaging, items containing plastic and polystyrene) into the sea.	Union fishing vessels are prohibited from discharging <del>any plastics not constituting fishing gear</del> <u>(marine waste produced on board or any plastics,</u> including plastic packaging, items containing plastic and polystyrene) <del>into the sea.</del>		Outstanding issue	Presidency will continue to defend the Council position.
CHAPTER IV					
190	CHAPTER IV VESSELS REQUIREMENTS AND CHARTERING			CHAPTER IV VESSELS REQUIREMENTS AND CHARTERING  Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 22					
191	Article 22 Record of fishing vessels			<p>Article 22 Record of fishing vessels</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 22(1)					
192	1. Member State shall ensure that vessels have been placed on the Record of fishing vessels in accordance with the requirements of this Regulation.			<p>1. Member State shall ensure that vessels have been placed on the Record of fishing vessels in accordance with the requirements of this Regulation.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 22(2)					
193	2. Any Union fishing vessel not included in the Record shall be deemed not to be authorised to fish for, retain on board, tranship, transport or land highly migratory fish stocks in the Convention Area.			2. Any Union fishing vessel not included in the Record shall be deemed not to be authorised to fish for, retain on board, tranship, transport or land highly migratory fish stocks in the Convention Area.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 22(3)					
194	3. Member States shall notify the Commission of any factual information showing that there are reasonable grounds to suspect that a vessel is that	3. Member States shall notify <u>EFCA, with</u> the Commission <u>in copy</u> , of any factual information showing that there are reasonable grounds to		EFCA Outstanding issue	For EFCA see separate document.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	not on the Record is or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area.	suspect that a vessel is that not on the Record is or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area.			
Article 23					
195	Article 23 Submission of vessel information			Article 23 Submission of vessel information  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), introductory part					
196	1. Each flag Member State shall submit, electronically, to the Commission the following information with respect to each vessel listed in the Record:	1. Each flag Member State shall submit, electronically, to the Commission, <u>with EFCA in copy</u> , the following information with respect to each vessel listed in the Record:		EFCA Outstanding issue	For EFCA see separate document.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 23(1), point (a)					
197	(a) name of the fishing vessel, registration number, WCPFC Identification Number (WIN), previous names (if known) and port of registry;			(a) name of the fishing vessel, registration number, WCPFC Identification Number (WIN), previous names (if known) and port of registry;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), point (b)					
198	(b) name and address of the owner or owners;			(b) name and address of the owner or owners;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), point (c)					
199					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(c) name and nationality of the master;			(c) name and nationality of the master; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 23(1), point (d)					
200	(d) previous flag (if any);			(d) previous flag (if any); Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 23(1), point (e)					
201	(e) international radio call sign;			(e) international radio call sign; Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 23(1), point (f)					
202	(f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);			(f) vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number);  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), point (g)					
203	(g) colour photograph of the vessel;			(g) colour photograph of the vessel;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 23(1), point (h)					
204	(h) where and when the vessel was built;			(h) where and when the vessel was built; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 23(1), point (i)					
205	(i) type of vessel;			(i) type of vessel; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 23(1), point (j)					
206	(j) normal crew complement;			(j) normal crew complement; Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				agreed Text Origin: Commission Proposal	
Article 23(1), point (k)					
207	(k) type of fishing method or methods;			(k) type of fishing method or methods; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 23(1), point (l)					
208	(l) length (specify type and metric);			(l) length (specify type and metric); Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 23(1), point (m)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
209	(m) moulded depth (specify metric);			(m) moulded depth (specify metric); Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), point (n)					
210	(n) beam (specify metric);			(n) beam (specify metric); Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), point (o)					
211	(o) gross registered tonnage (GRT) or gross tonnage (GT);			(o) gross registered tonnage (GRT) or gross tonnage (GT);  Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 23(1), point (p)					
212	(p) power of main engine or engines (specify metric);			<p>(p) power of main engine or engines (specify metric);</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 23(1), point (q)					
213	(q) carrying capacity, including freezer type, capacity and number, fish hold capacity and capacity of freezer chambers (specify metric);			<p>(q) carrying capacity, including freezer type, capacity and number, fish hold capacity and capacity of freezer chambers (specify metric);</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 23(1), point (r)					
214	(r) the form and number of the authorisation granted by the flag State including any specific areas, species and time periods for which it is valid; and;			(r) the form and number of the authorisation granted by the flag State including any specific areas, species and time periods for which it is valid; and;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 23(1), point (s)					
215	(s) International Maritime Organization (IMO) number or Lloyd's Register (LR) number.			(s) International Maritime Organization (IMO) number or Lloyd's Register (LR) number.  Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 23(2)					
216	2. Member States shall notify the Commission of any changes in paragraph 1 above, and any fishing vessel to be added to or deleted from the Record within 12 days of after any change and in any case not later than 7 days before the commencement of fishing activities in the Convention Area by the vessel concerned.	2. Member States shall notify the Commission, <u>with EFCA in copy</u> , of any changes in paragraph 1 above, and any fishing vessel to be added to or deleted from the Record within 12 days of after any change and in any case not later than 7 days before the commencement of fishing activities in the Convention Area by the vessel concerned.		EFCA Outstanding issue	For EFCA see separate document.
Article 23(3)					
217	3. Member States shall submit to the Commission information requested by the Commission with respect to fishing vessels entered in the Record of fishing vessels not later than 7 days of such request.	3. Member States shall submit to the Commission, <u>with EFCA in copy</u> , information requested by the Commission with respect to fishing vessels entered in the Record of fishing vessels not later		EFCA Outstanding issue	For EFCA see separate document.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		than 7 days of such request.			
Article 23(4)					
218	4. Before 1 June of each year, each Member State shall submit to the Commission a list of all vessels that appeared in the Record at any time during the preceding calendar year, together with each vessel's WIN and an indication of whether each vessel fished for highly migratory fish stocks in the Convention Area beyond its area of national jurisdiction. The indication shall be expressed as follows: the vessel (a) fished, or (b) did not fish.	4. Before 1 June of each year, each Member State shall submit to the Commission, <u>with EFCA in copy</u> , a list of all vessels that appeared in the Record at any time during the preceding calendar year, together with each vessel's WIN and an indication of whether each vessel fished for highly migratory fish stocks in the Convention Area beyond its area of national jurisdiction. The indication shall be expressed as follows: the vessel (a) fished, or (b) did not fish.		EFCA Outstanding issue	For EFCA see separate document.
Article 23(5)					
219	5. Members States that operate, lease, or charter, or have similar arrangements that result in data reporting			5. Members States that operate, lease, or charter, or have similar arrangements that result in data reporting	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	obligations being conferred on a party other than the flag State will make arrangements to ensure that the flag State can meet its obligations under paragraph 4.			<p>obligations being conferred on a party other than the flag State will make arrangements to ensure that the flag State can meet its obligations under paragraph 4.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 23(6)					
220	6. Members States shall submit complete fishing vessel record data to the Commission that meet the structure and format specifications of Attachment 1 to CMM 2014-03, and submit vessel photographs that meet the specifications of Attachment 2 to CMM 2014-03.	6. Members States shall submit complete fishing vessel record data to the Commission, <u>with EFCA in copy</u> , that meet the structure and format specifications <i>of Attachment 1 to CMM 2014-03</i> referred to in <u>Annex IIIa, point 9, to this Regulation</u> , and submit vessel photographs that meet the specifications <i>of Attachment 2 to CMM</i>		<p>EFCA Annex IIIa Outstanding issue</p>	<p>Presidency will continue to defend the Council position.</p> <p>For EFCA see separate document.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<i>2014-03</i> referred to in <u>Annex IIIa, point 10, to this Regulation.</u>			
Article 23(7)					
221	7. Submission of vessel record data to the Commission shall be in an electronic transmission that meet the electronic formatting specifications of Attachment 3 to CMM 2014-03.	7. Submission of vessel record data to the Commission, <u>with EFCA in copy</u> , shall be in an electronic transmission that meet the electronic formatting specifications of <i>Attachment 3 to CMM 2014-03</i> referred to in <u>Annex IIIa, point 11, to this Regulation.</u>		EFCA Annex IIIa Outstanding issue	Presidency will continue to defend the Council position.  For EFCA see separate document.
Article 24					
222	Article 24 Bunkering			Article 24 Bunkering  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 24(1), introductory part					
223	1. Member States shall ensure that their fishing vessels only provide bunkering for, are bunkered by or are otherwise supported by:			<p>1. Member States shall ensure that their fishing vessels only provide bunkering for, are bunkered by or are otherwise supported by:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 24(1), point (a)					
224	(a) fishing vessels flagged to Contracting Parties, or			<p>(a) fishing vessels flagged to Contracting Parties, or</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 24(1), point (b)					
225					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(b) fishing vessels flagged to non-Contracting Parties if such vessels are on the Record; or fishing vessels operated by non-Contracting Parties under charter, lease, or similar arrangements and comply with CMM.			(b) fishing vessels flagged to non-Contracting Parties if such vessels are on the Record; or fishing vessels operated by non-Contracting Parties under charter, lease, or similar arrangements and comply with CMM.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 25					
226	Article 25 Marking and identification of fishing vessels			Article 25 Marking and identification of fishing vessels  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 25(1)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
227	<p>1. By derogation from Article 6(c) of the Commission Implementing Regulation (EU) 404/2011<sup>1</sup>, Union fishing vessels operating in the Convention Area, shall be marked for their identification with the International Telecommunication Union Radio Call Signs (IRCS).</p> <p>1. Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).</p>			<p>1. By derogation from Article 6(c) of the Commission Implementing Regulation (EU) 404/2011<sup>1</sup>, Union fishing vessels operating in the Convention Area, shall be marked for their identification with the International Telecommunication Union Radio Call Signs (IRCS).</p> <p>1. Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 25(2)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
228	2. Union fishing vessels shall comply with the other marking and technical specification provided in Annex 2 to this Regulation.	2. Union fishing vessels shall comply with the other marking and technical specification provided in Annex <del>2</del> <u>II</u> to this Regulation.		2. Union fishing vessels shall comply with the other marking and technical specification provided in Annex 2 to this Regulation.  Green lighted at 1st ITM To be solved by JL. Minor drafting changes  Text Origin: Commission Proposal	
Article 26					
229	Article 26 Vessels Monitoring System (VMS)			Article 26 Vessels Monitoring System (VMS)  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 26(1), introductory part					
230	1. Union fishing vessels			1. Union fishing vessels	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	operating in the Convention Area shall use two monitoring systems:			operating in the Convention Area shall use two monitoring systems:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 26(1), point (a)					
231	a) system prescribed by Article 9(1) of Regulation (EC) No 1224/2009 including the satellite-tracking device ('ALC') provided in Article 19 of Implementing Regulation (EU) 404/2011, and			a) system prescribed by Article 9(1) of Regulation (EC) No 1224/2009 including the satellite-tracking device ('ALC') provided in Article 19 of Implementing Regulation (EU) 404/2011, and  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 26(1), point (b), introductory part					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
232	b) the VMS which receives data directly from Union fishing vessels operating on the high seas in the Convention Area, that is either administered by the WCPFC or reporting to the Fisheries Forum Agency, for which Member States shall:			<p>b) the VMS which receives data directly from Union fishing vessels operating on the high seas in the Convention Area, that is either administered by the WCPFC or reporting to the Fisheries Forum Agency, for which Member States shall:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 26(1), point (b)(a)					
233	(a) ensure that its fishing vessels on the high seas in the Convention Area comply with the VMS requirements established by WCPFC and are equipped with ALC that shall communicate such data as determined by the WCPFC;			(a) ensure that its fishing vessels on the high seas in the Convention Area comply with the VMS requirements established by WCPFC and are equipped with ALC that shall communicate such data as determined by the WCPFC;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 26(1), point (b)(b)					
234	(b) ensure that VMS equipment on Union fishing vessels complies with standards, specifications and procedures for the fishing vessel monitoring in the Convention Area of the WCPFC as provided in Annex 3;	(b) ensure that VMS equipment on Union fishing vessels complies with standards, specifications and procedures for the fishing vessel monitoring in the Convention Area of the WCPFC as provided in Annex <del>3</del> III;		(b) ensure that VMS equipment on Union fishing vessels complies with standards, specifications and procedures for the fishing vessel monitoring in the Convention Area of the WCPFC as provided in Annex 3;  Green lighted at 1st ITM To be solved by JL. Minor drafting changes  Text Origin: Commission Proposal	
Article 26(1), point (b)(c)					
235	(c) shall cooperate to			(c) shall cooperate to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	ensure compatibility between national and high seas VMS;			ensure compatibility between national and high seas VMS; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 26(1), point (b)(d)					
236	(d) ensure that the ALC installed on board Union fishing vessels shall conform to the minimum requirements of Annex 3 to this Regulation;	(d) ensure that the ALC installed on board Union fishing vessels shall conform to the minimum requirements of Annex <del>3</del> <sup>III</sup> to this Regulation;		(d) ensure that the ALC installed on board Union fishing vessels shall conform to the minimum requirements of Annex 3 to this Regulation;  Green lighted at 1st ITM To be solved by JL. Minor drafting changes  Text Origin: Commission Proposal	
Article 26(1), point (b)(e)					
237	(e) ensure that default			(e) ensure that default	

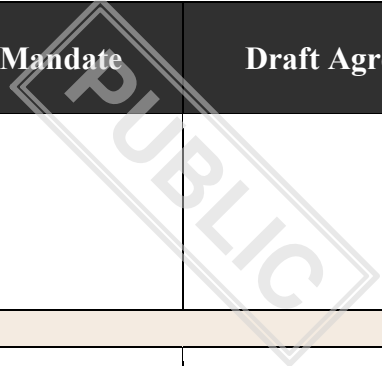
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	position reporting rate is 4 hours while in the Convention Area (6 position reports per day);			position reporting rate is 4 hours while in the Convention Area (6 position reports per day); Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 26(1), point (b)(f)					
238	(f) vessels that exit the Convention Area report position once a day.			(f) vessels that exit the Convention Area report position once a day.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27					
239	Article 27 Charter Notification Scheme			Article 27 Charter Notification Scheme	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27(1), introductory part					
240	1. Within twenty days, or in any case within ninety-six hours before commencement of fishing activities under a charter arrangement, the chartering Member State shall notify the Commission of any vessel to be identified as chartered by submitting electronically the following information with respect to each chartered vessel:	1. Within twenty days, or in any case within ninety-six hours before commencement of fishing activities under a charter arrangement, the chartering Member State shall notify the Commission, <u>with EFCA in copy</u> , of any vessel to be identified as chartered by submitting electronically the following information with respect to each chartered vessel:		EFCA Outstanding issue	For EFCA see separate document.
Article 27(1), point (a)					
241	(a) name of the fishing vessel;			(a) name of the fishing vessel;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 27(1), point (b)					
242	(b) WIN;			<p>(b) WIN;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 27(1), point (c)					
243	(c) name and address of the owner(s);			<p>(c) name and address of the owner(s);</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 27(1), point (d)					
244	(d) name and address of the charterer;			(d) name and address of the charterer; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27(1), point (e)					
245	(e) the duration of the charter arrangement; and			(e) the duration of the charter arrangement; and Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27(1), point (f)					
246	(f) the flag State of the vessel.			(f) the flag State of the vessel.  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 27(2)					
247	2. Upon receipt of the information referred to in paragraph (1), the Commission will immediately notify the WCPFC Secretariat.			<p>2. Upon receipt of the information referred to in paragraph (1), the Commission will immediately notify the WCPFC Secretariat.</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 27(3), introductory part					
248	3. Each chartering Member State shall notify the Commission as well as the flag State, within twenty days, or in any case within ninety-six hours before	3. Each chartering Member State shall notify the Commission, <i>with EFCA in copy</i> , as well as the flag State, within twenty days, or in any case within		<p>EFCA Outstanding issue</p>	For EFCA see separate document.



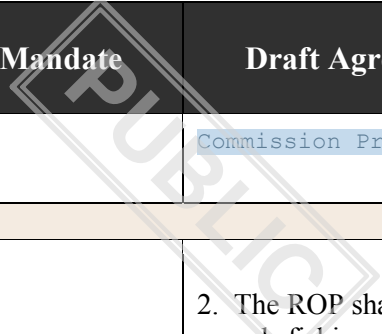
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	commencement of fishing activities under a charter arrangement of:	ninety-six hours before commencement of fishing activities under a charter arrangement of:			
Article 27(3), point (a)					
249	(a) any additional chartered vessels, along with the information set out in paragraph 1;			(a) any additional chartered vessels, along with the information set out in paragraph 1;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27(3), point (b)					
250	(b) any change in the information referred to in paragraph 1 with respect to any chartered vessel; and			(b) any change in the information referred to in paragraph 1 with respect to any chartered vessel; and  Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 27(3), point (c)					
251	(c) termination of the charter of any vessel previously notified under paragraph 1.			(c) termination of the charter of any vessel previously notified under paragraph 1.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27(4)					
252	4. Only vessels listed on the Record are eligible for charter.			4. Only vessels listed on the Record are eligible for charter.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 27(5)					
253	5. Vessels on the WCPFC IUU vessel list, or the IUU List of another Regional Fisheries Management Organisation are not eligible for charter.			5. Vessels on the WCPFC IUU vessel list, or the IUU List of another Regional Fisheries Management Organisation are not eligible for charter.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 27(6)					
254	6. Catches and fishing effort of vessels notified as chartered shall be attributed to the chartering Member States or Contracting Party. The chartering Member State shall report annually to the Commission catch and fishing effort of chartered vessels in the previous year.	6. Catches and fishing effort of vessels notified as chartered shall be attributed to the chartering Member States or Contracting Party. The chartering Member State shall report annually to the Commission, <u>with EFCA in copy</u> , catch and fishing effort of chartered vessels in the previous year.		EFCA Outstanding issue	For EFCA see separate document.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward	
Article 27(7)						
G	255	7. Paragraph 6 does not apply to the tropical tuna purse seine fishery for which catch and effort is allocated to a flag State.		7. Paragraph 6 does not apply to the tropical tuna purse seine fishery for which catch and effort is allocated to a flag State.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal		G
CHAPTER V						
G	256	CHAPTER V REGIONAL OBSERVER PROGRAMME		CHAPTER V REGIONAL OBSERVER PROGRAMME  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal		G
Article 28						
G	257					G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Article 28 The Regional Observer Programme (ROP)			Article 28 The Regional Observer Programme (ROP)  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(1)					
258	1. The objective of the WCPFC Regional Observer Programme (ROP) is to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the WCPFC.			1. The objective of the WCPFC Regional Observer Programme (ROP) is to collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor the implementation of the conservation and management measures adopted by the WCPFC.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin:	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 28(2)					
259	2. The ROP shall apply to vessels fishing on the high seas in the Convention Area in waters under the national jurisdiction of one or more coastal States.			<p>2. The ROP shall apply to vessels fishing on the high seas in the Convention Area in waters under the national jurisdiction of one or more coastal States.</p> <p>Green lighted at 1st ITM            Unchanged, potentially agreed  <b>Outstanding issue</b></p> <p>Text Origin:            Commission Proposal</p> <p>Outstanding issue: EP legal service to propose reformulation.</p>	EP to come back to this line, no reaction expected at this stage.
Article 28(3)					
260	3. Member States are responsible for meeting the level of observer coverage as set by the WCPFC.			<p>3. Member States are responsible for meeting the level of observer coverage as set by the WCPFC.</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(4)					
261	4. Member States shall achieve 100% observer coverage annually by ROP observers for purse-seine fishery the are-a bounded by 20°N and 20°S, and at least 5% coverage annually by ROP observers in other fishery.			<p>4. Member States shall achieve 100% observer coverage annually by ROP observers for purse-seine fishery the are-a bounded by 20°N and 20°S, and at least 5% coverage annually by ROP observers in other fishery.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(5)					
262	5. The ROP shall collect verified catch data, other scientific data, and	5. <del>The ROP shall collect verified catch data, other scientific data, and</del>		deleted	Agree to delete this paragraph.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	additional information related to the fishery from the Convention Area and to monitor implementation of the CMM.	<i>additional information related to the fishery from the Convention Area and to monitor implementation of the CMM. Deleted</i>		Text origin: EP Mandate Green lighted at 1st ITM	
Article 28(6)					
263	6. The duties of observers operating under the ROP shall include the collection of catch data and other scientific data, monitor the implementation of the conservation and management measures adopted by the WCPFC and collection of any additional information related to the fishery that may be decided by the WCPFC.			6. The duties of observers operating under the ROP shall include the collection of catch data and other scientific data, monitor the implementation of the conservation and management measures adopted by the WCPFC and collection of any additional information related to the fishery that may be decided by the WCPFC.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(6a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
263a		<u>6a. ROP observers shall remain attentive and shall collect information on any practices that could harm the environment.</u>		Outstanding issue	Presidency will continue to oppose the inclusion of the EP amendment.
Article 28(7)					
264	7. Union fishing vessels fishing in the Convention Area shall accept an observer from the ROP.			7. Union fishing vessels fishing in the Convention Area shall accept an observer from the ROP.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(8)					
265	8. Member States shall utilise the information collected by observers for the purpose of investigation possible instances of non-compliance, and shall cooperate in the exchange			8. Member States shall utilise the information collected by observers for the purpose of investigation possible instances of non-compliance, and shall cooperate in the exchange	

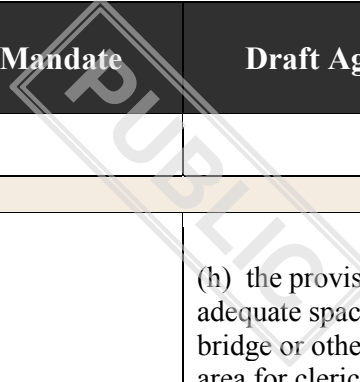
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for copies of observer reports in accordance with standards adopted by the WCPFC.			<p>of such information, including by proactively requesting, responding to, and facilitating the fulfilment of requests for copies of observer reports in accordance with standards adopted by the WCPFC.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(9), introductory part					
266	9. The vessels operators or masters of vessels shall provide to ROP observers:			<p>9. The vessels operators or masters of vessels shall provide to ROP observers:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(9), point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
267	(a) full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish;			<p>(a) full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board, and areas which may be used to hold, process, weigh, and store fish;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(9), point (b)					
268	(b) full access to the vessel's records including its logs and documentation for the purpose of inspection and copying of records, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to			(b) full access to the vessel's records including its logs and documentation for the purpose of inspection and copying of records, reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	fishing;			fishing; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(9), point (c)					
269	(c) access to and use of communications equipment and crew, upon request, for entry, transmission, and receipt of work related data or information;			(c) access to and use of communications equipment and crew, upon request, for entry, transmission, and receipt of work related data or information;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(9), point (d)					
270	(d) access to any additional equipment present on board, to facilitate the work			(d) access to any additional equipment present on board, to facilitate the work	

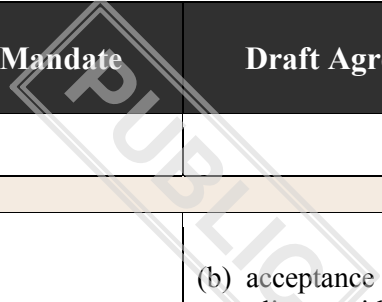
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.;			of the observer while on board the vessel, such as high powered binoculars, electronic means of communication, etc.;	
Article 28(9), point (e)					
271	(e) access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples;			(e) access to the working deck during net or line retrieval and to specimens (alive or dead) in order to collect and remove samples;	
Article 28(9), point (f)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
272	(f) a notice of at least 15 minutes before hauling or net setting procedures, unless the observer specifically requests not to be notified;			<p>(f) a notice of at least 15 minutes before hauling or net setting procedures, unless the observer specifically requests not to be notified;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(9), point (g)					
273	(g) access to food, accommodations, medical facilities and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel;			<p>(g) access to food, accommodations, medical facilities and sanitary facilities of a reasonable standard equivalent to those normally available to an officer on board the vessel;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 28(9), point (h)					
274	(h) the provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties;			(h) the provision of adequate space on the bridge or other designated area for clerical work and adequate space on the deck for observer duties;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(9), point (i)					
275	(i) freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.			(i) freedom to carry out their duties without being assaulted, obstructed, resisted, delayed, intimidated or interfered with in the performance of their duties.  Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(10), introductory part					
276	10. The obligations of observers are the following:			<p>10. The obligations of observers are the following:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(10), point (a)					
277	(a) being capable of performing the duties set out by this Regulation and CMM;			<p>(a) being capable of performing the duties set out by this Regulation and CMM;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 28(10), point (b)					
278	(b) acceptance and compliance with agreed confidentiality rules and procedures with respect to the fishing operations of vessels and of vessel owners;			(b) acceptance and compliance with agreed confidentiality rules and procedures with respect to the fishing operations of vessels and of vessel owners;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(10), point (c)					
279	(c) maintenance of independence and impartiality at all times while on duty in the ROP;			(c) maintenance of independence and impartiality at all times while on duty in the ROP;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 28(10), point (d)					
280	(d) compliance with the ROP protocols for observers carrying out ROP duties on board a vessel;			(d) compliance with the ROP protocols for observers carrying out ROP duties on board a vessel;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 28(10), point (e)					
281	(e) compliance with the laws and regulations of the CMM that exercises jurisdiction over the vessel;		(e) compliance with the laws and regulations of the <del>CMM</del> Contracting Party that exercises jurisdiction over the vessel;	Outstanding issue	
Article 28(10), point (f)					
282	(f) respecting the hierarchy and general rules of behaviour that apply to all			(f) respecting the hierarchy and general rules of behaviour that apply to all	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	vessel personnel;			vessel personnel; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 28(10), point (g)					
283	(g) performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel, with due consideration to the operational requirements of the vessel communicating regularly with the master of the vessel for this purpose;			(g) performance of duties in a manner that does not unduly interfere with the lawful operations of the vessel, with due consideration to the operational requirements of the vessel communicating regularly with the master of the vessel for this purpose; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 28(10), point (h)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
284	(h) familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits;			<p>(h) familiarity with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(10), point (i)					
285	(i) communicating regularly with the vessel master on relevant observer issues and duties;			<p>(i) communicating regularly with the vessel master on relevant observer issues and duties;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(10), point (j)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
286	(j) observance of the ethnic traditions of the crew and the customs of the flag State of the vessel;	(j) observance of the ethnic traditions <del>of the crew and the</del> <u>and</u> customs of the flag State of the <del>vessel</del> <u>entire crew</u> ;		(j) observance of the ethnic traditions of the crew and the customs of the flag State of the vessel;  Green lighted at 2nd ITM  Text Origin: Commission Proposal	
Article 28(10), point (k)					
287	(k) adherence to the applicable code of conduct <sup>1</sup> for observers;  1. WCPFC/IWG-ROP2/2008-09.	(k) adherence to the applicable <del>code of conduct<sup>1</sup> for observers</del> <u>CMM referred to in Annex IIIa, point 12, to this Regulation</u> ;  <del>1. WCPFC/IWG-ROP2/2008-09.</del>		Annex IIIa Outstanding issue	
Article 28(10), point (l)					
288	(l) promptly writing and submitting reports to the Commission in accordance with procedures adopted by the WCPFC;	(l) promptly writing and submitting reports to the Commission, <u>with EFCA in copy</u> , in accordance with procedures adopted by the WCPFC;		EFCA Outstanding issue	For EFCA see separate document.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 28(10), point (m)					
289	(m) shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area;			<p>(m) shall not unduly interfere with the lawful operations of the vessel and in carrying out their duties shall give due consideration to the operational requirements of the vessel and to the extent practicable minimize disruption to the operation of vessels fishing in the Convention Area;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 28(10), point (n)					
290	(n) take all reasonable steps to follow the Guidelines in Annex A Guidelines for the Rights and Responsibilities of	(n) take all reasonable steps to follow the Guidelines in <i>Annex A Guidelines for the Rights and Responsibilities of</i>	(n) <del>take all reasonable steps to follow the Guidelines in Annex A Guidelines for the Rights and Responsibilities of</del>	Annex IIIa <b>Outstanding</b> issue	Presidency will continue to defend the Council position.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Observers CMM 2018-05 and Guidelines Annex B for Vessels Operators Captains and Crews.	<del>Observers CMM 2018-05 and Guidelines Annexes A and B to the CMM referred to in Annex B for Vessels Operators Captains and Crews</del> <u>IIIa, point 12, to this Regulation.</u>	Observers CMM 2018-05 and Guidelines Annex B for Vessels Operators Captains and Crews.		
Article 29					
291	Article 29 Responsibilities of vessel operators and masters and crews			Article 29 Responsibilities of vessel operators and masters and crews  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 29(1), introductory part					
292	1. The fishing vessel operators, including the masters, shall comply with the following obligations:			1. The fishing vessel operators, including the masters, shall comply with the following obligations:  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (a)					
293	(a) accepting on board the vessel any person identified as an observer under the ROP when required by the WCPFC;			<p>(a) accepting on board the vessel any person identified as an observer under the ROP when required by the WCPFC;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (b)					
294	(b) informing the crew of the timing of the ROP observer's boarding as well as their rights and responsibilities when an ROP observer boards the vessel;			<p>(b) informing the crew of the timing of the ROP observer's boarding as well as their rights and responsibilities when an ROP observer boards the vessel;</p>	

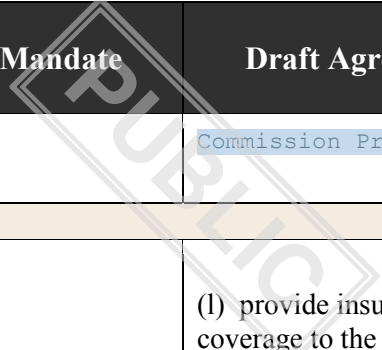
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 29(1), point (c)					
295	(c) assisting the ROP observer to safely embark and disembark the vessel at an agreed place and time;			(c) assisting the ROP observer to safely embark and disembark the vessel at an agreed place and time;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 29(1), point (d)					
296	(d) giving notice to the ROP observer at least 15 minutes before the start of a set or haul on-board, unless the observer specifically requests not to be notified;			(d) giving notice to the ROP observer at least 15 minutes before the start of a set or haul on-board, unless the observer specifically requests not to be notified;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (e)					
297	(e) allowing and assisting the ROP observer to carry out all duties safely;			<p>(e) allowing and assisting the ROP observer to carry out all duties safely;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (f)					
298	(f) allowing the ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying;			<p>(f) allowing the ROP observer full access to the vessel's records including vessel logs and documentation for the purpose of records inspection and copying;</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (g)					
299	(g) allowing the ROP observer to have reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing;			<p>(g) allowing the ROP observer to have reasonable access to navigational equipment, charts and radios, and reasonable access to other information relating to fishing;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (h)					
300	(h) permitting access to any additional equipment present in order to facilitate			<p>(h) permitting access to any additional equipment present in order to facilitate</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	the work of the ROP observer while on-board the vessel, such as high-powered binoculars, electronic means of communication, etc.			<p>the work of the ROP observer while on-board the vessel, such as high-powered binoculars, electronic means of communication, etc.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (i)					
301	(i) allow and assist the ROP observer to remove and store samples from the catch;			<p>(i) allow and assist the ROP observer to remove and store samples from the catch;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(1), point (j)					
302					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(j) allow and assist the ROP observer to carry out all duties safely;			(j) allow and assist the ROP observer to carry out all duties safely; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 29(1), point (k)					
303	(k) provide food, accommodation, adequate sanitary amenities to the ROP observer while on-board the vessel, at no expense to the observer or the ROP observer's provider or any government providing observers, as well as medical facilities of a reasonable standard equivalent to those normally available to an officer on-board the vessel;	(k) provide food, accommodation, adequate sanitary amenities to the ROP observer while on-board the vessel, at no expense to the observer or the ROP observer's provider or any government providing observers, as well as medical facilities <del>of a reasonable standard</del> equivalent to those normally available to an officer on-board the vessel;		(k) provide food, accommodation, adequate sanitary amenities to the ROP observer while on-board the vessel, at no expense to the observer or the ROP observer's provider or any government providing observers, as well as medical facilities of a reasonable standard equivalent to those normally available to an officer on-board the vessel;  Green lighted at 2nd ITM  Text Origin:	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 29(1), point (l)					
304	(l) provide insurance coverage to the ROP observer while on-board the vessel, for the duration of the observer's time on-board;			(l) provide insurance coverage to the ROP observer while on-board the vessel, for the duration of the observer's time on-board;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 29(1), point (m)					
305	(m) allow and assist the ROP observer to have full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on-board, and areas which may be			(m) allow and assist the ROP observer to have full access to and use of all facilities and equipment of the vessel that the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on-board, and areas which may be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	used to hold, process, weigh, and store fish;			used to hold, process, weigh, and store fish; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 29(1), point (n)					
306	(n) ensure that the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or subject to a bribe attempt in the performance of his or her duties;			(n) ensure that the ROP observer is not assaulted, obstructed, resisted, delayed, intimidated, interfered with, influenced, bribed or subject to a bribe attempt in the performance of his or her duties; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 29(1), point (o)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
307	(o) ensuring that the ROP observer is not coerced or convinced to breach his/her responsibilities.			<p>(o) ensuring that the ROP observer is not coerced or convinced to breach his/her responsibilities.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(2), introductory part					
308	2. The fishing vessel crew shall comply with the following obligations:			<p>2. The fishing vessel crew shall comply with the following obligations:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(2), point (a)					
309	(a) refraining from impeding or delaying			(a) refraining from impeding or delaying	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	observer duties, coercing or convincing the ROP observer to breach his/her responsibilities;			observer duties, coercing or convincing the ROP observer to breach his/her responsibilities;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 29(2), point (b)					
310	(b) compliance with this Regulation, regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the Member State that exercises jurisdiction over the vessel;			(b) compliance with this Regulation, regulations and procedures established under the Convention and other guidelines, regulations, or conditions established by the Member State that exercises jurisdiction over the vessel;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 29(2), point (c)					
311	(c) allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on-board, and areas that may be used to hold, process, weigh, and store fish;			<p>(c) allowing and assisting full access to and use of all facilities and equipment of the vessel which the observer may determine is necessary to carry out his or her duties, including full access to the bridge, fish on-board, and areas that may be used to hold, process, weigh, and store fish;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(2), point (d)					
312	(d) allow and assist the ROP observer to carry out all duties safely;			<p>(d) allow and assist the ROP observer to carry out all duties safely;</p> <p>Green lighted at 1st ITM Unchanged, potentially</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 29(2), point (e)					
313	(e) allow and assist the ROP observer to remove and store samples from the catch;			<p>(e) allow and assist the ROP observer to remove and store samples from the catch;</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 29(2), point (f)					
314	(f) compliance with directions given by the vessel master with respect to the ROP observers duties.			<p>(f) compliance with directions given by the vessel master with respect to the ROP observers duties.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 30					
315	Article 30 Safety of observers			Article 30 Safety of observers  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(1), introductory part					
316	1. If an ROP observer dies, is missing or presumed fallen overboard, the master of a fishing vessel shall:			1. If an ROP observer dies, is missing or presumed fallen overboard, the master of a fishing vessel shall:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 30(1), point (a)					
317	(a) immediately cease all fishing operations;			(a) immediately cease all fishing operations; <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 30(1), point (b)					
318	(b) immediately commence search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless force majeure constrains Member States to allow their vessels to cease search and rescue operations before the 72 hours have elapsed, or unless instructed by the flag Member State to continue searching beyond the 72 hour time-limit; <sup>1</sup> _____			(b) immediately commence search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless force majeure constrains Member States to allow their vessels to cease search and rescue operations before the 72 hours have elapsed, or unless instructed by the flag Member State to continue searching beyond the 72 hour time-limit; <sup>-1</sup> _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	1. In the event of force majeure, flag Member State may allow their vessels to cease search and rescue operations before 72 hours have elapsed.			<p>1. In the event of force majeure, flag Member State may allow their vessels to cease search and rescue operations before 72 hours have elapsed.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(1), point (c)					
319	(c) immediately notify the flag Member State;			<p>(c) immediately notify the flag Member State;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(1), point (d)					
320	(d) immediately alert other vessels in the vicinity by using all available means of communication;			<p>(d) immediately alert other vessels in the vicinity by using all available means of communication;</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 30(1), point (e)					
321	(e) cooperate fully in any search and rescue operation;			<p>(e) cooperate fully in any search and rescue operation;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(1), point (f)					
322	(f) whether or not the search is successful, return the vessel for further investigation to the nearest port, as agreed by the flag Member State and the ROP observer provider;			<p>(f) whether or not the search is successful, return the vessel for further investigation to the nearest port, as agreed by the flag Member State and the ROP observer provider;</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(1), point (g)					
323	(g) provide the report on the incident to the observer provider and the appropriate authorities on the incident; and			<p>(g) provide the report on the incident to the observer provider and the appropriate authorities on the incident; and</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(1), point (h)					
324	(h) cooperate fully in any and all official investigations, and preserves any potential evidence and the personal			<p>(h) cooperate fully in any and all official investigations, and preserves any potential evidence and the personal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	effects and quarters of the deceased or missing observer.			effects and quarters of the deceased or missing observer. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(2)					
325	2. Paragraphs 1(a), (c) and (h) apply in the event that an observer dies. In addition, the master of the fishing vessel shall ensure that the body is well-preserved for the purposes of an autopsy and investigation.			2. Paragraphs 1(a), (c) and (h) apply in the event that an observer dies. In addition, the master of the fishing vessel shall ensure that the body is well-preserved for the purposes of an autopsy and investigation. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(3), introductory part					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
326	3. If an ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the master of the fishing vessel shall:			<p>3. If an ROP observer suffers from a serious illness or injury that threatens his or her health or safety, the master of the fishing vessel shall:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(3), point (a)					
327	(a) immediately cease fishing operations;			<p>(a) immediately cease fishing operations;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(3), point (b)					
328	(b) immediately notify the			(b) immediately notify the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	flag Member State;			flag Member State; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(3), point (c)					
329	(c) care for the observer and provide any medical treatment available and possible on board the vessel;			(c) care for the observer and provide any medical treatment available and possible on board the vessel;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(3), point (d)					
330	(d) assist in the disembarkation and transport of the observer to a medical facility equipped			(d) assist in the disembarkation and transport of the observer to a medical facility equipped	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	to provide the required care, as soon as practicable in accordance with the flag Member States directions; or in the absence of such directions, the directions provided by the ROP observer provider; and			<p>to provide the required care, as soon as practicable in accordance with the flag Member States directions; or in the absence of such directions, the directions provided by the ROP observer provider; and</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(3), point (e)					
331	(e) cooperate fully in any and all official investigations into the cause of the illness or injury.			<p>(e) cooperate fully in any and all official investigations into the cause of the illness or injury.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 30(4)					
332	4. For the purposes of paragraphs 1 to 3, the Member State shall ensure that the appropriate Maritime Rescue Coordination Centre, the observer provider and the WCPFC Secretariat are immediately notified.			4. For the purposes of paragraphs 1 to 3, the Member State shall ensure that the appropriate Maritime Rescue Coordination Centre, the observer provider and the WCPFC Secretariat are immediately notified.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(5), introductory part					
333	5. If there are reasonable grounds to believe an ROP observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the Member State that they			5. If there are reasonable grounds to believe an ROP observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider indicates to the Member State that they	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	wish for the observer to be removed from the fishing vessel, the Member State shall ensure that the master of the fishing vessel:			wish for the observer to be removed from the fishing vessel, the Member State shall ensure that the master of the fishing vessel:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(5), point (a)					
G 334	(a) immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;			(a) immediately takes action to preserve the safety of the observer and mitigate and resolve the situation on board;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	G
Article 30(5), point (b)					
G 335					G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(b) notifies the flag Member State and the observer provider of the situation, including the status and location of the observer, as soon as possible;			(b) notifies the flag Member State and the observer provider of the situation, including the status and location of the observer, as soon as possible;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(5), point (c)					
336	(c) assist in the safe disembarkation of the observer in a manner and place as agreed by the flag Member State and the ROP observer provider, that facilitates access to any necessary medical treatment; and			(c) assist in the safe disembarkation of the observer in a manner and place as agreed by the flag Member State and the ROP observer provider, that facilitates access to any necessary medical treatment; and  Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 30(5), point (d)					
337	(d) cooperates fully in any and all official investigations into the incident.			(d) cooperates fully in any and all official investigations into the incident.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(6), introductory part					
338	6. If there are reasonable grounds to believe that an ROP observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the Member State shall ensure that the master			6. If there are reasonable grounds to believe that an ROP observer has been assaulted, intimidated, threatened, or harassed but neither the observer nor the observer provider wishes that the observer be removed from the fishing vessel, the Member State shall ensure that the master	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	of a fishing vessel:			of a fishing vessel: Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(6), point (a)					
339	(a) takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;			(a) takes action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(6), point (b)					
340	(b) notifies the flag Member State and the observer provider of the situation as soon as			(b) notifies the flag Member State and the observer provider of the situation as soon as	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	possible; and			possible; and Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(6), point (c)					
341	(c) cooperates fully in all official investigations into the incident.			(c) cooperates fully in all official investigations into the incident. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(7)					
342	7. If, after port disembarkation from a fishing vessel of an ROP observer, an observer provider identifies a possible violation involving	7. If, after port disembarkation from a fishing vessel of an ROP observer, an observer provider identifies a possible violation involving		EFCA Outstanding issue	For EFCA see separate document.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the Member State and the WCPFC Secretariat.	assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the Member State and the WCPFC Secretariat. <u>That Member State shall inform the Commission and EFCA of the notification received.</u>			
Article 30(8), introductory part					
343	8. Following the notification referred to in paragraph 7, the Member State shall:			8. Following the notification referred to in paragraph 7, the Member State shall:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(8), point (a)					
344	(a) investigate the event based on the information given by the observer			(a) investigate the event based on the information given by the observer	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	provider and take any appropriate action in response to the results of the investigation;			provider and take any appropriate action in response to the results of the investigation; <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 30(8), point (b)					
345	(b) cooperate fully in any investigation conducted by the observer provider, including submitting the report of the incident to the observer provider and appropriate authorities; and			(b) cooperate fully in any investigation conducted by the observer provider, including submitting the report of the incident to the observer provider and appropriate authorities; and  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 30(8), point (c)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
346	(c) notify the observer provider and the WCPFC Secretariat of the results of its investigation and any actions taken.	(c) notify the observer provider and the WCPFC Secretariat, <u>with the Commission and EFCA in copy</u> , of the results of its investigation and any actions taken.		EFCA Outstanding issue	For EFCA see separate document.
Article 30(9), introductory part					
347	9. Member States shall ensure that their national observer providers:			9. Member States shall ensure that their national observer providers:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 30(9), point (a)					
348	(a) immediately notify the Member State in the event that an ROP observer dies, is missing or presumed fallen overboard in the course of observer duties;			(a) immediately notify the Member State in the event that an ROP observer dies, is missing or presumed fallen overboard in the course of observer duties;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(9), point (b)					
349	(b) cooperate fully in any search and rescue operation;			<p>(b) cooperate fully in any search and rescue operation;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 30(9), point (c)					
350	(c) cooperate fully in any and all official investigations into any incident involving an ROP observer;			<p>(c) cooperate fully in any and all official investigations into any incident involving an ROP observer;</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 30(9), point (d)					
351	(d) assist in the disembarkation and replacement of an ROP observer in a situation involving the serious illness or injury of that observer as soon as possible;			(d) assist in the disembarkation and replacement of an ROP observer in a situation involving the serious illness or injury of that observer as soon as possible; Unchanged, potentially agreed Green lighted at 1st ITM Text Origin: Commission Proposal	
Article 30(9), point (e)					
352	(e) assist in the disembarkation of an ROP observer in any situation involving threats to, or the assault, intimidation or			(e) assist in the disembarkation of an ROP observer in any situation involving threats to, or the assault, intimidation or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	harassment of that observer where the observer wishes to be removed from the vessel as soon as possible; and			harassment of that observer where the observer wishes to be removed from the vessel as soon as possible; and  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 30(9), point (f)					
353	(f) provide the Member State with a copy of the observer report on alleged infringements involving that provider's observer upon request.			(f) provide the Member State with a copy of the observer report on alleged infringements involving that provider's observer upon request.  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 30(10)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
354	10. Flag Member States shall ensure that their authorised inspection vessels cooperate, in any search and rescue operation involving an observer.			<p>10. Flag Member States shall ensure that their authorised inspection vessels cooperate, in any search and rescue operation involving an observer.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
CHAPTER VI					
355	CHAPTER VI BOARDING AND INSPECTION			<p>CHAPTER VI BOARDING AND INSPECTION</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 31					
356					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Article 31 Duties of the master of a Union vessel during an inspection			Article 31 Duties of the master of a Union vessel during an inspection  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 31(1), introductory part					
G 357	1. In addition to Articles 113 and 114 of Regulation (EU) 404/2011, during the conduct of a boarding and inspection the master of a Union fishing vessel shall:			1. In addition to Articles 113 and 114 of Regulation (EU) 404/2011, during the conduct of a boarding and inspection the master of a Union fishing vessel shall:  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	G
Article 31(1), point (a)					
G 358					G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(a) follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorised inspection vessels and inspectors;			(a) follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorised inspection vessels and inspectors;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 31(1), point (b)					
359	(b) accept and facilitate prompt and safe boarding by authorised inspectors;			(b) accept and facilitate prompt and safe boarding by authorised inspectors;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 31(1), point (c)					
360	(c) cooperate with and			(c) cooperate with and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	assist in the inspection of the vessel pursuant to these procedures;			assist in the inspection of the vessel pursuant to these procedures; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 31(1), point (d)					
361	(d) refrain from unduly obstructing or delaying the inspectors in the performance of their duties;			(d) refrain from unduly obstructing or delaying the inspectors in the performance of their duties; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 31(1), point (e)					
362	(e) allow the inspectors to communicate with the crew of the inspection vessel, the			(e) allow the inspectors to communicate with the crew of the inspection vessel, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;			authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 31(1), point (f)					
363	(f) provide them with reasonable facilities, including, where appropriate, food and accommodation; and	(f) provide them with reasonable facilities, <u>equivalent to those normally available to an officer on board the vessel</u> , including, where appropriate, food and accommodation; and		(f) provide them with reasonable facilities, <u>equivalent to those normally available to an officer on board the vessel</u> , including, where appropriate, food and accommodation; and Green lighted at 2nd ITM Text Origin: EP Mandate	Agree to text in Draft Agreement.
Article 31(1), point (g)					
364					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(g) facilitate safe disembarkation by the inspectors.			(g) facilitate safe disembarkation by the inspectors. Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 31(2)					
365	2. If the master of a Union fishing vessel refuses to allow an authorised inspector to carry out boarding and inspection activity in accordance with the procedures set out in this Regulation, such master shall explain reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as the Commission, of the master's refusal and any explanation provided. The Commission shall	2. If the master of a Union fishing vessel refuses to allow an authorised inspector to carry out boarding and inspection activity in accordance with the procedures set out in this Regulation, such master shall explain reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel, as well as <u>EFCA and</u> the Commission, of the master's refusal and any explanation provided. <i>The</i>		EFCA Outstanding issue	For EFCA see separate document.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	immediately inform the WCPFC Secretariat of such notification.	<del>Commission</del> EFCA shall immediately inform the WCPFC Secretariat of such notification.			
Article 31(3)					
366	3. When notified of such refusal, the flag Member State authorities of a fishing vessel shall direct the master to accept boarding and inspection unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection.			3. When notified of such refusal, the flag Member State authorities of a fishing vessel shall direct the master to accept boarding and inspection unless generally accepted international regulations, procedures and practices relating to safety at sea make it necessary to delay the boarding and inspection.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 31(4)					
367					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	4. If the master does not comply with such a direction, the flag Member State shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The flag Member State shall immediately notify the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.	4. If the master does not comply with such a direction, the flag Member State shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The flag Member State shall immediately notify the authorities of the inspection vessel, <a href="#">EFCA</a> and the Commission of the action it has taken in these circumstances.		<a href="#">EFCA</a> Outstanding issue	For EFCA see separate document.
Article 32					
368	Article 32 Procedure in case of infringements			Article 32 Procedure in case of infringements  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 32(1), introductory part					
369					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	1. Upon receipt of a notification under Article 33 from an authorised inspector of a Contracting Party, the flag Member State of the fishing vessels concerned shall without delay:			<p>1. Upon receipt of a notification under Article 33 from an authorised inspector of a Contracting Party, the flag Member State of the fishing vessels concerned shall without delay:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 32(1), point (a)					
370	(a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008 <sup>1</sup> and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the inspector's authorities, the Commission and the WCPFC Secretariat; or	(a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008 <sup>1</sup> <sup>LZ</sup> and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the inspector's authorities, <u>EFCA</u> , the Commission and the WCPFC Secretariat; or		<p>EFCA Outstanding issue</p>	For EFCA see separate document.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).	1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).			
Article 32(1), point (b)					
371	(b) authorize the inspector's authorities to complete the investigation of the possible infringement and so notify the Commission and the WCPFC Secretariat.	(b) authorize the inspector's authorities to complete the investigation of the possible infringement and so notify <u>EFCA</u> , the Commission and the WCPFC Secretariat.		EFCA Outstanding issue	For EFCA see separate document.
Article 32(2)					
372	2. Union inspectors shall treat inspection reports in accordance with Article 76 of Regulation (EC) 1224/2009.			2. Union inspectors shall treat inspection reports in accordance with Article 76 of Regulation (EC) 1224/2009.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 32(3)					
373	<p>3. In the case of paragraph 1(b), the Member State authorities of the inspector shall submit the specific evidence collected by the inspectors, along with the results of their investigation, to the flag state authorities of the fishing vessel immediately upon completion of the investigation. Upon receipt of a notification pursuant to paragraph 1, the flag Member State of the fishing vessel shall respond without delay and in any case no later than within 3 working days.</p>			<p>3. In the case of paragraph 1(b), the Member State authorities of the inspector shall submit the specific evidence collected by the inspectors, along with the results of their investigation, to the flag state authorities of the fishing vessel immediately upon completion of the investigation. Upon receipt of a notification pursuant to paragraph 1, the flag Member State of the fishing vessel shall respond without delay and in any case no later than within 3 working days.</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 33					
374	Article 33 Serious infringement			<p>Article 33 Serious infringement</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 33(1), introductory part					
375	1. Each of the following violations constitutes a serious infringement, within the meaning of Article 90 of Regulation (EC) No 1224/2009:			<p>1. Each of the following violations constitutes a serious infringement, within the meaning of Article 90 of Regulation (EC) No 1224/2009:</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 33(1), point (a)					
376	(a) fishing without a licence, permit or authorisation issued by the Member State;			(a) fishing without a licence, permit or authorisation issued by the Member State;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 33(1), point (b)					
377	(b) failure to maintain sufficient records of catch and catch-related data in accordance with the Regulation's reporting requirements or significant misreporting of such catch or catch-related data;			(b) failure to maintain sufficient records of catch and catch-related data in accordance with the Regulation's reporting requirements or significant misreporting of such catch or catch-related data;  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 33(1), point (c)					
378	(c) fishing in a closed area;			<p>(c) fishing in a closed area;</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 33(1), point (d)					
379	(d) fishing during a closed season;			<p>(d) fishing during a closed season;</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 33(1), point (e)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
380	(e) intentional taking or retention of species in contravention of any applicable conservation and management measure of this Regulation;			(e) intentional taking or retention of species in contravention of any applicable conservation and management measure of this Regulation;  <b>Unchanged, potentially agreed</b> Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 33(1), point (f)					
381	(f) significant violation of catch limits or quotas in fishing opportunities;			(f) significant violation of catch limits or quotas in fishing opportunities;  <b>Green lighted at 1st ITM</b> <b>Unchanged, potentially agreed</b>  Text Origin: Commission Proposal	
Article 33(1), point (g)					
382					

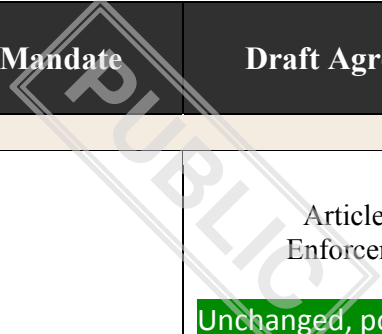
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	(g) using prohibited fishing gear;			(g) using prohibited fishing gear; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 33(1), point (h)					
383	(h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;			(h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 33(1), point (i)					
384	(i) concealing, tampering with or disposing of evidence relating to			(i) concealing, tampering with or disposing of evidence relating to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	investigation of a violation;			investigation of a violation; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 33(1), point (j)					
385	(j) multiple infringements which taken together constitute a serious disregard of measures in force pursuant to this Regulation;			(j) multiple infringements which taken together constitute a serious disregard of measures in force pursuant to this Regulation;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 33(1), point (k)					
386	(k) refusal to accept a boarding and inspection;			(k) refusal to accept a boarding and inspection;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 33(1), point (l)					
387	(l) unduly obstruct or delay an inspector;			(l) unduly obstruct or delay an inspector;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 33(1), point (la)					
387a		<u>(la) intimidation of or physical attacks on the ROP observer;</u>		Outstanding issue	Presidency will continue to oppose the inclusion of this EP amendment.
Article 33(1), point (m)					
388	(m) intentionally tampering with or disabling			(m) intentionally tampering with or disabling	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	the VMS;			the VMS; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 33(1), point (n)					
389	(n) fishing by Union fishing vessels not included in the Record;			(n) fishing by Union fishing vessels not included in the Record; Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 33(1), point (o)					
390	(o) fishing near data buoy or taking data boy on board in breach of Article 9(1) or 9(2).			(o) fishing near data buoy or taking data boy on board in breach of Article 9(1) or 9(2). Green lighted at 1st ITM	

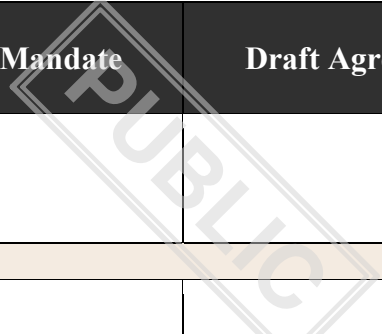
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 33(2)					
391	<p>2. Where it has been established that a Union fishing vessel has been involved in the commission of a serious infringement, the authorities of the flag Member State shall withdraw the license of that vessel and ensure that fishing in the Convention area ceases until of the sanctions imposed by the flag State in respect of the violation have been complied with.</p>			<p>2. Where it has been established that a Union fishing vessel has been involved in the commission of a serious infringement, the authorities of the flag Member State shall withdraw the license of that vessel and ensure that fishing in the Convention area ceases until of the sanctions imposed by the flag State in respect of the violation have been complied with.</p> <p>Green lighted at 1st ITM</p> <p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	



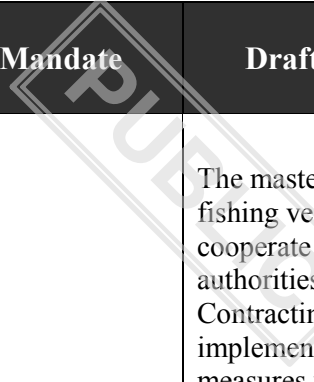
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 34					
392	Article 34 Enforcement			Article 34 Enforcement Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 34(1)					
393	1. The authorities of the Member State shall regard interference by their fishing vessels, master or crew with an authorised inspector or an authorised inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.			1. The authorities of the Member State shall regard interference by their fishing vessels, master or crew with an authorised inspector or an authorised inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 34(2)					
394	<p>2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-Contracting Parties undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to the Commission and WCPFC Secretariat.</p>	<p>2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-Contracting Parties, <u>or fishing vessels that appear to be without nationality</u>, undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to <u>the Member States, EFCA</u>, the Commission and WCPFC Secretariat.</p>		<p>2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-Contracting Parties, <u>or fishing vessels that appear to be without nationality</u>, undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to <u>the flag Member State</u>, the Commission and WCPFC Secretariat.</p> <p>EFCA Outstanding issue Green lighted at 2nd ITM</p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue: EFCA</p>	<p>Agree to text in Draft Agreement.</p> <p>For EFCA see separate document.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 34(3)					
395	3. Any fishing activities referred to in paragraph 2, shall be reported by the Member States to the Commission and the flag State of the vessel in question.	3. Any fishing activities <del>referred to in paragraph 2</del> <u>of non-contracting party fishing vessels</u> shall be reported by the Member States to <u>EFCA, with</u> the Commission <u>in copy</u> , and the flag State of the vessel in question.		3. <del>Any Member States shall report non-contracting party</del> fishing <del>activities</del> <u>vessels</u> referred to in paragraph 2, <del>shall be reported by the Member States</del> to the Commission and the flag State of the vessel in question.  <b>EFCA Outstanding issue</b> Green lighted at 2nd ITM  Text origin: Commission compromise Proposal  Outstanding issue: EFCA	Agree to text in Draft Agreement.  For EFCA see separate document.
Article 34(4)					
396	4. Member State authorities shall report to the Commission as soon as possible any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention	4. <del>Member State authorities shall report to the Commission as soon as possible any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention</del>		<del>deleted</del>  <b>Green lighted at 2nd ITM</b>  Text Origin: EP Mandate	Agree to delete this paragraph (integrated in row 394 as per EP amendment).



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Area for species covered by the Convention.	<i>Area for species covered by the Convention.</i> Deleted			
CHAPTER VII					
397	CHAPTER VII PORT STATE MEASURES			CHAPTER VII PORT STATE MEASURES  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 35					
398	Article 35 Port State measures			Article 35 Port State measures  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 35, first paragraph					



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
399	The master of a Union fishing vessel shall cooperate with the port authorities of any Contracting Party in implementing port State measures under the Convention and this Regulation.			<p>The master of a Union fishing vessel shall cooperate with the port authorities of any Contracting Party in implementing port State measures under the Convention and this Regulation.</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 36					
400	Article 36 Procedure in the event of suspected IUU fishing			<p>Article 36 Procedure in the event of suspected IUU fishing</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 36, first paragraph					
401	Where, following a port inspection, a Member State receives an inspection report, indicating that there are clear grounds to believe that a vessel flying its flag has engaged in IUU fishing or fishing related activities in support of IUU fishing, it shall immediately and fully investigate the matter in accordance with Article 43 of Regulation (EC) 1005/2008 and Article 25 of the Convention.			<p>Where, following a port inspection, a Member State receives an inspection report, indicating that there are clear grounds to believe that a vessel flying its flag has engaged in IUU fishing or fishing related activities in support of IUU fishing, it shall immediately and fully investigate the matter in accordance with Article 43 of Regulation (EC) 1005/2008 and Article 25 of the Convention.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
CHAPTER VIII					
402	CHAPTER VIII FINAL PROVISIONS			CHAPTER VIII FINAL PROVISIONS  Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 36a					
402a			Article 36a Guidelines	Guidelines Outstanding issue	Presidency will continue to defend the Council position.
Article 36a, first paragraph					
402b			1. The Commission shall provide Member States which have fishing opportunities in the fisheries managed by the WCPFC with any guidelines adopted by the WCPFC, in particular with regard to:	Guidelines Outstanding issue	Presidency will continue to defend the Council position.
Article 36a, first paragraph, point a					
402c			(a) the handling practices for mobulid rays detailed in Annex 1 to CMM 2019-	Guidelines Outstanding	Presidency will continue to defend the Council position with the following adjustment:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
			05;	issue	(a) the handling practices for mobulid rays detailed in Annex 1 to CMM 2019-05;
Article 36a, first paragraph, point b					
402d			(b) the guidelines of best handling practises of whale sharks and other sharks;	Guidelines Outstanding issue	Presidency will continue to defend the Council position.
Article 36a, first paragraph, point c					
402e			(c) the WCPCF guidelines for Handling of Sea Turtles.	Guidelines Outstanding issue	Presidency will continue to defend the Council position.
Article 36a, first paragraph, point d					
402ea					Presidency will defend the inclusion of the following provision that was missing:  (d) the guidelines for the safe release of the cetacean.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Article 36a, second paragraph					
402f			2. The Member States concerned shall ensure that these guidelines are provided to the masters of their vessels engaged in these fisheries, which shall take all reasonable steps to apply such guidelines.	Guidelines Outstanding issue	Presidency will continue to defend the Council position.
Article 37					
403	Article 37 Reporting			Article 37 Reporting Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 37(1)					
404	1. Member States shall submit to the Commission, by 20 April of each year scientific data in	1. Member States shall submit to the Commission, <i>with EFCA in copy</i> , by 20 April of each year scientific		Outstanding issue EFCA	For EFCA see separate document.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>accordance with applicable WCPFC reporting requirements<sup>1</sup> and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,<sup>2</sup> including any checks they have imposed on its fleets and any monitoring, control, and compliance measures they have established to ensure compliance with such checks.</p> <p>1. <a href="https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9">https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9</a>  2. <a href="https://www.wcpfc.int/file/430562/download?token=BQxkRith">https://www.wcpfc.int/file/430562/download?token=BQxkRith</a></p>	<p>data in accordance with applicable WCPFC reporting requirements<sup>1</sup> and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,<sup>2</sup> including any checks they have imposed on its fleets and any monitoring, control, and compliance measures they have established to ensure compliance with such checks.</p> <p>1. <a href="https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9">https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9</a>  2. <a href="https://www.wcpfc.int/file/430562/download?token=BQxkRith">https://www.wcpfc.int/file/430562/download?token=BQxkRith</a></p>			
Article 37(2)					
405	<p>2. Catch and effort by the Union vessels shall be reported according to the following species groups: albacore tuna, bigeye tuna,</p>			<p>2. Catch and effort by the Union vessels shall be reported according to the following species groups: albacore tuna, bigeye tuna,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	<p>skipjack, yellowfin tuna, swordfish, other billfish, and sharks.<sup>1</sup> Estimates of discards/releases shall also be provided for each of these species. Catch estimates shall also be provided for other species as determined by the Commission.</p> <p>1. <a href="https://www.wcpfc.int/doc/sc-01/annual-report-commission-part-1-information-fisheries-research-and-statistics-revised">https://www.wcpfc.int/doc/sc-01/annual-report-commission-part-1-information-fisheries-research-and-statistics-revised</a></p>			<p>skipjack, yellowfin tuna, swordfish, other billfish, and sharks.<sup>1</sup> Estimates of discards/releases shall also be provided for each of these species. Catch estimates shall also be provided for other species as determined by the Commission.</p> <p>1. <a href="https://www.wcpfc.int/doc/sc-01/annual-report-commission-part-1-information-fisheries-research-and-statistics-revised">https://www.wcpfc.int/doc/sc-01/annual-report-commission-part-1-information-fisheries-research-and-statistics-revised</a></p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 37(3), introductory part					
406	<p>3. Member States shall report annually to the Commission, including in particular:</p>			<p>3. Member States shall report annually to the Commission, including in particular:</p> <p>Green lighted at 1st ITM</p>	

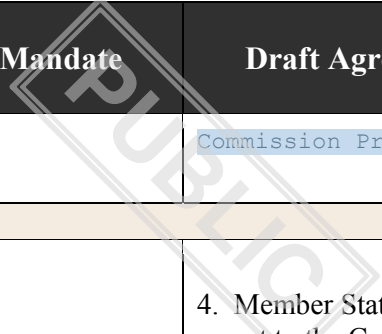
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 37(3), point (a)					
407	(a) the catch levels of their fishing vessels that have taken striped marlin as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S;	(a) the catch levels of their fishing vessels that have taken striped marlin ( <i>Kajikia audax</i> ) as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S;		(a) the catch levels of their fishing vessels that have taken striped marlin ( <i>Kajikia audax</i> ) as a bycatch as well as the number and catch levels of vessels fishing for striped marlin in the Convention Area south of 15°S;  Green lighted at 1st ITM Scientific name	Agree to text in Draft Agreement.
Article 37(3), point (b)					
408	(b) the annual catch levels taken by each of their fishing vessels that has taken South Pacific albacore, as well as the number of vessels actively fishing for South Pacific	(b) the annual catch levels taken by each of their fishing vessels that has taken South Pacific albacore ( <i>Thunnus alalunga</i> ), as well as the number of vessels actively		(b) the annual catch levels taken by each of their fishing vessels that has taken South Pacific albacore ( <i>Thunnus alalunga</i> ), as well as the number of vessels actively	Agree to text in Draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	albacore, in the Convention Area south of 20°S;	fishing for South Pacific albacore, in the Convention Area south of 20°S;		fishing for South Pacific albacore, in the Convention Area south of 20°S;  Green lighted at 1st ITM Scientific name	
Article 37(3), point (c)					
409	(c) the progress of implementation of the Regulation for sea turtles conservation, including information collected on interactions with sea turtles in fisheries managed under the Convention;			(c) the progress of implementation of the Regulation for sea turtles conservation, including information collected on interactions with sea turtles in fisheries managed under the Convention;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 37(3), point (d)					
410	(d) estimate, through data collected from observer programmes and other			(d) estimate, through data collected from observer programmes and other	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	means, the number of releases of silky sharks and oceanic whitetip sharks, including the status upon release (dead or alive);			<p>means, the number of releases of silky sharks and oceanic whitetip sharks, including the status upon release (dead or alive);</p> <p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 37(3), point (e)					
411	(e) sending all WCPFC transshipment declarations received pursuant to paragraphs 3 and 4 of Article 11 to the Commission;	(e) sending all WCPFC transshipment declarations received pursuant to paragraphs 3 and 4 of Article 11 to the Commission, <u>with EFCA in copy</u> ;		Outstanding issue EFCA	For EFCA see separate document.
Article 37(3), point (f)					
412	(f) any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the			(f) any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels, including the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	details required under paragraph 2(b) of Article 16;			details required under paragraph 2(b) of Article 16; Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 37(3), point (g)					
413	(g) any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, reported under paragraph 2 of Article 18;			(g) any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels, reported under paragraph 2 of Article 18;  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 37(3), point (h)					
414	(h) all transshipment	(h) all transshipment			Presidency will continue to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	activities covered by Article 11 as part of their Annual Report in accordance with the guidelines in Annex II to CMM 2009-06;	activities covered by Article 11 as part of their Annual Report in accordance with the guidelines <i>referred to</i> in Annex <del>II to CMM 2009-06</del> <i>IIIa, point 13, to this Regulation</i> ;		Outstanding issue Annex IIIa	defend the Council position.
Article 37(3), point (i)					
415	(i) an annual statement of compliance under Article 25(8) of the Convention concerning action that they have taken in response to any alleged infringement of this Regulation, including boarding and inspections of their fishing vessels that resulted in observation of alleged infringements, including any proceedings instituted and sanctions applied.			(i) an annual statement of compliance under Article 25(8) of the Convention concerning action that they have taken in response to any alleged infringement of this Regulation, including boarding and inspections of their fishing vessels that resulted in observation of alleged infringements, including any proceedings instituted and sanctions applied.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin:	

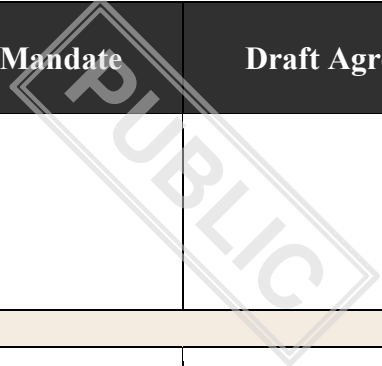


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 37(4), introductory part					
416	4. Member States shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish for the following:	4. Member States shall report to the Commission, <u>with EFCA in copy</u> , the total number of vessels that fished for swordfish and the total catch of swordfish ( <u>Xiphias gladius</u> ) for the following:		4. Member States shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish ( <u>Xiphias gladius</u> ) for the following:  <b>Outstanding issue EFCA</b> <b>Scientific name</b>  Text Origin: EP Mandate  Outstanding issue: EFCA	Agree to text in Draft Agreement.  For EFCA see separate document.
Article 37(4), point (a)					
417	(a) vessels flying their flag anywhere in the Convention Area south of 20°S other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another Contracting Party;			(a) vessels flying their flag anywhere in the Convention Area south of 20°S other than vessels operating under charter, lease or other similar mechanism as part of the domestic fishery of another Contracting Party;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 37(4), point (b)					
418	(b) vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20°S; and			<p>(b) vessels operating under charter, lease or other similar mechanism as part of their domestic fishery south of 20°S; and</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 37(4), point (c)					
419	(c) any other vessels fishing within their waters south of 20°S.			<p>(c) any other vessels fishing within their waters south of 20°S.</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 37(5)					
420	5. Member States shall also report to the Commission as soon as possible any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention Area for species covered by the Convention.	5. Member States shall also report to <u>EFCA, with the Commission in copy</u> , as soon as possible any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention Area for species covered by the Convention.		Outstanding issue EFCA	For EFCA see separate document.
Article 38					
421	Article 38 Alleged non-compliance reported by the WCPFC			Article 38 Alleged non-compliance reported by the WCPFC Green lighted at 1st ITM Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 38(1)					
422	1. If the Commission receives from the WCPFC any information indicating a suspected non-compliance with the Convention or CMM by a Member State or by vessels flying its flag, the Commission shall transmit that information to the Member State concerned without delay.	1. If the Commission receives from the WCPFC any information indicating a suspected non-compliance with the Convention or CMM by a Member State or by vessels flying its flag, the Commission shall transmit that information to the Member State concerned without delay, <u>with EFCA in copy</u> .		Outstanding issue EFCA	For EFCA see separate document.
Article 38(2)					
423	2. The Member State shall provide the Commission with the findings of any investigation undertaken in relation to the allegations of non-compliance and any actions taken to address compliance concerns within 1 month after receiving the	2. The Member State shall provide the Commission, <u>with EFCA in copy</u> , with the findings of any investigation undertaken in relation to the allegations of non-compliance and any actions taken to address compliance concerns within		Outstanding issue EFCA	For EFCA see separate document.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	request from the Commission referred to in paragraph 1.	1 month after receiving the request from the Commission referred to in paragraph 1.			
Article 38(3)					
424	3. The Commission shall forward that information to the WCPFC at least 60 days in advance of the WCPFC Technical and Compliance Committee meeting.			<p>3. The Commission shall forward that information to the WCPFC at least 60 days in advance of the WCPFC Technical and Compliance Committee meeting.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 39					
425	Article 39 Confidentiality			<p>Article 39 Confidentiality</p> <p>Green lighted at 1st ITM Unchanged, potentially</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				agreed Text Origin: Commission Proposal	
Article 39, first paragraph					
426	In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States and the Commission shall ensure confidential treatment of electronic reports and messages transmitted to and received from the WCPFC Secretariat.	<u>(1)</u> In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States, <u>EFCA</u> and the Commission shall ensure confidential treatment of electronic reports and messages transmitted to and received from the WCPFC Secretariat.	In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States and the Commission shall ensure confidential treatment of electronic reports and messages transmitted to and received from the WCPFC Secretariat <sup>1</sup> .  1. [The provisions of this article should be supplemented with a provision setting out storage periods for personal data. In addition, a recital should confirm the applicability of the GDPR and EUDPR to Member States and the Commission.]	In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States and the Commission shall ensure confidential treatment of electronic reports and messages transmitted to and received from the WCPFC Secretariat.  <b>EFCA Data Protection</b> Green lighted at 2nd ITM  Text Origin: Commission Proposal	For EFCA see separate document.
Article 39, first paragraph a					
426a		<u>(1a)</u> <u>All personal data</u>		<u>(1a)</u> <u>All personal data</u>	Agree to text in Draft Agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<u>collected, transferred and stored pursuant to this Regulation shall comply with Regulations (EU) 2016/679 and (EU) 2018/1725.</u>		<u>collected, transferred, stored or otherwise processed pursuant to this Regulation shall comply with Regulations (EU) 2016/679 and (EU) 2018/1725.</u>  Outstanding issue Data Protection  Commission compromise proposal.	
Article 40					
427	Article 40 Procedure for amendments			Article 40 Procedure for amendments  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	Adjusted once agreement on Annexes is found.
Article 40(-1)					
427a		<u>-1. The Commission shall</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<u><i>adopt, by ... [six months after the date of entry into force of this Regulation], a delegated act in accordance with Article 41 supplementing this Regulation with the provisions of and Annexes to the measures referred to in Annex IIIa to this Regulation. The Commission is empowered to adopt delegated acts in accordance with Article 41 to amend that delegated act subsequently.</i></u>		Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), introductory part					
428	1. The Commission is empowered to adopt delegated acts in accordance with Article 46 concerning measures adopted by WCPFC in the following areas:	1. The Commission is empowered to adopt delegated acts in accordance with Article <del>46</del> 41 concerning– measures adopted by WCPFC in the following areas:	1. The Commission is empowered to adopt delegated acts in accordance with Article <del>46</del> 41 concerning– measures adopted by WCPFC in the following areas:	Outstanding issue Delegated Acts	
Article 40(1), point (a)					
429	(a) the WCPFC	(a) <del>the WCPFC</del>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	Transshipment Declaration referred to in Article 3(18);	<i>Transshipment Declaration referred to in Article 3(18); Deleted</i>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (b)					
430	(b) reference to the area of the Eastern High Seas Pocket in Article 3(19);	(b) <i>reference to the area of the Eastern High Seas Pocket in Article 3(19); Deleted</i>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (c)					
431	(c) reporting notices for transshipment referred to in Article 11(3)(4);	(c) <i>reporting notices for transshipment referred to in Article 11(3)(4); Deleted</i>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (d)					
432	(d) best handling practices for mobulid rays referred to in Article 13(3);	(d) <i>best handling practices for mobulid rays referred to in Article 13(3); Deleted</i>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (e)					
433	(e) reference to shark lines depiction of Article 14(1);	(e) <i>reference to shark lines depiction of Article</i>	deleted	Outstanding issue Annex	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<del>14(1); Deleted</del>		IIIa Delegated Acts	
Article 40(1), point (f)					
434	(f) reference to guidelines for both longline and purse seine fisheries for best handling practises of sharks of Article 14(2);	(f) <del>reference to guidelines for both longline and purse seine fisheries for best handling practises of sharks of Article 14(2); Deleted</del>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (g)					
435	(g) best handling practices for the safe release of whale sharks as referred to in Article 16(3);	(g) <del>best handling practices for the safe release of whale sharks as referred to in Article 16(3); Deleted</del>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (h)					
436	(h) measures for handling of cetaceans referred to in Article 18(4);	(h) <del>measures for handling of cetaceans referred to in Article 18(4); Deleted</del>	deleted	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (i)					
437	(i) mitigation and handling	(i) <del>mitigation and handling</del>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	techniques for sea turtles referred to in Article 20(1);	<i>techniques for sea turtles referred to in Article 20(1); Deleted</i>	<i>deleted</i>	<b>Outstanding issue</b> Annex IIIa Delegated Acts	
Article 40(1), point (j)					
438	(j) the vessel information to be submitted to the Commission in accordance with Article 23(1);			(j) the vessel information to be submitted to the Commission in accordance with Article 23(1);  Green lighted at 1st ITM Delegated Acts Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 40(1), point (k)					
439	(k) VMS requirements provided in Article 26;			(k) VMS requirements provided in Article 26;  Green lighted at 1st ITM Delegated Acts Unchanged, potentially agreed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 40(1), point (l)					
440	(l) percentage of observer coverage scheme of the Regional Observer Programme referred to in Article 28(4);			(l) percentage of observer coverage scheme of the Regional Observer Programme referred to in Article 28(4);  Green lighted at 1st ITM Delegated Acts Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 40(1), point (m)					
441	(m) additional duties of ROP observers referred to in Article 28(10);		(m) <del>additional</del> <b>changes regarding the</b> duties of ROP observers referred to in Article 28(10);	<b>Outstanding issue</b> Delegated Acts Minor drafting changes	
Article 40(1), point (n)					
442	(n) reporting deadlines for			(n) reporting deadlines for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	the reporting obligation referred to in Article 37(1);			the reporting obligation referred to in Article 37(1); Green lighted at 1st ITM Delegated Acts Unchanged, potentially agreed Text Origin: Commission Proposal	
Article 40(1), point (o)					
443	(o) reporting format for transshipment activities referred to in Article 37(3)(h);	(o) <i>reporting format for transshipment activities referred to in Article 37(3)(h); Deleted</i>		Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (p)					
444	(p) changes to Annexes 1-3.	(p) changes to Annexes <del>1-3</del> <u>III to IIIa</u> .	(p) changes to Annexes <del>1-3</del> <u>I-V</u> .	Outstanding issue Annex IIIa Delegated Acts	
Article 40(1), point (q)					
445	(q) amendments in accordance with paragraph	<del>(q)</del> <u>(1a)</u> Amendments in accordance with paragraph	<del>(q)</del> <u>2</u> . Amendments in accordance with paragraph	Outstanding issue	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	1 shall be strictly limited to the implementation of amendments to the CMM into Union law.	1 shall be strictly limited to the implementation of amendments <del>to or</del> <b>replacements of</b> the CMM <del>into Union law</del> <b>that are binding upon the Union.</b>	1 shall be strictly limited to the implementation of amendments to the CMM <b>which are binding on the Union</b> into Union law.	Delegated Acts	
Article 41					
446	Article 41 Exercise of the delegation			Article 41 Exercise of the delegation  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Article 41(1)					
447	1. The power to adopt delegated acts is conferred on the Commission subject to conditions laid down in this Article.			1. The power to adopt delegated acts is conferred on the Commission subject to conditions laid down in this Article.  Green lighted at 1st ITM Unchanged, potentially	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 41(2)					
448	<p>2. The power to adopt delegated acts referred to in Article 40 shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than 9 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 3 months before the end of each period.</p>			<p>2. The power to adopt delegated acts referred to in Article 40 shall be conferred on the Commission for a period of 5 years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than 9 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 3 months before the end of each period.</p> <p>Green lighted at 1st ITM</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 41(3)					
449	<p>3. The delegation of power referred to in Article 40 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.</p>			<p>3. The delegation of power referred to in Article 40 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.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Commission Proposal	
Article 41(4)					
450	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.			4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Article 41(5)					
451	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to			5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
	the Council.			<p>the Council.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 41(6)					
452	<p>6. A delegated act adopted pursuant to Article 40 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or of the Council.</p>			<p>6. A delegated act adopted pursuant to Article 40 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or of the Council.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>Unchanged, potentially agreed Green lighted at 1st ITM</p> <p>Text Origin: Commission Proposal</p>	
Article 42					
453	Article 42 Amendments to Council Regulation (EC) No 520/2007			<p>Article 42 Amendments to Council Regulation (EC) No 520/2007</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 42, first paragraph					
454	Article 4(4) and Article 28 of Council Regulation (EC) No 520/2007 are deleted.			<p>Article 4(4) and Article 28 of Council Regulation (EC) No 520/2007 are deleted.</p> <p>Green lighted at 1st ITM Unchanged, potentially</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				<p>agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 43					
455	Article 43 Entry into force			<p>Article 43 Entry into force</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p> <p>Text Origin: Commission Proposal</p>	
Article 43, first paragraph					
456	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.			<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>Green lighted at 1st ITM Unchanged, potentially agreed</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Article 43, second paragraph					
457	This Regulation shall be binding in its entirety and directly applicable in all Member States.			This Regulation shall be binding in its entirety and directly applicable in all Member States.  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Formula					
458	Done at Brussels,			Done at Brussels,  Green lighted at 1st ITM Unchanged, potentially agreed  Text Origin: Commission Proposal	
Formula					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
459	For the European Parliament			For the European Parliament Green lighted at 1st ITM Unchanged, potentially agreed Text Origin: Commission Proposal	
Formula					
460	The President			The President Unchanged, potentially agreed Green lighted at 1st ITM Text Origin: Commission Proposal	
Formula					
461	For the Council			For the Council Unchanged, potentially agreed Green lighted at 1st ITM	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
				Text Origin: Commission Proposal	
Formula					
G 462	The President			The President  Unchanged, potentially agreed Green lighted at 1st ITM  Text Origin: Commission Proposal	
Annex IIIa					
G 580a		<a href="#"><u>ANNEX IIIa</u></a>		<a href="#"><u>ANNEX IIIa</u></a>  Outstanding issue Annex IIIa Green lighted at 2nd ITM  Text Origin: EP Mandate	Agree to text in Draft Agreement.
Annex IIIa, point (1)					
G 580b		<a href="#"><u>(1) Annex I to CMM</u></a>	(1) ANNEX IV	<a href="#"><u>(1) Annex I to CMM</u></a>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<u><a href="#">2009-06, referred to in Article 3, point (r), and Article 11(3) and (4);</a></u>	[Text of Annex I to CMM 2009-06 to be inserted here.]	<u><a href="#">2009-06, referred to in Article 3, point (r), and Article 11(3) and (4);</a></u> Annex IIIa Green lighted at 2nd ITM Text Origin: EP Mandate	
Annex IIIa, point (2)					
580c		<u><a href="#">(2) CMM 2016-02, referred to in Article 3, point (s);</a></u>		<u><a href="#">(2) CMM 2016-02, referred to in Article 3, point (s);</a></u> Annex IIIa Green lighted at 2nd ITM Text Origin: EP Mandate Coordinates of Eastern High Seas Pocket.	Agree to inclusion in Annex (see row 56)
Annex IIIa, point (3)					
580d		<u><a href="#">(3) Annex I to CMM 2019-05, referred to in Article 13(3);</a></u>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Annex IIIa, point (4)					
580e		<a href="#">(4) Annex I to CMM 2019-04, referred to in Article 14(1);</a>	(4) ANNEX V [Text of Annex I to CMM 2019-04 to be inserted here.]	<a href="#">(4) Annex I to CMM 2019-04, referred to in Article 14(1);</a>  Annex IIIa Green lighted at 2nd ITM  Text Origin: EP Mandate	
Annex IIIa, point (5)					
580f		<a href="#">(5) Best handling practices for the safe release of Sharks (other than Whale Sharks and Mantas/Mobulids)<sup>1</sup> in Supplementary information on CMM 2010-07, referred to in Article 14(2);</a>  <sup>1</sup> <a href="https://www.wcpfe.int/doc/supplemm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and">https://www.wcpfe.int/doc/supplemm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and</a>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).
Annex IIIa, point (6)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
580g		<p><u>(6) Guidelines for the safe release of encircled whale sharks<sup>1</sup> in Supplementary information on CMM 2012-04, referred to in Article 16(3);</u></p> <p>1. <a href="https://www.wcpfc.int/doc/supplemm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks">https://www.wcpfc.int/doc/supplemm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks</a></p>		<p>Outstanding issue Annex IIIa</p>	<p>Presidency will continue to defend the Council position (oppose EP amendment).</p>
Annex IIIa, point (7)					
580h		<p><u>(7) Guidelines for safe release of the cetacean, referred to in Article 18(4);</u></p>		<p>Outstanding issue Annex IIIa</p>	<p>Presidency will continue to defend the Council position (oppose EP amendment).</p>
Annex IIIa, point (8)					
580i		<p><u>(8) WCPFC Guidelines for the Handling of Sea Turtles<sup>1</sup> in Supplementary information on CMM 2008-03, referred to in Article 20(1);</u></p> <p>1. <a href="https://www.wcpfc.int/doc/supple">https://www.wcpfc.int/doc/supple</a></p>		<p>Outstanding issue Annex IIIa</p>	<p>Presidency will continue to defend the Council position (oppose EP amendment).</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
		<a href="#">mm-2008-03/wcpfc-guidelines-handling-sea-turtles</a>			
Annex IIIa, point (9)					
580j		<a href="#">(9) Attachment 1 to CMM 2014-03, referred to in Article 23(6);</a>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).
Annex IIIa, point (10)					
580k		<a href="#">(10) Attachment 2 to CMM 2014-03, referred to in Article 23(6);</a>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).
Annex IIIa, point (11)					
580l		<a href="#">(11) Attachment 3 to CMM 2014-03, referred to in Article 23(7);</a>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).
Annex IIIa, point (12)					
580m		<a href="#">(12) CMM 2018-05, referred to in Article 28(10), points (k) and (n);</a>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments by the Presidency/proposed way forward
Annex IIIa, point (13)					
580n		<u><a href="#">(13) Annex II to CMM 2009-06, referred to in Article 37(3), point (h).</a></u>		Outstanding issue Annex IIIa	Presidency will continue to defend the Council position (oppose EP amendment).