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NOTE

From: General Secretariat of the Council
To: Delegations

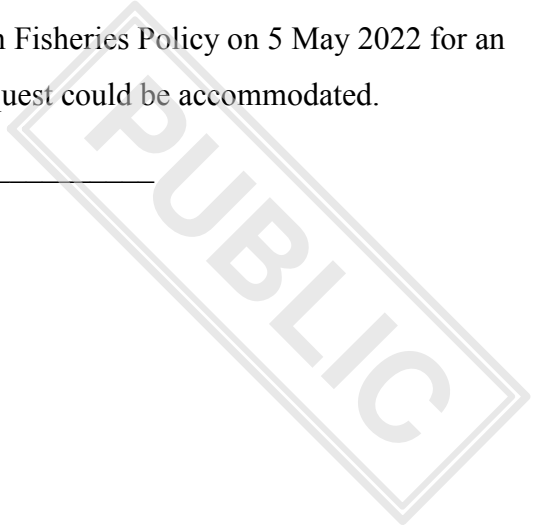
Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007
- EP amendments related to EFCA

In recent transposition files, namely IOTC and WCPFC, the EP has introduced a series of amendments related to EFCA. Delegations will find attached compromise proposals that the European Parliament has now proposed on these provisions. The compromise related to WCPFC is set out in Annex 1. As soon as the compromise proposals related to IOTC are transmitted by the EP, they will be included in Annex 2.

The provisions on EFCA are very important to the European Parliament and have been discussed during inter-institutional technical meetings of both files. The compromise proposals suggested by the European Parliament are largely in line with the provisions already provisionally agreed during the negotiations of the revision of the Control Regulation. The Presidency therefore considers that these could be acceptable and that some flexibility on this matter from the Council might be needed to reach an inter-institutional agreement. It could be expected that similar provisions appear through EP amendments in other transposition files in the future.

Remarks from the Presidency are marked in **blue**.

This document will be examined at the Working Party on Fisheries Policy on 5 May 2022 for an exchange of views with delegations to see if the EP's request could be accommodated.



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)
DRAFT [After 2nd ITM]
29-04-2022 at 11h30

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
Recital 1a					
10a		<p><u>(1a) In accordance with Article 3 of Regulation (EU) 2019/473 of the European Parliament and of the Council¹, the mission of the European Fisheries Control Agency (EFCA) is, inter alia, to 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</u></p>		<p>Outstanding issue EFCA</p> <p>Text Origin: EP Mandate</p>	<p>COM compromise proposal. The Presidency requests flexibility to accept a recital along the following lines.</p> <p><u>(1a) Pursuant to Article 8 of Regulation (EU) 2019/473 of the European Parliament and of the Council¹ the European Fisheries Control Agency (EFCA) shall, at the request of the Commission, coordinate control and inspection activities by Member States</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
		<p><u><i>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 the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).</i></u></p>			<p><u><i>on the basis of international control and inspection programmes by establishing joint deployment plans. This may include international control and inspection programmes implemented in WCPFC CMMs. In accordance with Article 3 of the same Regulation, the mission of the European Fisheries Control Agency (EFCA) is, inter alia, to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties. The Commission, or a body designated by it, shall coordinate the inspection and surveillance activities for the Union. It may draw up, in concert with the Member States concerned, joint operational inspection and surveillance programmes</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
					<p><i><u>for that purpose. The Member States whose vessels are engaged in fisheries in the Convention Area shall adopt the necessary measures to implement these programmes and activities, particularly as regards the human and material resources required and the periods and zones in which these resources are to be deployed. In accordance with Article 3 of Regulation (EU) 2019/473 of the European Parliament and of the Council¹, the mission of the European Fisheries Control Agency is, inter alia, to 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</u></i></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
					<p><u><i>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 to start to provide provisions that include EFCA, when designated by the Commission, as the body designated by the Commission that receives from Member States and transmits to the WCPFC Secretariat information relating to control and inspection, such as at sea inspection reports and 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 the European Fisheries</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
					<u>Control Agency (OJ L 83, 25.3.2019, p. 18).</u>
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 Member State <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:		5. Within 48 hours after any discard, the Member State <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: EFCA Green lighted at 2nd ITM Outstanding issue Text Origin: EP Mandate Outstanding issue: EFCA	EP withdraws its amendment related to EFCA. 5. Within 48 hours after any discard, the Member State <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:
Article 9(3)					
118	3. The master of a Union fishing vessel shall report	3. The master of a Union fishing vessel shall report		EFCA Outstanding issue	EP withdraws its amendment related to EFCA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	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.	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> .			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> .
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 the WCPFC Secretariat. Such information should include: date and time (UTC), position (true degrees), bearing, markings, speed (knots),	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 <u>The flag Member State shall transmit that information immediately to the WCPFC Secretariat, with the Commission and EFCA in copy</u> . Such		EFCA Outstanding issue Agree on last part of EP amendment (inclusion of latitude/longitude)	EP compromise proposal. The Presidency requests flexibility to accept the following text: 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 <u>The flag Member State shall transmit that</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	and vessel type. Fishing vessels shall ensure this information is transmitted within six hours of a sighting event taking place.	information should include: date and time (UTC), position (true degrees <u>of latitude and longitude</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.			<u>information immediately to the WCPFC Secretariat, with the Commission, or a body designated by it, and EFCA in copy.</u> Such information should include: date and time (UTC), position (true degrees <u>of latitude and longitude</u>), bearing, markings, speed (knots), and vessel type. Fishing vessels shall ensure
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. EFCA Outstanding issue Text Origin: EP Mandate	EP withdraws its amendment related to EFCA. 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</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
				Outstanding issue: EFCA and last addition of EP mandate	that report to the WCPFC Secretariat.
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 not on the Record is or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area.	3. Member States shall notify <i>EFCA, with</i> the Commission <i>in copy</i> , of any factual information showing that there are reasonable grounds to 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.		EFCA Outstanding issue	<p>EP compromise proposal. The Presidency requests flexibility to accept the following text:</p> <p>3. Member States shall notify <i>EFCA, with</i> the Commission, <i>or a body designated by it, in copy</i>, of any factual information showing that there are reasonable grounds to 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.</p>
Article 23(1), introductory part					
196	1. Each flag Member State	1. Each flag Member State			EP withdraws its amendment related to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	shall submit, electronically, to the Commission the following information with respect to each vessel listed in the Record:	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	EFCA. 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:
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	EP withdraws its amendment related to EFCA. 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.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
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 than 7 days of such request.		EFCA Outstanding issue	<p>EP withdraws its amendment related to EFCA.</p> <p>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 than 7 days of such request.</p>
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	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		EFCA Outstanding issue	<p>EP withdraws its amendment related to EFCA.</p> <p>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</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	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.	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.			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.
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 of Attachment 1 to CMM 2014-03 <u>referred to in Annex IIIa, point 9, to this Regulation</u> , and submit vessel photographs that meet the specifications of Attachment 2 to CMM 2014-03 <u>referred to in Annex IIIa, point 10, to</u>		EFCA Annex IIIa Outstanding issue	EP withdraws its amendment related to EFCA. 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 of Attachment 1 to CMM 2014-03 <u>referred to in Annex IIIa, point 9, to this Regulation</u> , and submit vessel photographs that

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
		<u>this Regulation.</u>			meet the specifications of <i>Attachment 2 to CMM 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	EP withdraws its amendment related to EFCA. 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>
Article 27(1), introductory part					
240	1. Within twenty days, or in any case within ninety-six hours before commencement of fishing	1. Within twenty days, or in any case within ninety-six hours before commencement of fishing		EFCA Outstanding issue	EP withdraws its amendment related to EFCA.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	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:	activities under a charter arrangement, the chartering Member State shall notify the Commission, <i>with EFCA in copy</i> , 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, <i>with EFCA in copy</i> , of any vessel to be identified as chartered by submitting electronically the following information with respect to each chartered vessel:
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 commencement of fishing activities under a charter arrangement of:	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 ninety-six hours before commencement of fishing activities under a charter arrangement of:		<i>EFCA Outstanding issue</i>	<p>EP withdraws its amendment related to EFCA.</p> <p>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 ninety-six hours before commencement of fishing activities under a charter</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
					arrangement of:
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	EP withdraws its amendment related to EFCA. 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.
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	EP compromise proposal. The Presidency requests flexibility to accept the following text: (l) promptly writing and submitting reports to the Commission, <u>with EFCA</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
					<u>in copy, or a body designated by it</u> , in accordance with procedures adopted by the WCPFC;
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 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.	7. If, after port disembarkation from a fishing vessel of an ROP observer, an observer provider identifies a possible violation involving 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>		EFCA Outstanding issue	<p>E EP compromise proposal. The Presidency requests flexibility to accept the following text: P compromise proposal:</p> <p>7. If, after port disembarkation from a fishing vessel of an ROP observer, an observer provider identifies a possible violation involving 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 in copy, or a body designated by it, of the notification received.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
Article 30(8), point (c)					
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	<p>EP compromise proposal. The Presidency requests flexibility to accept the following text:</p> <p>(c) notify the observer provider and the WCPFC Secretariat, <u>with the Commission and EFCA, or a body designated by it, in copy</u> of the results of its investigation and any actions taken.</p>
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	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		EFCA Outstanding issue	<p>EP compromise proposal. The Presidency requests flexibility to accept the following text:</p> <p>2. If the master of a Union fishing vessel refuses to allow an authorised inspector to carry out boarding and inspection</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	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 immediately inform the WCPFC Secretariat of such notification.	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. The Commission <u>EFCA</u> shall immediately inform the WCPFC Secretariat of such notification.			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, <u>or a body designated by it</u> , of the master's refusal and any explanation provided. EFCA The Commission, <u>or a body designated by it</u> , shall immediately inform the WCPFC Secretariat of such notification.
Article 31(4)					
367	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	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		<u>EFCA</u> Outstanding issue	EP compromise proposal. The Presidency requests flexibility to accept the following text: 4. If the master does not comply with such a direction, the flag Member State shall suspend the vessel's authorisation to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	the authorities of the inspection vessel and the Commission of the action it has taken in these circumstances.	the authorities of the inspection vessel, EFCA and the Commission of the action it has taken in these circumstances.			fish and order the vessel to return immediately to port. The flag Member State shall immediately notify the authorities of the inspection vessel, EFCA and the Commission, <u>or a body designated by it</u> , of the action it has taken in these circumstances.
Article 32(1), point (a)					
370	(a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008 ¹ 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 1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a	(a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008 ^{1Z} and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the inspector's authorities, EFCA , the Commission and the WCPFC Secretariat; or 1. Council Regulation (EC) No 1005/2008 of 29 September 2008		EFCA Outstanding issue	EP compromise proposal. The Presidency requests flexibility to accept the following text: (a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008 ^{1Z} and, if the evidence warrants, take enforcement action against the fishing vessel in question and so notify the inspector's authorities, EFCA , the Commission, <u>or a body designated by it</u> , and the WCPFC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	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).	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).			Secretariat; or 1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).
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		EFCA Outstanding issue	EP compromise proposal. The Presidency requests flexibility to accept the following text: (b) authorize the inspector's authorities to complete the investigation

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
		Secretariat.			of the possible infringement and so notify EFCA , the Commission, or a body designated by it , and the WCPFC Secretariat.
Article 34(2)					
394	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.	2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-Contracting Parties, or fishing vessels that appear to be without nationality , undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to the Member States, EFCA , the Commission and WCPFC Secretariat.		2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-Contracting Parties, or fishing vessels that appear to be without nationality , undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to the Member States , the Commission and WCPFC Secretariat. EFCA Outstanding issue Green	EP compromise proposal. The Presidency requests flexibility to accept the following text: 2. Authorised Union inspectors, while carrying out activities to implement the procedures set out in this Regulation, shall engage in surveillance aimed at identifying fishing vessels of non-Contracting Parties, or fishing vessels that appear to be without nationality , undertaking fishing activities on the high seas in the Convention Area. Any such vessels identified shall be immediately reported to the Member States, EFCA , the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
				<p>lighted at 2nd ITM</p> <p>Text Origin: EP Mandate</p> <p>Outstanding issue: EFCA</p>	<p>Commission, or a body designated by it, and WCPFC Secretariat.</p>
Article 34(3)					
395	<p>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.</p>	<p>3. Any fishing activities <i>referred to in paragraph 2, of non-contracting party fishing vessels</i> shall be reported by the Member States to EFCA, with the Commission in copy, and the flag State of the vessel in question.</p>		<p>3. Any Member States shall report non-contracting party fishing <i>activities vessels</i> referred to in paragraph 2, <i>shall be reported by the Member States</i> to the Commission and the flag State of the vessel in question.</p> <p>EFCA Outstanding issue Green lighted at 2nd ITM</p> <p>Text origin: Commission compromise Proposal</p> <p>Outstanding</p>	<p>EP compromise proposal. The Presidency requests flexibility to accept the following text: EP compromise proposal:</p> <p>3. Any fishing activities <i>referred to in paragraph 2, of non-contracting party fishing vessels</i> shall be reported by the Member States to EFCA, with the Commission in copy, or a body designated by it, and the flag State of the vessel in question.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
				issue: EFCA	
Article 37(1)					
404	<p>1. Member States shall submit to the Commission, by 20 April of each year scientific data in accordance with applicable WCPFC reporting requirements¹ and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,² 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. https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9</p>	<p>1. Member States shall submit to the Commission, <u>with EFCA in copy</u>, by 20 April of each year scientific data in accordance with applicable WCPFC reporting requirements¹ and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,² 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. https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9</p>		Outstanding issue EFCA	<p>EP withdraws its amendment related to EFCA.</p> <p>1. Member States shall submit to the Commission, <u>with EFCA in copy</u>, by 20 April of each year scientific data in accordance with applicable WCPFC reporting requirements¹ and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,² 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. https://www.wcpfc.int/doc/data-01/scientific-data-</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	2. https://www.wcpfc.int/file/430562/download?token=BQxkRith	2. https://www.wcpfc.int/file/430562/download?token=BQxkRith			be-provided-commission-revised-wcpfc4-6-7-and-9 2. https://www.wcpfc.int/file/430562/download?token=BQxkRith
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, <i>with EFCA in copy</i> ;		Outstanding issue EFCA	EP withdraws its amendment related to EFCA. (e) sending all WCPFC transshipment declarations received pursuant to paragraphs 3 and 4 of Article 11 to the Commission, with EFCA in copy ;
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	4. Member States shall report to the Commission, <i>with EFCA in copy</i> , the total number of vessels that fished for swordfish and the total catch of swordfish		4. Member States shall report to the Commission the total number of vessels that fished for swordfish and the total catch of swordfish (<i>Xiphias</i>)	EP withdraws its amendment related to EFCA. 4. Member States shall report to the Commission, with EFCA in copy , the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	following:	<u>(Xiphias gladius)</u> for the following:		<u>gladius)</u> for the following: Outstanding issue EFCA Scientific name Text Origin: EP Mandate Outstanding issue: EFCA	total number of vessels that fished for swordfish and the total catch of swordfish <u>(Xiphias gladius)</u> for the following:
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	EP compromise proposal. The Presidency requests flexibility to accept the following text: 5. Member States shall also report to <u>EFCA, with the Commission in copy, or a body designated by it,</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.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
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	<p>EP compromise proposal. The Presidency requests flexibility to accept the following text:</p> <p>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, <u>or a body designated by it</u>, shall transmit that information to the Member State concerned without delay; <u>with EFCA in copy</u>.</p>
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	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		Outstanding issue EFCA	<p>EP compromise proposal. The Presidency requests flexibility to accept the following text:</p> <p>2. The Member State shall provide the Commission;</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
	compliance concerns within 1 month after receiving the request from the Commission referred to in paragraph 1.	actions taken to address compliance concerns within 1 month after receiving the request from the Commission referred to in paragraph 1.			<i>with EFCA in copy, or a body designated by it,</i> 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 request from the Commission referred to in paragraph 1.
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, <i>EFCA</i> 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 ¹ . 1. [The provisions of this article should be	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. <i>EFCA</i> Data Protection Green lighted at 2nd ITM	EP compromise proposal. The Presidency requests flexibility to accept the following text: <u>(1)</u> In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States, <i>EFCA</i> and the Commission, <i>or a body designated by it,</i> shall ensure confidential treatment of electronic

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Compromise proposal regarding EFCA provisions
			<p>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.]</p>	<p>Text Origin: Commission Proposal</p>	<p>reports and messages transmitted to and received from the WCPFC Secretariat.</p>