

7.9.2022

A9-0009/ 001-100

AMENDMENTS 001-100

by the Committee on Fisheries

Report

Isabel Carvalhais

A9-0009/2022

Western and Central Pacific Fisheries Convention Area: conservation and management measures

Proposal for a regulation (COM(2021)0198 – C9-0153/2021 – 2021/0103(COD))

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In accordance with Article 3 of Regulation (EU) 2019/473 of the European Parliament and of the Council^{1a}, 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 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.

^{1a} 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).

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The European Union has by Council Decision 98/392/EC³ 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 Stocks⁴, which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to conserve fish stocks.

Amendment

(2) The European Union has by Council Decision 98/392/EC³ 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 Stocks⁴, which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to conserve fish stocks ***and should strive for orderly and sustainable global ocean governance and fisheries management.***

³ Council Decision of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

⁴ Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).

³ Council Decision of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

⁴ Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).

Amendment 3

Proposal for a regulation

Recital 6

Text proposed by the Commission

(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 520/2007⁶ 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, therefore, uniformly and effectively implemented within the Union.

⁶ Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly

Amendment

(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 520/2007⁶ 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 ***timely and*** fully implemented into Union law and are, therefore, uniformly and effectively implemented within the Union ***and give clarity and predictability to operators of Union fishing vessels.***

⁶ 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).

migratory species and repealing Regulation (EC) N° 973/2001 (OJ L 123, 12.5.2007, p. 3).

Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission

(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-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 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

Amendment

(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-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 Vessel Monitoring Scheme ('VMS') requirements, percentage of observer coverage scheme under the Regional Observer Programme ('ROP'), and duties of observers, and reporting deadlines and Annexes ***I to IIIa*** covering bird 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-Making⁷. 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

conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁷ 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).

⁷ 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).

Justification

Deleted part is included in Annex IIIa proposed

Amendment 5

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(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^{1a} as well as with Regulation (EU) 2018/1725 of the European Parliament and of the Council^{1b}.

^{1a} ***Regulation (EU) 2016/679 of the European Parliament and of the Council***

of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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

Justification

Taking into account the need to ensure that all data collected, transmitted and stored follow Union regulations in terms of personal data protection having in account the European Data Protection Supervisor (EDPS) formal comments to this file in accordance to Article 20(1) of the EDPS Rules of Procedure.

Amendment 6

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 7

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

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

Amendment

This Regulation applies to Union fishing vessels carrying out fishing in the ***Western and Central Pacific Fisheries*** Convention Area.

Amendment 8

Proposal for a regulation Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘the Convention Area’ means the area to which the Convention applies as described in its Article 3.1;

Amendment

(b) ‘the Convention Area’ means the area to which the ***Western and Central Pacific Fisheries*** Convention applies as described in its Article 3.1;

Amendment 9

Proposal for a regulation Article 3 – paragraph 1 – point d

Text proposed by the Commission

(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;

Amendment

(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, ***fish-processing vessels*** and any other vessel directly involved in fishing ***operations***;

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point e – indent 5

Text proposed by the Commission

— any operations at sea directly in support of, or in preparation for, any activity described in *subparagraphs (i) to (iv)*, including transshipment;

Amendment

— any operations at sea directly in support of, or in preparation for, any activity described in ***the first to fourth indents of this point***, including transshipment;

Amendment 11

Proposal for a regulation

Article 3 – paragraph 1 – point e – indent 6

Text proposed by the Commission

— 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;

Amendment

— use of any other vessel, vehicle, aircraft or hovercraft, for any activity described in ***the first to fifth indents of this point***, except for emergencies involving the health and safety of the crew or the safety of a vessel;

Amendment 12

Proposal for a regulation

Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘CMM’ means Conservation and Management Measures adopted by the WCPFC ***currently in force, as amended from time to time***;

Amendment

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

⁹ <https://www.wcpfc.int/conservation-and-management-measures>

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – point h – introductory part

Text proposed by the Commission

(h) ‘unfit for human consumption’ includes, but is not limited to fish that:

Amendment

(h) ‘unfit for human consumption’:

(i) includes, but is not limited to fish that:

Justification

Point (h) "unfit for human consumption" definition will be only one and will have 2 sub-points "i) includes, but not limited to fish that:" and "ii) does not include fish that:"; point (i) is transformed in sub-point ii).

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – point i – introductory part

Text proposed by the Commission

(i) ‘**unfit for human consumption**’ does not include fish that:

Amendment

(ii) does not include fish that:

Justification

Point (h) "unfit for human consumption" definition will be only one and will have 2 sub-points "i) includes, but not limited to fish that:" and "ii) does not include fish that:"; point (i) is transformed in sub-point ii).

Amendment 15

Proposal for a regulation

Article 3 – paragraph 1 – point r

Text proposed by the Commission

(r) ‘WCPFC Transshipment Declaration’ means a document containing information

Amendment

(r) ‘WCPFC Transshipment Declaration’ means a document containing information

from Annex I to CMM 2009-06, as amended from time to time;

referred to in Annex IIIa, point 1, to this Regulation;

Justification

Annex IIIa is added

Amendment 16

Proposal for a regulation

Article 3 – paragraph 1 – point s

Text proposed by the Commission

(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 the east and Kiribati to the north with the geographical coordinates provided in *the CMM 2016-02*;

Amendment

(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 the east and Kiribati to the north with the geographical coordinates provided in *Annex IIIa, point 2, to this Regulation*;

Justification

Annex IIIa is added

Amendment 17

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(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

Amendment

(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 law; or

Amendment 18

Proposal for a regulation

Article 5 – paragraph 5 – introductory part

Text proposed by the Commission

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:

Amendment

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

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 19

Proposal for a regulation

Article 5 – paragraph 5 – point f

Text proposed by the Commission

(f) reason that fish were discarded, including a statement of retrieval status if fish were discarded in accordance with **paragraph 4 of Article 7**;

Amendment

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

Amendment 20

Proposal for a regulation

Article 5 – paragraph 6

Text proposed by the Commission

6. The master of the Union fishing vessel shall provide the information described in paragraph 5 to a ROP observer on board.

Amendment

6. The master of the Union fishing vessel shall provide, **at the same time**, the information described in paragraph 5 to a ROP observer on board.

Justification

Need to clarify when the information shall be provided to ROP observer

Amendment 21

**Proposal for a regulation
Article 7 – paragraph 6**

Text proposed by the Commission

Amendment

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. *deleted*

Justification

It is impossible for a captain of a vessel to know if the position where he is conducting a fishing operation is less than one nautical mile from the position where another vessel less than 24 hours ago recovered a FAD

Amendment 22

**Proposal for a regulation
Article 7 – paragraph 7**

Text proposed by the Commission

Amendment

7. Paragraphs 2 to 6 apply also to the high seas FADs. *deleted*

Justification

There is no reference that the above rules only apply in coastal waters

Amendment 23

**Proposal for a regulation
Article 9 – paragraph 3**

Text proposed by 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.

Amendment

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 **with EFCA in copy**.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 24

**Proposal for a regulation
Article 10 – paragraph 1**

Text proposed by the Commission

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), and vessel type. Fishing vessels shall ensure this information is transmitted within six hours of a sighting event taking place.

Amendment

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 flag Member State shall transmit that information immediately to** the WCPFC Secretariat, **with the Commission and EFCA in copy**. Such information should include: date and time (UTC), position (true degrees **of latitude and longitude**), bearing, markings, speed (knots), and vessel type. Fishing vessels shall ensure this information is transmitted within six hours of a sighting event taking place.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 25

Proposal for a regulation Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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;

Amendment 26

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

Amendment

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 **to the Commission, with EFCA in copy,** 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. **The Commission shall transmit that report to the WCPFC Secretariat.**

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 27

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The master of a Union fishing vessel offloading fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a 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 the vessel's Member State.

Amendment

3. The master of a Union fishing vessel offloading fishery products of highly migratory fish stocks covered by and taken in the Convention Area during a transshipment in port or outside the WCPFC Convention Area, shall complete a WCPFC Transshipment Declaration, including the information ***referred to in Annex IIIa, point 1, to this Regulation***, for each transshipment of catch taken in the Convention Area. The WCPFC Transshipment Declaration shall be sent to the competent authority of the vessel's Member State.

Justification

Annex IIIa is added

Amendment 28

**Proposal for a regulation
Article 11 – paragraph 4**

Text proposed by the Commission

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.

Amendment

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 ***referred to in Annex IIIa, point 1, to this Regulation***, 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.

Justification

Annex IIIa is added

Amendment 29

**Proposal for a regulation
Article 13 – paragraph 1**

Text proposed by the Commission

1. It is prohibited to target mobulid rays by means of fishing or intentional setting.

Amendment

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

Amendment 30

**Proposal for a regulation
Article 13 – paragraph 3**

Text proposed by the Commission

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.

Amendment

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 ***referred to in Annex IIIa, point 3, to this Regulation***, while taking into consideration the safety of the crew.

Justification

Annex IIIa is added

Amendment 31

**Proposal for a regulation
Article 14 – paragraph 1**

Text proposed by the Commission

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*.

Amendment

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 *IIIa, point 4, to this Regulation*.

Justification

Annex IIIa is added

Amendment 32

**Proposal for a regulation
Article 14 – paragraph 2**

Text proposed by the Commission

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 sharks¹¹ *adopted by the WCPFC*.

Amendment

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 *referred to in Annex IIIa, point 5, to this Regulation*.

¹¹ <https://www.wcpfc.int/doc/supplcmm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and>

Justification

Annex IIIa is added

Amendment 33

**Proposal for a regulation
Article 15 – paragraph 3**

Text proposed by the Commission

3. 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.

Amendment

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

Amendment 34

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. 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.

Amendment

2. Any oceanic whitetip shark caught shall be released as soon as possible, in a manner that results in as little harm to the shark as possible.

Amendment 35

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

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.

Amendment

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

Amendment 36

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. In taking steps to ensure the safe

Amendment

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 sharks¹² **adopted by the WCPFC**.

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 **referred to in Annex IIIa, point 6, to this Regulation**.

¹² <https://www.wcpfc.int/doc/supplcmm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks>

Justification

Annex IIIa is added

Amendment 37

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 38

Proposal for a regulation Article 17 – paragraph 4

Text proposed by the Commission

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

Amendment

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.

Article 37(3), *point (d)*.

Amendment 39

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

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.

Amendment

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

Amendment 40

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

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* this Regulation *with the Annex containing the WCPFC guidelines*.

Amendment

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 *referred to in Annex IIIa, point 7, to* this Regulation.

Justification

Annex IIIa is added

Amendment 41

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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 recovery, including giving it resuscitation, before 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 *described in the WCPFC guidelines for Handling of Sea Turtles*.¹³

¹³ *WCPFC Guidelines for the Handling of Sea Turtles* <https://www.wcpfc.int/doc/sc-06/wcpfc-guidelines-handling-sea-turtles> and <https://www.wcpfc.int/doc/supplcmm-2008-03/wcpfc-guidelines-handling-sea-turtles-graphics>

Amendment

1. Union fishing vessel shall bring on board any captured hard-shell sea turtle (*family Cheloniidae*) that is comatose or inactive as soon as possible after capture and foster its recovery, including giving it resuscitation, before 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 *referred to in Annex IIIa, point 8, to this Regulation*.

Justification

Annex IIIa is added

Amendment 42

**Proposal for a regulation
Article 21 – title**

Text proposed by the Commission

Discharge of plastic

Amendment

Marine pollution

Amendment 43

**Proposal for a regulation
Article 21 – paragraph 1**

Text proposed by the Commission

Union fishing vessels are prohibited from

Amendment

Union fishing vessels are prohibited from

discharging **any plastics not constituting fishing gear** (including plastic packaging, items containing plastic and polystyrene) into the sea.

discharging **marine waste produced on board or any plastics**, including plastic packaging, items containing plastic and polystyrene into the sea.

Amendment 44

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States shall notify **EFCA**, **with** the Commission **in copy**, 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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 45

Proposal for a regulation Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Each flag Member State shall submit, electronically, to the Commission, **with EFCA in copy**, the following information with respect to each vessel listed in the Record:

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 46

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Member States shall notify the Commission, **with EFCA in copy**, 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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 47

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States shall submit to the Commission, **with EFCA in copy**, 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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 48

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Before 1 June of each year, each Member State shall submit to the Commission, **with EFCA in copy**, 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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 49

Proposal for a regulation Article 23 – paragraph 6

Text proposed by the Commission

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*.

Amendment

6. Members States shall submit complete fishing vessel record data to the Commission, **with EFCA in copy**, that meet the structure and format specifications **referred to in Annex IIIa, point 9, to this Regulation**, and submit vessel photographs that meet the specifications **referred to in Annex IIIa, point 10, to this Regulation**.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC

secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers. Annex IIIa is added.

Amendment 50

Proposal for a regulation Article 23 – paragraph 7

Text proposed by the Commission

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*.

Amendment

7. Submission of vessel record data to the Commission, ***with EFCA in copy***, shall be in an electronic transmission that meet the electronic formatting specifications ***referred to in Annex IIIa, point 11, to this Regulation***.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers. Annex IIIa is added.

Amendment 51

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. Union fishing vessels shall comply with the other marking and technical specification provided in Annex 2 to this Regulation.

Amendment

2. Union fishing vessels shall comply with the other marking and technical specification provided in Annex ***II*** to this Regulation.

Amendment 52

Proposal for a regulation Article 26 – paragraph 1 – point b – point b

Text proposed by the Commission

(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;

Amendment

(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 **III**;

Amendment 53

Proposal for a regulation

Article 26 – paragraph 1 – point b – point d

Text proposed by the Commission

(d) ensure that the ALC installed on board Union fishing vessels shall conform to the minimum requirements of Annex 3 to this Regulation;

Amendment

(d) ensure that the ALC installed on board Union fishing vessels shall conform to the minimum requirements of Annex **III** to this Regulation;

Amendment 54

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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, **with EFCA in copy**, of any vessel to be identified as chartered by submitting electronically the following information with respect to each chartered vessel:

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 55

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

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:

Amendment

3. Each chartering Member State shall notify the Commission, **with EFCA in copy**, 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:

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 56

Proposal for a regulation

Article 27 – paragraph 6

Text proposed by the Commission

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.

Amendment

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, **with EFCA in copy**, catch and fishing effort of chartered vessels in the previous year.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 57

Proposal for a regulation Article 28 – paragraph 5

Text proposed by the Commission

Amendment

5. *The ROP shall collect verified catch data, other scientific data, and additional information related to the fishery from the Convention Area and to monitor implementation of the CMM.* **deleted**

Justification

Repetition of the provisions of paragraph 1 of this article

Amendment 58

Proposal for a regulation Article 28 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. ROP observers shall remain attentive and shall collect information on any practices that could harm the environment.

Amendment 59

Proposal for a regulation Article 28 – paragraph 10 – point j

Text proposed by the Commission

Amendment

(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 **and** customs of the flag State of the **entire crew**;

Amendment 60

Proposal for a regulation Article 28 – paragraph 10 – point k

Text proposed by the Commission

(k) adherence to the applicable *code of conduct*¹⁵ for observers;

Amendment

(k) adherence to the applicable *CMM referred to in Annex IIIa, point 12, to this Regulation*;

¹⁵ *WCPFC/IWG-ROP2/2008-09.*

Justification

Annex IIIa is added

Amendment 61

Proposal for a regulation Article 28 – paragraph 10 – point l

Text proposed by the Commission

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

Amendment

(l) promptly writing and submitting reports to the Commission, *with EFCA in copy*, in accordance with procedures adopted by the WCPFC;

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 62

Proposal for a regulation Article 28 – paragraph 10 – point n

Text proposed by the Commission

(n) take all reasonable steps to follow the

Amendment

(n) take all reasonable steps to follow the

Guidelines in *Annex A Guidelines for the Rights and Responsibilities of Observers CMM 2018-05 and Guidelines Annex B for Vessels Operators Captains and Crews*.

Guidelines in *Annexes A and B to the CMM referred to in Annex IIIa, point 12, to this Regulation*.

Justification

Annex IIIa is added

Amendment 63

**Proposal for a regulation
Article 29 – paragraph 1 – point k**

Text proposed by the Commission

(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;

Amendment

(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 equivalent to those normally available to an officer on-board the vessel;

Amendment 64

**Proposal for a regulation
Article 30 – paragraph 7**

Text proposed by the Commission

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.

Amendment

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. ***That Member State shall inform the Commission and EFCA***

of the notification received.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 65

Proposal for a regulation

Article 30 – paragraph 8 – point c

Text proposed by the Commission

(c) notify the observer provider and the WCPFC Secretariat of the results of its investigation and any actions taken.

Amendment

(c) notify the observer provider and the WCPFC Secretariat, ***with the Commission and EFCA in copy***, of the results of its investigation and any actions taken.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 66

Proposal for a regulation

Article 31 – paragraph 1 – point f

Text proposed by the Commission

(f) provide them with reasonable facilities, including, where appropriate, food and accommodation; and

Amendment

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

Amendment 67

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

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 immediately inform the WCPFC Secretariat of such notification.

Amendment

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 **EFCA and** the Commission, of the master's refusal and any explanation provided. **EFCA** shall immediately inform the WCPFC Secretariat of such notification.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 68

Proposal for a regulation
Article 31 – paragraph 4

Text proposed by the Commission

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.

Amendment

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, **EFCA** and the Commission of the action it has taken in these circumstances.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 69

Proposal for a regulation Article 32 – paragraph 1 – point a

Text proposed by the Commission

(a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008¹⁷ 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

¹⁷ 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).

Amendment

(a) assume its obligation to investigate in accordance with Article 43 of Regulation (EC) 1005/2008¹⁷ 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

¹⁷ 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).

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 70

Proposal for a regulation Article 32 – paragraph 1 – point b

Text proposed by the Commission

(b) authorize the inspector's authorities to complete the investigation of the possible infringement and so notify the Commission and the WCPFC Secretariat.

Amendment

(b) authorize the inspector's authorities to complete the investigation of the possible infringement and so notify **EFCA**, the Commission and the WCPFC

Secretariat.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 71

Proposal for a regulation

Article 33 – paragraph 1 – point I a (new)

Text proposed by the Commission

Amendment

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

Amendment 72

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

Amendment

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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers. Paragraph 4 is deleted and included in this one.

Amendment 73

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Any fishing activities ***of non-contracting party fishing vessels*** shall be reported by the Member States to ***EFCA, with*** the Commission ***in copy***, and the flag State of the vessel in question.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 74

Proposal for a regulation Article 34 – paragraph 4

Text proposed by the Commission

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 Area for species covered by the Convention.***

Amendment

deleted

Justification

Rule included in paragraph 2

Amendment 75

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

1. Member States shall submit to the Commission, by 20 April of each year scientific data in accordance with applicable WCPFC reporting requirements¹⁸ and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,¹⁹ 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.

¹⁸ <https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9>

¹⁹

<https://www.wcpfc.int/file/430562/download?token=BQxkRith>

Amendment

1. Member States shall submit to the Commission, **with EFCA in copy**, by 20 April of each year scientific data in accordance with applicable WCPFC reporting requirements¹⁸ and by 15 June an annual report on implementation and compliance with WCPFC reporting guidelines,¹⁹ 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.

¹⁸ <https://www.wcpfc.int/doc/data-01/scientific-data-be-provided-commission-revised-wcpfc4-6-7-and-9>

¹⁹

<https://www.wcpfc.int/file/430562/download?token=BQxkRith>

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 76

Proposal for a regulation

Article 37 – paragraph 3 – point a

Text proposed by the Commission

(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;

Amendment

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

Amendment 77

Proposal for a regulation

Article 37 – paragraph 3 – point b

Text proposed by the Commission

(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 albacore, in the Convention Area south of 20°S;

Amendment

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

Amendment 78

Proposal for a regulation

Article 37 – paragraph 3 – point e

Text proposed by the Commission

(e) sending all WCPFC transshipment declarations received pursuant to paragraphs 3 and 4 of Article 11 to the Commission;

Amendment

(e) sending all WCPFC transshipment declarations received pursuant to paragraphs 3 and 4 of Article 11 to the Commission, **with EFCA in copy**;

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 79

Proposal for a regulation

Article 37 – paragraph 3 – point h

Text proposed by the Commission

(h) all transshipment activities covered by Article 11 as part of their Annual Report in accordance with the guidelines **in Annex II to CMM 2009-06**;

Amendment

(h) all transshipment activities covered by Article 11 as part of their Annual Report in accordance with the guidelines **referred to in Annex IIIa, point 13, to this Regulation**;

Justification

Annex IIIa is added

Amendment 80

Proposal for a regulation

Article 37 – paragraph 4 – introductory part

Text proposed by the Commission

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:

Amendment

4. Member States shall report to the Commission, **with EFCA in copy**, the total number of vessels that fished for swordfish and the total catch of swordfish (***Xiphias gladius***) for the following:

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 81

Proposal for a regulation

Article 37 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall also report to **EFCA, with** the Commission **in copy**, 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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 82

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

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.

Amendment

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, ***with EFCA in copy.***

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 83

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

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 request from the Commission referred to in paragraph 1.

Amendment

2. The Member State shall provide the Commission, ***with EFCA in copy,*** 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.

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 84

Proposal for a regulation Article 39 – paragraph 1

Text proposed by 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.

Amendment

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

Justification

Need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and ROP Observers.

Amendment 85

Proposal for a regulation Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All personal data collected, transferred and stored pursuant to this Regulation shall comply with Regulations (EU) 2016/679 and (EU) 2018/1725.

Justification

Taking into account the need to ensure that all data collected, transmitted and stored follow Union regulations in terms of personal data protection having in account the European Data Protection Supervisor (EDPS) formal comments to this file in accordance to Article 20(1) of the EDPS Rules of Procedure.

Amendment 86

Proposal for a regulation Article 40 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission shall 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.

Amendment 87

Proposal for a regulation

Article 40 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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 **41** concerning measures adopted by WCPFC in the following areas:

Amendment 88

Proposal for a regulation

Article 40 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the WCPFC Transshipment Declaration referred to in Article 3(18);

deleted

Justification

Related to inclusion of new added Annex IIIa.

Amendment 89

Proposal for a regulation Article 40 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) reference to the area of the Eastern High Seas Pocket in Article 3(19); **deleted**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 90

Proposal for a regulation Article 40 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) reporting notices for transshipment referred to in Article 11(3)(4); **deleted**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 91

Proposal for a regulation Article 40 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) best handling practices for mobulid rays referred to in Article 13(3); **deleted**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 92

Proposal for a regulation

Article 40 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) reference to shark lines depiction of Article 14(1); **deleted**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 93

Proposal for a regulation

Article 40 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) reference to guidelines for both longline and purse seine fisheries for best handling practises of sharks of Article 14(2); **deleted**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 94

Proposal for a regulation

Article 40 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) best handling practices for the safe release of whale sharks as referred to in Article 16(3); **deleted**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 95

**Proposal for a regulation
Article 40 – paragraph 1 – point h**

Text proposed by the Commission

Amendment

**(h) measures for handling of cetaceans deleted
referred to in Article 18(4);**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 96

**Proposal for a regulation
Article 40 – paragraph 1 – point i**

Text proposed by the Commission

Amendment

**(i) mitigation and handling techniques deleted
for sea turtles referred to in Article 20(1);**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 97

**Proposal for a regulation
Article 40 – paragraph 1 – point o**

Text proposed by the Commission

Amendment

**(o) reporting format for transshipment deleted
activities referred to in Article 37(3)(h);**

Justification

Related to inclusion of new added Annex IIIa.

Amendment 98

Proposal for a regulation

Article 40 – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) changes to Annexes *I-3*.

(p) changes to Annexes *I to IIIa*.

Amendment 99

Proposal for a regulation

Article 40 – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) amendments in accordance with paragraph 1 shall be strictly limited to the implementation of amendments *to* the CMM *into* Union *law*.

1a. Amendments in accordance with paragraph 1 shall be strictly limited to the implementation of amendments *or replacements of* the CMM *that are binding upon the* Union.

Justification

This subparagraph (q) could be converted to a new paragraph 1a.

Amendment 100

Proposal for a regulation

Annex III a (new)

Text proposed by the Commission

Amendment

ANNEX IIIa

(1) Annex I to CMM 2009-06, referred to in Article 3, point (r), and Article 11(3) and (4);

- (2) *CMM 2016-02, referred to in Article 3, point (s);*
- (3) *Annex I to CMM 2019-05, referred to in Article 13(3);*
- (4) *Annex I to CMM 2019-04, referred to in Article 14(1);*
- (5) *Best handling practices for the safe release of Sharks (other than Whale Sharks and Mantas/Mobulids)^{1a} in Supplementary information on CMM 2010-07, referred to in Article 14(2);*
- (6) *Guidelines for the safe release of encircled whale sharks^{1b} in Supplementary information on CMM 2012-04, referred to in Article 16(3);*
- (7) *Guidelines for safe release of the cetacean, referred to in Article 18(4);*
- (8) *WCPFC Guidelines for the Handling of Sea Turtles^{1c} in Supplementary information on CMM 2008-03, referred to in Article 20(1);*
- (9) *Attachment 1 to CMM 2014-03, referred to in Article 23(6);*
- (10) *Attachment 2 to CMM 2014-03, referred to in Article 23(6);*
- (11) *Attachment 3 to CMM 2014-03, referred to in Article 23(7);*
- (12) *CMM 2018-05, referred to in Article 28(10), points (k) and (n);*
- (13) *Annex II to CMM 2009-06, referred to in Article 37(3), point (h).*

^{1a} <https://www.wcpfc.int/doc/supplcmm-2010-07/best-handling-practices-safe-release-sharks-other-whale-sharks-and>

^{1b} <https://www.wcpfc.int/doc/supplcmm-2012-04/guidelines-safe-release-encircled-animals-including-whale-sharks>

^{1c} <https://www.wcpfc.int/doc/supplcmm-2008-03/wcpfc-guidelines-handling-sea-turtles>

Justification

Annex IIIa referred to throughout the document that is proposed to include