



Plenary sitting

A9-0009/2022

31.1.2022

*****I**

REPORT

on the 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
(COM(2021)0198 – C9-0153/2021 – 2021/0103(COD))

Committee on Fisheries

Rapporteur: Isabel Carvalhais

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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 (COM(2021)0198 – C9-0153/2021 – 2021/0103(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0198),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0153/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 9 June 2021¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A9-0009/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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

¹ OJ C 341, 24.8.2021, p. 108.

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

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.

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).

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).

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

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 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 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

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).

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

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

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 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,⁹ 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 Transhipment Declaration’ means a document containing information **from Annex I to CMM 2009-06, as amended from time to time**;

Amendment

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

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

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.

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

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.

Amendment

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

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

vessel's Member State.

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 I 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.***

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

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.***

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 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***.

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 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,

Amendment

1. It is prohibited to retain on board,

tranship, store on a fishing vessel, or land any silky shark in whole or in part.

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 Article 37.

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(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*

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*

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.

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

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.***

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>

Justification

Annex IIIa is added

Amendment 42

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

Text proposed by the Commission

Amendment

Discharge of plastic

Marine pollution

Amendment 43

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

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.

Union fishing vessels are prohibited from 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

Amendment

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 ***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

Amendment

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

entered in the Record of fishing vessels not later than 7 days of such request.

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**

Amendment

6. Members States shall submit complete fishing vessel record data to the Commission, **with EFCA in copy**, that meet the structure and format

CMM 2014-03, and submit vessel photographs that meet the specifications of **Attachment 2 to CMM 2014-03**.

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

Amendment

(k) adherence to the applicable **code of conduct¹⁵ for observers**;

(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 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.***

Amendment

(n) take all reasonable steps to follow the 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

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).

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 l 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

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.

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, **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

Amendment

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.

deleted

Justification

Rule included in paragraph 2

Amendment 75

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

Amendment

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.

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>

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

Amendment

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 **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

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.

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

Amendment

2. The Member State shall provide the Commission with the findings of any

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

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.

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

I. 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 referred to in Article 18(4); **deleted**

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 for sea turtles referred to in Article 20(1); **deleted**

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 transhipment activities referred to in Article 37(3)(h); **deleted**

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

EXPLANATORY STATEMENT

1. Substance of the proposal

On 23 April 2021, the European Commission presented a proposal to incorporate into European Union (EU) law the conservation and management measures (CMMs) adopted by the Western and Central Pacific Fisheries Commission (WCPFC). The EU has been a contracting party to the WCPFC since 2004, when it ratified the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ('the Convention').

The WCPFC is the regional fisheries management organisation (RFMO) responsible for managing fishery resources in the Western and Central Pacific Ocean. The WCPFC's CMMs apply to the entire WCPFC Convention Area. The WCPFC has the authority to adopt CMMs for the marine biological resources under its remit, and those measures are binding on the contracting parties. They enter into force 60 days after their adoption.

They are agreed in annual WCPFC meetings, which bring together WCPFC members, including the European Union, represented by the European Commission, and representatives of stakeholders. All measures are binding unless an objection is raised under the Convention. The objection can subsequently be withdrawn by a contracting party, after which that party is bound by the measures. The objection procedure also falls under Article 218(9) TFEU, as CMMs have a legal effect, meaning that they become binding on contracting parties. Before deciding to raise an objection to a measure, the Commission asks the relevant bodies in the Council to endorse the decision to object. Article 3(5) of the Treaty on European Union stipulates that the EU must abide strictly by international law, including compliance with CMMs.

This proposal relates to the measures adopted by the WCPFC in a number of CMMs since 2008.

2. Position of the rapporteur

The rapporteur welcomes the presentation of this proposal to transpose into EU law the CMMs applicable in the area covered by the Convention. She draws attention, however, to the delay in that transposition, taking into account that the current proposal covers CMMs by which EU vessels, the Member States and the European Commission have been legally bound since 2008.

The EU fleet authorised and licensed to operate in the Convention area is rather small: vessels from three Member States (France, Portugal and Spain) are registered under it. Although those Member States have registered dozens of vessels, only a small number are licensed to actually catch, ranging from three to five seiners and surface longliners. Despite the small number of EU vessels exploiting the resources under this Convention, the quantities caught are considerable and they have a significant impact on the management of those resources.

She stresses the importance of technical measures and monitoring the use of fish aggregating devices, and of measures to protect some sensitive species, such as oceanic white tip, silky

and hammerhead sharks, mobulid rays, sea turtles, seabirds and cetaceans. She believes that protocols must be established for the collection and transmission of data on how fishing activities interact with those species. She also wishes to stress the importance of the regional observation programme for fisheries under the Convention, as it ensures that the requisite collection of activity data takes place, which is essential to improving fisheries knowledge and management.

The Common Fisheries Policy should therefore be implemented across the board by all Union fishing fleets, irrespective of their geographical operating area. It is essential, therefore, to ensure that the exploitation of resources has minimal impact on habitats, other resources and other species. The surface longliners and seiners used are large and may significantly affect sensitive species such as elasmobranchs, turtles, seabirds and cetaceans. To that end, the rapporteur calls on the Commission, in the context of WCPFC meetings and, in particular, in the adoption of CMMs taken by the organisation, to ensure that measures adopted are in line with the ambitious objectives set out in the CFP.

With regard to her proposal for amendments, the rapporteur also believes that European Fisheries Control Agency (EFCA) must be involved in the scheme for the transmission of data between the WCPFC secretariat, the Member States, masters of EU fishing vessels and the European Commission.

PROCEDURE – COMMITTEE RESPONSIBLE

| | | |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Title | Laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007 | |
| References | COM(2021)0198 – C9-0153/2021 – 2021/0103(COD) | |
| Date submitted to Parliament | 23.4.2021 | |
| Committee responsible Date announced in plenary | PECH 26.4.2021 | |
| Committees asked for opinions Date announced in plenary | ENVI 26.4.2021 | |
| Not delivering opinions Date of decision | ENVI 8.6.2021 | |
| Rapporteurs Date appointed | Isabel Carvalhais 20.5.2021 | |
| Discussed in committee | 25.5.2021 | 29.11.2021 |
| Date adopted | 25.1.2022 | |
| Result of final vote | +: 23 -: 0 0: 3 | |
| Members present for the final vote | Clara Aguilera, Pietro Bartolo, François-Xavier Bellamy, Izaskun Bilbao Barandica, Isabel Carvalhais, Maria da Graça Carvalho, Rosanna Conte, Rosa D'Amato, Giuseppe Ferrandino, Søren Gade, Francisco Guerreiro, Niclas Herbst, Ladislav Ilčić, France Jamet, Pierre Karleskind, Predrag Fred Matić, Francisco José Millán Mon, Grace O'Sullivan, João Pimenta Lopes, Manuel Pizarro, Caroline Roose, Bert-Jan Ruissen, Annie Schreijer-Pierik, Peter van Dalen, Theodoros Zagorakis | |
| Substitutes present for the final vote | Nicolás González Casares, Valentino Grant, Ska Keller, Colm Markey, Gabriel Mato, Emma Wiesner | |
| Date tabled | 31.1.2022 | |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 23 | + |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------|
| ECR | Ladislav Ilčić, Bert-Jan Ruissen |
| PPE | François-Xavier Bellamy, Maria da Graça Carvalho, Niclas Herbst, Francisco José Millán Mon, Annie Schreijer-Pierik, Theodoros Zagorakis |
| Renew | Izaskun Bilbao Barandica, Søren Gade, Pierre Karleskind, Emma Wiesner |
| S&D | Clara Aguilera, Pietro Bartolo, Isabel Carvalhais, Giuseppe Ferrandino, Predrag Fred Matić, Manuel Pizarro |
| The Left | João Pimenta Lopes |
| Verts/ALE | Rosa D'Amato, Francisco Guerreiro, Grace O'Sullivan, Caroline Roose |

| 0 | - |
|---|---|
| | |

| 3 | 0 |
|----|----------------------------------------------|
| ID | Rosanna Conte, Valentino Grant, France Jamet |

Key to symbols:

+ : in favour

- : against

0 : abstention