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A9-0312/ 001-105

AMENDMENTS 001-105

by the Committee on Fisheries

Report

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A9-0312/2021

Management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence

Proposal for a regulation (COM(2021)0113 – C9-0095/2021 – 2021/0058(COD))

Amendment 1

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In accordance with Article 3 of Regulation (EU) 2019/473^{1a}, the mission of the European Fisheries Control Agency (EFCA) is, inter alia, to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties, and to assist in the uniform implementation of the operational coordination of control activities by Member States for the implementation of specific control and inspection programmes, control programmes related to IUU fishing and international control and inspection programmes. EFCA shall also, at the Commission's request, assist the Union and Member States in their relations with

third countries and regional international fisheries organisations of which the Union is a member, in accordance to Article 4 of the same Regulation. It is therefore appropriate for EFCA to be the body that receives from Member States and transmits to the IOTC Secretariat information relating to control and inspection, IUU fishing fight, such as inspection reports and notifications of the control observers scheme.

^{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).

Amendment 2

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) In order to swiftly implement into Union law future IOTC resolutions amending or supplementing the ones established in this Regulation, 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 amending provisions concerning information list per vessel for the list of active vessels for tuna and swordfish, percentage of observer coverage and field samplers coverage for artisanal fisheries, conditions of chartering, percentage of inspections for port landings, reporting deadlines and Annexes 1 to **6 of** the Regulation that cover IOTC requirement for catch reporting, birds mitigation measures, data collections and fish aggregating devices and charter

Amendment

(7) In order to swiftly implement into Union law future IOTC resolutions amending or supplementing the ones established in this Regulation, 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 amending provisions concerning information list per vessel for the list of active vessels for tuna and swordfish, percentage of observer coverage and field samplers coverage for artisanal fisheries, conditions of chartering, percentage of inspections for port landings, reporting deadlines and Annexes 1 to **6a to** the Regulation that cover IOTC requirement for catch reporting, birds mitigation measures, data collections and fish aggregating devices and charter

requirements, as well as references to IOTC Conservation and Management Measures that relate to transshipment declaration, to principles for design and deployment of FADs related to reduction of entanglement as well as FAD reporting, to non-entangling and biodegradable FAD design, IOTC port designation procedure, mobulid rays handling procedures, handling guidelines and mitigation measures for marine turtles caught by certain fishing gears, to marking and identification of vessels, IUU reporting documents, bigeye tuna statistical programme documents, port state entry notifications, minimum standard port Member State inspection procedures, reporting forms for infringements, and catch and fishing measures reporting templates.

requirements, as well as references to IOTC Conservation and Management Measures that relate to transshipment declaration, to principles for design and deployment of FADs related to reduction of entanglement as well as FAD reporting, to non-entangling and biodegradable FAD design, IOTC port designation procedure, mobulid rays handling procedures, handling guidelines and mitigation measures for marine turtles caught by certain fishing gears, to marking and identification of vessels, IUU reporting documents, bigeye tuna statistical programme documents, port state entry notifications, minimum standard port Member State inspection procedures, reporting forms for infringements, and catch and fishing measures reporting templates.

Amendment 3

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘CMM’ means a conservation and management measure in force adopted by the IOTC pursuant to Articles V(2)(c) and IX(1) of the Agreement, ***as amended periodically***,¹⁷

¹⁷ <https://www.iotc.org/cmms>

Amendment

(6) ‘CMM’ means a conservation and management measure in force adopted by the IOTC pursuant to Articles V(2)(c) and IX(1) of the Agreement ***and binding on the Union in accordance with the Agreement***,¹⁷

¹⁷ <https://www.iotc.org/cmms>

Amendment 4

Proposal for a regulation

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘IOTC transshipment declaration’ means the document *in Annex III to CMM 19/06*;

Amendment

(12) ‘IOTC transshipment declaration’ means the document *referred to in point 1 of Annex 6a to this Regulation*;

Amendment 5

Proposal for a regulation

Article 3 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15a) ‘e-PSM application’ web-based application designed and developed to facilitate and assist the Contracting Parties and Cooperating non Contracting Parties (CPCs) of the IOTC to implement the IOTC Resolutions related to Port State Measures (PSM);

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – point 15 b (new)

Text proposed by the Commission

Amendment

(15b) ‘FAO’ means the Food and Agriculture Organization of the United Nations;

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 15 c (new)

Text proposed by the Commission

Amendment

(15c) ‘IUU fishing’ means the activities described in the International Plan of Action to Prevent, Deter, and Eliminate

*Illegal, Unreported and Unregulated
Fishing adopted by the FAO;*

Amendment 8

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Union purse seine vessels shall retain on board and land all catches of tropical tunas (bigeye tuna, yellowfin tuna and skipjack tuna), excepts where the master of the vessel determines that:

Amendment

1. Union purse seine vessels shall retain on board and land all catches of tropical tunas (bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*)), excepts where the master of the vessel determines that:

Amendment 9

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

4. For the purpose of this Article non-targeted species includes not targeted tuna species, as well as rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda.

Amendment

4. For the purpose of this Article non-targeted species includes not targeted tuna species, as well as rainbow runner (*Elagatis bipinnulata*), dolphinfish (*Coryphaena hippurus*), triggerfish (*family Balistidae*), billfish (*families Xyphiidae and Istiophoridae*), wahoo (*Acanthocybium solandri*), and barracuda (*family Sphyraenidae*).

Amendment 10

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

5. Union fishing vessels shall report to their flag Member States any data buoy

Amendment

5. Union fishing vessels shall report to their flag Member States any data buoy

that they have observed to be damaged or otherwise inoperable, along with the details of observation, the buoy's location, and any discernible identifying information on it. Member States shall send such reports, and information on the location of data buoys assets that they have deployed throughout the Area to the Commission, in accordance with Article 51(5).

that they have observed to be damaged or otherwise inoperable, along with the details of observation, the buoy's location, and any discernible identifying information on it. Member States shall send such reports, and information on the location of data buoys assets that they have deployed throughout the Area to the Commission **with EFCA in copy**, in accordance with Article 51(5).

Amendment 11

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. Union fishing vessels shall not retain on board, tranship, or land, any specimens of striped marlin, black marlin, blue marlin or Indo pacific sailfish with a lower jaw fork length of less than 60 cm. If they catch such fish, they shall return them immediately to the sea.

Amendment

1. Union fishing vessels shall not retain on board, tranship, or land, any specimens of striped marlin (*Tetrapturus audax*), black marlin (*Makaira indica*), blue marlin (*Makaira nigricans*) or Indo pacific sailfish (*Istiophorus platypterus*) with a lower jaw fork length of less than 60 cm. If they catch such fish, they shall return them immediately to the sea.

Amendment 12

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

4. Member States are encouraged to undertake scientific research on blue shark that would provide information on key biological, ecological, behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices. Such information shall be

Amendment

4. Member States are encouraged to undertake scientific research on blue shark that would provide information on key biological, ecological, behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices. Such information shall be

included in the reports that are sent to the Commission in accordance with Article 51(6).

included in the reports that are sent to the Commission **with EFCA in copy** in accordance with Article 51(6).

Amendment 13

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. Union fishing, support and supply vessels shall not use aircrafts or unmanned aerial vehicles as fishing aids. Any occurrence of a fishing operation undertaken in the Area with the aid of aircraft or an unmanned aerial vehicle shall be immediately reported to the flag Member State **and the Commission**. The Commission shall inform the IOTC Secretariat thereof without delay.

Amendment

1. Union fishing, support and supply vessels shall not use aircrafts or unmanned aerial vehicles as fishing aids. Any occurrence of a fishing operation undertaken in the Area with the aid of aircraft or an unmanned aerial vehicle shall be immediately reported to the flag Member State, **to EFCA and with the Commission in copy**. EFCA shall inform the IOTC Secretariat thereof without delay.

Amendment 14

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Union fishing vessels shall record fishing activities in association with drifting FADs and anchored FADs, separately, using the specific data elements in Annex 2. Member States shall send this information to the Commission, in accordance with Article 51.

Amendment

1. Union fishing vessels shall record fishing activities in association with drifting FADs and anchored FADs, separately, using the specific data elements in Annex 2. Member States shall send this information to the Commission **with EFCA in copy**, in accordance with Article 51.

Amendment 15

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. Daily information on all active FADs shall be transmitted to the Commission containing the information of date, instrumented buoy identification, assigned vessel and daily position, compiled at monthly intervals, submitted at least 60 days later but no longer than 90 days later. **The Commission** will send this information to the IOTC Secretariat.

2. Daily information on all active FADs shall be transmitted to **EFCA with** the Commission **in copy** containing the information of date, instrumented buoy identification, assigned vessel and daily position, compiled at monthly intervals, submitted at least 60 days later but no longer than 90 days later. **EFCA** will send this information to the IOTC Secretariat.

Amendment 16

Proposal for a regulation

Article 9 – paragraph 3 – point d

Text proposed by the Commission

(d) be based on the principles set out in Annex **V to CMM 19/02** for reducing the entanglement of sharks, marine turtles or any other species.

Amendment

(d) be based on the principles set out in **the Annex referred to in point 2 of Annex 6a to this Regulation** for reducing the entanglement of sharks, marine turtles or any other species.

Amendment 17

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. No later than 75 days before the IOTC annual meeting, Member States shall send the Commission, in accordance with Article 51(5), a report on the progress of the management plans of FADs, including reviews of the initially submitted management plans, and including reviews of the application of the principles of Annex **V to CMM 19/02**. The Commission shall send this information to the IOTC Secretariat not later than 60 days before the IOTC annual meeting.

Amendment

4. No later than 75 days before the IOTC annual meeting, Member States shall send the Commission **with EFCA in copy**, in accordance with Article 51(5), a report on the progress of the management plans of FADs, including reviews of the initially submitted management plans, and including reviews of the application of the principles of **the Annex referred to in point 2 of Annex 6a to this Regulation**. The Commission shall send this information to the IOTC Secretariat not later than 60 days before the IOTC annual

meeting.

Amendment 18

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Union fishing vessels shall use non-entangling designs and materials for the construction of FADs, as outlined in Annex V to CMM 19/02.

Amendment

Union fishing vessels shall use non-entangling designs and materials for the construction of FADs, as outlined in *the Annex referred to in point 2 of Annex 6a to this Regulation*.

Amendment 19

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Union fishing vessels shall endeavour to use biodegradable FADs in accordance with the guidelines in the Annex with a view to transitioning to the use of biodegradable FADs, with the exception of materials used for the instrumented buoys, from 1 January 2022.

Amendment 20

Proposal for a regulation

Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall endeavour to conduct trials using biodegradable materials to facilitate the transition to the use of only biodegradable material for drifting FADs construction by their fleets.

Amendment 21

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. All transshipment operations of IOTC species shall take place in ports designated in accordance with Article 5 of Council Regulation (EC) No 1005/2008 or *paragraph 5 of CMM 16/11*.

Amendment

1. All transshipment operations of IOTC species shall take place in ports designated in accordance with Article 5 of Council Regulation (EC) No 1005/2008 or *in accordance with the provisions referred to in point 3 of Annex 6a to this Regulation*.

Amendment 22

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall report data on all catches of sharks, including all available historical data, estimates and life status of discards and release (dead or alive) and size frequencies of sharks caught by their fishing vessels to the Commission, in their report, in accordance with Article 51(1).

Amendment

4. Member States shall report data on all catches of sharks, including all available historical data, estimates and life status of discards and release (dead or alive) and size frequencies of sharks caught by their fishing vessels to the Commission *with EFCA in copy*, in their report, in accordance with Article 51(1).

Amendment 23

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks.

Amendment

1. Union fishing vessels shall not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*).

Amendment 24

Proposal for a regulation Article 16 – paragraph 3

Text proposed by the Commission

3. Where possible, Member States and the Commission shall endeavour to conduct research on oceanic whitetip sharks taken in the Area, in order to identify potential nursery areas.

Amendment

3. Where possible, Member States and the Commission shall endeavour to conduct research on oceanic whitetip sharks taken in the Area, in order to identify potential nursery areas ***and the impact of climate change on their abundance.***

Amendment 25

Proposal for a regulation Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Article shall not apply to artisanal fisheries operating exclusively in their respective Exclusive Economic Zone (EEZ) for the purpose of local consumption.

Amendment 26

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. Union fishing vessels shall not intentionally set any gear type around a mobulid ray if the animal is sighted prior to commencement of the set.

Amendment

1. Union fishing vessels shall not intentionally set any gear type around a mobulid ray (***species of the genus Mobula***) if the animal is sighted prior to commencement of the set.

Amendment 27

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. Union fishing vessels shall promptly release alive and unharmed, to the extent practicable, mobulid rays caught unintentionally as soon as they are seen in the net, on the hook, or on the deck, in a manner that will result in the least possible harm to the individual rays captured, and take all reasonable steps to apply handling procedures of Annex *I to CMM 19/03*, while taking into consideration the safety of the crew.

Amendment

3. Union fishing vessels shall promptly release alive and unharmed, to the extent practicable, mobulid rays caught unintentionally as soon as they are seen in the net, on the hook, or on the deck, in a manner that will result in the least possible harm to the individual rays captured, and take all reasonable steps to apply handling procedures of *referred to in point 4 of Annex 6a to this Regulation*, while taking into consideration the safety of the crew.

Amendment 28

Proposal for a regulation
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Notwithstanding paragraph 2, in the case of mobulid rays that are unintentionally caught by artisanal fishing, the vessel shall report the information on the accidental catch to the responsible governmental authorities, or other competent authority, at the point of landing. Mobulid rays unintentionally caught may only be used for purposes of local consumption. This derogation shall expire on 1 January 2022.

Amendment 29

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. Union fishing vessels, shall be

1. Union fishing vessels, shall be

prohibited from intentionally setting a purse seine net around a whale shark in the Area, if it is sighted prior to the commencement of the set.

prohibited from intentionally setting a purse seine net around a whale shark (*Rhincodon typus*) in the Area, if it is sighted prior to the commencement of the set.

Amendment 30

Proposal for a regulation

Article 20 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) report the incident to the **relevant authority of the flag** State, with the following information:

Amendment

(b) report the incident to the **vessel's flag Member** State, with the following information:

Amendment 31

Proposal for a regulation

Article 20 – paragraph 3

Text proposed by the Commission

3. Member States shall report the information referred to in under point (b) of paragraph 2, through logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive), or when an observer is on board through observer programmes and send it to the Commission, in accordance with Article 51(1) and (5).

Amendment

3. Member States shall report the information referred to in under point (b) of paragraph 2, through logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009 including the status upon release (dead or alive), or when an observer is on board through observer programmes and send it to the Commission **with EFCA in copy**, in accordance with Article 51(1) and (5).

Amendment 32

Proposal for a regulation

Article 21 – paragraph 1 – point a

Text proposed by the Commission

(a) longline vessels shall carry line

Amendment

(a) longline vessels shall carry line

cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles that have been caught or entangled, taking all reasonable steps to ensure safe release and handling following the IOTC **handling** guidelines.¹⁸

cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles (**species of families *Cheloniidae* and *Dermochelyidae***) that have been caught or entangled, taking all reasonable steps to ensure safe release and handling following the IOTC guidelines **referred to in point 5 of Annex 6a to this Regulation**.

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https://www.iotc.org/sites/default/files/documents/2018/11/IOTC_turtles_for_web.pdf

Amendment 33

Proposal for a regulation Article 21 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that Union fishing vessels use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, taking all reasonable steps in accordance with **handling guidelines in the IOTC Marine Turtle Identification Cards provided in IOTC handling** guidelines referred to in paragraph 1 point (a).

Amendment

3. Member States shall ensure that Union fishing vessels use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, taking all reasonable steps in accordance with **the** guidelines referred to in paragraph 1, point (a).

Amendment 34

Proposal for a regulation Article 21 – paragraph 4

Text proposed by the Commission

4. Member States shall report on the implementation the FAO Guidelines to

Amendment

4. Member States shall report on the implementation the FAO Guidelines

Reduce Sea Turtle Mortality in Fishing Operations¹⁹ .

referred to in point 6 of Annex 6a to this Regulation.

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<http://www.fao.org/publications/card/en/c/525d1262-f0ae-5270-bd6e-ac4ab03bbaf9/>

Amendment 35

**Proposal for a regulation
Article 21 – paragraph 5**

Text proposed by the Commission

Amendment

5. Member States shall send all data on their vessels interactions with marine turtles to the Commission, in accordance with Article 51(1). The data shall include the level of logbook or observer coverage and an estimate of total mortality of marine turtles incidentally caught in their fisheries.

5. Member States shall send all data on their vessels interactions with marine turtles to the Commission ***with EFCA in copy***, in accordance with Article 51(1). The data shall include the level of logbook or observer coverage and an estimate of total mortality of marine turtles incidentally caught in their fisheries.

Amendment 36

**Proposal for a regulation
Article 21 – paragraph 6**

Text proposed by the Commission

Amendment

6. Union fishing vessels shall record all incidents involving marine turtles during fishing operations, including status on release (dead or alive) in the logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009. They shall report such incidents to their flag Member States with information, where possible, on the species, location of capture, conditions, actions taken on board and location of release. Member States shall send this information to the Commission, in accordance with Article 51(1).

6. Union fishing vessels shall record all incidents involving marine turtles during fishing operations, including status on release (dead or alive) in the logbooks in accordance with Article 14 of Regulation (EC) No 1224/2009. They shall report such incidents to their flag Member States with information, where possible, on the species, location of capture, conditions, actions taken on board and location of release. Member States shall send this information to the Commission ***with EFCA in copy***, in accordance with Article 51(1).

Amendment 37

Proposal for a regulation Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Union fishing vessels shall endeavour to adopt FAD designs that reduce the incidence of entanglement of marine turtles according to international standards.

Amendment 38

Proposal for a regulation Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Union fishing vessels shall use mitigation measures to reduce in levels of seabird bycatch across all fishing areas, seasons and fisheries:

1. Union fishing vessels shall use mitigation measures to reduce in levels of seabird **(species of orders *Procellariiformes, Pelecaniformes, Charadriiformes, Gaviiformes and Podicipediformes*)** bycatch across all fishing areas, seasons and fisheries:

Amendment 39

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. Union fishing vessels shall record data on incidental seabird bycatch by species, in particular through Regional Observer Scheme referred to in Article 30, and report these to the Commission in accordance with Article 51(1). Observers shall, to the extent possible, take photographs of seabirds caught by Union

2. Union fishing vessels shall record data on incidental seabird bycatch by species, in particular through Regional Observer Scheme referred to in Article 30, and report these to the Commission **with EFCA in copy**, in accordance with Article 51(1). Observers shall, to the extent possible, take photographs of seabirds

fishing vessels and transmit them to national seabird experts or the IOTC Secretariat for confirmation of identification.

caught by Union fishing vessels and transmit them to national seabird experts or the IOTC Secretariat for confirmation of identification.

Amendment 40

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

3. Member States shall inform the Commission how the Regional Observer Scheme referred to in *paragraph* Article 30 is implemented, in accordance with Article 51(5).

Amendment

3. Member States shall inform the Commission *and EFCA* how the Regional Observer Scheme referred to in Article 30 is implemented, in accordance with Article 51(5).

Amendment 41

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that all documents carried on board and any further amendments to them are issued and certified by the competent authority and are marked in such a way that they can be readily identified with generally accepted standards *such as the FAO Standard Specification for the Marking and Identification of Fishing Vessels*.²⁰

Amendment

4. Member States shall ensure that all documents carried on board and any further amendments to them are issued and certified by the competent authority and are marked in such a way that they can be readily identified with generally accepted *international* standards.

²⁰ <http://www.fao.org/3/a-i7783e.pdf>

Amendment 42

Proposal for a regulation Article 24 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

3. Member States shall submit to the Commission the list of vessels complying with the requirements of paragraph 1, which are authorised to operate in the Area. This list shall include the following information for each vessel:

Amendment

3. Member States shall submit to the Commission **with EFCA in copy** the list of vessels complying with the requirements of paragraph 1, which are authorised to operate in the Area. This list shall include the following information for each vessel:

Amendment 43

**Proposal for a regulation
Article 24 – paragraph 4**

Text proposed by the Commission

4. Member States shall promptly notify the Commission of any addition to, deletion from, or amendment of the IOTC Record. The Commission shall send this information to the IOTC Secretariat without delay.

Amendment

4. Member States shall promptly notify the Commission **with EFCA in copy** of any addition to, deletion from, or amendment of the IOTC Record. The Commission shall send this information to the IOTC Secretariat without delay.

Amendment 44

**Proposal for a regulation
Article 25 – paragraph 1**

Text proposed by the Commission

The information to be notified by the Member States to the Commission, in accordance with Article 24, shall be carried out in an electronic format in accordance with Article 39 of the Regulation (EU) 2017/2403.

Amendment

The information to be notified by the Member States to the Commission **and EFCA**, in accordance with Article 24, shall be carried out in an electronic format in accordance with Article 39 of the Regulation (EU) 2017/2403.

Amendment 45

**Proposal for a regulation
Article 26 – paragraph 2 – introductory part**

Text proposed by the Commission

Amendment

2. Member States shall submit to the Commission an updated template of the official authorisation to fish outside national jurisdictions, and update this information whenever this information changes. The Commission shall send this information to the IOTC Secretariat without delay. The template shall include the following information:

2. Member States shall submit to the Commission **with EFCA in copy** an updated template of the official authorisation to fish outside national jurisdictions, and update this information whenever this information changes. The Commission shall send this information to the IOTC Secretariat without delay. The template shall include the following information:

Amendment 46

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

2. Member States shall report the results of the review of the actions and measures taken pursuant to paragraph 1 to the Commission, in accordance with Article 51(5).

Amendment

2. Member States shall report the results of the review of the actions and measures taken pursuant to paragraph 1 to the Commission **with EFCA in copy**, in accordance with Article 51(5).

Amendment 47

Proposal for a regulation Article 27 – paragraph 3

Text proposed by the Commission

3. Member States which issue licenses to their authorised fishing vessels shall report annually to the Commission all measures taken in accordance with Annex **I to CMM 05/07**, using the format set out in Annex **II of CMM 05/07**, and in accordance with Article 51 of this Regulation.

Amendment

3. Member States which issue licenses to their authorised fishing vessels shall report annually to the Commission **with EFCA in copy** all measures taken in accordance with **the Annex referred to in point 7 of Annex 6a to this Regulation**, using the format set out in **the Annex referred to in point 8 of Annex 6a to this Regulation**, and in accordance with Article 51 of this Regulation.

Amendment 48

Proposal for a regulation
Article 28 – paragraph 3

Text proposed by the Commission

3. Member States shall notify the Commission of any factual information showing that there are reasonable grounds for suspecting vessels not registered in the IOTC record to be engaged in fishing for or transshipment of IOTC species in the Area. **The Commission** shall notify the IOTC Secretariat of this information immediately.

Amendment 49

Proposal for a regulation
Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States with vessels fishing for tunas and swordfish in the Area shall, using the appropriate IOTC report template, submit to the Commission by 1st February of each year a list of fishing vessels flying their flag that were active in the Area during the previous year:

Amendment 50

Proposal for a regulation
Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

3. Member States shall notify **EFCA** **with** the Commission **in copy** of any factual information showing that there are reasonable grounds for suspecting vessels not registered in the IOTC record to be engaged in fishing for or transshipment of IOTC species in the Area. **EFCA** shall notify the IOTC Secretariat of this information immediately.

Amendment

1. Member States with vessels fishing for tunas and swordfish in the Area shall, using the appropriate IOTC report template, submit to the Commission **with ECA in copy** by 1st February of each year a list of fishing vessels flying their flag that were active in the Area during the previous year:

Amendment

1a. Member States with vessels fishing for yellowfin tunas in the Area shall, using the appropriate IOTC report template, submit to the Commission by 1st February of each year a list of all fishing vessels flying their flag which have fished for yellowfin tuna in the Area during the

previous year.

Justification

This year Annual Meeting of the IOTC adopted a measure for the yellowing tuna, adding a reporting duty to the Union/CPs that is not part of the Commission's proposal. This measure will be published by the IOTC after 120 days from the adoption, if there is no objection and it should enter into force.

Amendment 51

**Proposal for a regulation
Article 29 – paragraph 2**

Text proposed by the Commission

2. The Commission shall forward this information to the IOTC Secretariat before the 15 February of each year.

Amendment

2. The Commission shall forward this information ***referred to in paragraphs 1 and 1a*** to the IOTC Secretariat before the 15 February of each year.

Justification

This addition is in line with the amendment in paragraph 1a (new).

Amendment 52

**Proposal for a regulation
Article 31 – paragraph 2**

Text proposed by the Commission

2. The observer shall, within 30 days of completion of each trip, provide a report to the flag Member State. The report shall be provided by area of 1°latitude by 1°longitude. Member States shall send to the Commission within 140 days from reception, each report, but shall ensure that the reports from observer placed on the longline fleet are sent in continuous flow through the year. ***The Commission*** shall forward within 10 days the reports to the

Amendment

2. The observer shall, within 30 days of completion of each trip, provide a report to the flag Member State. The report shall be provided by area of 1°latitude by 1°longitude. Member States shall send to ***EFCA with the Commission in copy*** within 140 days from reception, each report, but shall ensure that the reports from observer placed on the longline fleet are sent in continuous flow through the year. ***EFCA*** shall forward within 10 days

IOTC Secretariat.

the reports to the IOTC Secretariat.

Amendment 53

Proposal for a regulation

Article 33 – paragraph 2 – point c

Text proposed by the Commission

(c) ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment of the same level as that of the officers, where possible;

Amendment

(c) ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment of the same level as that of the officers ***on board***, where possible;

Amendment 54

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

3. Member States shall report the number of vessels monitored and the coverage achieved by gear type to the Commission, in accordance with Article 51(6).

Amendment

3. Member States shall report the number of vessels monitored and the coverage achieved by gear type to the Commission ***with EFCA in copy***, in accordance with Article 51(6).

Amendment 55

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

2. Where a Member State suspects that one or more on-board vessel monitoring device on board the vessel of another flag Member State or another CPC does not meet required operational conditions, or have been tampered with, it shall immediately notify the Commission ***that will*** forward the notification to IOTC

Amendment

2. Where a Member State suspects that one or more on-board vessel monitoring device on board the vessel of another flag Member State or another CPC does not meet required operational conditions, or have been tampered with, it shall immediately notify ***EFCA with*** the Commission ***in copy. EFCA shall*** forward the notification to IOTC Secretariat and the

Secretariat and the vessel's flag State.

vessel's flag State.

Amendment 56

Proposal for a regulation

Article 35 – paragraph 1 – point b

Text proposed by the Commission

(b) the duration of the fishing operation under the chartering agreement does not exceed 12 months *cumulatively* in any calendar year;

Amendment

(b) the duration of the fishing operation under the chartering agreement does not exceed 12 months in any calendar year;

Amendment 57

Proposal for a regulation

Article 35 – paragraph 1 – point g

Text proposed by the Commission

(g) all catches, including bycatches and discards, taken pursuant to the chartering agreement shall be counted against quota or fishing possibilities of the chartering CPC. The observer coverage on board such chartered vessels shall be counted against the coverage rate of the chartering CPC for its fishing activity under the charter agreement;

Amendment

(g) all catches, including bycatches and discards, taken pursuant to the chartering agreement shall be counted against quota or fishing possibilities of the chartering CPC. The observer coverage on board such chartered vessels shall be counted against the coverage rate of the chartering CPC for its fishing activity under the charter agreement *period*;

Amendment 58

Proposal for a regulation

Article 35 – paragraph 1 – point k

Text proposed by the Commission

(k) chartered vessels shall have a fishing license issued by the chartering CPC, and shall not be on the IOTC IUU list;

Amendment

(k) chartered vessels shall have a fishing license issued by the chartering CPC, and shall not be on the IOTC IUU list, *Community IUU vessel list or in any other IUU vessel list of other regional fisheries*

Amendment 59

Proposal for a regulation

Article 36 – paragraph 1 – introductory part

Text proposed by the Commission

1. The chartering Member State shall notify the Commission of any vessel to be identified as chartered in accordance with this Article without delay and no later than **50** hours before commencement of fishing activities under a charter agreement, by submitting electronically and without delay the following information with respect to each chartered vessel:

Amendment

1. The chartering Member State shall notify the Commission **with EFCA in copy** of any vessel to be identified as chartered in accordance with this Article without delay **within 15 days** and no later than **72** hours before commencement of fishing activities under a charter agreement, by submitting electronically and without delay the following information with respect to each chartered vessel:

Amendment 60

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

2. The flag Member State shall notify the Commission of any vessel to be identified as chartered in accordance with this Article, without delay and no later than **50** hours before commencement of fishing activities under a charter agreement by submitting electronically the information with respect to each chartered vessel referred to in paragraph 1.

Amendment

2. The flag Member State shall notify the Commission **with EFCA in copy** of any vessel to be identified as chartered in accordance with this Article, without delay **within 17 days** and no later than **96** hours before commencement of fishing activities under a charter agreement by submitting electronically the information with respect to each chartered vessel referred to in paragraph 1.

Amendment 61

Proposal for a regulation

Article 36 – paragraph 4

Text proposed by the Commission

4. Member States referred to in paragraph 1 and 2 shall immediately inform the Commission of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.

Amendment

4. Member States referred to in paragraph 1 and 2 shall immediately inform the Commission **with EFCA in copy** of the start, suspension, resumption and termination of the fishing operations under the chartering agreement.

Amendment 62

Proposal for a regulation Article 36 – paragraph 5

Text proposed by the Commission

5. Member States chartering fishing vessels shall report to the Commission by 10 February of each year the particulars of charter agreements made in the previous calendar year, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels in accordance with Article 35(1)(j). The Commission shall forward that information to the IOTC Secretariat by 28 February of each year.

Amendment

5. Member States chartering fishing vessels shall report to the Commission **with EFCA in copy** by 10 February of each year the particulars of charter agreements made in the previous calendar year, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels in accordance with Article 35(1)(j). The Commission shall forward that information to the IOTC Secretariat by 28 February of each year.

Amendment 63

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

Where a Member State's vessel or aircraft makes any sighting of fishing vessels that are suspected of, or confirmed as, being without nationality that may be fishing in the high seas of the Area, that Member State shall report the sighting to the Commission, **which** shall forward the information to the IOTC Secretariat

Amendment

Where a Member State's vessel or aircraft makes any sighting of fishing vessels that are suspected of, or confirmed as, being without nationality that may be fishing in the high seas of the Area, that Member State shall report the sighting to **EFCA with** the Commission **in copy**. **EFCA** shall forward the information to the IOTC

immediately.

Secretariat immediately.

Amendment 64

Proposal for a regulation

Article 38 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall, as regards large scale tuna longline vessels with flags of convenience:

Amendment

Member States shall, as regards large scale tuna longline vessels with flags of convenience (**FOCs**):

Amendment 65

Proposal for a regulation

Article 38 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) inform their general public of FOC fishing activities by tuna longline vessels which diminish the effectiveness of IOTC Conservation and Management Measures and urge them not to purchase fish harvested by such vessels;

Amendment 66

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

3. Member States shall report to the Commission all the data for any given year on an aggregated basis in their annual reports, in accordance with Article 51(1).

Amendment

3. Member States shall report to the Commission ***with EFCA in copy*** all the data for any given year on an aggregated basis in their annual reports, in accordance with Article 51(1).

Amendment 67

Proposal for a regulation
Article 40 – paragraph 1

Text proposed by the Commission

1. All bigeye tuna imported into the territory of a Member State, shall be accompanied by an IOTC Bigeye Tuna Statistical Document, as provided *in* Appendix 1 of Annex I to CMM 01/06, or an IOTC bigeye tuna re-export certificate *which meets the requirements of* Appendix 2 of Annex I to CMM 01/06.

Amendment 68

Proposal for a regulation
Article 40 – paragraph 3 – introductory part

Text proposed by the Commission

3. The documents referred to paragraph 1 shall be validated in accordance with the format set out in *Appendix 4* of Annex I to CMM 01/06, in accordance with the following:

Amendment 69

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission

4. By 15 March of each year (for the period from 1 July to 31 December of the previous year) and 15 September (for the period from 1 January to 30 June of the current year) Member States that import bigeye tuna shall report to the Commission the data collected under the bigeye tuna

Amendment

1. All bigeye tuna imported into the territory of a Member State, shall be accompanied by an IOTC Bigeye Tuna Statistical Document, as provided *for in the Appendix to the Annex referred to in point 9* of Annex 6a to this Regulation, or an IOTC bigeye tuna re-export certificate *as provided for in the Appendix to the Annex referred to in point 10* of Annex 6a to this Regulation.

Amendment

3. The documents referred to *in* paragraph 1 shall be validated in accordance with the format set out in *the Annex referred to in point 11* of Annex 6a to this Regulation, in accordance with the following *principles*:

Amendment

4. By 15 March of each year (for the period from 1 July to 31 December of the previous year) and 15 September (for the period from 1 January to 30 June of the current year) Member States that import bigeye tuna shall report to the Commission *with EFCA in copy* the data collected

statistical document programme, using the format of **Appendix 3** of Annex **I to CMM 01/06**. The Commission shall examine the information and shall transmit it to the IOTC Secretariat by 1 April and 1 October respectively.

under the bigeye tuna statistical document programme, using the format of **the Annex referred to in point 12** of Annex **6a to this Regulation**. The Commission shall examine the information and shall transmit it to the IOTC Secretariat by 1 April and 1 October respectively.

Amendment 70

Proposal for a regulation Article 40 – paragraph 5

Text proposed by the Commission

5. Member States which export bigeye tuna shall examine export data upon receiving the import data referred to in paragraph 4, and shall report the results to the Commission annually, in accordance with Article 51(5).

Amendment

5. Member States which export bigeye tuna shall examine export data upon receiving the import data referred to in paragraph 4, and shall report the results to the Commission **with EFCA in copy** annually, in accordance with Article 51(5).

Amendment 71

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

2. Member States shall transmit any changes to the list of designated points of contact and designated ports to the Commission at least 30 days before the changes take effect. **The Commission** shall forward that information to the IOTC Secretariat at least 15 days before the changes take effect.

Amendment

2. Member States shall transmit any changes to the list of designated points of contact and designated ports to **EFCA with the Commission in copy** at least 30 days before the changes take effect. **EFCA** shall forward that information to the IOTC Secretariat at least 15 days before the changes take effect.

Amendment 72

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 6 (1) of Regulation (EC) No 1005/2008, the period for prior notification shall be at least **48** hours before the estimated time of arrival at the port.

Amendment

1. By way of derogation from Article 6 (1) of Regulation (EC) No 1005/2008, the period for prior notification shall be at least **24** hours before the estimated time of arrival at the port ***or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours.***

Amendment 73

**Proposal for a regulation
Article 42 – paragraph 2**

Text proposed by the Commission

2. By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008, the information to be provided by masters of third country fishing vessels or their representatives, shall be that required under ***Annex I to CMM 16/11*** which shall be accompanied by a catch certificate validated in accordance with Chapter III of Regulation (EC) No 1005/2008 if the third country fishing vessel carries on board IOTC fishery products.

Amendment

2. By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008, the information to be provided by masters of third country fishing vessels or their representatives, shall be that required under ***the Annex referred to in point 13 of Annex 6a to this Regulation*** which shall be accompanied by a catch certificate validated in accordance with Chapter III of Regulation (EC) No 1005/2008 if the third country fishing vessel carries on board IOTC fishery products.

Amendment 74

**Proposal for a regulation
Article 42 – paragraph 3**

Text proposed by the Commission

3. The prior notice referred to in Article 6 of Regulation (EC) No 1005/2008 and the information required under paragraph 2 of this Article may be transmitted ***electronically by means of the e-PSM application.***²¹

Amendment

3. The prior notice referred to in Article 6 of Regulation (EC) No 1005/2008 and the information required under paragraph 2 of this Article may be transmitted ***by e-PSM.***

²¹ <https://www.iotc.org/compliance/port-state-measures>

Amendment 75

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. After receiving the relevant information pursuant to Article 42 of this Regulation, a port Member State shall decide whether to authorise or deny the third country fishing vessel entry into and use of its ports. Where a third country fishing vessel has been denied entry, the port Member State shall inform the flag State of the vessel and the Commission **which** shall forward the information to the IOTC Secretariat without delay. Port Member States shall deny entry to fishing vessels included in the IOTC list of IUU vessels.

Amendment

1. After receiving the relevant information pursuant to Article 42 of this Regulation, a port Member State shall decide whether to authorise or deny the third country fishing vessel entry into and use of its ports. Where a third country fishing vessel has been denied entry, the port Member State shall inform the flag State of the vessel and **EFCA with the Commission in copy. EFCA** shall forward the information to the IOTC Secretariat without delay. Port Member States shall deny entry to fishing vessels included in the IOTC list of IUU vessels, **Community IUU vessel list or in any other IUU vessel list of other regional fisheries management organisation.**

Amendment 76

Proposal for a regulation Article 43 – paragraph 5

Text proposed by the Commission

5. Each port Member State shall submit to the Commission by 15 June of each year, the list of fishing vessels that are not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the Area in the preceding calendar year. This information shall be included in the appropriate IOTC

Amendment

5. Each port Member State shall submit to **EFCA with the Commission in copy** by 15 June of each year, the list of fishing vessels that are not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the Area in the preceding calendar year. This information shall be included in the

report template and shall detail the catch composition by weight and species landed. **The Commission** shall examine such reports and transmit it to the IOTC Secretariat by 30 June of each year.

appropriate IOTC report template and shall detail the catch composition by weight and species landed. **EFCA** shall examine such reports and transmit it to the IOTC Secretariat by 30 June of each year, **with the Commission in copy**.

Amendment 77

Proposal for a regulation Article 45 – paragraph 3

Text proposed by the Commission

3. As a minimum standard port Member States shall ensure that their inspectors carry out the tasks set out in Annex **II to CMM 16/11**. Port Member States, in carrying out inspections in their ports, shall require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof.

Amendment

3. As a minimum standard port Member States shall ensure that their inspectors carry out the tasks set out in **the Annex referred to in point 14 of Annex 6a to this Regulation**. Port Member States, in carrying out inspections in their ports, shall require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof.

Amendment 78

Proposal for a regulation Article 45 – paragraph 4

Text proposed by the Commission

4. In the written report of the results of each inspection, each port Member State shall, as a minimum, include the information set out in Annex **III to CMM 16/11**. Within 3 working days of the completion of the inspection, the port Member State shall transmit a copy of the inspection report and, upon request, an original or certified copy thereof, to the master of the inspected vessel, to the flag State, and to the Commission, **which** shall

Amendment

4. In the written report of the results of each inspection, each port Member State shall, as a minimum, include the information set out in **the Annex referred to in point 15 of Annex 6a to this Regulation**. Within 3 working days of the completion of the inspection, the port Member State shall transmit a copy of the inspection report and, upon request, an original or certified copy thereof, to the master of the inspected vessel, to the flag

forward the report to the IOTC Secretariat.

State *to EFCA*, and to the Commission.
EFCA shall forward the report to the IOTC Secretariat.

Amendment 79

Proposal for a regulation Article 45 – paragraph 5

Text proposed by the Commission

5. By 15 June of each year, port Member States shall submit to the Commission, the list of fishing vessels not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the IOTC area the preceding calendar year. This information shall detail the catch composition by weight and species landed. **The Commission** shall forward this information to the IOTC Secretariat by 1 July of each year.

Amendment

5. By 15 June of each year, port Member States shall submit to **EFCA with the Commission *in copy***, the list of fishing vessels not flagged to that port Member State, which have landed in their ports tuna and tuna-like species caught in the IOTC area the preceding calendar year. This information shall detail the catch composition by weight and species landed. **EFCA** shall forward this information to the IOTC Secretariat by 1 July of each year.

Amendment 80

Proposal for a regulation Article 46 – paragraph 2

Text proposed by the Commission

2. The competent authorities of the port Member State shall forward a copy of the inspection report to the Commission as soon as possible and in any case within three working days. **The Commission** shall transmit that report to the IOTC Secretariat and to the flag CPC point of contact without delay.

Amendment

2. The competent authorities of the port Member State shall forward a copy of the inspection report to **EFCA with the Commission *in copy*** as soon as possible and in any case within three working days. **EFCA** shall transmit that report to the IOTC Secretariat and to the flag CPC point of contact without delay.

Amendment 81

Proposal for a regulation

Article 46 – paragraph 3

Text proposed by the Commission

3. Port Member States shall promptly notify the action taken in the event of infringements to the competent authority of the flag CPC and to the Commission *who* shall transmit that information to the IOTC Secretariat.

Amendment

3. Port Member States shall promptly notify the action taken in the event of infringements to the competent authority of the flag CPC and to **EFCA with** the Commission **in copy**. **EFCA** shall transmit that information to the IOTC Secretariat.

Amendment 82

Proposal for a regulation Article 47 – paragraph 1

Text proposed by the Commission

1. Member States shall submit to the Commission, using the reporting form of Annex **I to CMM 18/03**, any documented information that indicates possible instances of non-compliance by any fishing vessel with IOTC conservation and management measures in the Area over the past two years at least 40 days in advance of the annual meeting of the IOTC. **The Commission** shall examine that information and, if appropriate, forward it to the IOTC Secretariat at least 30 days in advance of the annual meeting.

Amendment

1. Member States shall submit to **EFCA with** the Commission **in copy**, using the reporting form of **the Annex referred to in point 16 of Annex 6a to this Regulation**, any documented information that indicates possible instances of non-compliance by any fishing vessel with IOTC conservation and management measures in the Area over the past two years at least 40 days in advance of the annual meeting of the IOTC. **EFCA** shall examine that information and, if appropriate, forward it to the IOTC Secretariat at least 30 days in advance of the annual meeting.

Amendment 83

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

1. Where **the Commission** receives from a CPC or the IOTC Secretariat any information indicating alleged IUU fishing activities by a Union fishing vessel, it shall transmit that information to the concerned

Amendment

1. Where **EFCA** receives from a CPC or the IOTC Secretariat any information indicating alleged IUU fishing activities by a Union fishing vessel, it shall transmit that information to the concerned Member State

Member State without delay.

without delay, *with the Commission in copy*.

Amendment 84

Proposal for a regulation Article 48 – paragraph 2

Text proposed by the Commission

2. The concerned Member State shall provide the Commission with the findings of any investigation undertaken in relation to the allegations of non-compliance by fishing vessels flying its flag, and any actions taken to address compliance concerns, at least 45 days in advance of the annual meeting of the IOTC. *The Commission* shall forward that information to the IOTC at least 15 days in advance of the annual meeting.

Amendment

2. The concerned Member State shall provide *EFCA with* the Commission *in copy* with the findings of any investigation undertaken in relation to the allegations of non-compliance by fishing vessels flying its flag, and any actions taken to address compliance concerns, at least 45 days in advance of the annual meeting of the IOTC. *EFCA* shall forward that information to the IOTC at least 15 days in advance of the annual meeting.

Amendment 85

Proposal for a regulation Article 49 – paragraph 1

Text proposed by the Commission

1. If *the Commission* receives official notification of the inclusion of a Union fishing vessel in the draft IOTC IUU vessel list from the IOTC Secretariat, it shall transmit that notification, including the supporting evidence and any other documented information provided by the IOTC Secretariat, to the concerned flag Member State.

Amendment

1. If *EFCA* receives official notification of the inclusion of a Union fishing vessel in the draft IOTC IUU vessel list from the IOTC Secretariat, it shall transmit that notification, including the supporting evidence and any other documented information provided by the IOTC Secretariat, to the concerned flag Member State, *with the Commission in copy*.

Amendment 86

Proposal for a regulation Article 49 – paragraph 2

Text proposed by the Commission

2. The concerned Member State shall provide comments not later than 30 days in advance of the annual meeting of the IOTC Compliance Committee. ***The Commission*** shall examine and forward that information to the IOTC Secretariat at least 15 days in advance of the annual meeting of the Compliance Committee.

Amendment

2. The concerned Member State shall provide comments not later than 30 days in advance of the annual meeting of the IOTC Compliance Committee. ***EFCA*** shall examine and forward that information to the IOTC Secretariat, ***with the Commission in copy***, at least 15 days in advance of the annual meeting of the Compliance Committee.

Amendment 87

Proposal for a regulation

Article 49 – paragraph 3 – introductory part

Text proposed by the Commission

3. Once notified by ***the Commission***, the authorities of the concerned flag Member State shall:

Amendment

3. Once notified by ***EFCA***, the authorities of the concerned flag Member State shall:

Amendment 88

Proposal for a regulation

Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. In order to prevent a Union fishing vessel included in the draft IUU vessel list, as referred to under Article 49, from being included in the provisional IOTC IUU vessel list, the flag Member State shall provide following information to ***the Commission***:

Amendment

1. In order to prevent a Union fishing vessel included in the draft IUU vessel list, as referred to under Article 49, from being included in the provisional IOTC IUU vessel list, the flag Member State shall provide following information to ***EFCA***:

Amendment 89

Proposal for a regulation

Article 50 – paragraph 1 – point a – indent 1

Text proposed by the Commission

— that the vessel has conducted fishing in a manner consistent with the CMM;

Amendment

— that the vessel has conducted fishing in a manner consistent with the CMM; **or**

Amendment 90

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

2. **The Commission** shall examine this information and transmit it to the IOTC Secretariat without delay.

Amendment

2. **EFCA** shall examine this information and transmit it to the IOTC Secretariat, **with the Commission in copy**, without delay.

Amendment 91

Proposal for a regulation
Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before 15 June of each year, Member States shall submit to the Commission information, for the preceding calendar year, the information concerning the following elements, using the table in Annex **II to CMM 18/07**:

Amendment

1. Before 15 June of each year, Member States shall submit to the Commission **with EFCA in copy** information, for the preceding calendar year, the information concerning the following elements, using the table in **the Annex referred to in point 17 of Annex 6a to this Regulation**:

Amendment 92

Proposal for a regulation
Article 51 – paragraph 1 – point f

Text proposed by the Commission

(f) zero catches that shall be reported using the table in Annex **II to CMM 18/07**.

Amendment

(f) zero catches that shall be reported using the table in **the Annex referred to in point 17 of Annex 6a to this Regulation**.

Amendment 93

Proposal for a regulation

Article 51 – paragraph 3 – introductory part

Text proposed by the Commission

3. The information referred to in paragraph 1, for type of vessels and in regard to provisional and final data, shall be submitted to the Commission on the following dates:

Amendment

3. The information referred to in paragraph 1, for type of vessels and in regard to provisional and final data, shall be submitted to the Commission ***with EFCA in copy*** on the following dates:

Amendment 94

Proposal for a regulation

Article 51 – paragraph 5

Text proposed by the Commission

5. Member States shall submit to the Commission 75 days before the annual meeting of the IOTC, information for the preceding calendar year, containing the information on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches. The Commission shall compile the information into a Union implementation report and sent it to the IOTC Secretariat.

Amendment

5. Member States shall submit to the Commission ***with EFCA in copy*** 75 days before the annual meeting of the IOTC, information for the preceding calendar year, containing the information on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches. The Commission shall compile the information into a Union implementation report and sent it to the IOTC Secretariat, ***with EFCA in copy***.

Amendment 95

Proposal for a regulation

Article 51 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. Flag Member States shall send annually to the Commission a national scientific report, not later than 45 days before the session of the IOTC Scientific Committee, at a date communicated by the Commission, containing the following points:

6. Flag Member States shall send annually to the Commission *with EFCA in copy* a national scientific report, not later than 45 days before the session of the IOTC Scientific Committee, at a date communicated by the Commission, containing the following points:

Amendment 96

Proposal for a regulation

Article 51 – paragraph 7

Text proposed by the Commission

7. The report referred to in paragraph 6 shall be reported in accordance with the template prescribed by the Scientific Committee of the IOTC. The Commission shall send to the flag Member States the required template. The Commission shall analyse the information in the report, compile them into a Union report and send it to the IOTC Secretariat.

Amendment

7. The report referred to in paragraph 6 shall be reported in accordance with the template prescribed by the Scientific Committee of the IOTC. The Commission shall send to the flag Member States the required template. The Commission shall analyse the information in the report, compile them into a Union report and send it to the IOTC Secretariat *with copy to EFCA*.

Amendment 97

Proposal for a regulation

Article 52 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

All personal data collected, transferred and stored in the framework of this Regulation shall comply with Regulation (EU) 2016/679^{1a}.

^{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)

Amendment 98

Proposal for a regulation Article 53 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission shall adopt, by ... [6 months after the date of entry into force of this Regulation], a delegated act in accordance with Article 54 supplementing this Regulation with the provisions of and Annexes to the measures referred to in Annex 6a to this Regulation. The Commission is empowered to adopt delegated acts in accordance with Article 54 to amend that delegated act subsequently.

Amendment 99

Proposal for a regulation Article 53 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where necessary in order to implement into Union law amendments to, or supplement, the existing IOTC resolutions which become binding on the Union, and insofar as amendments to Union law do not go beyond the IOTC resolutions, the Commission is empowered to adopt delegated acts in accordance with Article 54 for the purpose of amending:

1. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending this Regulation in order to adapt it to measures adopted by IOTC that bind the Union and its Member States as regards:

Amendment 100

Proposal for a regulation
Article 53 – paragraph 1 – point g

Text proposed by the Commission

(g) Annexes 1 to 6;

Amendment

(g) Annexes 1 to **6a**;

Amendment 101

Proposal for a regulation
Article 53 – paragraph 1 – point h

Text proposed by the Commission

(h) references to international acts of Article 3(12), Article 9(3)(d), Article 9(4), Article 10, Article 12(1), Article 18(3) and (5), Article 21(4), Article 23(4), Article 27(3), Article 40(1), (3) and (4), Article 42(2) and (3), Article 45 (3) and (4), Article 47(1), Article 51(1), and Article 51(1)(f).

Amendment

deleted

Amendment 102

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

2. Any amendments adopted in accordance with *paragraph 1* shall be strictly limited to the implementation of amendments *and/or supplement to the* IOTC resolutions *concerned into* Union law.

Amendment

2. Any amendments adopted in accordance with *paragraphs 1 and 2* shall be strictly limited to the implementation of amendments to *or replacements of the respective* IOTC resolutions *which are binding on the* Union.

Amendment 103

Proposal for a regulation
Annex 1 – paragraph 2 – subparagraph 4

Text proposed by the Commission

If fishing set: specify if the set was successful, nil, well; type of school (free swimming school or FAD associated. If FAD associated, specify the type (e.g. log or other natural object, drifting FAD, anchored FAD, etc.). **Refer to the CMM 18/08**

Amendment

If fishing set: specify if the set was successful, nil, well; type of school (free swimming school or FAD associated. If FAD associated, specify the type (e.g. log or other natural object, drifting FAD, anchored FAD, etc.).

Amendment 104

**Proposal for a regulation
Annex VI – paragraph 1 – subparagraph 7**

Text proposed by the Commission

The chartering CPC shall report to the IOTC all catches, including bycatch and discards, and other information required by the IOTC, and as per the Charter Notification Scheme detailed in **Part IV of CMM 19/07**.

Amendment

The chartering CPC shall report to the IOTC all catches, including bycatch and discards, and other information required by the IOTC, and as per the Charter Notification Scheme detailed in **Article 36 of this Regulation**.

Amendment 105

**Proposal for a regulation
Annex VI a (new)**

Text proposed by the Commission

Amendment

ANNEX 6a

- (1) Annex III to CMM 19/06, referred to in point 12 of Article 3;**
- (2) Annex V to CMM 19/02, referred to in point (d) of Article 9(3), Article 9(4) and Article 10;**
- (3) Paragraph 5 of CMM 16/11, referred to in Article 12(1);**
- (4) Annex I to CMM 19/03, referred to in Article 18(3);**

(5) The Guidelines for handling turtles included in the IOTC Marine Turtle Identification Cards, referred to in Article 21(1), point (a);

(6) FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations, referred to in Article 21(4);

(7) Annex I to CMM 05/07, referred to in Article 27(3);

(8) Annex II to CMM 05/07, referred to in Article 27(3);

(9) Annex I to CMM 03/03, referred to in Article 40(1);

(10) Annex II to CMM 03/03, referred to in Article 40(1);

(11) Annex IV to CMM 03/03, referred to in Article 40(3);

(12) Annex III to CMM 03/03, referred to in Article 40(4);

(13) Annex I to CMM 16/11, referred to in Article 42(2);

(14) Annex II to CMM 16/11, referred to in Article 45(3);

(15) Annex III to CMM 16/11, referred to in Article 45(4);

(16) Annex I to CMM 18/03, referred to in Article 47(1);

(17) Annex II to CMM 18/07, referred to in Article 51(1) and point (f);

(18) Part IV of CMM 19/07, referred to in Annex 6.