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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2018/973 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 4 July 2018

establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The United Nations Convention of 10 December 1982 on the Law of the Sea, to which the Union is a contracting party, provides for conservation obligations, including maintaining or restoring populations of harvested species at levels which can produce the maximum sustainable yield ('MSY').
- (2) At the United Nations Summit on Sustainable Development held in New York in 2015, the Union and its Member States committed themselves, by 2020, to effectively regulate harvesting, to end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices, and to implement science-based management plans, in order to restore fish stocks, in the shortest time feasible, at least to levels that can produce MSY as determined by their biological characteristics.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ establishes the rules of the Common Fisheries Policy ('CFP') in line with the international obligations of the Union. The CFP is to contribute to the protection of the marine environment, the sustainable management of all commercially exploited species and in particular the achievement of good environmental status by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council ⁽⁴⁾.
- (4) The objectives of the CFP are, inter alia, to ensure that fishing and aquaculture are environmentally sustainable in the long term, to apply the precautionary approach to fisheries management and to implement the ecosystem-based approach to fisheries management.

⁽¹⁾ OJ C 75, 10.3.2017, p. 109.

⁽²⁾ Position of the European Parliament of 29 May 2018 (not yet published in the Official Journal) and decision of the Council of 18 June 2018.

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

- (5) To achieve the objectives of the CFP, a number of conservation measures are to be adopted, as appropriate, in any combination thereof, such as multiannual plans, technical measures, fixing and allocation of fishing opportunities.
- (6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multiannual plans are to be based on scientific, technical and economic advice. In accordance with those provisions, the multiannual plan established by this Regulation ('the plan') should contain objectives, quantifiable targets with clear timeframes, conservation reference points, safeguards and technical measures designed to avoid and reduce unwanted catches.
- (7) The 'best available scientific advice' should be understood to refer to publicly available scientific advice that is supported by the most up-to-date scientific data and methods and that has either been issued or reviewed by an independent scientific body that is recognised at Union or international level.
- (8) The Commission should obtain the best available scientific advice for the stocks falling within the scope of the plan. In order to do so, it concludes Memoranda of Understanding with the International Council for the Exploration of the Sea (ICES). The scientific advice issued by ICES should be based on the plan and should indicate, in particular, ranges of F_{MSY} and biomass reference points, i.e. $MSY B_{trigger}$ and B_{lim} . Those values should be indicated in the relevant stock advice and, where appropriate, in any other publicly-available scientific advice, including, for example, in mixed fisheries advice issued by ICES.
- (9) Council Regulations (EC) No 676/2007 ⁽¹⁾ and (EC) No 1342/2008 ⁽²⁾ set out the rules for the sustainable exploitation of the stocks of cod, plaice and sole in the North Sea and its adjacent waters. Those and other demersal stocks are taken in mixed fisheries. Therefore, it is appropriate to establish a single multiannual plan taking into account such technical interactions.
- (10) In addition, such a multiannual plan should apply to demersal stocks and their fisheries in the North Sea. Those are roundfish, flatfish and cartilaginous fish species, Norway lobster (*Nephrops norvegicus*) and Northern prawn (*Pandalus borealis*) that live at or near the bottom of the water column.
- (11) Some demersal stocks are exploited both in the North Sea and in its adjacent waters. Therefore the scope of the provisions of the plan relating to targets and safeguards for stocks that are mainly exploited in the North Sea should be extended so that they also cover those areas outside the North Sea. In addition, for stocks which are present in the North Sea, but which are mainly exploited outside the North Sea, it is necessary to establish the targets and safeguards in multiannual plans for areas outside the North Sea where those stocks are mainly exploited, extending the scope of those multiannual plans so that they also cover the North Sea.
- (12) The geographical scope of the plan should be based on the geographical distribution of stocks indicated in the latest scientific stock advice provided by ICES. Future changes to the geographical distribution of stocks as set out in the plan may be needed either due to improved scientific information or due to migration of stocks. Therefore, the Commission should be empowered to adopt delegated acts adjusting the geographical distribution of stocks set out in the plan if the scientific advice provided by ICES indicates a change in the geographical distribution of the relevant stocks.
- (13) Where stocks of common interest are also exploited by third countries, the Union should engage with those third countries with a view to ensuring that those stocks are managed in a sustainable manner that is consistent with the objectives of Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of this Regulation. Where no formal agreement is reached, the Union should make every effort to reach common arrangements for fishing of such stocks with a view to making sustainable management possible, thereby promoting a level-playing field for Union operators.
- (14) The objective of the plan should be to contribute to the achievement of the objectives of the CFP, and in particular to reaching and maintaining MSY for the target stocks implementing the landing obligation for demersal stocks subject to catch limits, to promoting a fair standard of living for those who depend on fishing

⁽¹⁾ Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multiannual plan for fisheries exploiting stocks of plaice and sole in the North Sea (OJ L 157, 19.6.2007, p. 1).

⁽²⁾ Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 (OJ L 348, 24.12.2008, p. 20).

activities, bearing in mind coastal fisheries and socioeconomic aspects, and to implementing the ecosystem-based approach to fisheries management. The plan should also specify details for the implementation of the landing obligation in Union waters of the North Sea for all stocks of species to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013.

- (15) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the objectives set out in Article 2(2) thereof and comply with the targets, time frames and margins established in the multiannual plans.
- (16) It is appropriate to establish the target fishing mortality ('F') that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving MSY (F_{MSY}). Those ranges, based on the best available scientific advice, are necessary in order to provide the flexibility to take account of developments in scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries. The ranges of F_{MSY} should be calculated and provided by ICES, in particular in its periodic catch advice. Based on the plan, they are derived to deliver no more than a 5 % reduction in long-term yield compared to MSY, as set out in ICES' response to the 'EU request to ICES to provide ranges of F_{MSY} for selected North Sea and Baltic Sea Stocks'. The upper limit of the range is capped, so that the probability of the stock falling below B_{lim} is no more than 5 %. That upper limit also conforms to the ICES advice rule, which indicates that when the spawning biomass or abundance is in a poor state, F is to be reduced to a value that does not exceed an upper limit equal to the F_{MSY} point value multiplied by the spawning biomass or abundance in the total allowable catch (TAC) year divided by MSY $B_{trigger}$. ICES uses those considerations and the advice rule in its provision of scientific advice on fishing mortality and catch options.
- (17) For the purposes of fixing fishing opportunities, there should be an upper threshold for ranges of F_{MSY} in normal use and, provided that the stock concerned is considered to be in a good state, an upper limit for certain cases. It should be possible to fix fishing opportunities at the upper limit only if, on the basis of scientific advice or evidence, it is necessary to achieve the objectives of this Regulation in mixed fisheries or necessary to avoid harm to a stock caused by intra- or inter-species stock dynamics, or in order to limit the year-to-year variations in fishing opportunities.
- (18) For stocks for which targets relating to MSY are available, and for the purpose of the application of safeguard measures, it is necessary to establish conservation reference points expressed as trigger spawning biomass levels for fish stocks, and trigger abundance levels for Norway lobster.
- (19) Appropriate safeguard measures should be provided for in case the stock size falls below those levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice states that remedial measures are needed. Those measures should be supplemented by all other appropriate measures such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member State measures in accordance with Article 13 of that Regulation.
- (20) It should be possible to set the TAC for Norway lobster in ICES division 2a and subarea 4 as the sum of the catch limits established for each functional unit and of the statistical rectangles outside the functional units within that TAC area. However, this should not preclude the adoption of measures to protect specific functional units.
- (21) Where the Council takes into account a significant impact of recreational fisheries in the framework of the fishing opportunities for a certain stock, it should be able to set a TAC for commercial catches which takes into account the volume of recreational catches and/or to adopt other measures restricting recreational fisheries such as bag limits and closure periods.
- (22) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for additional management measures to be further specified in accordance with Article 18 of that Regulation.
- (23) In order to avoid the disruptive dislocation of fishing activity which could have a negative impact on the state of the cod stocks, it is appropriate to maintain the system of fishing authorisations linked to a limitation of the total capacity of fishing vessels' engine power in ICES division 7d, as previously applicable under Regulation (EC) No 1342/2008.

- (24) The deadline for submitting joint recommendations from Member States having a direct management interest should be established, as required by Regulation (EU) No 1380/2013.
- (25) In accordance with Article 10(3) of Regulation (EU) No 1380/2013, provisions should be established for the assessment by the Commission, by 6 August 2023 and every five years thereafter, of the adequacy and effectiveness of the application of this Regulation based on scientific advice. That period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fisheries. It is also the minimum period required by scientific bodies.
- (26) In order to adapt to technical and scientific progress in a timely and proportionate manner, to ensure flexibility and to allow for the evolution of certain measures, 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 supplementing this Regulation as regards adjustments concerning the stocks covered by this Regulation following changes in the geographical distribution of the stocks, remedial measures and implementation of the landing obligation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁾. 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.
- (27) In order to provide legal certainty, it is appropriate to clarify that temporary cessation measures that have been adopted in order to attain the objectives of the plan can be deemed eligible for support under Regulation (EU) No 508/2014 of the European Parliament and of the Council ⁽²⁾.
- (28) Regulations (EC) No 676/2007 and (EC) No 1342/2008 should be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject-matter and scope

1. This Regulation establishes a multiannual plan ('the plan') for the following demersal stocks in Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4), including the fisheries exploiting those stocks, and, where those stocks extend beyond the North Sea, in its adjacent waters:

- (a) Cod (*Gadus morhua*) in subarea 4 (North Sea) and divisions 7d (Eastern Channel) and 3a.20 (Skagerrak);
- (b) Haddock (*Melanogrammus aeglefinus*) in subarea 4 (North Sea) and divisions 6a (West of Scotland) and 3a.20 (Skagerrak);
- (c) Plaice (*Pleuronectes platessa*) in subarea 4 (North Sea) and division 3a.20 (Skagerrak);
- (d) Saithe (*Pollachius virens*) in subareas 4 (North Sea) and 6 (Rockall and West of Scotland) and division 3a (Skagerrak and Kattegat);
- (e) Sole (*Solea solea*) in subarea 4 (North Sea);
- (f) Sole (*Solea solea*) in division 3a (Skagerrak and Kattegat) and subdivisions 22–24 (Western Baltic Sea);
- (g) Whiting (*Merlangius merlangus*) in subarea 4 (North Sea) and division 7d (Eastern English Channel);
- (h) Anglerfish (*Lophius piscatorius*) in division 3a (Skagerrak and Kattegat) and subareas 4 (North Sea) and 6 (Rockall and West of Scotland);
- (i) Northern Prawn (*Pandalus borealis*) in divisions 4a East (Northern North Sea, Norwegian Deep) and 3a.20 (Skagerrak);
- (j) Norway lobster (*Nephrops norvegicus*) in division 3a (Functional Units 3-4);

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

- (k) Norway lobster in subarea 4 (North Sea) by Functional Unit:
- Norway lobster in Botney Gut-Silver Pit (Functional Unit 5);
 - Norway lobster in Farn Deep (Functional Unit 6);
 - Norway lobster in Fladen Ground (Functional Unit 7);
 - Norway lobster in Firth of Forth (Functional Unit 8);
 - Norway lobster in Moray Firth (Functional Unit 9);
 - Norway lobster in Noup (Functional Unit 10);
 - Norway lobster in Norwegian Deep (Functional Unit 32);
 - Norway lobster in Horn's Reef (Functional Unit 33);
 - Norway lobster in Devil's Hole (Functional Unit 34).

Where scientific advice indicates a change in the geographical distribution of the stocks listed in the first subparagraph of this paragraph, the Commission may adopt delegated acts in accordance with Article 16 amending this Regulation by adjusting the areas listed in the first subparagraph of this paragraph in order to reflect that change. Such adjustments shall not extend the stock areas beyond Union waters of subareas 2 to 7.

2. Where, on the basis of scientific advice, the Commission considers that the list of stocks set out in the first subparagraph of paragraph 1 needs to be amended, the Commission may submit a proposal for the amendment of that list.
3. With respect to adjacent waters referred to in paragraph 1 of this Article, only Articles 4 and 6 and the measures related to fishing opportunities under Article 7 shall apply.
4. This Regulation also applies to by-catches caught in the North Sea when fishing for the stocks listed in the first subparagraph of paragraph 1. However, where ranges of F_{MSY} and safeguards linked to biomass are established for those stocks under other Union legal acts establishing multiannual plans, those ranges and safeguards shall apply.
5. This Regulation also specifies details for the implementation of the landing obligation in Union waters of the North Sea for all stocks of species to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply in addition to those laid down in Article 3 of Council Regulation (EC) No 850/98 ⁽¹⁾, Article 4 of Council Regulation (EC) No 1224/2009 ⁽²⁾ and Article 4 of Regulation (EU) No 1380/2013:

- (1) 'Range of F_{MSY} ' means a range of values provided for in the best available scientific advice, in particular by the International Council on the Exploration of the Sea (ICES), where all levels of fishing mortality within that range result in maximum sustainable yield (MSY) in the long term with a given fishing pattern and under current average environmental conditions without significantly affecting the reproduction process for the stock in question. It is derived to deliver no more than a 5 % reduction in long-term yield compared to the MSY. It is capped so that the probability of the stock falling below the limit spawning stock biomass reference point (B_{lim}) is no more than 5 %;
- (2) ' $MSY F_{lower}$ ' means the lowest value within the range of F_{MSY} ;
- (3) ' $MSY F_{upper}$ ' means the highest value within the range of F_{MSY} ;
- (4) ' F_{MSY} point value' is the value of the estimated fishing mortality that with a given fishing pattern and under current average environmental conditions gives the long-term MSY;
- (5) 'Lower range of F_{MSY} ' means a range that contains values from $MSY F_{lower}$ up to F_{MSY} point value;

⁽¹⁾ Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

⁽²⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (6) 'Upper range of F_{MSY} ' means a range that contains values from F_{MSY} point value up to $MSY F_{upper}$;
- (7) ' B_{lim} ' means the spawning stock biomass reference point provided for in the best available scientific advice, in particular by ICES, below which there may be reduced reproductive capacity;
- (8) ' $MSY B_{trigger}$ ' means the spawning stock biomass and, in the case of Norway lobster stocks, the abundance reference point provided for in the best available scientific advice, in particular by ICES, below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term.

CHAPTER II

OBJECTIVES

Article 3

Objectives

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY.
2. The plan shall contribute to the elimination of discards, by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to catch limits and to which this Regulation applies.
3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC.
4. In particular, the plan shall aim to:
 - (a) ensure that the conditions described in descriptor 3 contained in Annex I to Directive 2008/56/EC are fulfilled; and
 - (b) contribute to the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.
5. Measures under the plan shall be taken in accordance with the best available scientific advice. Where there is insufficient data, a comparable degree of conservation of the relevant stocks shall be pursued.

CHAPTER III

TARGETS

Article 4

Targets

1. The target fishing mortality, in line with the ranges of F_{MSY} defined in Article 2, shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks listed in Article 1(1), and shall be maintained thereafter within the ranges of F_{MSY} in accordance with this Article.
2. The ranges of F_{MSY} based on the plan shall be requested from ICES.
3. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, when the Council fixes fishing opportunities for a stock, it shall establish those opportunities within the lower range of F_{MSY} available at that time for that stock.

4. Notwithstanding paragraphs 1 and 3, fishing opportunities for a stock may be fixed at levels that are lower than the ranges of F_{MSY} .
5. Notwithstanding paragraphs 3 and 4, fishing opportunities for a stock may be fixed in accordance with the upper range of F_{MSY} available at that time for that stock, provided that the stock referred to in Article 1(1) is above $MSY B_{trigger}$:
 - (a) if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;
 - (b) if, on the basis of scientific advice or evidence, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or
 - (c) in order to limit variations in fishing opportunities between consecutive years to not more than 20 %.
6. Fishing opportunities shall in any event be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below B_{lim} .

Article 5

Management of by-catch stocks

1. For the stocks referred to in Article 1(4), management measures including, where appropriate, fishing opportunities, shall be set taking into account the best available scientific advice and shall be consistent with the objectives laid down in Article 3.
2. Those stocks shall be managed under the precautionary approach to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013 when no adequate scientific information is available.
3. In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the management of mixed fisheries with regard to stocks referred to in Article 1(4) of this Regulation shall take into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where that leads to a premature closure of the fishery.

CHAPTER IV

SAFEGUARDS

Article 6

Conservation reference points

The following conservation reference points to safeguard the full reproductive capacity of the stocks referred to in Article 1(1) shall be requested from ICES based on the plan:

- (a) $MSY B_{trigger}$ for stocks referred to in Article 1(1);
- (b) B_{lim} for stocks referred to in Article 1(1).

Article 7

Safeguards

1. When scientific advice indicates that, for a given year, the spawning stock biomass and, in the case of Norway lobster stocks, the abundance of any of the stocks referred to in Article 1(1) are below $MSY B_{trigger}$, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing MSY . In particular, by way of derogation from Article 4(3) and (5), fishing opportunities shall be fixed at levels consistent with a fishing mortality that is reduced below the upper range of F_{MSY} , taking into account the decrease in biomass.
2. When scientific advice indicates that the spawning stock biomass and, in the case of Norway lobster stocks, the abundance of any of the stocks referred to in Article 1(1) are below the B_{lim} , further remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing MSY . In particular, those remedial measures may include, by way of derogation from Article 4(3) and (5), suspending the targeted fishery for the stock or functional unit concerned and the adequate reduction of fishing opportunities.

3. Remedial measures referred to in this Article may include:
 - (a) emergency measures in accordance with Articles 12 and 13 of Regulation (EU) No 1380/2013;
 - (b) measures pursuant to Articles 8 and 9 of this Regulation.
4. The choice of measures referred to in this Article shall be made taking into account the nature, seriousness, duration and repetition of the situation where the spawning stock biomass and, in the case of Norway lobster stocks, the abundance are below the levels referred to in Article 6.

Article 8

Specific conservation measures

When scientific advice indicates that remedial action is required for the conservation of any of the demersal stocks referred to in Article 1(4) of this Regulation, or when the spawning stock biomass and, in the case of Norway lobster stocks, the abundance of any of the stocks covered by Article 1(1) for a given year are below $MSY B_{trigger}$, the Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013. Such delegated acts may supplement this Regulation by laying down rules regarding:

- (a) characteristics of fishing gear, in particular mesh size, hook size, construction of the gear, twine thickness, size of the gear or use of selectivity devices to ensure or improve selectivity;
- (b) use of the fishing gear, in particular immersion time, depth of gear deployment, to ensure or improve selectivity;
- (c) prohibition or limitation to fish in specific areas to protect spawning and juvenile fish, fish below the minimum conservation reference size or non-target fish species;
- (d) prohibition or limitation on fishing or the use of certain types of fishing gear during specific time periods, to protect spawning fish, fish below the minimum conservation reference size or non-target fish species;
- (e) minimum conservation reference sizes, to ensure the protection of juveniles of marine organisms;
- (f) other characteristics linked to selectivity.

CHAPTER V

TECHNICAL MEASURES

Article 9

Technical measures

1. The Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures:

- (a) specifications of characteristics of fishing gears and rules governing their use, to ensure or to improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;
- (b) specifications of modifications or additional devices to the fishing gears, to ensure or to improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;
- (c) limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods to protect spawning fish, fish below the minimum conservation reference size or non-target fish species, or to minimise the negative impact on the ecosystem; and
- (d) the fixing of minimum conservation reference sizes for any of the stocks to which this Regulation applies, to ensure the protection of juveniles of marine organisms.

2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3.

CHAPTER VI

FISHING OPPORTUNITIES*Article 10***Fishing opportunities**

1. When allocating fishing opportunities available to them in accordance with Article 17 of Regulation (EU) No 1380/2013, Member States shall take account of the likely catch composition of vessels participating in mixed fisheries.
2. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them pursuant to Article 16(8) of Regulation (EU) No 1380/2013.
3. Without prejudice to Article 7 of this Regulation, the TAC for the stock of Norway lobster in ICES zones 2a and 4 may be the sum of the catch limits of the functional units and of the statistical rectangles outside the functional units.
4. When scientific advice indicates that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council shall take them into account and may limit recreational fisheries when fixing fishing opportunities in order to avoid exceeding the total target of fishing mortality.

CHAPTER VII

PROVISIONS LINKED TO THE LANDING OBLIGATION*Article 11***Provisions linked to the landing obligation in Union waters of the North Sea**

For all stocks of species in the North Sea to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013, the Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013.

CHAPTER VIII

ACCESS TO WATERS AND RESOURCES*Article 12***Fishing authorisations and capacity ceilings**

1. For each of the ICES zones referred to in Article 1(1) of this Regulation, each Member State shall issue fishing authorisations in accordance with Article 7 of Regulation (EC) No 1224/2009 for vessels flying its flag and which engage in fishing activities in that area. In such fishing authorisations, Member States may also limit the total capacity expressed in kW of such vessels using a specific gear.
2. For cod in the Eastern Channel (ICES division 7d), without prejudice to the capacity ceilings set out in Annex II to Regulation (EU) No 1380/2013, the total capacity expressed in kW of the vessels having fishing authorisations issued in accordance with paragraph 1 of this Article shall not be greater than the maximum capacity of the vessels that have been active in 2006 or 2007 using one of the following gears in the ICES zone concerned:
 - (a) bottom trawls and seines (OTB, OTT, PTB, SDN, SSC, SPR) of mesh:
 - (i) equal to or larger than 100 mm;
 - (ii) equal to or larger than 70 mm and less than 100 mm;
 - (iii) equal to or larger than 16 mm and less than 32 mm;
 - (b) beam trawls (TBB) of mesh:
 - (i) equal to or larger than 120 mm;
 - (ii) equal to or larger than 80 mm and less than 120 mm;

- (c) gill nets, entangling nets (GN);
- (d) trammel nets (GT);
- (e) longlines (LL).

3. Each Member State shall establish and maintain a list of vessels holding the fishing authorisation referred to in paragraph 1 and make it available on its official website to the Commission and the other Member States.

CHAPTER IX

MANAGEMENT OF STOCKS OF COMMON INTEREST

Article 13

Principles and objectives of management of stocks of common interest to the Union and third countries

1. Where stocks of common interest are also exploited by third countries, the Union shall engage with those third countries with a view to ensuring that those stocks are managed in a sustainable manner that is consistent with the objectives of Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of this Regulation. Where no formal agreement is reached, the Union shall make every effort to reach common arrangements for fishing of such stocks with a view to making sustainable management possible, thereby promoting a level-playing field for Union operators.
2. In the context of the joint management of stocks with third countries, the Union may exchange fishing opportunities with third countries pursuant to Article 33(2) of Regulation (EU) No 1380/2013.

CHAPTER X

REGIONALISATION

Article 14

Regional cooperation

1. Article 18(1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 8, 9 and 11 of this Regulation.
2. For the purpose of paragraph 1 of this Article, Member States having a direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than 6 August 2019 and thereafter 12 months after each submission of the evaluation of the plan in accordance with Article 15 of this Regulation. They may also submit such recommendations when deemed necessary by them, in particular in the event of an abrupt change in the situation for any of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 July of the previous year.
3. The empowerments granted under Articles 8, 9 and 11 of this Regulation shall be without prejudice to powers conferred to the Commission under other provisions of Union law, including under Regulation (EU) No 1380/2013.

CHAPTER XI

FOLLOW UP

Article 15

Evaluation of the plan

By 6 August 2023 and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the results and impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks, in particular as regards the achievement of the objectives set out in Article 3.

CHAPTER XII

PROCEDURAL PROVISIONS*Article 16***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 1(1) and Articles 8, 9 and 11 shall be conferred on the Commission for a period of five years from 5 August 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 1(1) and Articles 8, 9 and 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 1(1) and Articles 8, 9 and 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

CHAPTER XIII

SUPPORT FROM THE EUROPEAN MARITIME AND FISHERIES FUND*Article 17***Support from the European Maritime and Fisheries Fund**

Temporary cessation measures adopted in order to achieve the objectives of the plan shall be deemed as a temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.

CHAPTER XIV

FINAL PROVISIONS*Article 18***Repeals**

1. Regulations (EC) No 676/2007 and (EC) No 1342/2008 are repealed.
2. References made to the repealed Regulations shall be construed as references to this Regulation.

*Article 19***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 4 July 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

K. EDTSTADLER

Joint Statement by the European Parliament and the Council on prohibited species

The Regulation to be adopted on the basis of the Commission proposal on the conservation of fishery resources and the protection of marine ecosystems through technical measures (2016/0074(COD)) should contain provisions, inter alia, on the species for which fishing is prohibited. For that reason the two institutions have agreed not to include a list concerning the North Sea in this Regulation (2016/0238(COD)).

Joint Statement by the European Parliament and the Council on control

The European Parliament and the Council will include the following control provisions in the upcoming review of the Control Regulation (Regulation (EC) No 1224/2009) where relevant to the North Sea: prior notifications, logbook requirements, designated ports, and other control provisions.

REGULATION (EU) 2018/974 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 4 July 2018
on statistics of goods transport by inland waterways
(codification)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Regulation (EC) No 1365/2006 of the European Parliament and of the Council ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality, that Regulation should be codified.
- (2) Inland waterways are an important part of the Union's transport networks and the promotion of inland waterways transport is one of the objectives of the common transport policy, both for reasons of economic efficiency and in order to reduce energy consumption and the environmental impact of transport.
- (3) The Commission needs statistics concerning the transport of goods by inland waterways in order to monitor and develop the common transport policy, as well as the transport elements of policies on the regions and on trans-European networks.
- (4) European statistics on all modes of transport should be collected according to common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.
- (5) Inland waterways transport does not occur in all Member States and, therefore, the effect of this Regulation is limited to those Member States where this mode of transport exists.
- (6) Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽⁴⁾ provides a reference framework for the provisions laid down by this Regulation.
- (7) In order to take into account economic and technical trends and changes in definitions adopted at international level, 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 this Regulation to raise the threshold above 1 000 000 tonnes for statistical coverage of inland waterways transport, to adapt definitions or provide for new ones, as well as to adapt the Annexes to this Regulation to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁵⁾. In particular, in order 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.

⁽¹⁾ Position of the European Parliament of 29 May 2018 (not yet published in the Official Journal) and Decision of the Council of 18 June 2018.

⁽²⁾ Regulation (EC) No 1365/2006 of the European Parliament and of the Council of 6 September 2006 on statistics of goods transport by inland waterways and repealing Council Directive 80/1119/EEC (OJ L 264, 25.9.2006, p. 1).

⁽³⁾ See Annex VII.

⁽⁴⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

⁽⁵⁾ OJ L 123, 12.5.2016, p. 1.

- (8) The Commission should ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents.
- (9) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission so as to enable it to adopt arrangements for transmitting data, including data interchange standards, for the dissemination of results by the Commission (Eurostat) and also to develop and to publish methodological requirements and criteria designed to ensure the quality of the data produced. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (10) It is necessary for the Commission to arrange for pilot studies to be conducted on the availability of statistical data relating to passenger transport by inland waterways, including by cross border transport services. The Union should contribute to the cost of carrying out those pilot studies. Such contributions should take the form of grants awarded to the national statistical institutes and other national authorities referred to in Article 5 of Regulation (EC) No 223/2009, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾.
- (11) Since the objective of this Regulation, namely the creation of common statistical standards that permit the production of harmonised data, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of that creation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes common rules for the production of European statistics concerning inland waterways transport.

Article 2

Scope

1. Member States shall transmit data relating to inland waterways transport on their national territory to the Commission (Eurostat).
2. Member States in which the total volume of goods transported annually by inland waterways as national, international or transit transport exceeds 1 000 000 tonnes shall supply the data referred to in Article 4(1).
3. By way of derogation from paragraph 2, Member States which do not have international or transit inland waterways transport but in which the total volume of goods transported annually by inland waterways as national transport exceeds 1 000 000 tonnes shall supply only the data required under Article 4(2).
4. This Regulation shall not apply to:
 - (a) the carriage of goods by vessels of less than 50 deadweight tonnes;
 - (b) vessels used principally for the carriage of passengers;
 - (c) vessels used for ferrying purposes;
 - (d) vessels used solely for non-commercial purposes by port administrations and public authorities;

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

- (e) vessels used solely for bunkering or storage;
- (f) vessels not used for the carriage of goods such as fishery vessels, dredgers, floating workshops, houseboats and pleasure craft.

5. The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of paragraph 2 of this Article in order to raise the threshold for statistical coverage of inland waterways transport referred to therein so as to take economic and technical trends into account.

When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'navigable inland waterway' means a watercourse, not part of the sea, which by natural or man-made features is suitable for navigation, primarily by inland waterway vessels;
- (b) 'inland waterway vessel' means a floating craft designed for the carriage of goods or public transport of passengers which navigates predominantly in navigable inland waterways or in waters within, or closely adjacent to sheltered waters or areas where port regulations apply;
- (c) 'nationality of the vessel' means the country where the vessel is registered;
- (d) 'inland waterways transport' means any movement of goods and/or passengers using inland waterways vessels which is undertaken wholly or partly in navigable inland waterways;
- (e) 'national inland waterways transport' means inland waterways transport between two ports of a national territory irrespective of the nationality of the vessel;
- (f) 'international inland waterways transport' means inland waterways transport between two ports located in different national territories;
- (g) 'transit inland waterways transport' means inland waterways transport through a national territory between two ports both located in another national territory or national territories provided that in the total journey within the national territory there is no transshipment;
- (h) 'inland waterways traffic' means any movement of a vessel on a given navigable inland waterway.

The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the first paragraph of this Article to adapt the definitions contained therein or to provide for new ones in order to take relevant definitions amended or adopted at international level into account.

When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

Article 4

Data collection

1. Data shall be collected in accordance with the tables set out in Annexes I to IV.
2. In the case referred to in Article 2(3), data shall be collected in accordance with the table set out in Annex V.
3. For the purposes of this Regulation, goods shall be classified in accordance with Annex VI.
4. The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the Annexes to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts.

When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

Article 5

Pilot studies

1. By 8 December 2018, the Commission, in cooperation with the Member States, shall develop the appropriate methodology for compiling statistics on passenger transport by inland waterways, including by cross-border transport services.
2. By 8 December 2019, the Commission shall launch voluntary pilot studies to be carried out by Member States that provide data within the scope of this Regulation on the availability of statistical data relating to passenger transport by inland waterways, including by cross-border transport services. Those pilot studies shall aim to assess the feasibility of those new data collections, the costs of the related data collections and the statistical quality implied.
3. By 8 December 2020, the Commission shall submit a report to the European Parliament and to the Council on the results of such pilot studies. Depending on the results of that report, and within a reasonable period, the Commission shall submit, if appropriate, a legislative proposal to the European Parliament and to the Council to amend this Regulation with regard to statistics on passenger transport by inland waterways, including by cross-border transport services.
4. The general budget of the Union shall, where appropriate and taking into account the Union's added value, contribute to the financing of those pilot studies.

Article 6

Transmission of data

1. The transmission of data shall take place as soon as possible and no later than five months after the end of the relevant period of observation.
2. The Commission shall adopt implementing acts laying down the arrangements for transmitting data to the Commission (Eurostat), including data interchange standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

Article 7

Dissemination

European statistics based on the data referred to in Article 4 shall be disseminated with a frequency similar to that laid down for the transmission of data by the Member States.

The Commission shall adopt implementing acts laying down the arrangements for disseminating results. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

Article 8

Quality of data

1. The Commission shall adopt implementing acts laying down the methodological requirements and criteria designed to ensure the quality of the data produced. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).
2. Member States shall take all measures necessary to ensure the quality of the data transmitted.
3. The Commission (Eurostat) shall assess the quality of the data transmitted. Member States shall supply the Commission (Eurostat) with a report containing such information and data as it may request in order to verify the quality of the data transmitted.
4. For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in Article 12(1) of Regulation (EC) No 223/2009.
5. The Commission shall adopt implementing acts laying down the detailed arrangements, structure, periodicity and comparability elements for the quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

*Article 9***Reports on implementation**

By 31 December 2020 and every five years thereafter, the Commission, after consulting the European Statistical System Committee, shall submit a report to the European Parliament and to the Council on the implementation of this Regulation and on future developments.

In that report, the Commission shall take relevant information provided by Member States on potential improvements and on users' needs into account. In particular, that report shall assess:

- (a) the benefits accruing to the Union, the Member States and the providers and users of statistical information, of the statistics produced, in relation to their costs;
- (b) the quality of the data transmitted and the data collection methods used.

*Article 10***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 2(5), Article 3 and Article 4(4) shall be conferred on the Commission for a period of five years from 7 December 2016. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 2(5), Article 3 and Article 4(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 2(5), Article 3 or Article 4(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 11***Committee procedure**

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 12***Repeal**

Regulation (EC) No 1365/2006 is hereby repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

*Article 13***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 4 July 2018.

For the European Parliament
The President
A. TAJANI

For the Council
The President
K. EDTSTADLER

ANNEX I

Table 11.

Goods transport by type of goods (annual data)

Elements	Coding	Nomenclature	Unit
Table	2-alpha	'11'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	
Country/region of loading	4-alpha	NUTS2 ⁽¹⁾	
Country/region of unloading	4-alpha	NUTS2 ⁽¹⁾	
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Type of goods	2-digit	NST 2007	
Type of packaging	1-digit	1 = goods in containers 2 = goods not in containers and empty containers	
Tonnes transported			tonnes
Tonnes-km			tonnes-km

- ⁽¹⁾ When the regional code is unknown or not available, the following codification shall be used:
- 'NUTS0 + ZZ' when the NUTS code exists for the partner country.
 - 'ISO code + ZZ' when the NUTS code does not exist for the partner country.
 - 'ZZZZ' when the partner country is completely unknown.

ANNEX II

Table II.1.

Transport by nationality of the vessel and type of vessel (annual data)

Elements	Coding	Nomenclature	Unit
Table	3-alpha	'III'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	
Country/region of loading	4-alpha	NUTS2 ⁽¹⁾	
Country/region of unloading	4-alpha	NUTS2 ⁽¹⁾	
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Type of vessel	1-digit	1 = self-propelled barge 2 = barge not self-propelled 3 = self-propelled tanker barge 4 = tanker barge not self-propelled 5 = other goods-carrying vessel 6 = seagoing vessel	
Nationality of vessel	2-letter	NUTS0 (national code) ⁽²⁾	
Tonnes transported			tonnes
Tonnes-km			tonnes-km

⁽¹⁾ When the regional code is unknown or not available, the following codification shall be used:

- 'NUTS0 + ZZ' when the NUTS code exists for the partner country.
- 'ISO code + ZZ' when the NUTS code does not exist for the partner country.
- 'ZZZZ' when the partner country is completely unknown.

⁽²⁾ When a NUTS code does not exist for the country of registration of the vessel, the ISO national code shall be reported. Where the nationality of the vessel is unknown, the code to use is 'ZZ'.

Table II.2.

Vessel traffic (annual data)

Elements	Coding	Nomenclature	Unit
Table	3-Alpha	'II2'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	

Elements	Coding	Nomenclature	Unit
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Number of movements of loaded vessels			movements of vessels
Number of movements of empty vessels			movements of vessels
Vessel-km (loaded vessels)			vessel-km
Vessel-km (empty vessels)			vessel-km

NOTE: The provision of Table II2 is optional.

ANNEX III

Table III.1.

Container transport by type of goods (annual data)

Elements	Coding	Nomenclature	Unit
Table	4-alpha	'III1'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	
Country/region of loading	4-alpha	NUTS2 ⁽¹⁾	
Country/region of unloading	4-alpha	NUTS2 ⁽¹⁾	
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Size of containers	1-digit	1 = 20' freight units 2 = 40' freight units 3 = freight units > 20' and < 40' 4 = freight units > 40'	
Loading status	1-digit	1 = loaded containers 2 = empty containers	
Type of goods	2-digit	NST 2007	
Tonnes transported			tonnes
tonnes-km			tonnes-km
TEU			TEU
TEU-km			TEU-km

- ⁽¹⁾ When the regional code is unknown or not available, the following codification shall be used:
- 'NUTS0 + ZZ' when the NUTS code exists for the partner country.
 - 'ISO code + ZZ' when the NUTS code does not exist for the partner country.
 - 'ZZZZ' when the partner country is completely unknown.

ANNEX IV

Table IV1.

Transport by nationality of vessels (quarterly data)

Elements	Coding	Nomenclature	Unit
Table	3-alpha	'IV1'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	
Quarter	2-digit	41 = quarter 1 42 = quarter 2 43 = quarter 3 44 = quarter 4	
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Nationality of the vessel	2-letter	NUTS0 (national code) ⁽¹⁾	
Tonnes transported			tonnes
Tonnes-km			tonnes-km

⁽¹⁾ When a NUTS code does not exist for the country of registration of the vessel, the ISO national code shall be reported. Where the nationality of the vessel is unknown, the code to use is 'ZZ'.

Table IV2.

Container transport by nationality of vessels (quarterly data)

Elements	Coding	Nomenclature	Unit
Table	3-alpha	'IV2'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	
Quarter	2-digit	41 = quarter 1 42 = quarter 2 43 = quarter 3 44 = quarter 4	
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Nationality of vessel	2-letter	NUTS0 (national code) ⁽¹⁾	
Loading status	1-digit	1 = loaded containers 2 = empty containers	

Elements	Coding	Nomenclature	Unit
Tonnes transported			tonnes
Tonnes-km			tonnes-km
TEU			TEU
TEU-km			TEU-km

(¹) When a NUTS code does not exist for the country of registration of the vessel, the ISO national code shall be reported. Where the nationality of the vessel is unknown, the code to use is 'ZZ'.

ANNEX V

Table V1.

Goods transport (annual data)

Elements	Coding	Nomenclature	Unit
Table	2-alpha	'V1'	
Reporting country	2-letter	NUTS0 (national code)	
Year	4-digit	'yyyy'	
Type of transport	1-digit	1 = national 2 = international (except transit) 3 = transit	
Type of goods	2-digit	NST 2007	
Tonnes transported			tonnes
Tonnes-km			tonnes-km

ANNEX VI

NST 2007	
Division	Description
01	Products of agriculture, hunting, and forestry; fish and other fishing products
02	Coal and lignite; crude petroleum and natural gas
03	Metal ores and other mining and quarrying products; peat; uranium and thorium
04	Food products, beverages and tobacco
05	Textiles and textile products; leather and leather products
06	Wood and products of wood and cork (except furniture); articles of straw and plaiting materials; pulp, paper and paper products; printed matter and recorded media
07	Coke and refined petroleum products
08	Chemicals, chemical products, and man-made fibres; rubber and plastic products; nuclear fuel
09	Other non-metallic mineral products
10	Basic metals; fabricated metal products, except machinery and equipment
11	Machinery and equipment n.e.c.; office machinery and computers; electrical machinery and apparatus n.e.c.; radio, television and communication equipment and apparatus; medical, precision and optical instruments; watches and clocks
12	Transport equipment
13	Furniture; other manufactured goods n.e.c.
14	Secondary raw materials; municipal wastes and other wastes
15	Mail, parcels
16	Equipment and material utilised in the transport of goods
17	Goods moved in the course of household and office removals; baggage transported separately from passengers; motor vehicles being moved for repair; other non-market goods n.e.c.
18	Grouped goods: a mixture of types of goods which are transported together
19	Unidentifiable goods: goods which for any reason cannot be identified and therefore cannot be assigned to groups 01—16
20	Other goods n.e.c.

ANNEX VII

REPEALED REGULATION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

Regulation (EC) No 1365/2006 of the European Parliament and of the Council
(OJ L 264, 25.9.2006, p. 1).

Commission Regulation (EC) No 425/2007 Only Article 1
(OJ L 103, 20.4.2007, p. 26).

Commission Regulation (EC) No 1304/2007 Only Article 4
(OJ L 290, 8.11.2007, p. 14).

Regulation (EU) 2016/1954 of the European Parliament and of the Council
(OJ L 311, 17.11.2016, p. 20).

ANNEX VIII

Correlation Table

Regulation (EC) No 1365/2006	This Regulation
Articles 1 to 4	Articles 1 to 4
Article 4a	Article 5
Article 5	Article 6
Article 6	Article 7
Article 7	Article 8
Article 8	Article 9
Article 10	Article 11
Article 11	—
—	Article 12
Article 12	Article 13
Annex A	Annex I
Annex B	Annex II
Annex C	Annex III
Annex D	Annex IV
Annex E	Annex V
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REGULATION (EU) 2018/975 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 4 July 2018****laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾, is to ensure that the exploitation of marine biological resources contributes to long-term environmental, economic and social sustainability.
- (2) The Union has, by means of Council Decision 98/392/EC ⁽⁴⁾, approved the United Nations Convention on the Law of the Sea, which contains 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) Pursuant to Council Decision 2012/130/EU ⁽⁵⁾, the Union has been a Contracting Party to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean ('the SPRFMO Convention'), which established the South Pacific Regional Fisheries Management Organisation (the SPRFMO), since 26 July 2010.
- (4) Within the SPRFMO, the Commission of the SPRFMO ('the SPRFMO Commission') is responsible for the adoption of measures designed to ensure the long-term conservation and sustainable use of fishery resources through the application of the precautionary approach to fisheries management and an ecosystem-based approach to fisheries management, and, in so doing, to safeguard the marine ecosystems in which those resources occur. Such measures may become binding upon the Union.
- (5) It is necessary to ensure that the conservation and management measures adopted by the SPRFMO ('SPRFMO conservation and management measures') are fully transposed into Union law and are, therefore, uniformly and effectively implemented within the Union.
- (6) The SPRFMO has the authority to adopt conservation and management measures for the fisheries under its purview, which are binding on the Contracting Parties to the SPRFMO Convention ('Contracting Parties'). Those measures are primarily addressed to the Contracting Parties and provide for obligations for operators such as vessel masters.

⁽¹⁾ OJ C 288, 31.8.2017, p. 129.

⁽²⁾ Position of the European Parliament of 29 May 2018 (not yet published in the Official Journal) and decision of the Council of 18 June 2018.

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ Council Decision 98/392/EC 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).

⁽⁵⁾ Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

- (7) This Regulation should not cover the fishing opportunities decided by the SPRFMO, as those fishing opportunities are allocated in the framework of the annual Regulation on fishing opportunities adopted pursuant to Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).
- (8) When implementing the SPRFMO conservation and management measures, the Union and Member States should endeavour to promote the use of fishing gear and techniques which are selective and which have a reduced environmental impact.
- (9) In order to swiftly incorporate into Union law future binding amendments to the SPRFMO conservation and management measures, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the Annexes to and the relevant Articles of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁾. 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.
- (10) To ensure compliance with the CFP, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) activities.
- (11) In particular, Council Regulation (EC) No 1224/2009 ⁽²⁾ establishes a Union system for control, inspection and enforcement with a global and integrated approach to ensure compliance with all the rules of the CFP, and Commission Implementing Regulation (EU) No 404/2011 ⁽³⁾ lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008 ⁽⁴⁾ establishes a Community system to prevent, deter and eliminate IUU fishing. Furthermore, Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁵⁾ lays down rules for issuing and managing fishing authorisations for Union fishing vessels conducting fishing operations in waters under the auspices of a regional fisheries management organisation (RFMO) to which the Union is a contracting party. Those Regulations already implement a number of the provisions laid down in the SPRFMO conservation and management measures. It is therefore not necessary to include those provisions in this Regulation.
- (12) Article 15(1) of Regulation (EU) No 1380/2013 introduced a landing obligation which applies from 1 January 2015 to fisheries for small and large pelagic species, fisheries for industrial purposes and fisheries for salmon in the Baltic Sea. However, under Article 15(2) of that Regulation, the landing obligation is without prejudice to the Union's international obligations, such as those resulting from the SPRFMO conservation and management measures,

HAVE ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down management, conservation and control provisions relating to fishing for straddling fish stocks in the SPRFMO Convention Area.

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

⁽⁴⁾ 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).

⁽⁵⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

*Article 2***Scope**

This Regulation shall apply to:

- (a) Union fishing vessels operating in the SPRFMO Convention Area;
- (b) Union fishing vessels transshipping fishery products harvested in the SPRFMO Convention Area;
- (c) third country fishing vessels upon requesting access to, or being the object of an inspection in, Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

*Article 3***Relationship to other Union acts**

Except where expressly provided otherwise in this Regulation, this Regulation shall apply without prejudice to Regulations (EC) No 1005/2008, (EC) No 1224/2009 and (EU) 2017/2403.

*Article 4***Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (1) 'SPRFMO Convention Area' means the geographical area marked out in Article 5 of the SPRFMO Convention;
- (2) 'fishing vessel' means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;
- (3) 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (4) 'SPRFMO fishery resources' means all marine biological resources within the SPRFMO Convention Area excluding:
 - (a) sedentary species in so far as they are subject to the national jurisdiction of coastal States pursuant to Article 77, paragraph 4 of the United Nations Convention on the Law of the Sea of 10 December 1982 ('UNCLOS');
 - (b) highly migratory species listed in Annex I to UNCLOS;
 - (c) anadromous and catadromous species;
 - (d) marine mammals, marine reptiles and sea birds;
- (5) 'SPRFMO fishery products' means aquatic organisms, or products derived therefrom, resulting from any fishing activity within the SPRFMO Convention Area;
- (6) 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring and landing of fish and fishery products;
- (7) 'bottom fishing' means the fishing by any fishing vessel using any gear which is likely to come in contact with the seafloor or benthic organisms during the normal course of operations;
- (8) 'bottom fishing footprint' means the spatial extent of bottom fishing in the SPRFMO Convention Area during the period 1 January 2002 to 31 December 2006;
- (9) 'IUU fishing' means any illegal, unreported or unregulated fishing activities as defined in points 1 to 4 of Article 2 of Regulation (EC) No 1005/2008;
- (10) 'draft SPRFMO IUU vessel list' means the initial list of fishing vessels presumed to have undertaken IUU fishing, as drafted by the SPRFMO Secretariat and submitted to the SPRFMO Compliance and Technical Committee for consideration;

- (11) 'exploratory fishery' means a fishery that has not been subject to fishing or has not been subject to fishing with a particular gear type or technique in the previous 10 years;
- (12) 'large-scale pelagic driftnet' means a gillnet or other net, or a combination of nets, which is more than 2,5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water;
- (13) 'deepwater gillnets' e.g. trammel nets, set nets, anchored nets, sink nets, means strings of single, double or triple netting walls, held vertically, on or near the bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. Those nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel;
- (14) 'SPRFMO Cooperating Non-Contracting Party' (CNCP) means a State or fishing entity that it is not a party to the SPRFMO Convention but has agreed to fully cooperate in the implementation of the SPRFMO conservation and management measures;
- (15) 'SPRFMO record of vessels' means the list of fishing vessels authorised to fish in the SPRFMO Convention Area, as notified by the Contracting Parties and CNCPs, which is maintained by the SPRFMO Secretariat;
- (16) 'transshipment' means the unloading of all or any fishery products on board a fishing vessel to another fishing vessel;
- (17) 'other species of concern' means species listed in Annex XIII;
- (18) 'vulnerable marine ecosystem' (VME) means any marine ecosystem the integrity (i.e. ecosystem structure or function) of which is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from physical contact with bottom gears in the normal course of fishing operations, including reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds.

TITLE II

MANAGEMENT, CONSERVATION AND CONTROL MEASURES CONCERNING CERTAIN SPECIES

CHAPTER I

Jack mackerel (Trachurus murphyi)

Article 5

Information on quota exhaustion for jack mackerel

Member States shall inform the Commission without delay of the date of the closure of a fishery for jack mackerel that has reached 100 % of its catch limit. The Commission shall promptly transmit that information to the SPRFMO Secretariat.

Article 6

Observer coverage in the jack mackerel fishery

Member States shall ensure a minimum 10 % scientific observer coverage of trips for fishing vessels flying their flag. For fishing vessels undertaking no more than two trips per year, the 10 % observer coverage shall be calculated by reference to active fishing days for trawlers, and by reference to sets for purse-seiners.

Article 7

Data reporting for jack mackerel

1. Member States shall report to the Commission by the 15th day of each month on the catches of jack mackerel from the preceding month, in accordance with Article 33 of Regulation (EC) No 1224/2009. The Commission shall transmit that information to the SPRFMO Secretariat by the 20th day of each month.

2. In addition to paragraph 1, Member States shall report to the Commission the following data regarding jack mackerel fisheries:

- (a) by the 15th day of each month, the list of fishing vessels flying their flag engaged in transshipment in the preceding month. The Commission shall transmit that information to the SPRFMO Secretariat by the 20th day of each month;
- (b) not later than 45 days before the SPRFMO Scientific Committee meeting, the annual scientific report covering the previous year. The Commission shall transmit that information to the SPRFMO Secretariat not later than 30 days before the SPRFMO Scientific Committee meeting.

Article 8

Allocation of fishing opportunities for jack mackerel

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities for jack mackerel stocks available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

CHAPTER II

Seabirds

Article 9

Seabird mitigation measures for longliners

1. All Union fishing vessels using longlines shall be subject to the seabird mitigation measures set out in this Article.
2. All Union fishing vessels using demersal longlines shall use line weights and tori (bird scaring) lines.
3. Union fishing vessels shall not set longlines during the hours of darkness.
4. Line weighting shall be rigged in accordance with Annex I.
5. Bird scaring lines shall be rigged in accordance with Annex II.
6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not feasible and when it is necessary to discharge biological waste due to operational safety concerns, vessels shall batch waste for two hours or longer.

Article 10

Seabird mitigation measures for trawlers

1. All Union fishing vessels using trawl gear shall be subject to the seabird mitigation measures set out in this Article.
2. Union fishing vessels shall deploy two tori lines while fishing, or, if the operational practices prevent the effective deployment of tori lines, a bird baffler.
3. Bird bafflers shall be rigged in accordance with Annex III.
4. Where possible, Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.
5. Where possible and appropriate, Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where that is not possible and appropriate, fishing vessels shall batch waste for two hours or longer.

6. Where possible, nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.
7. The time the net is on the water surface during hauling shall be minimised through proper maintenance of winches and good deck practices.

Article 11

Seabird data reporting

In the annual scientific report referred to in point (b) of Article 7(2) Member States shall indicate:

- (a) the seabird mitigation measures used by each fishing vessel flying their flag and fishing in the SPRFMO Convention Area;
- (b) the level of observer coverage dedicated to recording seabird by-catch;
- (c) any observed seabird interaction data.

TITLE III

MANAGEMENT, CONSERVATION AND CONTROL MEASURES CONCERNING CERTAIN FISHING METHODS

CHAPTER I

Bottom fishing

Article 12

Bottom fishing authorisation

1. Member States shall not authorise fishing vessels flying their flag to engage in bottom fishing without prior authorisation from the SPRFMO.
2. Member States whose vessels intend to engage in bottom fishing activities in the SPRFMO Convention Area shall submit a request for authorisation to the Commission not later than 45 days before the SPRFMO Scientific Committee meeting at which they wish the request to be considered. The Commission shall forward the request to the SPRFMO Secretariat not later than 30 days before the SPRFMO Scientific Committee meeting. The request shall contain:
 - (a) the bottom fishing footprint, based on the track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 established by the Member State concerned;
 - (b) the average annual catch level over the period 1 January 2002 to 31 December 2006;
 - (c) a bottom fishing impact assessment;
 - (d) an evaluation as to whether the proposed activities both promote the sustainable management of target species and non-target species taken as by-catch, and protect the marine ecosystems in which those resources occur, including by preventing significant adverse impacts on VMEs.
3. The impact assessment referred to in point (c) of paragraph 2 shall be carried out in accordance with the International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organisation published in 2009 ('Deep-sea Fisheries Guidelines of the FAO') and shall take into account the SPRFMO Bottom Fishery Impact Assessment Standard and areas where VMEs are known or are likely to occur.
4. The Commission shall inform the relevant Member State of the SPRFMO decision regarding the authorisation to bottom fish in the SPRFMO Convention Area for the purpose of which the impact assessment was conducted, including any attached conditions and relevant measures to prevent significant adverse impacts on VMEs.
5. Member States shall ensure that impact assessments referred to in point (c) of paragraph 2 are updated when a substantial change in the fishery has occurred that is likely to have an impact on VMEs, and shall transmit that information to the Commission as soon as it becomes available. The Commission shall forward that information to the SPRFMO Secretariat.

*Article 13***Bottom fishing outside the bottom fishing footprint or exceeding reference period catch levels**

1. Member States shall not authorise fishing vessels flying their flag to engage in bottom fishing outside the bottom fishing footprint or exceeding reference period catch levels without prior authorisation from the SPRFMO.
2. Member States whose vessels intend to fish outside the bottom fishing footprint or intend to exceed the average annual catch level referred to in point (b) of Article 12(2) shall submit a request for authorisation to the Commission not later than 80 days before the SPRFMO Scientific Committee meeting of the year in which they wish their request to be considered. The Commission shall forward the request to the SPRFMO Secretariat not later than 60 days before the SPRFMO Scientific Committee meeting. The request shall contain:
 - (a) a bottom fishing impact assessment;
 - (b) an evaluation as to whether the proposed activities both promote the sustainable management of target species and non-target species taken as by-catch, and protect the marine ecosystems in which those resources occur, including by preventing significant adverse impacts on VMEs.
3. The impact assessment referred to in point (a) of paragraph 2 shall be carried out in accordance with the Deep-sea Fisheries Guidelines of the FAO and shall take into account the SPRFMO Bottom Fishery Impact Assessment Standard and areas where VMEs are known or are likely to occur.
4. The Commission shall inform the relevant Member State of the SPRFMO decision regarding the authorisation to bottom fish within the SPRFMO Convention Area for the purpose of which the impact assessment was conducted, including any attached conditions and relevant measures to prevent significant adverse impacts on VMEs.
5. Member States shall ensure that impact assessments referred to in point (a) of paragraph 2 are updated when a change in the fishery has occurred that is likely to have an impact on VMEs, and transmit that information to the Commission as soon as it becomes available. The Commission shall forward that information to the SPRFMO Secretariat.

*Article 14***VMEs in bottom fishing**

1. Until the SPRFMO Scientific Committee has developed advice on threshold levels, Member States shall establish threshold levels for encounters with VMEs for fishing vessels flying their flag, taking into account paragraph 68 of the Deep-sea Fisheries Guidelines of the FAO.
2. Member States shall require fishing vessels flying their flag to cease bottom fishing activities within five nautical miles of any site in the SPRFMO Convention Area where encounters exceed the threshold levels established pursuant to paragraph 1 of this Article. Member States shall report encounters with VMEs to the Commission on the basis of the guidelines set out in Annex IV. The Commission shall forward that information to the SPRFMO Secretariat without delay.

*Article 15***Observer coverage in bottom fishing**

Member States shall ensure 100 % observer coverage of trawlers flying their flag engaged in bottom fishing and at least 10 % of fishing vessels flying their flag deploying other bottom fishing gear.

*Article 16***Data reporting for bottom fishing**

1. By the 15th day of each month, Member States shall report to the Commission on the catches of bottom fishing species from the preceding month in accordance with Article 33 of Regulation (EC) No 1224/2009.

2. By the 15th day of each month, Member States shall provide to the Commission a list of fishing vessels flying their flag actively fishing and fishing vessels flying their flag engaged in transshipment. The Commission shall forward that information to the SPRFMO Secretariat within five days of receiving it.
3. Member States shall prohibit fishing vessels flying their flag from participating in bottom fishing if the minimum required data regarding fishing vessel identification set out in Annex V have not been provided.

CHAPTER II

Exploratory fisheries

Article 17

Exploratory fisheries authorisation

1. Member States intending to authorise a fishing vessel flying their flag to fish in an exploratory fishery shall submit to the Commission, not later than 80 days in advance of the SPRFMO Scientific Committee meeting:
 - (a) a request for authorisation providing the information contained in Annex V;
 - (b) a Fisheries Operation Plan in accordance with Annex VI, including a commitment to comply with the SPRFMO Data Collection Plan referred to in Article 18(3), (4) and (5).
2. Not later than 60 days in advance of the SPRFMO Scientific Committee meeting, the Commission shall forward the request to the SPRFMO Commission, and the Fisheries Operation Plan to the SPRFMO Scientific Committee.
3. The Commission shall inform the Member State concerned of the SPRFMO decision regarding the authorisation to fish in an exploratory fishery.

Article 18

Exploratory fisheries

1. Member States shall not authorise fishing vessels flying their flag to fish in an exploratory fishery without prior authorisation from the SPRFMO.
2. Member States shall ensure that any fishing vessel flying their flag fishes only in an exploratory fishery in accordance with the Fisheries Operation Plan approved by the SPRFMO.
3. Member States shall ensure that the data required by the SPRFMO Data Collection Plan is provided to the Commission, which shall forward those data to the SPRFMO Secretariat.
4. Union fishing vessels authorised to participate in exploratory fisheries shall be prohibited from continuing to fish in the relevant exploratory fishery unless the data specified in the SPRFMO Data Collection Plan has been submitted to the SPRFMO Secretariat for the most recent season in which the fishing occurred and the SPRFMO Scientific Committee has had the opportunity to review that data.
5. Member States whose fishing vessels participate in exploratory fisheries shall ensure that each fishing vessel flying their flag carries one or more independent observers as needed to collect data in accordance with the SPRFMO Data Collection Plan.

Article 19

Fishing vessel replacement in exploratory fisheries

1. Notwithstanding Articles 17 and 18, Member States may authorise fishing in an exploratory fishery by a vessel flying their flag which is not identified in the Fisheries Operation Plan if a Union fishing vessel identified in the Fisheries Operation Plan is prevented from fishing on account of legitimate operational or *force majeure* reasons. In such circumstances, the Member State concerned shall inform the Commission without delay and provide:
 - (a) full details of the intended replacement vessel;

- (b) a comprehensive account of the reasons for the replacement and any relevant supporting evidence;
 - (c) specifications and a full description of the types of fishing gear to be used by the replacement vessel.
2. The Commission shall transmit that information to the SPRFMO Secretariat without delay.

CHAPTER III

Large-scale pelagic driftnets, deepwater gillnets and other gillnets

Article 20

Large-scale pelagic driftnets and deepwater gillnets

The use of large-scale pelagic driftnets and all deepwater gillnets shall be prohibited throughout the SPRFMO Convention Area.

Article 21

Gillnets

Member States whose vessels intend to transit the SPRFMO Convention Area with gillnets on board shall:

- (a) give at least 36 hours advance notice to the SPRFMO Secretariat prior to the vessel entering the SPRFMO Convention Area, including the expected entry and exit dates and length of gillnet carried on board;
- (b) ensure that the vessels flying their flag operate a vessel monitoring system (VMS) reporting once every two hours while in the SPRFMO Convention Area;
- (c) submit VMS position reports to the SPRFMO Secretariat within 30 days of the vessel leaving the SPRFMO Convention Area; and
- (d) if gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position and length (metres) of gillnets lost to the SPRFMO Secretariat as soon as possible and in any event within 48 hours of the gear being lost or having fallen overboard.

TITLE IV

COMMON CONTROL MEASURES

CHAPTER I

Authorisations

Article 22

SPRFMO record of vessels

1. By 15 November each year, Member States shall submit to the Commission a list of fishing vessels flying their flag authorised to fish in the SPRFMO Convention Area for the following year, including the information contained in Annex V. The Commission shall forward that list to the SPRFMO Secretariat. Member States shall take into account the compliance history of fishing vessels and operators when considering the issuance of fishing authorisations for the SPRFMO Convention Area.
2. Member States shall inform the Commission of fishing vessels flying their flag authorised to fish in the SPRFMO Convention Area at least 20 days prior to the date of first entry of such vessels in the SPRFMO Convention Area. The Commission shall transmit that information to the SPRFMO Secretariat at least 15 days prior to the date of first entry in the SPRFMO Convention Area.
3. Member States shall ensure that the data on fishing vessels flying their flag authorised to fish in the SPRFMO Convention Area are up-to-date. Any modification shall be notified to the Commission not later than 10 days after such modification. The Commission shall inform the SPRFMO Secretariat within five days of receiving such notification.

4. In the case of revocation, renunciation or any other circumstances that render an authorisation invalid, Member States shall inform the Commission without delay so that it can transmit that information to the SPRFMO Secretariat within a period of three days following the date of the invalidity of the authorisation.
5. Union fishing vessels not included in the SPRFMO record of vessels shall not be permitted to engage in fishing activities for species under the responsibility of the SPRFMO in the SPRFMO Convention Area.

CHAPTER II

Transhipment

Article 23

General provisions on transhipment

1. This Chapter shall apply to transhipment operations carried out:
 - (a) within the SPRFMO Convention Area in respect of SPRFMO fishery resources, and other species caught in association with these resources, that were harvested in the SPRFMO Convention Area;
 - (b) outside the SPRFMO Convention Area in respect of SPRFMO fishery resources, and other species caught in association with these resources, that were harvested in the SPRFMO Convention Area.
2. Transhipments at sea and in port shall only be undertaken between fishing vessels included in the SPRFMO record of vessels.
3. At sea transfer of fuel, crew, gear or any other supplies in the SPRFMO Convention Area shall only be undertaken between fishing vessels included in the SPRFMO record of vessels.
4. Transhipment operations at sea in respect of SPRFMO fishery resources, and other species caught in association with these resources, that were harvested in the SPRFMO Convention Area, shall be prohibited in Union waters.

Article 24

Notification of transhipment of jack mackerel and demersal species

1. Regardless of where the transhipment takes place, in case of transhipment of jack mackerel and demersal species caught in the SPRFMO Convention Area by Union fishing vessels, the authorities of the flag Member State shall simultaneously transmit to the Commission and the SPRFMO Secretariat the following information:
 - (a) a notification of the intention to tranship, which shall indicate a 14-day period in which the transhipment of jack mackerel and demersal species caught in the SPRFMO Convention Area is scheduled to occur, and which shall be received seven days in advance of the first day of the 14-day period;
 - (b) a notification of the actual transhipment, which shall be received at least 12 hours before the estimated time of such activities.

Member States may authorise the Union fishing vessel operator to transmit that information directly to the SPRFMO Secretariat by electronic means subject to the simultaneous transmission of the information to the Commission.

2. The notifications referred to in paragraph 1 shall include the relevant information available regarding the transhipment operation, including the estimated date and time, anticipated location, fishery, and information about the Union fishing vessels involved, in accordance with Annex VII.

Article 25

Monitoring of transhipment of jack mackerel and demersal species

1. If an observer is on board the unloading or receiving Union fishing vessel, the observer shall monitor the transhipment activities. The observer shall complete the SPRFMO transhipment logsheet in accordance with Annex VIII to verify the quantity and species of the fishery products being transhipped, and shall provide a copy of the logsheet to the competent authorities of the Member State to which the observed vessel is flagged.

2. The Member State to which the fishing vessel is flagged shall submit the observer data of the SPRFMO transshipment logsheet to the Commission within 10 days of the observer debarking. The Commission shall forward those data to the SPRFMO Secretariat within 15 days of the date of debarkation.

3. For the purpose of verifying the quantity and species of the fishery products being transhipped, and in order to ensure that proper verification can occur, the observer on board shall have full access to the observed Union fishing vessel, including crew, gear, equipment, records (including in electronic format) and fish holds.

Article 26

Information to be reported after the transshipment of jack mackerel and demersal species

1. Member States whose vessels are involved in the transshipment operation shall notify all the operational details simultaneously to the SPRFMO Secretariat and the Commission in accordance with Annex IX not later than seven days after the transshipment is carried out.

2. Member States may authorise the Union fishing vessel operator to transmit the information referred to in paragraph 1 directly to the SPRFMO Secretariat by electronic means subject to simultaneous transmission of the information to the Commission. Any request for clarification from the SPRFMO Secretariat received by the Union fishing vessel operator shall be forwarded to the Commission.

CHAPTER III

Data collection and reporting

Article 27

Data collection and reporting

1. In addition to the data reporting requirements set out in Articles 7, 11, 14, 16, 18, 25 and 26, Member States whose vessels fish in the SPRFMO Convention Area shall provide the data set out in paragraphs 2 and 3 of this Article to the Commission.

2. By 15 September each year, Member States whose vessels fish in the SPRFMO Convention Area shall report the live weight for all species/species groups caught during the previous calendar year to the Commission. The Commission shall forward that information to the SPRFMO Secretariat by 30 September.

3. By 15 June each year, Member States whose vessels fish in the SPRFMO Convention Area shall report to the Commission the data regarding trawl fishing activity on tow by tow basis; the data on bottom long lining on set by set basis; and the data on landings, including for reefers, and transshipments. The Commission shall forward that information to the SPRFMO Secretariat by 30 June.

4. The Commission may lay down, by means of implementing acts, detailed requirements for the data reporting referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(2).

CHAPTER IV

Observer programmes

Article 28

Observer programmes

1. Member States whose vessels fish in the SPRFMO Convention Area shall establish observer programmes in order to collect the data set out in Annex X.

2. By 15 September each year, Member States whose vessels fish in the SPRFMO Convention Area shall provide the applicable observer data set out in Annex X covering the previous calendar year to the Commission. The Commission shall forward that information to the SPRFMO Secretariat by 30 September.

3. By 15 August each year, Member States whose vessels fish in the SPRFMO Convention Area shall provide an annual report on the implementation of the observer programme in the previous year. The report shall include observer training, programme design and coverage, the type of data collected, and any problems encountered during the year. The Commission shall forward that information to the SPRFMO Secretariat by 1 September.

Article 29

Vessel monitoring system

1. The satellite-tracking device installed on board Union fishing vessels shall ensure the automatic transmission to the fisheries monitoring centre (FMC) of the flag Member State of VMS data with a position error which shall be less than 100 metres under normal satellite navigation operating conditions.
2. Member States shall ensure that their FMCs automatically and continuously report the VMS data of vessels flying their flag engaged in fishing in the SPRFMO Convention Area to the SPRFMO Secretariat at least once every hour and that satellite-tracking devices installed on board of vessels flying their flag are capable of reporting VMS data at least every 15 minutes.
3. For the purpose of Article 9(4) of Regulation (EC) No 1224/2009, the SPRFMO Convention Area shall include a zone of 100 nautical miles outside the SPRFMO Convention Area, within which paragraph 1 of this Article shall apply.
4. Member States shall ensure that, for fishing vessels flying their flag, in the event that the antenna of the satellite-tracking device is mounted separately from the physical enclosure, a single common antenna is used for both satellite navigation decoder and transmitter, and the physical enclosure is connected to the antenna using a single length of unbroken cable.

CHAPTER V

Control of third country fishing vessels in Member State ports

Article 30

Points of contact and designated ports

1. A Member State wishing to grant access to its ports to third country fishing vessels carrying SPRFMO fishery products caught in the SPRFMO Convention Area or fishery products originating from such resources that have not been previously landed or transhipped at port or at sea shall:
 - (a) designate the ports to which third country fishing vessels may request entry pursuant to Article 5 of Regulation (EC) No 1005/2008;
 - (b) designate a point of contact for the purposes of receiving prior notice pursuant to Article 6 of Regulation (EC) No 1005/2008;
 - (c) designate a point of contact for the purposes of receiving inspection reports pursuant to Article 11(3) of Regulation (EC) No 1005/2008.
2. Member States shall transmit any changes to the list of designated points of contact and designated ports to the Commission at least 40 days before the changes take effect. The Commission shall forward that information to the SPRFMO Secretariat at least 30 days before the changes take effect.

Article 31

Prior notification

1. By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008, port Member States shall require third country fishing vessels intending to land or tranship in their ports SPRFMO fishery resources that have not been previously landed or transhipped to provide, not later than 48 hours before the estimated time of arrival at the port, the following information in accordance with Annex XI:
 - (a) vessel identification (external identification, name, flag, International Maritime Organization (IMO) number, if any, and international radio call sign (IRCS));
 - (b) name of the designated port to which the fishing vessel seeks entry and the purpose of the port call (landing or transhipment);

- (c) a copy of the fishing authorisation or, where appropriate, any other authorisation held by the fishing vessel to support operations on SPRFMO fishery products, or to tranship such fishery products;
- (d) estimated date and time of arrival in port;
- (e) the estimated quantities in kilograms of each SPRFMO fishery product held on board, with associated catch areas. If no SPRFMO fishery products are held on board, a 'nil' report shall be transmitted;
- (f) the estimated quantities for each SPRFMO fishery product in kilograms to be landed or transhipped, with associated catch areas;
- (g) the crew list of the fishing vessel;
- (h) the dates of the fishing trip.

2. The information provided in accordance with paragraph 1 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 SPRFMO fishery products.

3. Port Member States may also request any additional information in order to determine whether the fishing vessel has engaged in IUU fishing or related activities.

4. Port Member States may prescribe a longer or shorter notification period than specified in paragraph 1, taking into account, inter alia, the type of fishery product and the distance between the fishing grounds and their ports. In such a case, port Member States shall inform the Commission which shall promptly transmit the information to the SPRFMO Secretariat.

Article 32

Authorisation to land or tranship in ports

After receiving the relevant information pursuant to Article 31, a port Member State shall decide whether to authorise or deny the third country fishing vessel entry into its port. Where a third country fishing vessel has been denied entry, the port Member State shall inform the Commission which shall forward the information to the SPRFMO Secretariat without delay. Port Member States shall deny entry to fishing vessels included in the SPRFMO list of IUU vessels.

Article 33

Port inspections

1. Port Member States shall inspect at least 5 % of landing and transhipment operations relating to SPRFMO fishery products made by third country fishing vessels in their designated ports.
2. Without prejudice to Article 9(2) of Regulation (EC) No 1005/2008, port Member States shall inspect third country fishing vessels when:
 - (a) there is a request from another Contracting Party, CNCP or relevant RFMO that a particular fishing vessel be inspected, particularly where such requests are supported by evidence of IUU fishing by the fishing vessel in question, and there are clear grounds for suspecting that a fishing vessel has engaged in IUU fishing;
 - (b) a fishing vessel has failed to provide complete information as required in Article 31;
 - (c) a fishing vessel has been denied entry or use of a port in accordance with SPRFMO or another RFMO's provisions.

Article 34

Inspection procedure

1. This Article shall apply in addition to the rules on the inspection procedure laid down in Article 10 of Regulation (EC) No 1005/2008.
2. Inspectors from Member States shall carry a valid document of identity. They may take copies of any documents considered relevant.

3. Inspections shall be carried out in such a way that the third country fishing vessel suffers the minimum interference and inconvenience, and that degradation of the quality of the catch is avoided to the extent practicable.
4. On completion of the inspection, the vessel master shall be given the opportunity to add any comments or objections to the report and to contact the competent authority of the relevant port Member State in relation to the inspection report. The template for the inspection report is contained in Annex XII. A copy of the report shall be provided to the vessel master.
5. Within 12 working days following the date of completion of the inspection, the port Member State shall transmit to the Commission a copy of the inspection report referred to in Article 10(3) and Article 11(3) of Regulation (EC) No 1005/2008 completed in accordance with Annex XII to this Regulation. The Commission shall forward the report to the SPRFMO Secretariat within 15 working days of the date of completion of the inspection.
6. If the inspection report cannot be transmitted to the Commission for forwarding to the SPRFMO Secretariat within 15 working days, the port Member State shall notify the Commission within sufficient time of the reasons for the delay and when the report will be submitted, in order to allow the Commission to inform the SPRFMO Secretariat within the period of 15 working days.

Article 35

Procedure in case of evidence of infringements of SPRFMO conservation and management measures during port inspections

1. If the information collected during the inspection provides evidence that a third country fishing vessel has committed a breach of the SPRFMO conservation and management measures, this Article shall apply in addition to Article 11 of Regulation (EC) No 1005/2008.
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 five working days. The Commission shall transmit that report to the SPRFMO Secretariat and to the flag Contracting Party or CNCP point of contact without delay.
3. Port Member States shall promptly notify the action taken in the event of infringements to the competent authority of the flag Contracting Party or CNCP and to the Commission which shall transmit that information to the SPRFMO Secretariat.

CHAPTER VI

Enforcement

Article 36

Alleged infringements of SPRFMO conservation and management measures reported by the Member States

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least 145 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least 120 days in advance of the annual meeting.

Article 37

Inclusion of a Union fishing vessel in the draft SPRFMO IUU vessel list

1. If the Commission receives official notification of the inclusion of a Union fishing vessel in the draft SPRFMO IUU vessel list from the SPRFMO Secretariat, it shall transmit the notification, including the supporting evidence and any other documented information provided by the SPRFMO Secretariat, to the flag Member State for comments not later than 45 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall examine and forward that information to the SPRFMO Secretariat at least 30 days in advance of the annual meeting.

2. Once notified by the Commission, the authorities of the flag Member State shall notify the owner of the fishing vessel of its inclusion in the draft SPRFMO IUU vessel list and of the consequences that may result from its inclusion being confirmed in the IUU vessel list adopted by the SPRFMO.

Article 38

Measures concerning fishing vessels included in the SPRFMO IUU vessel list

1. On adoption of the SPRFMO IUU vessel list, the Commission shall request the flag Member State to notify the owner of the fishing vessel identified on the SPRFMO IUU vessel list of its inclusion on the list and the consequences which result from being included on the list.
2. A Member State with information indicating a change of name or an IRCS of a fishing vessel appearing on the SPRFMO IUU vessel list shall, as soon as practicable, transmit such information to the Commission. The Commission shall forward that information to the SPRFMO Secretariat without delay.

Article 39

Alleged non-compliance reported by the SPRFMO Secretariat

1. If the Commission receives from the SPRFMO Secretariat any information indicating a suspected non-compliance with the SPRFMO Convention and/or SPRFMO conservation and management measures by a Member State, the Commission shall transmit that information to the concerned Member State without delay.
2. The Member State shall provide the Commission with the findings of any investigation undertaken in relation to the allegations of non-compliance and any actions taken to address compliance concerns at least 45 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall forward that information to the SPRFMO Secretariat at least 30 days in advance of the annual meeting.

Article 40

Alleged infringements of SPRFMO conservation and management measures reported by a Contracting Party or CNCP

1. Member States shall designate a point of contact for the purpose of receiving port inspection reports from Contracting Parties and CNCPs.
2. Member States shall transmit any changes to the designated point of contact to the Commission at least 40 days before the changes take effect. The Commission shall forward that information to the SPRFMO Secretariat at least 30 days before such changes take effect.
3. If the point of contact designated by a Member State receives an inspection report from a Contracting Party or CNCP providing evidence that a fishing vessel flying the flag of that Member State has committed a breach of the SPRFMO conservation and management measures, the flag Member State shall promptly investigate the alleged infringement and notify the Commission of the status of the investigation, and of any enforcement action that may have been taken, to enable the Commission to inform the SPRFMO Secretariat within three months of receipt of the notification. If the Member State cannot provide the Commission with a status report within three months of the receipt of the inspection report, it shall notify the Commission within the three month period of the reasons for the delay and of the date by which the status report will be submitted. The Commission shall transmit the information regarding the status or delay of the investigation to the SPRFMO Secretariat.

Article 41

Technical failure of the satellite-tracking device

1. In case of technical failure of their satellite-tracking device, Union fishing vessels shall report the following data to the FMC of the Member State to which they are flagged every four hours, by appropriate telecommunication means:
 - (a) IMO number;
 - (b) IRCS;
 - (c) vessel name;

- (d) vessel master's name;
- (e) position (latitude and longitude), date and time (UTC);
- (f) activity (fishing/transit/transshipping).

2. Member States shall ensure that, in the event that the technical failure of the satellite tracking device has not been solved within 60 days from the commencement of the reporting obligation as specified in paragraph 1, fishing vessels flying their flag cease fishing, stow all fishing gear and return to port without delay to repair the satellite-tracking device.

3. Paragraphs 1 and 2 of this Article shall apply in addition to the requirements laid down in Article 25 of Regulation (EU) No 404/2011.

TITLE V

FINAL PROVISIONS

Article 42

Confidentiality

Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the rules on confidentiality set out in Articles 112 and 113 of Regulation (EC) No 1224/2009.

Article 43

Procedure for amendments

In order to incorporate into Union law amendments to SPRFMO conservation and management measures, the Commission shall be empowered to adopt delegated acts in accordance with Article 44 amending:

- (a) the Annexes to this Regulation;
- (b) the time limits laid down in Articles 7(1) and (2), 11, 12(2), 13(2), 16(1) and (2), 17(1) and (2), 22(1) to (4), 24(1), 25(2), 26(1), 27(2) and (3), 28(2) and (3), 29(1), 30(2), 31(1), 34(5) and (6), 35(2) and (3), 36, 37(1), 39(2), 40(2) and (3), and 41(1) and (2).
- (c) observer coverage laid down in Articles 6 and 15;
- (d) the reference period to determine the bottom fishing footprint in Article 12(2);
- (e) the inspection coverage laid down in Article 33(1);
- (f) the type of data and information requirements laid down in Articles 7(2), 11, 12(2) and (3), 13(2) and (3), 14(1), 16(1) and (2), 17(1), 18(2) and (3), 19(1), 24(1), 25(2), 27(2) and (3), 28(3), 31(1) and 41(1).

Article 44

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 43 shall be conferred on the Commission for a period of five years from 19 July 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 43 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 43 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 45

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 46

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 4 July 2018.

For the European Parliament
The President
A. TAJANI

For the Council
The President
K. EDTSTADLER

ANNEX I

Line weighting standards

Vessels shall use a longline weighting regime that achieves a demonstrable minimum longline sink rate of 0,3 metre/second to 15 metre depth for gear. In particular:

- (a) external weighted lines in Spanish system and trot lines shall use a minimum of 8,5 kg mass at intervals of no more than 40 m if rocks are used, 6 kg mass at intervals of no more than 20 m for concrete weights, and 5 kg weights at intervals of no more than 40 m for solid metal weights;
 - (b) external weighted lines in autoline shall use a minimum 5 kg mass at intervals no more than 40 m, which shall be released from vessels in a manner that avoids tension astern (tension astern may lift sections of the longline already deployed out of the water);
 - (c) Internal weighted lines shall have a lead core of at least 50 g/m.
-

ANNEX II

Bird scaring lines specifications

Two bird scaring lines shall be carried at all times and shall be deployed whenever fishing gear is being set from the vessel. In particular:

- (a) bird scaring lines shall be attached to the vessel so that when deployed the baits are protected by the streamer line, even in cross winds;
 - (b) bird scaring lines shall use brightly coloured streamers long enough to reach the sea surface in calm conditions ('long streamers') placed at intervals of no more than 5 m for at least the first 55 m of streamer line and shall be attached to the line with swivels that prevent streamers from wrapping around the line;
 - (c) bird scaring lines may also use streamers a minimum of 1 m in length ('short streamers') placed at intervals of no more than 1 m;
 - (d) if bird scaring lines breaks or is damaged while in use, they shall be repaired or replaced so that the vessel meets these specifications before any further hooks enter the water;
 - (e) bird scaring lines shall be deployed so that:
 - (i) they remain above the water surface when the hooks have sunk to a depth of 15 m, or
 - (ii) they have a minimum length of 150 m when extended and suspended from a point on the vessel at least 7 m above the water in the absence of swell.
-

ANNEX III

Bird baffler specifications

A bird baffler consists of two or more booms attached to the stern quarter of the vessel, with at least one boom attached to the starboard stern quarter and at least one boom attached to the port stern quarter:

- (a) each boom shall extend a minimum of 4 m outwards from the side or stern of the vessel;
 - (b) dropper lines shall be attached to the booms no more than 2 m apart;
 - (c) plastic cones, rods or other brightly coloured and durable material shall be attached to the ends of the dropper lines so that the bottom of the cone, rod or material is not more than 500 mm above the water, in the absence of wind and swell;
 - (d) lines or webbing may be attached between the dropper lines to prevent tangling.
-

ANNEX IV

Guidelines for the preparation and submission of notifications of encounters with VMEs1. *General information*

Include contact information, flag, vessel name(s) and dates of data collection.

2. *VME location*

Indicate start and end positions of all gear deployments and observations.

Provide maps of fishing locations, underlying bathymetry or habitat and spatial scale of fishing.

Indicate depth(s) fished.

3. *Fishing gear*

Indicate fishing gears used at each location.

4. *Additional data collected*

Indicate additional data collected at or near the locations fished, if possible.

Data such as multibeam bathymetry, oceanographic data such as CTD profiles, current profiles, water chemistry, substrate types recorded at or near those locations, other fauna observed, video recordings, acoustic profiles etc.

5. *VME taxa*

For each station fished, provide details of VME taxa observed, including their relative density, absolute density, or number of organisms if possible.

ANNEX V

Standards for vessel data

1. The following fields of data shall be collected pursuant to Articles 16, 17 and 22:
 - (i) Current vessel flag and name of vessel
 - (ii) Registration number
 - (iii) IRCS (if any)
 - (iv) UVI (Unique Vessel Identifier)/IMO number
 - (v) Previous names (if known)
 - (vi) Port of registry
 - (vii) Previous flag
 - (viii) Type of vessel
 - (ix) Type of fishing method(s)
 - (x) Length
 - (xi) Length type e.g. 'LOA', 'LBP'
 - (xii) Gross tonnage – GT (to be provided as the preferred unit of tonnage)
 - (xiii) Gross registered tonnage – GRT (to be provided if GT not available; may also be provided in addition to GT)
 - (xiv) Power of main engine(s) (kw)
 - (xv) Hold capacity (m³)
 - (xvi) Freezer type (if applicable)
 - (xvii) Number of freezer units (if applicable)
 - (xviii) Freezing capacity (if applicable)
 - (xix) Vessel communication types and numbers (INMARSAT A, B and C numbers);
 - (xx) VMS system details (brand, model, features and identification);
 - (xxi) Name of owner(s)
 - (xxii) Address of owner(s)
 - (xxiii) Vessel authorisation start date
 - (xxiv) Vessel authorisation end date
 - (xxv) Date of inclusion in the SPRFMO record of vessels
 - (xxvi) Good quality high resolution photograph of the vessel of appropriate brightness and contrast, no older than five years, which shall consist of:
 - one photograph not smaller than 12 × 7 cm showing the starboard side of the vessel displaying its full overall length and complete structural features;
 - one photograph not smaller than 12 × 7 cm showing the port side of the vessel displaying its full overall length and complete structural features;
 - one photograph not smaller than 12 × 7 cm showing the stern taken directly from astern.
2. The following information is to be provided if available when practicable:
 - (i) External markings (such as vessel name, registration number or IRCS)
 - (ii) Types of fish processing lines (if applicable)
 - (iii) Date of construction

- (iv) Place of construction
 - (v) Moulded depth
 - (vi) Beam
 - (vii) Electronic equipment on board (for example radio, echo sounder, radar, netsonda)
 - (viii) Name of licence owner(s) (if different from vessel owner)
 - (ix) Address of licence owner(s) (if different from vessel owner)
 - (x) Name of operator(s) (if different from vessel owner)
 - (xi) Address of operator(s) (if different from vessel owner)
 - (xii) Name of vessel master
 - (xiii) Nationality of vessel master
 - (xiv) Name of fishing master
 - (xv) Nationality of fishing master
-

ANNEX VI

Fisheries Operation Plan for exploratory fisheries

The Fisheries Operation Plan shall include the following information, to the extent it is available:

- (i) a description of the exploratory fishery, including area, target species, proposed methods of fishing, proposed maximum catch limits and any apportionment of that catch limit among areas or species;
 - (ii) specification and full description of the types of fishing gear to be used, including any modifications made to gear intended to mitigate the effects of the proposed fishing on non-target and associated or dependent species or the marine ecosystem in which the fishery occurs;
 - (iii) the time period covered by the Fisheries Operation Plan (up to a maximum period of three years);
 - (iv) any biological information on the target species from comprehensive research or survey cruises, such as distribution, abundance, demographic data and information on stock identity;
 - (v) details of non-target and associated or dependent species and the marine ecosystem in which the fishery occurs, the extent to which these would likely be affected by the proposed fishing activity and any measures that will be taken to mitigate these effects;
 - (vi) the anticipated cumulative impact of all fishing activity in the area of the exploratory fishery if applicable;
 - (vii) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of the relevant exploratory fishery's potential yield, to the extent the Member State is able to provide that information;
 - (viii) if the proposed fishing activity is bottom fishing, the assessment of the impact of bottom fishing activities of vessels flying the flag of the Member State in question, in line with Articles 12 and 13;
 - (ix) where the target species is also managed by an adjacent RFMO to the SPRFMO or similar organisation, a description of that neighbouring fishery sufficient to allow the SPRFMO Scientific Committee to formulate its advice.
-

ANNEX VII

Prior transshipment notification

Member States shall provide the following information in accordance with Article 24(1):

Details of unloading vessel

- (a) Name of vessel
- (b) Registration number
- (c) IRCS
- (d) Vessel flag state
- (e) IMO number/IHS Fairplay number (if applicable)
- (f) Name and nationality of the vessel master

Details of receiving vessel

- (a) Name of vessel
 - (b) Registration number
 - (c) IRCS
 - (d) Vessel flag state
 - (e) IMO number/IHS Fairplay number (if applicable)
 - (f) Name and nationality of vessel master
-

ANNEX VIII

Transshipment information to be provided by the observer

The following information shall be provided by the observer monitoring transshipment, in accordance with Article 25(1).

I. Details of the unloading fishing vessel

Name of vessel	
Registration number	
IRCS	
Vessel flag state	
IMO number/IHS Fairplay number (if applicable)	
Name and nationality of vessel master	

II. Details of the receiving fishing vessel

Name of vessel	
Registration number	
IRCS	
Vessel flag state	
IMO number/IHS Fairplay number (if applicable)	
Name and nationality of vessel master	

III. Transshipment operation

Date and time of commencement of transshipment (UTC)	
Date and time of completion of transshipment (UTC)	
If transshipment at sea: Position (nearest 1/10th degree) at commencement of transshipment; If transshipment in port: Name, country, and code ⁽¹⁾ of port	
If transshipment at sea: Position (nearest 1/10th degree) at completion of transshipment	

Description of product type by species (such as whole, frozen fish in 20 kg cartons)

Species		Product type	
Species		Product type	
Species		Product type	

Number of cartons, net weight (kg) of product, by species.

Species		Cartons		Net weight	
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Species		Cartons		Net weight	
Total net weight of product transhipped (kg)					
Hold numbers in reefer vessel in which product is stowed					
Destination port and country of receiving fishing vessel					
Estimated arrival date					
Estimated landing date					

(¹) United Nations Code for Trade and Transport Locations (UN/LOCODE).

IV. Observations (if applicable)

V. Verification

Name of observer	
Authority	
Signature and stamp	

ANNEX IX

Transshipment information to be reported after the operation

In accordance with Article 26(1) flag Member States shall report the following information to the Commission not later than seven days after the transshipment is carried out:

Details of unloading vessel

- (a) Name of vessel
- (b) Registration number
- (c) IRCS
- (d) Vessel flag state
- (e) IMO number/IHS Fairplay number (if applicable)
- (f) Name and nationality of vessel master

Details of receiving vessel

- (a) Name of vessel
- (b) Registration number
- (c) IRCS
- (d) Vessel flag state
- (e) IMO number/IHS Fairplay number (if applicable)
- (f) Name and nationality of vessel master

Details of transshipment operation

- (a) Date and time of commencement of transshipment (UTC)
- (b) Date and time of completion of transshipment (UTC)
- (c) If transhipped in port:
 - port state, name of port and port code
- (d) If transhipped at sea:
 - (i) Position (nearest 1/10th degree) at commencement of transshipment (decimal)
 - (ii) Position (nearest 1/10th degree) at completion of transshipment (decimal)
- (e) Hold numbers in receiving vessel in which product is stowed
- (f) Destination port of receiving vessel
- (g) Arrival date estimate
- (h) Landing date estimate

Details of fishery resources transhipped

- (a) Species transhipped
 - (i) Description of fish, by product type (such as whole, frozen fish)
 - (ii) Number of cartons and net weight (kg) of product, by species
 - (iii) Total net weight of product transhipped (kg)
- (b) Fishing gear used by the unloading vessel

Verification (if applicable)

- (a) Name of observer
 - (b) Authority
-

ANNEX X

Observer data

Vessel and observer details are to be recorded only once for each observed trip, and shall be reported in a way that links the vessel data to data required in Sections A, B, C, and D.

A. *Vessel and observer data to be collected for each observed trip*

1. The following vessel data are to be collected for each observed trip:

- (a) Current vessel flag
- (b) Name of vessel
- (c) Name of the vessel master
- (d) Name of the fishing master
- (e) Registration number
- (f) IRCS (if any)
- (g) Lloyd's/IMO number (if allocated)
- (h) Previous names (if known)
- (i) Port of registry
- (j) Previous flag (if any)
- (k) Type of vessel (use appropriate ISSCFV codes)
- (l) Type of fishing method(s) (use appropriate ISSCFG codes)
- (m) Length (m)
- (n) Length type e.g. 'LOA', 'LBP'
- (o) Beam (m)
- (p) Gross tonnage – GT (to be provided as the preferred unit of tonnage)
- (q) Gross register tonnage – GRT (to be provided if GT not available; may also be provided in addition to GT)
- (r) Power of main engine(s) (kilowatts)
- (s) Hold capacity (cubic metres)
- (t) Record of the equipment on board which may affect fishing power factors (navigational equipment, radar, sonar systems, weather fax or satellite weather receiver, sea-surface temperature image receiver, Doppler current monitor, radio direction finder), where practical
- (u) Total number of crew (all staff, excluding observers)

2. The following observer data are to be collected for each observed trip:

- (a) Observer's name
- (b) Observer's organisation
- (c) Date observer embarked (UTC date)
- (d) Port of embarkation
- (e) Date observer disembarked (UTC date)
- (f) Port of disembarkation

B. *Catch and effort data to be collected for trawl fishing activity*

1. Data are to be collected on an un-aggregated (tow by tow) basis for all observed trawls.
2. The following data are to be collected for each observed trawl tow:
 - (a) Tow start date and time (the time gear starts fishing – UTC)
 - (b) Tow end date and time (the time haul back starts – UTC)
 - (c) Tow start position (Lat/Lon, 1 minute resolution – decimal)
 - (d) Tow end position (Lat/Lon, 1 minute resolution – decimal)
 - (e) Intended target species (FAO species code)
 - (f) Type of trawl, bottom or mid-water (use appropriate bottom or midwater trawl codes from the standard ISCCFG fishing gear standards)
 - (g) Type of trawl: single, double or triple (S, D or T)
 - (h) Height of net opening
 - (i) Width of net opening
 - (j) Mesh size of the cod-end net (stretched mesh, mm) and mesh type (diamond, square, etc.)
 - (k) Gear depth (of footrope) at start of fishing
 - (l) Bottom (seabed) depth at start of fishing
 - (m) Estimated catch of all species (FAO species code) retained on board, split by species, in live weight (to the nearest kg)
 - (n) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown)
If yes, record the numbers by species of all marine mammals, seabirds, reptiles or other species of concern caught.
 - (o) Was there any benthic material in the trawl? (Yes/No/Unknown)
If yes, record sensitive benthic species in the trawl catch, particularly vulnerable or habitat-forming species such as sponges, sea-fans or corals.
 - (p) Estimate of the amount (weight or volume) of remaining marine resources not recorded under point (m), (n) or (o) discarded, split to the lowest known taxon
 - (q) Record any by-catch mitigation measures employed:
 - (i) Were bird scaring (tori) lines in use? (nil/equipment code – as described in Section L)
 - (ii) Were bird bafflers in use? (nil/equipment code – as described in Section N)
 - (iii) Describe the offal/discard discharge management in place (select all that apply: no discharge during shooting and hauling/only liquid discharge/waste batching > 2 hours/other/none)
 - (iv) Were any other measures used to reduce the by-catch of marine mammals, seabirds, reptiles or other species of concern? (Yes/No)
If yes, describe.

C. *Catch and effort data to be collected for purse seine fishing activity*

1. Data are to be collected on an un-aggregated (set by set) basis for all observed purse-seine sets.
2. The following data are to be collected for each observed purse-seine set:
 - (a) Total search time before this set, since the last set
 - (b) Set start date and time (the time gear starts fishing – UTC)

- (c) Set end date and time (the time haul back starts – UTC)
- (d) Set start position (Lat/Lon, 1 minute resolution – decimal)
- (e) Net length (m)
- (f) Net height (m)
- (g) Net mesh size (stretched mesh, mm) and mesh type (diamond, square, etc.)
- (h) Intended target species (FAO species code)
- (i) Estimated catch of all species (FAO species code) retained on board, split by species, in live weight (to the nearest kg)
- (j) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown)
If yes, record the numbers by species of all marine mammals, seabirds, reptiles or other species of concern caught.
- (k) Was there any benthic material in the net? (Yes/No/Unknown)
If yes, record sensitive benthic species in the catch, particularly vulnerable or habitat-forming species such as sponges, sea-fans or corals.
- (l) Estimate of the amount (weight or volume) of remaining marine resources not recorded under point (i), (j) or (k) discarded, split to the lowest known taxon
- (m) Record and describe any by-catch mitigation measures employed

D. *Catch and effort data to be collected for bottom long line fishing activity*

1. Data are to be collected on an un-aggregated (set by set) basis for all observed longline sets.
2. The following fields of data are to be collected for each observed set:
 - (a) Set start date and time (UTC format)
 - (b) Set end date and time (UTC format)
 - (c) Set start position (Lat/Lon, 1 minute resolution — decimal format)
 - (d) Set end position (Lat/Lon, 1 minute resolution — decimal format)
 - (e) Intended target species (FAO species code)
 - (f) Total length of longline set (km)
 - (g) Number of hooks for the set
 - (h) Bottom (seabed) depth at start of set
 - (i) Number of hooks actually observed (including for marine mammals, seabirds, reptiles or other species of concern caught) during the haul
 - (j) Estimated catch of all species (FAO species code) retained on board, split by species, in live weight (to the nearest kg)
 - (k) Were any marine mammals, seabirds, reptiles or other species of concern caught? (Yes/No/Unknown)
If yes, record the numbers by species of all marine mammals, seabirds, reptiles or other species of concern caught.
 - (l) Was there any benthic material in the catch? (Yes/No/Unknown)
If yes, record sensitive benthic species in the catch, particularly vulnerable or habitat-forming species such as sponges, sea-fans or corals.
 - (m) Estimate of the amount (weight or volume) of remaining marine resources not recorded under point (j), (k) or (l) discarded, split to the lowest known taxon

- (n) Record any bycatch mitigation measures employed:
- (i) Were bird scaring (tori) lines in use? (nil/equipment code – as described in Section L)
 - (ii) Was setting restricted to the time between nautical dusk and nautical dawn? (Yes/No)
 - (iii) What type of fishing gear was used? (external weighting system/internal weighting system/trot line/other)
 - (iv) If external weighting system, describe weighting and float regime (using the form provided in Section M)
 - (v) If internal weighting system, what was the line core's weight (grams per metre)?
 - (vi) If trot line, were cachalotera nets used? (Yes/No)
 - (vii) If other, describe
- (o) What haul mitigation was used? (bird deterrent curtains/other/none)
- If other, describe.
- (p) What was the bait type? (fish/squid/mixed; live/dead/mixed; frozen/thawed/mixed)
- (q) Describe discharge of any biological material during shooting and hauling (discharge not batched for two hours or more/discharge batched for two hours or more/none/unknown)
- (r) Were any other measures used to reduce the bycatch of marine mammals, seabirds, reptiles or other species of concern? (Yes/No)
- If yes, describe.

E. *Length-frequency data to be collected*

Representative and randomly sampled length-frequency data are to be collected for the target species and, time permitting, for other main by-catch species. Length data are to be collected and recorded at the most precise level appropriate for the species (cm or mm and whether to the nearest unit or unit below) and the type of measurement used (total length, fork length, or standard length) is also to be recorded. If possible, the total weight of length-frequency samples is to be recorded, or estimated and the method of estimation recorded, and observers may be required to also determine sex of measured fish to generate length-frequency data stratified by sex.

1. Commercial sampling protocol

- (a) Fish species other than skates, rays and sharks:
- (i) fork length is to be measured to the nearest cm for fish which attain a maximum length greater than 40 cm fork length
 - (ii) fork length is to be measured to the nearest mm for fish which attain a maximum length less than 40 cm fork length;
- (b) Skates and rays:
- Maximum disk width is to be measured;
- (c) Sharks:
- Appropriate length measurement to be used is to be selected for each species (see FAO technical report 474 on measuring sharks). As a default, total length is to be measured.

2. Scientific sampling protocol

For scientific sampling of species, length measurements may need to be made at a finer resolution than specified in point 1.

F. *Biological sampling to be conducted*

1. The following biological data are to be collected for representative samples of the main target species and, time permitting, for other main by-catch species contributing to the catch:
 - (a) Species
 - (b) Length (mm or cm), with a record of the type of length measurement used. Measurement precision and type are to be determined on a species by species basis consistent with that defined in Section E
 - (c) Sex (male, female, immature, unsexed)
 - (d) Maturity stage
2. Observers are to collect tissue, otolith and/or stomach samples according to pre-determined specific research programmes implemented by the SPRFMO Scientific Committee or other national scientific research.
3. Observers are to be briefed and provided with written length-frequency and biological sampling protocols, where appropriate, and priorities for the above sampling specific to each observer trip.

G. *Data to be collected on incidental captures of seabirds, mammals, turtles and other species of concern*

1. The following data are to be collected for all seabirds, mammals, reptiles (turtles) and other species of concern caught in fishing operations:
 - (a) Species (identified taxonomically as far as possible, or accompanied by photographs if identification is difficult) and size
 - (b) Count of the number of each species caught per tow or set
 - (c) Fate of by-caught animal(s) (retained or released/discarded)
 - (d) If released, life status (vigorous, alive, lethargic, dead) upon release
 - (e) If dead, then collect adequate information or samples for onshore identification in accordance with pre-determined sampling protocols. Where this is not possible, observers may be required to collect sub-samples of identifying parts, as specified in biological sampling protocols.
 - (f) Record the type of interaction (hook/line entanglement/warp strike/net capture/other)
If other, provide a description.
2. Record sex of each individual for taxa where this is feasible from external observation, such as pinnipeds, small cetaceans or *Elasmobranchii* and other species of concern.
3. Were there any circumstances or actions that may have contributed to the by-catch event? (for example tori line tangle, high levels of bait loss).

H. *Detection of fishing in association with VMEs*

For each observed trawl, the following data are to be collected for all sensitive benthic species caught, particularly vulnerable or habitat-forming species such as sponges, sea fans, or corals:

- (a) Species (identified taxonomically as far as possible, or accompanied by a photograph where identification is difficult);
- (b) An estimate of the quantity (weight (kg) or volume (m³)) of each listed benthic species caught in the tow;
- (c) An overall estimate of the total quantity (weight (kg) or volume (m³)) of all invertebrate benthic species caught in the tow;
- (d) Where possible, and particularly for new or scarce benthic species which do not appear in guides for the identification of species, whole samples are to be collected and suitably preserved for identification on shore.

I. *Data to be collected for all tag recoveries*

The following data are to be collected for all recovered fish, seabird, mammal or reptile tags if the organism is dead, to be retained, or alive:

- (a) Observer name
- (b) Vessel name
- (c) Vessel call sign
- (d) Vessel flag
- (e) Collect, label (with all details below) and store the actual tags for later return to the tagging agency
- (f) Species from which tag recovered
- (g) Tag colour and type (spaghetti, archival)
- (h) Tag numbers (The tag number is to be provided for all tags when multiple tags were attached to one fish. If only one tag was recorded, a statement is required that specifies whether or not the other tag was missing.) If the organism is alive and to be released, tag information is to be collected in accordance with predetermined sampling protocols.
- (i) Date and time of capture (UTC)
- (j) Location of capture (Lat/Lon, to the nearest 1 minute)
- (k) Animal length/size (cm or mm) with description of what measurement was taken (such as total length, fork length, etc.). Length measurements are to be collected according to the criteria defined in Section E.
- (l) Sex (F = female, M = male, I = indeterminate, D = not examined)
- (m) Whether the tags were found during a period of fishing that was being observed (Yes/No)
- (n) Reward information (e.g. name and address where to send reward)

(It is recognised that some of the data recorded here duplicates data that already exists in the previous categories of information. This is necessary because tag recovery information may be sent separately to other observer data.)

J. *Hierarchies for observer data collection*

1. Recognising that observers may not be able to collect all of the data described in these standards on each trip, a hierarchy of priorities is to be implemented for collection of observer data. Trip-specific or programme-specific observer task priorities may be developed in response to specific research programme requirements, in which case such priorities are to be followed by observers.
2. In the absence of trip- or programme-specific priorities, the following generalised priorities are to be followed by observers:
 - (a) Fishing Operation Information

All vessel and tow/set/effort information
 - (b) Reporting of Catches
 - (i) Record time, weight of catch sampled versus total catch or effort (e.g. number of hooks), and total numbers of each species caught
 - (ii) Identification and counts of seabirds, mammals, reptiles (turtles), sensitive benthic species and vulnerable species
 - (iii) Record numbers or weights of each species retained or discarded
 - (iv) Record instances of depredation, where appropriate

- (c) Biological Sampling
- (i) Check for presence of tags
 - (ii) Length-frequency data for target species
 - (iii) Basic biological data (sex, maturity) for target species
 - (iv) Length-frequency data for main by-catch species
 - (v) Otoliths (and stomach samples, if being collected) for target species
 - (vi) Basic biological data for by-catch species
 - (vii) Biological samples of by-catch species (if being collected)
 - (viii) Take photos

- (d) The reporting of catches and biological sampling procedures are to be prioritised among species groups as follows:

Species	Priority (1 highest)
Primary target species (such as jack mackerel, for pelagic fisheries, and orange roughy for demersal fisheries)	1
Seabirds, mammals, reptiles (turtles) or other species of concern	2
Other species typically within top 5 in the fishery (such as blue mackerel for pelagic fisheries, and oreos and alfonsino for demersal fisheries)	3
All other species	4

The allocation of observer effort among these activities will depend on the type of operation and setting. The size of sub-samples relative to unobserved quantities (such as the number of hooks examined for species composition relative to the number of hooks set) is to be explicitly recorded under the guidance of Member State observer programmes.

K. *Coding specifications to be used for recording observer data*

1. Unless otherwise specified for specific data types, observer data are to be provided in accordance with the same coding specifications as specified in this section.
2. Coordinated Universal Time (UTC) is to be used to describe times.
3. Decimal degrees are to be used to describe locations.
4. The following coding schemes are to be used:
 - (a) species are to be described using the FAO 3 letter species codes;
 - (b) fishing methods are to be described using the International Standard Classification of Fishing Gear (ISSCFG – 29 July 1980) codes;
 - (c) types of fishing vessel are to be described using the International Standard Classification of Fishery Vessels (ISSCFV) codes.
5. Metric units of measure are to be used, specifically:
 - (a) kilograms are to be used to describe catch weight;
 - (b) metres are to be used to describe height, width, depth, beam or length;
 - (c) cubic metres are to be used to describe volume;
 - (d) kilowatts are to be used to describe engine power.

General Bird Scaring Line Description:	
Trip Number	<input type="text"/>
Bird scaring line equipment code	<input type="text"/>
Bird scaring line position <input style="width: 100%;" type="text"/>	

Distance between streamers (m)

Streamer length min/max (m)

Attached height above water (m)

Streamer colours

Streamer material

Backbone length (m)

Bird scaring line aerial coverage length (m)

Number of streamers (e.g. 7 in this diagram)

Bird scaring line design: (Design shown is paired)

Bird scaring line material

Towed object

Additional Comments

BIRD SCARING LINE CODES/LIST OPTIONS:

Position	Design	Towed Object	Material	Colour
Port Side	Single	F = Inverted funnel/plastic cone	T = Plastic tubing	P = Pink
Starboard Side	Paired	L = Length of thick line	S = Plastic strapping	R = Red
Stern		K = Knot or loop of thick line	O = Other	C = Carrot (Orange)
		B = Buoy		Y = Yellow
		N = Netted buoy		G = Green
		S = Sack or bag		B = Blue
		W = Weight		W = Brown
		Z = No towed object		F = Faded colour (any colour)
		O = Other		O = Other

Summary of Inputted Values:

Trip Number	Distance between streamers
Bird scaring line equipment code	Streamer length (min)
Bird scaring line position	Streamer length (max)
Backbone length	Streamer colour
Aerial coverage length	Streamer material
Attached height above water	Number of streamers
Bird scaring line material	Towed object
Bird scaring line design	Additional comments

Bottom Long Line Weighting Form

Single or Double line?

Additional Comments:

The diagram illustrates a bottom long line weighting system. A yellow circle at the surface represents the surface float, connected to a grey anchor. A black line descends from the float, passing through a white circle representing a sub-surface float. Below this, the mainline is shown as a wavy line with several black circles representing weights. A second white circle represents another sub-surface float. The diagram includes several measurement points and labels:

- Number of hooks b/w surface float and anchor:
- Average mass of weights (kg):
- Distance b/w line and weight:
- Distance b/w sub-surface float and mainline (m):
- Number of hooks b/w sub-surface floats:
- Average diameter of floats (m):
- Number of hooks b/w weights:

Summary of Inputted Values:

Single or Double line?	Number of hooks b/w surface float and anchor
Avg mass of weights	Number of hooks b/w sub-surface floats
Distance b/w sub-surface float and mainline	Number of hooks b/w weights
Distance b/w line and weight	Additional comments

Bird Baffle - Top Down View

PORT

STARBOARD

STERN

Side Boom

Distance from stern

Aft Boom

Connecting Curtain b/w Aft Booms?

Connecting Curtain b/w Side and Aft Boom?

Side Boom

Aft Boom

Boom length

No. of streamers

Height above water

Streamer colour

Streamer material

Boom length

No. of streamers

Height above water

Streamer colour

Streamer material

Curtain length

No. of streamers

Height above water

Streamer colour

Streamer material

Curtain length

No. of streamers

Height above water

Streamer colour

Streamer material

Summary of Inputted Values	
— Distance from stern	
Side Boom	Aft Boom
— Boom length	— Boom length
— Number of streamers	— Number of streamers
— Average distance between streamers	— Average distance between streamers
— Height above water	— Height above water
— Streamer colour	— Streamer colour
— Streamer material	— Streamer material
Side-Aft Curtain	Aft Curtain
— Curtain length	— Curtain length
— Number of streamers	— Number of streamers
— Average distance between streamers	— Average distance between streamers
— Height above water	— Height above water
— Streamer colour	— Streamer colour
— Streamer material	— Streamer material

O. *Standard for observer data collected during a landing or while a vessel is in port*

With regards to fishing vessels flying their flag, and landing unprocessed (i.e. whole and no part of the fish having been removed) SPRFMO managed species, and where these landings are observed, Member States may collect and provide the following information:

1. The following vessel data for each observed landing:
 - (a) Current vessel flag
 - (b) Name of vessel
 - (c) Fishing vessel registration number
 - (d) IRCS (if any)
 - (e) Lloyd's/IMO number (if allocated)
 - (f) Type of vessel (use appropriate ISSCFV codes)
 - (g) Type of fishing method(s) (use appropriate ISSCFG codes)
2. The following observer data for each observed landing:
 - (a) Observer's name
 - (b) Observer's organisation
 - (c) Country of landing (standard ISO 3-alpha country codes)
 - (d) Port/Point of landing
3. The following data for each observed landing:
 - (a) Landing Date and time (UTC format)
 - (b) First day of trip – to the extent practicable

- (c) Last day of trip – to the extent practicable
- (d) Indicative fishing area (decimal Lat/Long, 1 minute resolution – to the extent practicable)
- (e) Main target species (FAO species code)
- (f) Landed state by species (FAO species code)
- (g) Landed (live) weight by species (kilograms) for the landing event being observed

In addition, the collection of Length-Frequency data, Biological data and/or Tag recovery data is to follow the standards described in Sections E, F and I respectively of this Annex for those species observed during landings or while a vessel is in port.

Sections G (Incidental capture) and H (VMEs) are not considered relevant for observed landings. However, the standards described in Sections I (Tag recovery), J (Hierarchies) and K (Coding specifications) are still to be followed where applicable.

ANNEX XI

Port call request

Vessel identification:

Vessel name	Vessel flag	IMO number	Call sign	External identification

Port call Details:

Intended port of call ⁽¹⁾	Port state	Purpose ⁽²⁾ of port call	Estimated arrival date	Estimated arrival time	Current date

⁽¹⁾ Should be a designated port as listed on the SPRFMO port register.⁽²⁾ E.g. landing, transshipment, refueling.

SPRFMO managed species held on-board:

Species	FAO area of capture	Product state	Total kilograms held on-board	Amount to be transhipped/landed	Recipient of transhipped/landed amount

If no SPRFMO species or fish products originating from such species are held on board, then enter 'nil'.

Relevant fishing authorisation details:

Identifier	Issued by	Validity	Fishing area(s)	Species	Gear ⁽¹⁾

⁽¹⁾ If the authorisation is limited to transshipments then enter 'tranship' as the gear.

Is a copy of the crew list attached? YES/NO

ANNEX XII

Port inspection summary results

Inspection details:

Inspection report number		Principal inspector's name	
Port state		Inspecting authority	
Port of inspection		Purpose of call	
Inspection start date		Inspection start time	
Inspection end date		Inspection end time	
Prior notification received?		Prior notification details consistent with inspection?	

Vessel details:

Vessel name		Vessel flag	
Vessel type		IRCS	
External identification		IMO number	
Vessel owner			
Vessel operator			
Vessel master (and nationality)			
Vessel agent			
VMS present?		VMS type	

Relevant fishing authorisations:

Authorisation identifier		Issued by	
Validity		Fishing areas	
Species		Gear ⁽¹⁾	
Is the vessel in the SPRFMO record of vessels?		Currently authorised?	

⁽¹⁾ If the authorisation is for transhipment then enter 'tranship' as the gear.

SPRFMO managed species off loaded (during this port call):

Species	FAO area of capture	Product state	Declared quantity off loaded	Quantity off loaded

Species	FAO area of capture	Product state	Declared quantity off loaded	Quantity off loaded

SPRFMO managed species retained onboard:

Species	FAO area of capture	Product state	Declared quantity held on-board	Quantity held on-board

SPRFMO managed species received from transshipment (during this port call):

Species	FAO area of capture	Product state	Declared quantity received	Quantity received

Examinations and findings:

Section	Comments

Examination of logbooks and other documentation

Type of gear onboard

Findings by inspectors

Apparent infringements (include reference to relevant legal instruments)

Vessel master's comments

Actions taken

Vessel master's signature

Inspector's signature

ANNEX XIII

List of other species of concern

Scientific name	English name	3-alpha code
<i>Carcharhinus longimanus</i>	Oceanic whitetip shark	OCS
<i>Carcharodon carcharias</i>	Great white shark	WSH
<i>Cetorhinus maximus</i>	Basking shark	BSK
<i>Lamna nasus</i>	Porbeagle shark	POR
<i>Manta</i> spp.	Manta rays	MNT
<i>Mobula</i> spp.	<i>Mobula nei</i>	RMV
<i>Rhincodon typus</i>	Whale shark	RHN

REGULATION (EU) 2018/976 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 4 July 2018****amending Regulation (EU) 2016/1139 as regards fishing mortality ranges and safeguard levels for certain herring stocks in the Baltic Sea**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Regulation (EU) 2016/1139 of the European Parliament and of the Council ⁽³⁾ establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea ('the plan'). The purpose of the plan is to contribute to the achievement of the objectives of the common fisheries policy and, in particular, to ensure that the exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce maximum sustainable yield (MSY).
- (2) Article 1 of Regulation (EU) 2016/1139 sets out the Baltic fish stocks concerned, including the Bothnian Sea herring stock and the Bothnian Bay herring stock. In order to safeguard the full reproductive capacity of those stocks, Annexes I and II to that Regulation establish certain conservation reference points, including fishing mortality ranges and spawning stock biomass reference points.
- (3) The scientific evaluation of the Bothnian Sea herring stock and the Bothnian Bay herring stock conducted in 2017 by the International Council for the Exploration of the Sea (ICES) showed that those two stocks are similar. As a consequence, ICES combined the two stocks into one, changed the boundaries of its geographic distribution area and re-estimated the MSY fishing mortality ranges, as well as the relevant conservation reference points. This led to different stock definition and numerical values than the ones established in Article 1 of, and Annexes I and II to, Regulation (EU) 2016/1139.
- (4) Article 5(6) of Regulation (EU) 2016/1139 provides that where, on the basis of scientific advice, the Commission considers that the conservation reference points set out in Annex II to that Regulation no longer correctly express the objectives of the plan, those points may, as a matter of urgency, be submitted for revision to the European Parliament and to the Council.
- (5) It is appropriate to amend urgently points (e) and (f) of Article 1(1) of, and Annexes I and II to, Regulation (EU) 2016/1139 in order to ensure that the fishing opportunities for the relevant stocks are fixed in accordance with updated conservation reference points.
- (6) Regulation (EU) 2016/1139 should therefore be amended accordingly,

⁽¹⁾ Opinion of 14 February 2018 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 29 May 2018 (not yet published in the Official Journal) and decision of the Council of 18 June 2018.

⁽³⁾ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2016/1139

Regulation (EU) 2016/1139 is amended as follows:

(1) Article 1(1) is amended as follows:

(a) point (e) is replaced by the following:

‘(e) herring (*Clupea harengus*) in ICES subdivisions 30-31 (Gulf of Bothnia herring);’;

(b) point (f) is deleted;

(2) in Annex I, the entries concerning the Bothnian Sea herring stock and Bothnian Bay herring stock are replaced by the following entry:

‘Gulf of Bothnia herring	0,15-0,21	0,21-0,21’
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(3) in Annex II, the entries concerning the Bothnian Sea herring stock and the Bothnian Bay herring stock are replaced by the following entry:

‘Gulf of Bothnia herring	283 180	202 272’
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Article 2

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 4 July 2018.

For the European Parliament
The President
 A. TAJANI

For the Council
The President
 K. EDTSTADLER

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