II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/145

of 3 February 2020

amending Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council as regards the transmission of reports and information to the North-East Atlantic Fisheries Commission

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 ([1]), and in particular Articles 9 and 11 thereof,

Whereas:

(1) Regulation (EU) No 1236/2010 lays down certain specific control measures to monitor fishing activities of the Union in the Area covered by the North-East Atlantic Fisheries Commission (NEAFC). Detailed rules for the application of Regulation (EU) No 1236/2010 are laid down in Commission Implementing Regulation (EU) No 433/2012 ([2]).

(2) In accordance with Article 12(2) of Regulation (EU) No 1236/2010 Members states are to ensure that the reports and information transmitted to the NEAFC Secretary comply with the data exchange formats and data communication systems determined pursuant to Article 16 of Implementing Regulation (EU) No 433/2012.

(3) At its 2018 Annual Meeting the NEAFC has agreed on a new electronic reporting system for the communication of data between the contracting parties and the NEAFC Secretariat based on the UN/FLUX standard ([3]). NEAFC has decided that the European Union would be the first contracting party to NEAFC to implement the new electronic reporting system. Once the Commission informs NEAFC Secretariat that it is ready to start the implementation of the new reporting system and NEAFC has established that the technical preparations to use the UN/FLUX standard are completed, NEAFC will decide on a date as of which the new standard becomes applicable for data exchanges. The new reporting system will first be used between the EU and the NEAFC Secretariat, and other contracting parties will have to implement the system at the latest within two years of its entry into force.

(4) Implementation of the new electronic reporting system requires preparatory work at Commission and Member States level. To avoid undue delays in implementation of the new reporting system, it is therefore necessary to define the date by which the Member States concerned should be in a position to implement the new data exchange formats and data communication systems.

(5) The Commission will communicate the date for the start of the implementation period of the new electronic reporting system to the Member States once a decision is taken by NEAFC to this effect.

([1]) OJ L 348, 31.12.2010, p. 17.

([2]) Commission Implementing Regulation (EU) No 433/2012 of 23 May 2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (OJ L 136, 25.5.2012, p. 41).

([3]) Report on the 37th Annual Meeting of the NEAFC (13-16 November 2018), point 12.7.

(6) It is therefore necessary to amend Implementing Regulation (EU) No 433/2012.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Article 16 of Implementing Regulation (EU) No 433/2012 is replaced by the following:

'*Article 16*

Communication to the NEAFC Secretary

1. The data exchange formats and data communication systems referred to in Article 12(2) of Regulation (EU) No 1236/2010 to be used for transmission of reports and information to the NEAFC Secretary shall continue to comply with the rules set out in Annex X to this Regulation until the date referred to in paragraph 3; the corresponding codes to be used in communication with the NEAFC Secretary are as set out in Annex XI.

2. Member States shall complete, by 1 November 2020, all necessary technical preparations enabling the utilisation of the following data exchange formats and data communication systems for transmission of reports and information to the NEAFC Secretary:

   (a) To exchange fishing logbook data, prior notification data, transhipment declaration data, and landing declaration data, the format shall be the Fishing Activity Domain XML Schema Definition based on the UN/FLUX P1000-3 standard. The data exchange shall comply with the FLUX Fishing Activities Implementation Document adopted by NEAFC.

   (b) To report vessel monitoring system data, the format shall be the Vessel Position Domain XML Schema Definition based on the UN/FLUX P1000-7 standard. The data exchange shall comply with the FLUX Vessel Position Implementation Document adopted by NEAFC.

3. Member States shall use the data exchange formats and data communication systems referred to in paragraph 2 from the date to be communicated by the Commission following the decision by NEAFC to this effect. The data exchanges shall comply with the FLUX Implementation Documents adopted by NEAFC.

4. By way of derogation from paragraph 1 and 3, Member States may use the data exchange format referred to in paragraph 2 (b) to report vessel monitoring system data as of the entry into force of this Regulation. Member States shall inform the Commission of the date as of which the new data exchange format will be used.'

Article 2

This Regulation shall enter into force on the seventh day following 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 Brussels, 3 February 2020.

For the Commission
The President
Ursula VON DER LEYEN