



EUROPEAN
COMMISSION

Brussels, 12.5.2025
COM(2025) 195 final

2025/0106 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), Regulation (EU) 2018/975 laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area, Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, Regulation (EU) 2021/56 laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention, Regulation (EU) 2022/2056 laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area, Regulation (EU) 2022/2343 laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, and Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The purpose of the proposal is to implement into Union law certain measures adopted by the following Regional Fisheries Management Organisations (RFMOs): the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South Pacific Regional Fisheries Management Organisation (SPRFMO), the Northwest Atlantic Fisheries Organisation (NAFO), Inter-American Tropical Tuna Commission (IATTC), the Western and Central Pacific Fisheries Commission (WCPFC) and the Indian Ocean Tuna Commission (IOTC).

ICCAT is the RFMO responsible for managing tuna and tuna-like fishery resources in the Atlantic and the Mediterranean. ICCAT has the authority to adopt decisions (recommendations) for the conservation and management of the fisheries under its purview, which are binding for the Contracting Parties. Those recommendations are essentially addressed to the Contracting Parties to the Convention, but also contain obligations for operators (e.g. vessel masters). Those apply exclusively to the ICCAT Convention area, covering the high seas and exclusive economic zones of Contracting Parties. Article VIII(2) of the ICCAT Convention states that ICCAT recommendations become effective for all Contracting Parties six months after the date of the notification from the ICCAT Commission and the Contracting Parties are required to implement them. Article 3(5) of the Treaty on European Union provides that the EU shall contribute to the strict observance of international law. The last ICCAT conservation and enforcement recommendations were implemented into Union law through amendments to Regulations (EU) 2017/2107¹, (EU) 2023/2053² and (EU) 2023/2833³ of the European Parliament and of the Council. This proposal implements the recommendations adopted by ICCAT in its annual meetings in 2023 and 2024.

SPRFMO is the RFMO responsible for the management of fishery resources in the South Pacific Ocean and adjoining seas excluding tuna and tuna-like species. The EU has been a Contracting Party to the SPRFMO since 2010. The SPRFMO Convention provides that decisions adopted by the SPRFMO are binding on its Contracting Parties, participating fishing entities, and cooperating non-Contracting Parties, as well as operators. Regulation (EU) 2018/975⁴ implemented into Union law the management, conservation and control measures

¹ Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1), ELI: <http://data.europa.eu/eli/reg/2017/2107/oj>.

² Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1), ELI: <http://data.europa.eu/eli/reg/2023/2053/oj>.

³ Regulation (EU) 2023/2833 of the European Parliament and of the Council of 13 December 2023 establishing a catch documentation programme for bluefin tuna (*Thunnus thynnus*) and repealing Regulation (EU) No 640/2010 (OJ L, 2023/2833, 20.12.2023), ELI: <http://data.europa.eu/eli/reg/2023/2833/oj>.

⁴ 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

adopted by the SPRFMO between 2013 and 2017. This proposal implements the management, conservation and control measures adopted by the SPRFMO at its annual meetings in 2018, 2019, 2020, 2021, 2022, 2023 and 2024.

NAFO is the RFMO responsible for managing fishery resources in the Northwest Atlantic under its purview. NAFO's conservation and management measures apply exclusively to the NAFO Regulatory Area, the high seas, defined as the area that lies beyond the area where coastal states exercise fisheries jurisdiction. The EU has been a Contracting Party to NAFO since 1979. The NAFO Convention states that the conservation measures adopted by the NAFO Commission are binding (Articles XIV, VI.8 and VI.9) and that the Contracting Parties are required to implement them. Regulation (EU) 2019/833 implemented into Union law the NAFO conservation and enforcement measures adopted by NAFO until 2018 and that regulation was amended in 2021⁵ and 2022⁶ to implement the measures adopted by NAFO in 2019, 2020, 2021 and 2022. This proposal implements the amendments adopted by NAFO at its annual meetings in 2023 and 2024.

The Inter-American Tropical Tuna Commission (IATTC) is the RFMO responsible for managing tuna and tuna-like fishery resources in the Eastern Pacific Ocean. The IATTC is based on the Antigua Convention which the EU has signed in 2004. The IATTC has the authority to adopt decisions ('Resolutions') to ensure the long-term conservation and sustainable use of the fishery resources in the Convention area. Resolutions are binding for the Contracting Parties. Resolutions are essentially addressed to the Contracting Parties to the Convention, but also contain obligations for private operators (e.g. masters of vessels). Resolutions enter into force 45 days following their adoption. Regulation (EU) 2021/56 implemented into Union law the resolutions of the IATTC, adopted until 2020. This proposal implements the amendments and new resolutions adopted by the IATTC at its annual meetings in 2021, 2022, 2023 and 2024.

The Western and Central Pacific Fisheries Commission (WCPFC) is the RFMO responsible for managing tuna and tuna-like fishery resources in the Western and Central Pacific Ocean (WCPO). The conservation and management measures (CMMs) adopted by WCPFC are binding upon Members, Participating Territories and Cooperating Non-Members (CCMs). CMMs apply throughout the WCPFC Convention area, covering the high seas and exclusive

Management Organisation (SPRFMO) Convention Area (OJ L 179, 16.7.2018, p. 30), ELI: <http://data.europa.eu/eli/reg/2018/975/oj>.

⁵ Regulation (EU) 2021/1231 of the European Parliament and of the Council 14 July 2021 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 274, 30.7.2021, p.32), ELI: <http://data.europa.eu/eli/reg/2021/1231/oj>.

⁶ Regulation (EU) 2022/2037 of the European Parliament and of the Council of 19 October 2022 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 275, 25.10.2022, p.11), ELI: <http://data.europa.eu/eli/reg/2022/2037/oj> and Regulation (EU) 2023/2857 of the European Parliament and of the Council of 13 December 2023 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 2857, 20.12.2023), ELI: <http://data.europa.eu/eli/reg/2023/2857/oj>.

economic zones of CCMs. The Union acceded to the WCPFC by means of Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the WCPO. Regulation (EU) 2022/2056 implemented into Union law the resolutions of the WCPFC adopted between 2004 and 2021. This proposal implements the amendments and new resolutions adopted by WCPFC at its annual meetings in 2022, 2023 and 2024

The IOTC is the RFMO responsible for managing tuna and tuna-like fishery resources in the Indian Ocean. The IOTC's conservation and management measures apply to the IOTC area of competence, which is the Indian Ocean (defined for the purpose of the IOTC agreement as the FAO statistical areas 51 and 57) and adjacent seas, north of the Antarctic Convergence. The EU has been a Contracting Party to IOTC since 1995. The IOTC Agreement states that the resolutions adopted by the IOTC are binding and that the Contracting Parties are required to implement them. Regulation (EU) 2022/2343 implemented into Union law the resolutions of the IOTC adopted between 2000 and 2021. This proposal implements the amendments and new resolutions adopted by IOTC at its annual meetings in 2022, 2023 and 2024.

- **Consistency with existing policy provisions in the policy area**

The proposal is consistent with Regulation (EU) 2017/2107, Regulation (EU) 2018/975, Regulation (EU) 2019/833, Regulation (EU) 2021/56, Regulation (EU) 2022/2056, Regulation (EU) 2022/2343, and Regulation (EU) 2023/2053.

The proposal is in line with Part VI (external policy) of Regulation (EU) No 1380/2013 on the common fisheries policy, which provides that the Union conducts its external fisheries in accordance with its international obligations and bases the EU fishing activities on regional fisheries cooperation.

The proposal complements both Regulation (EU) 2017/2403⁷ concerning the external fleet management, which provides that Union fishing vessels are subject to Regional Fisheries Management Organisations fishing authorisations, and Council Regulation (EC) No 1005/2008⁸ concerning illegal unreported and unregulated fishing, which provides for the inclusion of the NAFO Illegal, Unreported and Unregulated (IUU) list into the Union IUU vessels list.

This proposal does not cover the EU's fishing opportunities decided by ICCAT, SPRFMO, NAFO, IATTC, WCPFC, IOTC. Under Article 43(3) of the Treaty on the Functioning of the European Union (TFEU), it is the Council's prerogative to adopt measures on fixing prices, levies, aid and quantitative limitations, and on the fixing and allocation of fishing opportunities.

- **Consistency with other Union policies**

The proposal is consistent with other Union policies.

⁷ 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), ELI: <http://data.europa.eu/eli/reg/2017/2403/oj>.

⁸ 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), ELI: <http://data.europa.eu/eli/reg/2008/1005/oj>.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on Article 43(2) TFEU, as it sets out the provisions needed to pursue the objectives of the common fisheries policy.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the exclusive competence of the Union (Article 3(1)(d) TFEU). Therefore, the subsidiarity principle does not apply.

- **Proportionality**

The proposal will ensure that the EU's obligations in ICCAT, SPRFMO, NAFO, IATTC, WCPFC and IOTC are met, without going beyond what is necessary to achieve this objective.

- **Choice of the instrument**

A regulation chosen to amend existing Regulation (EU) 2017/2107, Regulation (EU) 2018/975, Regulation (EU) 2019/833, Regulation (EU) 2021/56, Regulation (EU) 2022/2056, Regulation (EU) 2022/2343, and Regulation (EU) 2023/2053.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not relevant.

- **Stakeholder consultations**

EU Member States' national experts and industry representatives were consulted both during the run-up to the relevant annual meetings of above referred organisations at which these measures were adopted and during the negotiations.

- **Collection and use of expertise**

This proposal implements into Union law measures adopted by ICCAT, SPRFMO, NAFO, IATTC, WCPFC and IOTC in accordance with the advice of these organisations' respective standing committees on science and control issues.

- **Impact assessment**

Not relevant. This proposal implements into Union law the ICCAT, SPRFMO, NAFO, IATTC, WCPFC and IOTC conservation and management measures that are binding on the Union.

- **Regulatory fitness and simplification**

This proposal is not linked to regulatory fitness and simplification (REFIT).

- **Fundamental rights**

This proposal does not impact fundamental rights.

4. BUDGETARY IMPLICATIONS

This proposal has no budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

For ICCAT, this proposal introduces new provisions in Regulation (EU) 2017/2107 for the conservation of whale shark and mobulid rays, as well as a geographic limitation for the applicability of sea turtle conservation measures for vessels operating north of 55°N or south of 35°S latitude in the eastern South Atlantic and south of 40°S latitude in the western South Atlantic. The role of EFCA is also defined in relation to sighting of vessels and further communication to the ICCAT Secretariat. This proposal also amends Regulation (EU) 2023/2053 in relation to its Chapter V, control measures, by amending provisions on the exchange of quotas between Joint Fishing Operations, on prior notification of landings, monitoring of bluefin tuna transfers operations by video camera, on caging operations and control activities in the farms after caging

For NAFO, the proposal introduces new provisions in Regulation (EU) 2019/833 related to reopened fishery for cod in Divisions 2J3KL including closure, bycatch and retention on board, surveillance, and relevant additional procedure for serious infringements. In addition, the proposal aligns the wording of Regulation (EU) 2019/833 with NAFO measures and provisions for derogations from Observer programmes.

For SPRFMO, the proposal amends Regulation (EU) 2018/975 to include new conservation and management measures as well as an amendment to previously adopted measures. Amended SPRFMO measures include bottom fishing, transshipment, gillnets, observer programmes and data, and vessel monitoring systems. This proposal also includes new measures agreed by SPRFMO, in particular a protocol for high seas boarding and inspections, including procedures for alleged infringements, a measure on marine pollution, and a measure on the marking and identification of fishing vessels.

For IATTC, the proposal amends Regulation (EU) 2021/56 to include updates to fish aggregating devices (FAD) buoy's activations, reduction of FADs entanglement and use of biodegradable materials, report of catches on Pacific bluefin tuna, changes in vessels monitoring system, introduction of electronic monitoring system, including collection of fisheries data, protection of silky sharks, safe release of sharks, data collection of shark species, and updates to compliance reports.

For WCPFC this proposal amends Regulation (EU) 2022/2056 to introduce provisions related to the protection of sharks and use of branch lines and wire leaders by Union longline vessels with a prohibition of shark retention and duty to release, as well as surrender or discard of unintentionally caught of Oceanic whitetip and silky shark specimen and language adjustments for bunkering provisions.

For IOTC, this proposal amends Regulation (EU) 2022/2343 to include new conservation and management measures as well as amendments to previously adopted measures. This proposal also includes new articles related to the management of anchored fish aggregating devices, voluntary fishery closure and standards for electronic monitoring and revised measures

strengthening the management of drifting fish aggregating devices, mitigation measure for non-target species and observer scheme.

Proposal for a

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amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), Regulation (EU) 2018/975 laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area, Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, Regulation (EU) 2021/56 laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention, Regulation (EU) 2022/2056 laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area, Regulation (EU) 2022/2343 laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, and Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean

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 Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) 2017/2107 of the European Parliament and of the Council² implemented management, conservation and control measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and applicable to the ICCAT Convention Area up to, and including at, its annual meeting in 2015.
- (2) Regulation (EU) 2017/2107 was subsequently amended by Regulations (EU) 2019/1154³, (EU) 2023/205⁴ and (EU) 2024/897 of the European Parliament and of

¹ OJ C , , p. .

² Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p.1), ELI: <http://data.europa.eu/eli/reg/2017/2107/oj>.

³ Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No

the Council⁵ in order to implement further measures adopted by ICCAT at its 28th Regular Meeting in 2023. Those include measures for the conservation of whale shark and mobulid rays as well as a geographic limitation for the applicability of sea turtle conservation measures. Moreover, the role of European Fisheries Control Agency (EFCA) is newly defined as a sighting entity in relation to sighting of vessels and further communication to the ICCAT Secretariat.

- (3) Regulation (EU) 2023/2053 of the European Parliament and of the Council⁶ implements into Union law measures adopted by the International Commission for the Conservation of Atlantic Tunas for the management of the bluefin tuna.
- (4) At its 28th Regular Meeting in 2023, ICCAT also adopted control measures for the conservation of fishery resources under its purview relating to the exchange of quotas between Joint Fishing Operations, prior notification of landings, monitoring of bluefin tuna transfers operations by video camera, caging operations, and control activities in the farms after caging.
- (5) Those measures are binding on the Union. They should therefore be implemented into Union law.
- (6) Regulation (EU) 2018/975 of the European Parliament and of the Council⁷ implemented management, conservation and control measures adopted by the South Pacific Regional Fisheries Management Organisation (SPRFMO) and applicable to the SPRFMO Convention Area up to, and including at, its annual meeting in 2017.
- (7) The SPRFMO Commission adopted at its 2018, 2019, 2020, 2021, 2022, 2023 and 2024 annual meetings further measures for the conservation of fishery resources under its purview related to bottom fishing, transshipment, gillnets, observer programmes and data, and vessel monitoring systems, as well as new measures in particular a new protocol for high seas boarding and inspections, including procedures for alleged infringements, and measures on marine pollution and on the marking and identification of fishing vessels.

1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council (OJ L 188, 12.7.2019, p.1), ELI: <http://data.europa.eu/eli/reg/2019/1154/oj>.

⁴ Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 29.9.2023, p.1), ELI: <http://data.europa.eu/eli/reg/2023/2053/oj>.

⁵ Regulation (EU) 2024/897 of the European Parliament and of the Council of 13 March 2024 amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean (OJ L 2024/897, 19.3.2024 <http://data.europa.eu/eli/reg/2024/897/oj>).

⁶ Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p.1), ELI: <http://data.europa.eu/eli/reg/2023/2053/oj>.

⁷ 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 (OJ L 179, 16.7.2018, p. 30), ELI: <http://data.europa.eu/eli/reg/2018/975/oj>.

- (8) Those measures are binding on the Union. They should therefore be implemented into Union law.
- (9) Regulation (EU) 2019/833 of the European Parliament and of the Council⁸ implemented into Union law conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (NAFO) and applicable in the NAFO Regulatory Area up to, and including at, its annual meeting in 2018. This Regulation was subsequently amended in order to implement further NAFO measures adopted at its annual meetings in 2019, 2020, 2021 and 2022⁹.
- (10) NAFO adopted at its annual meetings in 2023 and 2024 further measures for the conservation of fishery resources under its purview regarding cod in Divisions 2J3KL including closure, bycatch and retention on board, observers, surveillance, and relevant additional procedure for serious infringements.
- (11) Those measures are binding on the Union. They should therefore be implemented into Union law.
- (12) Regulation (EU) 2021/56 of the European Parliament and of the Council¹⁰ implemented into Union law the provisions adopted by the Inter-American Tropical Tuna Commission (IATTC) applicable to the IATTC Convention area up to, and including at, its annual meeting in 2019.
- (13) IATTC adopted at its 2020, 2021, 2022, 2023 and 2024 annual meetings measures for the conservation of fishery resources under its purview related to fish aggregating devices (FAD) buoy's activations, reduction of FADs entanglement and use of biodegradable materials, report of catches on Pacific bluefin tuna, minimum vessel data requirements, changes in vessels monitoring system, introduction of electronic monitoring system, including collection of fisheries data, protection of silky sharks, safe release of sharks, data collection of shark species, and updates to compliance reports.
- (14) Those measures are binding on the Union. They should therefore be implemented into Union law.

⁸ Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627, and repealing Council Regulations (EC) No 2115/2005 and (EC) 1386/2007 (OJ L 141, 28.5.2019, p. 1), ELI: <http://data.europa.eu/eli/reg/2019/833/oj>.

⁹ Regulation (EU) 2021/1231 of the European Parliament and of the Council 14 July 2021 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 274, 30.7.2021, p. 32), ELI: <http://data.europa.eu/eli/reg/2021/1231/oj>; Regulation (EU) 2022/2037 of the European Parliament and of the Council of 19 October 2022 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 275, 25.10.2022 p.11), ELI: <http://data.europa.eu/eli/reg/2021/1231/oj>; Regulation (EU) 2023/2857 of the European Parliament and of the Council of 13 December 2023 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 2857, 20.12.2023), ELI: <http://data.europa.eu/eli/reg/2023/2857/oj>.

¹⁰ Regulation (EU) 2021/56 of the European Parliament and of the Council of 20 January 2021 laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EC) No 520/2007 (OJ L 24, 26.1.2021, p. 1), ELI: <http://data.europa.eu/eli/reg/2021/56/oj>.

- (15) Regulation (EU) 2022/2056 of the European Parliament and of the Council¹¹ implemented into Union law conservation and management measures adopted by the Western and Central Pacific Fisheries Commission and applicable to WCPFC Convention area up to, and including at, its 2021 annual meeting.
- (16) WCPFC adopted at its 2022 and 2023 annual meetings measures related to bunkering services and protection of sharks and use of branch lines, wire leaders and shark lines by Union longline vessels with prohibition of shark retention and duty to release, as well as surrender or discard of unintentionally caught Oceanic whitetip and silky shark specimens.
- (17) Those measures are binding on the Union. They should therefore be implemented into Union law.
- (18) Regulation (EU) 2022/2343 of the European Parliament and of the Council¹² implemented into Union law management, conservation and control measures adopted by the Indian Ocean Tuna Commission (IOTC) and applicable in the IOTC area of competence up to, and including at, its annual meeting in 2021.
- (19) IOTC subsequently adopted at its 2022, 2023 and 2024 annual meetings and 6th special session measures for the conservation of fishery resources under its purview as regards management of anchored and drifting fish aggregating devices, voluntary fishery closure, transshipments, conservation measures for cetaceans and seabirds, regional observer schemes, vessel monitoring plans, electronic monitoring standards and port inspections.
- (20) IOTC resolution 24/06 implemented a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna, and non-targeted species caught by vessels in the IOTC record of authorisation that operate in the IOTC area of competence; Union fishing vessels using other gear types to those used by purse seine vessels are encouraged to retain on board and then land all fish fit for human consumption, and to take all reasonable steps to ensure the safe release of non-targeted species taken alive, to the extent possible, while taking into consideration the safety of the crew; and to retain on board and then land all dead non-targeted species, except those considered unfit for human consumption or prohibited from retention.
- (21) These measures are binding on the Union. They should therefore be implemented into Union law.
- (22) Certain SPRFMO, NAFO, IATTC, IOTC and ICCAT provisions are being amended more frequently and are likely to be amended at future SPRFMO, NAFO, IATTC, IOTC, and ICCAT annual meetings. In order to implement swiftly into Union law such future amendments, 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 as follows: (i) with regards to SPRFMO in respect to time limits, distance

¹¹ Regulation (EU) 2022/2056 of the European Parliament and of the Council of 19 October 2022 laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007 (OJ L 276, 26.10.2022, p. 1), ELI: <http://data.europa.eu/eli/reg/2022/2056/oj>.

¹² Regulation (EU) 2022/2343 of the European Parliament and of the Council of 23 November 2022 laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 311, 2.12.2022, p. 1.), ELI: <http://data.europa.eu/eli/reg/2022/2343/oj>.

to the encounter area, distances related to transshipment notification, data and information requirements, and provision of record of vessel information; with regards to NAFO, in respect of measures relating to Member State duties related to the submission of changes in by-catch retained, closure periods, observer qualifications, duties, training, observer data validations, observer safety equipment, rights and duties of Union vessels operators and masters, procedures in event of emergency; (ii) with regards to NAFO CEM, changes to closure periods, catch retention on board, duties of master related to abandoned gear, its retrieval, derogations from the observer programme, and reference to vessel sighting document to be used by Member States; (iii) with regards to IATTC, in respect of measures relating to IATTC references to guidelines for the safe release of shark, and Member States questionnaire on compliance; (iv) with regards to IOTC, in respect of measures relating to IOTC FADs reporting obligations, and (v) for ICCAT bluefin tuna regulation deadlines for reporting obligations, time periods for fishing seasons, percentage and reference points and the information to be submitted to the Commission.

- (23) 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-Making¹³. 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,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2017/2107

Regulation (EU) 2017/2107 is hereby amended as follows:

- (1) Title of Chapter V is renamed as: “Elasmobranchs”.
- (2) Article 30a is added:

“Article 30a

Whale sharks (*Rhincodon typus*)

1. Retaining on board, transshipping, or landing, any part or whole, the carcass of whale sharks caught in association with ICCAT fisheries shall be prohibited.
2. Setting a purse seine on a school of tuna associated with a whale shark after sighting of the shark concerned shall be prohibited.
3. Member States shall require that when a whale shark is incidentally encircled in the purse seine net, the master is to take all reasonable steps to ensure its safe release.
4. Member States shall ensure that such interactions with whale sharks during purse seine operations are recorded through their domestic observer programmes and that the following information is collected:
 - (a) details of the circumstances leading and relating to encirclement;

¹³ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

- (b) the number of individuals involved during the interaction;
 - (c) location of the interaction;
 - (d) steps taken to ensure safe handling and release of the specimens encircled in the purse seine;
 - (e) an assessment of the life status of the whale shark specimen(s) upon release (alive/dead/moribund/uncertain).
5. Member States shall report the data and information collected under paragraph 4 in their annual reports. For data collected through observer programmes, Member States shall report them to the Commission in accordance with ICCAT data reporting requirements. The Commission shall report these data to the ICCAT Secretariat.
6. The provisions in paragraphs 1 to 5 shall apply exclusively to fishing vessels operating between 40° N and 40° S.”
- (3) In Article 33a the following paragraph 6 and 7 are added:
- “6. Union fishing vessels that are at least 12 meters in length overall or more shall be allowed to retain South Atlantic shortfin mako only when the fish is dead on haulback, and the vessel has an observer or a functioning electronic monitoring system (EMS) on board to verify the condition of the sharks.
7. In addition to the conditions mentioned in paragraph 6, for Union fishing vessels below 12 meters in length overall, no more than one specimen of South Atlantic shortfin mako shall be retained by a vessel for any fishing trip.”

- (4) Article 35a is added:

“Article 35a

Mobulid rays

1. Retaining onboard, transshipping, landing or storing any part or whole carcass of species of reef manta ray (*Manta alfredi*), giant manta (*Manta birostris*), lesser devil ray (*Mobula hypostoma*), spinetail mobula (*Mobula japanica*), devil fish (*Mobula mobular*), chilean devil ray (*Mobula tarapacana*) or smoothtail mobula (*Mobula thurstoni*), hereafter referred to as mobulid rays and caught in association with ICCAT fisheries shall be prohibited.
 2. Union catching vessels shall promptly release unharmed, to the extent practicable, mobulid rays as soon as they are seen in the net, on the hook or on the vessel, in a manner that will result in the least possible harm to the individual.
 3. Member States shall record through their domestic observer programmes the number of discards and releases of mobulid rays caught in ICCAT fisheries and, where possible, an indication of status (dead or alive). Member States shall report them to the Commission. The Commission shall report these data to the ICCAT secretariat.
 4. In the case of mobulid rays that are unintentionally caught and frozen as part of a purse seine vessel’s operation, Union catching vessels shall surrender the whole mobulid ray to the responsible governmental authorities, or other competent authority, or discard them at the point of landing. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.”
- (5) In Article 41 the following paragraph 7 is added:

“7. In the South Atlantic:

paragraphs 2a, 4 and 5 shall not apply to vessels operating only North of 55°N or South of 35°S latitude in the eastern South Atlantic and South of 40°S latitude in the western South Atlantic.

The limit for the division between the eastern South Atlantic and the western South Atlantic is 20°W.”

(6) In Article 66a, paragraph 3 is replaced by the following:

“3. When a vessel is sighted pursuant to paragraph 1, the Member State concerned or the European Fisheries Control Agency (EFCA) (the ‘sighting entity’) shall record findings and transmit a report without delay, if possible by electronic means, to the appropriate authorities of the flag Member State or CPC or flag non-CPC of the sighted vessel, with copy to the ICCAT secretariat, the Commission and EFCA. If the sighted vessel is flagged to a Member State, the flag Member state shall, without undue delay, take appropriate action with respect to the vessel concerned; both the sighting entity and the flag Member State of the sighted vessel shall provide information on the sighting to the Commission and EFCA, including details of any follow-up action taken.”

Article 2

Amendments to Regulation (EU) 2018/975

Regulation (EU) 2018/975 is hereby amended as follows:

(1) Article 4 is amended as follows:

(a) point (7) ‘bottom fishing’ is replaced by the following:

“(7) ‘bottom fishing’ means fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations including bottom trawl, mid-water trawl and bottom line;”

(b) the following points are inserted:

- (a) “(7a) ‘bottom trawl’ means fishing using a trawl net that is designed to be pulled through the water and to come into contact with the seabed;
- (b) (7b) ‘mid-water trawl’ means fishing for benthopelagic species using a trawl net that is designed to be pulled through the water near the seabed and designed not to come into extended contact with the seabed;
- (c) (7c) ‘bottom line’ means fishing using a line to which a hook or hooks (whether baited or not) are attached and rigged to sink and fish on or near the seabed including, but not limited to, longlines, hand lines, drop lines, trot lines, and dahn lines;”

(c) point (11) ‘exploratory fishery’ is replaced by the following:

“(11) ‘exploratory fishery’ means a fishery that:

- (a) has not been subject to fishing in the previous 10 years where such fishing was limited to targeted fisheries authorised by the SPRFMO Commission on the basis of advice from the SPRFMO Scientific Committee, and the target species was defined as the largest

percentage in green weight of the total catch in any given haul, tow or set; or

- (b) for the purposes of fishing with a particular gear type or technique, has not been subject to fishing by that particular gear type or technique in the previous 10 years where such fishing was limited to targeted fisheries authorised by the SPRFMO Commission on the basis of advice from the SPRFMO Scientific Committee, and the target species was defined as the largest percentage in green weight of the total catch in any given haul, tow or set; or
 - (c) has been undertaken as an exploratory fishery in the previous 10 years and a decision has not yet been taken by the SPRFMO Commission to either close or manage the fishery as an established fishery; or
 - (d) constitutes bottom fishing activities in according with the conditions laid out in Article 12, paragraph 2; or
 - (e) has not been reviewed or subjected to scientific monitoring by the Scientific Committee, and harvest advice either was not issued by the Scientific Committee for the fishing in question, or such advice has not been considered by the SPRFMO Commission;”
- (d) the following points are added:
- “(19) ‘fishing entity’ means any entity referred to in Article 305, paragraph 1(c), (d) and (e) of UNCLOS that has expressed its firm commitment to abide by the terms of the SPRFMO Convention and complies with any conservation and management measures adopted pursuant to it, as provided for in Annex IV of the SPRFMO Convention;
- (20) ‘SPRFMO register of authorised inspection vessels and authorities of the inspection vessel’ means the list of inspection vessels and authorities authorised to conduct boarding and inspection in the SPRFMO Convention Area, as notified by the Contracting Parties and CNCs, which is maintained by the SPRFMO Secretariat;
- (21) ‘authorities of the inspection vessel’ means the authorities of the SPRFMO Contracting Party under whose flag the inspection vessel is flying;
- (22) ‘authorised inspection vessel’ means any vessel included in the SPRFMO register of authorised inspection vessels and authorities of the inspection vessel;
- (23) ‘authorised inspector’ means an inspector trained and designated by the authorities responsible for boarding and inspection included in the register of authorised inspection vessels and authorities of the inspection vessel;
- (24) ‘abandoned fishing gear’ means fishing gear deliberately left at sea by the vessel due to force majeure or other unforeseen reasons;
- (25) ‘lost fishing gear’ means fishing gear over which the vessel has accidentally lost control and cannot be located and/or retrieved;
- (26) ‘discarded fishing gear’ means fishing gear released at sea without any attempt for further control or recovery by the vessel; and

(27) ‘plastic’ means a solid material which contains as an essential ingredient one or more high molecular mass polymers, and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and /or pressure.”

(2) Article 7 is amended as follows:

(a) the following paragraphs 1a, 1b and 1c are inserted:

“1a. The Commission shall notify Member States when total catches have reached 70% of the limit agreed by the SPRFMO Commission for the stock throughout the range of its distribution.

1b. Notwithstanding paragraph 1, following the notification in paragraph 1a, Member States shall implement 15-day reporting periods. For this purpose, the calendar month shall be divided into 2 reporting periods, with the first period running from day 1 to day 15, and the second period from day 16 to the end of the month.

1c. For the first 15-day report to be submitted, Member States shall report their catches to the Commission within 15 days of the end of the first period. The Commission shall transmit that information to the SPRFMO Secretariat within 20 days of the end of that period. Member States shall subsequently report their catches to the Commission within 5 days of the end of each period. The Commission shall transmit that information to the SPRFMO Secretariat within 10 days of the end of each period.”

(3) Chapter I of Title III is replaced by the following:

“Chapter I

Bottom fishing

Article 12

Bottom fishing management areas

1. Bottom fishing in the SPRFMO Convention Area under this Chapter shall take place only in the bottom trawl, mid-water trawl, and bottom line management areas set out in Annex XIV. In those areas:
 - (a) bottom trawling shall occur only in a bottom trawl management area;
 - (b) mid-water trawling shall occur only in a mid-water trawl management area or a bottom trawl management area; and
 - (c) bottom lining shall occur only in a management area.
2. Notwithstanding paragraph 1, bottom fishing activities in the SPRFMO Convention area shall take place under the provisions set out in Chapter II for exploratory fisheries if they occur:
 - (a) outside a management area; or
 - (b) inside a management area using bottom fishing methods other than bottom trawl, mid-water trawl or bottom line fishing; or
 - (c) in a mid-water trawl management area using bottom trawl gear or in a bottom line management area using bottom trawl or mid-water trawl gear; or

- (d) inside a management area targeting species not previously targeted in the area proposed to be fished unless the species has regularly been caught as part of an existing fishery.

Article 13

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 management areas set out in Annex XIV shall submit a request for authorisation to the Commission not later than 75 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 60 days before the SPRFMO Scientific Committee meeting. The request shall contain a bottom fishing impact assessment of the proposed fishing activities.
3. The impact assessment referred to in paragraph 2 shall be carried out in accordance with the SPRFMO Bottom Fishery Impact Assessment Standard¹⁴ with the best available data and shall be prepared at a scale no coarser than the fishery management areas set out in Annex XV, taking into account the history of bottom fishing in the areas proposed and the cumulative impacts of past and proposed fishing, including any potential significant adverse impacts on VMEs, and shall include proposed mitigation measures to prevent such impacts.
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 paragraph 2 are updated at least every 3 years and when a substantial change in the fishery has occurred that is likely to affect the level of risk or impact of the fishing 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 14

VMES in bottom fishing

1. Where VME indicator taxa as defined in Annex XVI are encountered in any one tow at or above the weight thresholds in Annex XVII, or three or more different VME indicator taxa at or above the weight thresholds in Annex XVIII, Member States shall require fishing vessels flying their flag to cease bottom fishing immediately within an encounter area of 1 nautical mile either side of the trawl track extended by 1 nautical mile at each end.
2. Member States shall report encounters with VMEs to the Commission on the basis of the guidelines set out in Annex IV including a detailed description of the encounter, a comparison of the encounter with the existing model prediction, and suggested management actions to prevent significant adverse impacts on VMEs, in order to verify whether a VME is likely to be present at the encounter area and/or the

¹⁴ Available here: <https://www.sprfmo.int/science/benthic-impact-assessments/>

surrounding area, whether a significant adverse impact has occurred, and the risk of a significant adverse impact occurring in the future. The Commission shall forward that information to the SPRFMO Secretariat without delay.

3. The Commission shall inform Member States of any VME encounters notified by other SPRFMO Members and CNCs to the SPRFMO Secretariat.
4. Member States shall ensure that fishing vessels flying their flag do not bottom fish in VME encounter areas notified under paragraphs 2 and 3 unless and until such time as the SPRFMO Commission determines management actions that would permit the resumption of bottom fishing activities in the area.

Article 15

Observer coverage in bottom fishing

Member States shall require fishing vessels flying their flag that engage in bottom fishing to implement the minimum scientific observer coverage levels set out in Annex XIX.

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. 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.
3. By derogation from Article 29(2), Member States shall ensure that their fisheries monitoring centres (FMCs) automatically and continuously report the vessel monitoring system (VMS) data of fishing vessels flying their flag engaged in bottom fishing in the SPRFMO Convention Area to the SPRFMO Secretariat at least once every 30 minutes for the duration of each fishing trip, with a fishing trip commencing from the time the vessel departs from port, including all times that it is in the SPRFMO Convention Area and concluding once it enters port.”

- (4) Article 17 is replaced as follows:

“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 the requisite documentation set out in this provision:
 - (a) by not later than 130 days in advance of the SPRFMO Scientific Committee meeting, a succinct description of their intended Fisheries Operation Plan for information purposes, using the template for succinct description of Fisheries Operation Plan¹⁵. The Commission shall forward this information to the SPRFMO Secretariat not later than 120 days in advance of the SPRFMO Scientific Committee meeting.

¹⁵ Available here: <https://www.sprfmo.int/science/>

- (b) by not later than 80 days in advance of the SPRFMO Scientific Committee meeting, a copy of the following documentation:
 - (i) a request for authorisation providing the information contained in Annex V;
 - (ii) 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. The Commission shall forward the request to the SPRFMO Commission, and the Fisheries Operation Plan to the SPRFMO Scientific Committee, by not later than 60 days in advance of the SPRFMO Scientific Committee meeting
- 3. The Commission shall inform the Member State concerned of the SPRFMO decision regarding the authorisation to fish in an exploratory fisheries.”
- (5) Article 21 is replaced by the following:

“Article 21

Gillnets

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

- (a) give at least 72 hours advance notice to the SPRFMO Secretariat and the Commission 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 VMS reporting at least once every hour while in the SPRFMO Convention Area;
- (c) submit VMS position reports automatically to their FMC while transiting the SPRFMO Convention Area;
- (d) ensure their FMC automatically forwards the VMS reports referred to in paragraph (b) to the SPRFMO Secretariat at least once every hour; and
- (e) if gillnets are accidentally lost or abandoned overboard, report the date, time, position, and length (metres) of gillnets lost to the SPRFMO Secretariat and the Commission as soon as possible and in any event within 48 hours of the gear being lost or abandoned.”
- (6) Article 22 is amended as follows:

- (a) paragraph 2 is replaced by the following:

“2. Member States shall inform the Commission of the fishing vessels flying their flag authorised to fish in the SPRFMO Convention Area and that have not previously been included on the SPRFMO record of vessels at least 20 days prior to the date of first entry of such vessels in the SPRFMO Convention Area for the purposes of fishing for SPRFMO fishery resources. 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.”

- (b) the following paragraph is inserted:

“4a. For the purposes of paragraph 4, an authorisation entry on the SPRFMO record of vessels shall cease to be a valid entry when there is a change in any of the following details until the required information is updated:

- (a) vessel flag;
 - (b) international radio call sign (IRCS) (if any);
 - (c) authorisation start date;
 - (d) authorisation end date;
 - (e) UVI (Unique Vessel Identifier)/IMO number.”
- (7) Article 23 is amended as follows:
- (a) paragraph 2 is replaced by the following:
 “2. Transshipments at sea and in port shall only be undertaken between authorised fishing vessels included in the SPRFMO record of vessels.”
 - (b) paragraph 3 is replaced by the following:
 “3. At sea transfer of fuel, crew, gear or any other supplies in the SPRFMO Convention Area shall only be undertaken between authorised fishing vessels included in the SPRFMO record of vessels.”
 - (c) the following paragraphs 5 and 6 are added:
 “5. Union fishing vessels shall not operate as both an unloading fishing vessel and a receiving fishing vessel during the same trip, except in the case of a *force majeure* event beyond the control of the vessel including serious mechanical breakdown or other events that threaten the safety of the crew or result in a significant financial loss through fish spoilage. In such cases, the flag Member State shall notify the SPRFMO Secretariat and the Commission of the transshipment and the circumstances giving rise to the *force majeure* within one working day of the completion of the transshipment.
 6. By 20 January each year, Member States shall report to the Commission the list of fishing vessels flying their flag that actively fished or engaged in transshipment for species other than jack mackerel in the SPRFMO Convention Area in the preceding year. The Commission shall transmit that information to the SPRFMO Secretariat by 30 January each year.”
- (8) Article 24 is replaced by the following:
 “Article 24
 Notification of transshipment
1. In the case of transshipment of fishery resources caught in the SPRFMO Convention Area, the flag Member State of the receiving Union fishing vessel shall simultaneously transmit to the Commission and the SPRFMO Secretariat, at least 36 hours in advance of the estimated start time of such transshipment, the SPRFMO advanced transshipment notification in accordance with Annex VII. Such notification is required regardless of where the transshipment has taken place.
 2. If the transshipment referred to in paragraph 1 does not start within 72 hours from the notified estimated start time of transshipment or within 50 nautical miles of the estimated location notified in the advanced transshipment notification, the flag Member State of the receiving Union fishing vessel shall simultaneously notify the Commission and the SPRFMO Secretariat of the modified SPRFMO advanced transshipment notification information in accordance with Annex VII as soon as possible.

3. If a notified transshipment does not occur, the flag Member State of the receiving Union fishing vessel shall simultaneously notify the Commission and the SPRFMO Secretariat as soon as possible but no later than five working days after the notified time of the transshipment.”

(9) The following Article is inserted:

“Article 24a

Storage requirements for receiving Union fishing vessels

If a receiving Union fishing vessel engages in more than one transshipment, the flag Member State shall require it to store the catch from each transshipment separately so that it is readily identifiable. The receiving Union fishing vessel shall have a stowage plan available on board that provides for this separation of catch from different unloading fishing vessels.”

(10) Article 25 is replaced by the following:

“Article 25

Monitoring of transshipment

1. Receiving Union fishing vessels that engage in transshipment at sea shall have an observer on board to monitor the transshipment and record the information in the required SPRFMO observer transshipment log sheet in accordance with Annex VIII.
2. In addition to paragraph 1, if an unloading Union fishing vessel has an observer onboard during a transshipment, that observer shall also monitor the transshipment and record the information in the required SPRFMO observer transshipment log sheet in accordance with Annex VIII.
3. A receiving Union fishing vessel shall engage in only one transshipment at a time for each observer that is available to monitor and report on the transshipment.
4. For the purpose of verifying the quantity and species of the fishery resources 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.
5. The observer shall complete the SPRFMO observer transshipment log sheet in accordance with Annex VIII and provide this information electronically to the competent authorities of the Member State to which the receiving Union fishing vessel is flagged no later than 20 days from debarkation.
6. The Member State to which the receiving Union fishing vessel is flagged shall submit the observer data of the SPRFMO observer transshipment log sheet to the Commission electronically no later than 25 days from debarkation of the observer. The Commission shall forward this information to the SPRFMO Secretariat electronically no later than 30 days from debarkation of the observer.”

(11) Article 26 is replaced by the following:

“Article 26

Information to be reported after transshipment

1. 1.Member States shall require receiving fishing vessels flying their flag that engage in transshipment, to prepare a SPRFMO transshipment declaration in accordance with Annex IX and shall submit the declaration to the Commission no later than the 10th day of the month following that in which the transshipment is completed. The

Commission shall transmit this information to the SPRFMO Secretariat no later than the 15th day of the month following that in which the transshipment is completed.

2. 2.Members States shall require receiving fishing vessels flying their flag that engage in transshipment, to retain a copy of the SPRFMO transshipment declaration on the vessel for the duration of the fishing trip and to provide it as required to any authorized inspector.”

- (12) Article 27 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1.In addition to the data reporting requirements set out in Articles 7, 11, 14, 16, 18, 21, 22, 23, 24, 25, 26, 28a, 28u, 29, 35b, 35e, 40 and 41, Member States whose vessels fish in the SPRFMO Convention Area shall provide the data set out in paragraphs 2, 3 and 3a of this Article to the Commission.”

(b) the following paragraph is inserted:

“3a. By 15 January each year, Member States whose vessel fish in the SPRFMO Convention Area in fisheries other than jack mackerel fisheries shall report to the Commission the list of vessels that actively fished or engaged in transshipment in the Convention Area during the previous calendar year. The Commission shall forward that information to the SPRFMO Secretariat by 30 January.”

- (13) In Chapter IV, Article 28 is replaced by the Sections 1 to 3 as follows:

“SECTION 1

Observer programme accreditation procedure and minimum standards

Article 28

Observer programmes

1. Member States whose vessels fish in the SPRFMO Convention Area shall establish observer programmes to collect the data set out in Annex X.
2. Member States shall ensure that the observer programmes established pursuant to paragraph 1 and any service providers only deploy independent and impartial observers.
3. For fisheries where a minimum level of observer coverage is required, Member States shall ensure that observers on board fishing vessels flying their flag are only deployed from observer programmes and service providers accredited by the SPRFMO Commission.
4. For fisheries where 100% of observer coverage is not required, Member States shall ensure that the method of assigning observers on fishing vessels flying their flag is representative for the fishery to be monitored and commensurate with the specific data needs of the fishery as a whole.
5. Member States shall document and provide information on the methods used to allocate observers on fishing vessels flying their flag to meet the observer coverage requirements. Member states shall report this information to the Commission in their annual scientific report covering the previous year.
6. Member States intending to deploy observers from the observer programme of another Member State, SPRFMO Member or CNCP shall inform the Commission before such deployment. The Commission shall seek the consent of the respective

Member State, SPRFMO Member or CNCP and then inform the relevant Member State.

7. Union scientific research vessels fishing for research purposes shall be exempted from the obligation to carry accredited observers on board, except if they are engaged in an exploratory fishery. The flag Member States of those vessels shall comply with the data collection and reporting requirements of Annex X and Article 28a and shall ensure that scientific personnel on board possess the capacity to perform in full all the observation and reporting responsibilities contained in those requirements.

Article 28a

Observer data reporting

1. 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.
2. Not later than 45 days before the SPRFMO Scientific Committee meeting, Member States whose vessels fish in the SPRFMO Convention Area shall provide an annual report on the implementation of the observer programme covering their fishing activity in the previous year. The report shall include observer training, programme design and coverage, the type of data collected, details of any service providers used, and any problems encountered during the year. The Commission shall forward that information to the SPRFMO Secretariat by not later than 30 days before the SPRFMO Scientific Committee meeting.

Article 28b

Observer programme accreditation

1. Member States seeking to accredit their observer programme shall submit to the Commission at least 7 months in advance of the annual meeting of the SPRFMO Commission at which they wish the accreditation to be considered all the relevant information and documentation to fulfil the standards provided for in Articles 28c through 28o, including manuals, guides and training materials, and, where relevant, information about national programmes and service providers already accredited by other Regional Fisheries Management Organisations. The Commission shall forward this information to the SPRFMO Secretariat at least 6 months in advance of the annual meeting of the SPRFMO Commission.
2. Member States shall provide the Commission with additional information and corrections relevant to their observer programme as needed. The Commission shall forward this information to the SPRFMO Secretariat.
3. The Commission shall forward to the Member States the draft preliminary evaluation report of their observer programme for comments and shall forward any comments to the SPRFMO Secretariat.
4. The Commission shall inform the Member State concerned of the SPRFMO decision regarding the accreditation of their observer programme.

Article 28c

Impartiality, independence, and integrity

1. Member States shall ensure that their observer programmes and service providers only deploy independent and impartial observers. This means that neither the observer programme or service provider, as the case requires, nor the individual observers, have a direct financial interest, ownership or business links with vessels, processors, agents and retailers involved in the catching, taking, harvesting, transporting, processing or selling of fish or fish products.
2. The Member States shall ensure that their observer programmes and service providers, and the individual observers shall not:
 - (a) have a direct financial interest, other than the provision of observer services, in the fisheries under the purview of SPRFMO, including, but not limited to: i) any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish; ii) any business selling supplies or services to any vessel or processor in the fishery; iii) any business purchasing raw or processed products from any vessel or processor in the fishery;
 - (b) solicit or accept, directly or indirectly, any gratuity, gift, favour, entertainment, inordinate accommodation, loan or anything of monetary value from anyone who either conducts activities that are regulated by a SPRFMO Member or CNCP connected with its services or SPRFMO, or has interests that may be substantially affected by the performance or non-performance of the observer's official duties;
 - (c) serve as an observer on any vessel or at any processors owned or operated by a person who previously employed the observer in another capacity within the last three years (e.g., as a crew member); and,
 - (d) solicit or accept employment as a crew member or an employee of a vessel or processor while employed by the Member State observer programme or service provider.

Article 28d

Observer qualifications

Member States shall ensure that observers that are recruited into their observer programme or deployed by their service providers fulfil the following criteria:

- (a) relevant education or technical training and/or experience for the fleets concerned;
- (b) ability to meet the observer duties described in this Section;
- (c) no record of convictions calling into question the integrity of the observer or indicating a propensity towards violence; and
- (d) the ability to obtain all necessary documentation, including passports and visas.

Article 28e

Observer training

1. Member States shall ensure that observers in their observer programmes or deployed by their service providers are adequately trained before their deployment. Training shall include the following:
 - (a) the relationship between fisheries science and fisheries management and the importance of data collection in this context;

- (b) the relevant provisions of the SPRFMO Convention, this Regulation, and SPRFMO conservation and management measures (CMMs) relevant to the functions and duties of observers;
- (c) the importance of observer programmes, including understanding the duties, rights, authority and responsibilities of observers;
- (d) safety at sea, including emergencies at sea, donning survival suits, use of safety equipment, use of radios, survival at sea, management of conflicts, and cold-water survival;
- (e) first aid training, appropriate to working at-sea or in remote situations;
- (f) species identification and record of species encountered at sea, including target and non-target species, protected species, seabirds, marine mammals, sea turtles, invertebrates indicating vulnerable marine ecosystems, etc.;
- (g) knowledge of the different types and functioning of bycatch mitigation devices required by SPRFMO CMMs;
- (h) safe handling protocols to rehabilitate and release seabirds, marine mammals and sea turtles;
- (i) fishing vessel and fishing gear types relevant to SPRFMO;
- (j) techniques and procedures for estimating catch and species composition;
- (k) use and maintenance of sampling equipment including scales, callipers, et cetera;
- (l) sampling methodologies at sea, i.e., fish sampling, fish sexing, measuring and weighing techniques, specimen collection and storage, and sampling methodologies;
- (m) understand potential biases in sampling, how they arise and how they could be avoided;
- (n) preservation of samples for analysis;
- (o) data collection codes and data collection formats;
- (p) familiarity with catch logbooks and recordkeeping requirements to aid observers' collection of data as required under SPRFMO CMMs;
- (q) use of digital recorders or electronic notebooks;
- (r) electronic equipment used for observer work and understanding their operation;
- (s) use of electronic monitoring systems as a complement to their work, when applicable;
- (t) verbal debriefing and report writing;
- (u) training on relevant aspects of the International Convention for the Prevention of Pollution from Ships (MARPOL).

2. Member States shall ensure that their observer programmes or service providers provide ongoing refresher training dependent on the qualification requirements. Relevant updates to SPRFMO CMMs and observer requirements shall be communicated to observers before each deployment as part of the briefing process, for example in an updated manual.

Article 28f

Observer trainers

Member States shall ensure that observer trainers in their observer programmes or deployed by service providers have the appropriate skills and have been authorised by that programme or service provider to train observers.

Article 28g

Briefing and debriefing

1. 1. Member States shall ensure that there are systems in place in their observer programmes or service providers for briefing and debriefing observers and communicating at any time with vessel masters.
2. 2. The briefing and debriefing process shall be conducted by properly trained personnel and shall ensure that observers and vessel masters clearly understand their respective roles and duties.

Article 28h

Data validation process

1. Member States shall ensure that their observer programmes or service providers have in place an observer data validation process.
2. The data validation process shall be conducted by properly trained personnel and shall ensure that data and information collected by an observer are checked for discrepancies or inaccuracies that are corrected before the information is entered into a database or used for analysis. This includes ensuring that the Member State observer programme or service provider has in place a mechanism to receive data, reports and any other relevant information from an observer in such a way that prevents interference in that data from other sources.
3. The data validation process shall ensure that the data meet the following standards:
 - (a) a mechanism that allows scientific data to be stored and transferred to the Member State observer programme (or service provider) in a secure and confidential manner;
 - (b) vessel information that uniquely identifies the actual vessel from which the fishing occurred;
 - (c) dates and times of fishing effort are included and internally consistent (for example an end time shall be after a start time);
 - (d) inclusion of valid location of fishing (for example, logical latitude/longitude combinations), that is internally consistent and entered in the correct units;
 - (e) effort data that allows quantification of the amount of effort invested by the vessel, appropriate to the fishing method used, which is also identified;
 - (f) catch information that identifies the fishery resource (to the species level where possible) and the quantity of that species retained or discarded. If used, species codes shall be accurate;
 - (g) where biological or length information is collected for a fish, it is directly linked to the effort in which it was caught including date and time, location, and fishing method information, and includes the methodology of data collection;

- (h) if the observer programme extends to transshipment and/or landings, then the amount and species of fishery resources transhipped/landed is quantified and recorded according to a standard methodology;
- (i) interaction data involving marine mammals, seabirds, reptiles and/or other species of concern that identifies the individual species (where possible), the number of animals, fate (retained or released/discarded), life status if released (vigorous, alive, lethargic, dead), and the type of interaction (hook/line entanglement/warpstrike/net capture/other).

Article 28i

Observer identification cards

Member States shall ensure that observers in their observer programmes or deployed by service providers are provided with identification cards that include the following information:

- (a) full name of the observer,
- (b) date of issue and expiration,
- (c) name of the Member State observer programme or service provider,
- (d) a unique identifying number (if issued by the observer programme or service provider)
- (e) a passport style photo of the observer, and
- (f) an emergency phone number.

Article 28j

Coordination of observer placements and observer deployments

1. Member States shall ensure that their observer programmes or service providers have sufficient capacity for the timely deployment of observers and that the selected observer receives all possible assistance during the entire length of their placements.
2. Member States shall ensure that their observer programmes or service providers have in place a protocol to replace an observer if the observer becomes unable to perform their duties.
3. Member States shall also ensure that that their observer programmes or service providers seek, to the extent possible, to avoid deploying a single observer on multiple consecutive trips on the same vessel.
4. Member States shall ensure that their observer programmes or service providers also administer observer placements, to maintain the independence and impartiality of observers in accordance with Article 28c and ensure that all placements are administratively finalised as soon as practicable after the observers return to port.
5. Member States shall ensure that their observer programmes or service providers communicate with the observer regarding upcoming deployments, coordinate observer travel, and provide the necessary supplies for observer duties.

Article 28k

Observer safety equipment

1. Member States shall ensure that observers deployed by their observer programmes or service providers are provided with appropriate equipment, including safety

equipment, which is in good working order, routinely checked and renewed to carry out their duties on board a vessel.

2. Essential equipment includes a lifejacket, independent two-way communication device capable of sending and receiving voice or text communications, personal locator beacons (PLBs), immersion suits, hard hat, proper deck working boots or shoes, gloves, and protective glasses (including sunglasses).

Article 28l

Procedures for allegations of observer misconduct

Member States shall ensure that their observer programmes or service providers establish procedures for preventing, investigating, and reporting on the misconduct of observers, in coordination with observers, vessel masters, and relevant Members and CNCPs.

Article 28m

Dispute settlement procedure

Member States shall ensure that their observer programmes or service providers have in place a dispute resolution process fair to all parties that provides a process to resolve issues through appropriate means including facilitation and mediation.

Article 28n

Observer safety

1. Member States shall ensure that their observer programmes or service providers have in place procedures to support observers in their ability to carry out their duties unimpeded and in a safe working environment, including an established Emergency Action Plan (EAP). The EAP must provide instructions on sending reports to the provider's designated 24-hour point(s) of contact to report unsafe conditions, including instances of harassment, intimidation, or assault.
2. Member States shall ensure that their observer programmes or service providers also provide a permanent delegate or supervisor on land to communicate with the observer at any time while at sea.

Article 28o

Insurance and liability

Member States shall ensure that observers deployed by their observer programmes or service providers have health, safety and liability insurance commensurate with the national standards in force in the Member State of the observer programme or service provider for such insurance for the duration of any deployment before placing the observer on a vessel.

SECTION 2

Rights and duties of observers, fishing operators, vessel masters and crew

Article 28p

Rights of observers

1. Member States shall ensure that observers on board fishing vessels flying their flag enjoy the rights set out in this provision and that a copy of those rights are provided to the crew of such vessels or prominently displayed on board.
2. In fulfilling their tasks and duties, observers shall have the following rights on board Union fishing vessels:

- (a) freedom to carry out their duties without being assaulted, obstructed, delayed, intimidated or interfered with;
- (b) access to and use of all facilities and equipment of the vessel necessary to carry out the observer's duties, including but not limited to full access to the bridge, catch before being sorted, processed catch and any bycatch on board, as well as areas which may be used to hold, process, weigh, and store fish, as safety permits;
- (c) access to the vessel's records, including logbooks, vessel diagrams and documentation for reviewing records, assessment and copying, as well as access to navigational equipment, charts, and other information related to fishing activities;
- (d) access to and use of communications equipment and personnel, upon request, for entry, transmission, and reception of work-related data or information;
- (e) reasonable use of the communication equipment on board to communicate with the observer programme on land at any time including emergencies;
- (f) access to additional equipment, if present, to facilitate the work of the observer while on board the vessel, such as high-powered binoculars, electronic means of communication, freezer to store specimens, scales;
- (g) safe access to the working deck or hauling station, during net or line retrieval and access to specimens on deck (alive or dead) in order to collect samples;
- (h) unrestricted access to food, accommodation and sanitary facilities of a standard equivalent to those normally available to an officer on board the vessel as well as medical facilities that meet international maritime standards;
- (i) access to verify safety equipment on board (through a safety orientation tour provided by officers or crew) before the vessel leaves the dock;
- (j) unrestrained permission to record any pertinent information relevant for scientific purposes and data collection;
- (k) the right to have a designated contact or supervisor on land to communicate with at any time while at sea;
- (l) the right to refuse deployment on board a fishing vessel for justified reasons, including where safety issues have been identified;
- (m) the ability to communicate at any time the occurrence of safety issues to the vessel master, the authorities of the observer programme or service provider, the Secretariat, and flag State, as appropriate;
- (n) upon request by the observer, the right to receive reasonable assistance by the crew to perform their duties including, among others, sampling, handling large specimens, releasing incidental specimens and measurements;
- (o) privacy in the observer's personal areas;
- (p) not performing duties assigned to the crew, such as gear handling (for fishing purposes), offloading fish;
- (q) observer data, records, documents, equipment, and belongings will not be accessed, harmed, or destroyed.

3. In the event that an observer refuses to be deployed on board a Union fishing vessel, the competent authorities of the Member State under whose observer programme or service provider the observer was to be deployed shall document the reasons for the refusal and transmit the information to the Commission. The Commission shall transmit this information to the SPRFMO Secretariat.

Article 28q

Duties of observers

1. Member States shall ensure that observers deployed by their observer programmes or service providers on board fishing vessels perform the duties set out in this provision.
2. Observers on board fishing vessels shall perform the following duties:
 - (a) carrying complete and valid documents before boarding the vessel, including, when relevant, identification documents, passport, visas, and certificates of at sea security training;
 - (b) submitting copies of the documents indicated above to the programme managers of the observer programme or service provider, as required;
 - (c) maintaining independence and impartiality at all times while on duty;
 - (d) complying with the laws and regulations of the Member State whose flag the vessel is flying;
 - (e) respecting the hierarchy and general rules of behaviour that apply to the vessel personnel;
 - (f) performing duties in a manner that does not unduly interfere with the operations of the vessel and, while carrying out their functions, giving due consideration to the operational requirements of the vessel and communicating regularly with the master of the vessel;
 - (g) being familiar with the emergency procedures aboard the vessel, including the locations of life rafts, fire extinguishers, and first aid kits, and participating regularly in emergency drills for which the observer has received training;
 - (h) communicating regularly with the vessel master on relevant observer issues and duties;
 - (i) refraining from actions that could negatively affect the image of the observer programme;
 - (j) adhering to any required codes of conduct for observers, including any applicable laws and procedures;
 - (k) communicating as regularly as is required with the programme managers or observer programme coordinator on land;
 - (l) complying with any SPRFMO CMMs whose provisions are directly applicable to observers;
 - (m) respecting the privacy in the master and crew areas.

SECTION 3

Rights and duties of Union vessel operators and masters

Article 28r

Rights of Union fishing vessel operators and masters

Member States shall ensure that vessel operators and masters of Union fishing vessels flying their flag enjoy the following rights:

- (a) to be consulted and either agree or otherwise propose alternatives regarding to the timing and placement of observers, when required to take on board one or more observers;
- (b) to conduct operations of the vessel without undue interference due to the observer's presence and performance of the observer's duties;
- (c) to assign, at their discretion, a vessel crew member to accompany the observer when the observer is carrying out duties in hazardous areas;
- (d) to be timely notified by the observer programme or service provider on completion of the observer's trip of any comments regarding the vessel operations. The master shall have the opportunity to review and comment on the observer's report and shall have the right to include additional information deemed relevant or a personal statement.

Article 28s

Duties of Union fishing vessel operators and masters

Member States shall ensure that fishing operators and vessel masters of fishing vessels flying their flag respect the rights of observers set out in Article 28p and perform the following duties:

- (a) accept on board the vessel one or more persons identified as observers by the observer programme or service provider when required by their flag Member State;
- (b) ensure the vessel crew is properly briefed and does not assault, harass, obstruct, resist, intimidate, influence, or interfere with the observer or impede or delay the observer in the performance of duties;
- (c) if required by this Regulation or a SPRFMO CMM, as a complementary monitoring tool, install and maintain functioning electronic monitoring systems or devices throughout the selected fishing trips;
- (d) ensure the observer has access to the catch before any sorting, grading or other separation of the components of the catch are made;
- (e) ensure that vessels operating in the SPRFMO Convention Area include adequate space for the observer to conduct bycatch sampling or other sampling as needed, in a safe manner that limits interference with vessel operations, with a dedicated sample station and other equipment such as scales;
- (f) maintain a safe and clean sampling station to be used by the observer;
- (g) refrain from altering the sampling station during an observed trip without prior consultation with the observer and subsequent notification to their flag Member State;
- (h) inform the crew regarding the timing and objectives of the observer programme and schedule for observer boarding, as well as their responsibilities when an observer from the observer programme boards the vessel;

- (i) assist the observer to safely embark and disembark the vessel at an agreed upon place and time;
- (j) allow and assist the observer to carry out all duties safely and ensure the observer is not unduly obstructed in the execution of duties unless there is a safety issue that requires intervention;
- (k) allow and assist the observer to remove and store samples from the catch and allow the observer access to stored specimens;
- (l) provide the observer, while on board the vessel, at no expense to the observer, the observer programme or service provider, with food, accommodation, adequate sanitary amenities and medical facilities of a standard equivalent to those normally available to an officer on board the vessel according to generally accepted international standards;
- (m) allow and assist full access to and use of all facilities and equipment of the vessel that is necessary for the observer to carry out his or her duties, including but not limited to full access to the bridge, catch before being sorted, processed catch and any bycatch on board, as well as areas which may be used to hold, process, weigh and store fish;
- (n) follow any established mechanism established by the SPRFMO Commission for solving conflicts that would complement the established dispute settlement processes provided by the observer programme or service provider;
- (o) cooperate with the observer when the observer is sampling the catch;
- (p) provide notice to the observer at least fifteen minutes before fishing gear hauling or setting procedures, unless the observer specifically requests not to be notified;
- (q) provide adequate space to the observer in the bridge or other designated area for clerical work, as well as adequate space on deck or the factory to perform the observer's duties;
- (r) provide personal protective equipment, and, where appropriate, an immersion suit;
- (s) provide to the observer timely medical attention in case of physical or psychological illness or injury;
- (t) develop and maintain an emergency action plan (EAP) regarding observer safety.

Article 28t

Safety orientation briefing

Masters of Union fishing vessels or a crew member designated by the master shall provide the observer with a safety orientation briefing at the time of boarding the vessel and before it leaves the dock. The orientation briefing shall include:

- (a) the provision of/location of safety documentation of the vessel;
- (b) location of life rafts, raft capacities, observer's assignment, expiration, installation, and any other relevant safety related information;
- (c) location and instructions for use of emergency radio beacons indicating position in case of an emergency;

- (d) location of immersion suits and personal floating devices, their accessibility, and the quantities for everyone onboard;
- (e) location of flares, types, numbers, and expiration dates;
- (f) location and number of fire extinguishers, expiration dates, accessibility;
- (g) location of life rings;
- (h) procedures in case of emergencies and essential actions of the observer during each type of emergency, such as a fire on board or recovering a person overboard;
- (i) location of first aid materials and familiarity with crew members in charge of first aid;
- (j) location of radios, procedures for making an emergency call, and how to operate a radio during a call;
- (k) safety drills;
- (l) safe places to work on deck and safety equipment required;
- (m) procedures in case of illness or accident of the observer or any other crew member.

Article 28u

Procedure in the event of an emergency

1. Member States shall ensure that, if an observer dies, is missing or presumed fallen overboard, fishing vessels flying their flag shall:
 - (a) immediately cease all fishing operations;
 - (b) immediately commence search and rescue if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless the observer is found sooner, or unless instructed by their flag Member State to continue searching;
 - (c) immediately notify their flag Member State;
 - (d) immediately notify the Member State, SPRFMO Member or CNCP, or service provider under whose observer programme the observer is deployed, if applicable;
 - (e) immediately alert other vessels in the vicinity by using all available means of communication;
 - (f) cooperate fully in any search and rescue operation;
 - (g) irrespective of the search results, return for further investigation to the nearest port, as agreed by the flag Member State and the SPRFMO Member or CNCP, Member State observer programme or service provider under whose observer programme the observer is deployed;
 - (h) provide a report on the incident to their flag Member State, which shall transmit it to the Commission, the observer providers and appropriate authorities depending on the incident; and

- (i) cooperate fully in any and all official investigations and preserve any potential evidence and the personal effects and quarters of the deceased or missing observers.
- 2. Member States shall take and implement all steps, as a matter of due diligence, to prevent incidents causing serious harm or death to observers on board fishing vessels flying their flag, sanction or punish those involved, including through criminal investigation and prosecution. Member States shall cooperate with the Commission, other Member States, SPRFMO Members and CNCPs to that end.”
- (14) In Title IV, the following Chapter is inserted:

“CHAPTER IVa

Identification of fishing vessels and vessel monitoring systems

Article 29a

Marking and identification of fishing vessels

- 1. In addition to the rules on the marking of fishing vessels laid down in Article 6 of Commission Implementing Regulation (EU) No 404/2011,¹⁶ Member States shall require fishing vessels flying their flag to have their IRCS marked to meet the following technical specifications:
 - (a) block lettering and numbering shall be used throughout;
 - (b) for the hull, superstructure and/or inclined surfaces, the height (h) of the letters and numbers shall be not less than 1.0 m;
 - (c) the length of the hyphen shall be half the height of the letters and numbers;
 - (d) the width of the stroke for all letters, numbers and the hyphen shall be h/6;
 - (e) spacing:
 - i.the space between letters and/or numbers shall not exceed h/4 nor be less than h/6;
 - ii.the space between adjacent letters having sloping sides shall not exceed h/8 nor be less than h/10;
 - (f) the background shall extend to provide a border around the mark of not less than h/6;
 - (g) an additional ICERS marking placed on a deck, which is any horizontal plane including the top of the wheelhouse, with the height of the marking not being less than 0.3m.”
- (15) Article 31 is amended as follows:
 - (a) paragraph 1 is replaced by the following:

“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 use their ports for any purposes to provide as a minimum, not later than 48 hours before the

¹⁶ 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 113, 30.4.2011, p.1 ELI: http://data.europa.eu/eli/reg_impl/2011/404/oj).

estimated time of arrival at the port, the information set out in Annex XI accompanied by the following:

- (a) 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;
- (b) the crew list of the fishing vessel;
- (c) the dates of the fishing trip.”
- (b) the following paragraph 1a is inserted:
“1a. Port Member States shall promptly inform the Commission of any request received pursuant to paragraph 1 to use their ports, which shall forward this information to the SPRFMO Secretariat.”

(16) Article 33 is amended as follows:

- (a) the following paragraph 3 is added:
“3. Notwithstanding Article 4(2) of Regulation (EC) No 1005/2008, Member States may allow entry into their ports of a fishing vessel exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law aimed at preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing.”
- (b) the following paragraph 4 is added:
“4. Where a vessel referred to in paragraph 3 is in port for any reason, the port Member State shall deny such vessel the use of its port for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, bunkering, maintenance and dry-docking.”

(17) Article 35 is amended as follows:

- (a) paragraph 2 is replaced by the following:
“2. The competent authorities of the port Member State shall forward a copy of the inspection report and the evidence collected during the inspection to the Commission as soon as possible and in any case within five working days of completion of the inspection, and, to the extent practicable, ensure the safekeeping of the evidence. The Commission shall transmit the inspection report and any evidence to the SPRFMO Secretariat and to the flag Contracting Party or CNCP point of contact without delay.”

(18) In Title IV, the following Chapter is inserted:

“CHAPTER Va

High seas boarding and inspection

Article 35a

General principles

1. Union fishing vessels operating in the SPRFMO Convention Area shall accept boarding and inspection conducted by authorised inspection vessels flying the SPRFMO inspection flag and pennant set out at Annex XX and authorised inspectors of Contracting Parties to the SPRFMO Convention.

2. The Commission may notify the SPRFMO Commission that the high seas boarding and inspection provisions of the SPRFMO shall apply in their entirety, *mutatis mutandis*, as between the Union and a fishing entity.
3. The Commission shall notify Member States of the authorised inspection vessels and authorities of the inspection vessels included on the SPRFMO register of authorised inspection vessels and authorities of the inspection vessels, and any updates thereto.
4. Member States shall notify the information under paragraph 3 to the fishing vessels flying their flag and operating in the SPRFMO Convention Area.

Article 35b

High seas boarding and inspection procedure aboard Union fishing vessels

1. During the conduct of a boarding and inspection, the masters of Union fishing vessels shall:
 - (a) accept and facilitate prompt and safe boarding by the authorised inspectors;
 - (b) follow internationally accepted principles of good seamanship so as to avoid risks to the safety of authorised inspection vessels and authorised inspectors;
 - (c) cooperate with and assist in the inspection of the vessel;
 - (d) refrain from assaulting, resisting, intimidating, interfering with, or unduly obstructing or delaying the authorised inspectors in the performance of their duties;
 - (e) allow the authorised inspectors to communicate with the crew of the authorised inspection vessel, the authorities of the inspection vessel, any embarked observers, as well as with the crew and the flag Member State;
 - (f) provide the authorised inspectors onboard with reasonable facilities, including, where appropriate, food and accommodation; and
 - (g) facilitate safe disembarkation by the authorised inspectors.
2. If the master of a Union fishing vessel refuses to allow an authorised inspector to conduct a boarding and inspection, such master shall offer an explanation of the reason for such refusal.
3. The flag Member State shall direct the master to accept boarding and inspection except in those cases where relevant international measures, procedures, and practices relating to safety at sea make it necessary to delay the boarding and inspection. If the master does not comply with such direction, the flag Member State shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port.
4. The flag Member State shall immediately notify the Commission of the action it has taken in the circumstances referred to in paragraph 3. The Commission shall send this information to the authorities of the inspection vessel and the SPRFMO Commission without delay.

Article 35c

Serious infringements

1. For the purposes of this Regulation, a serious infringement shall include the following infringements of this Regulation, the SPRFMO Convention or SPRFMO CMMs:

- (a) fishing without a valid authorisation issued by the flag Member State;
 - (b) significant failure to maintain records of catch and catch-related data in accordance with the reporting requirements or significant misreporting of such catch and/or catch-related data;
 - (c) fishing in a closed area;
 - (d) fishing during a closed season;
 - (e) intentional taking or retention of species in contravention of this Regulation, the SPRFMO Convention or any applicable SPRFMO CMM;
 - (f) significant infringement of catch limits or quotas in force;
 - (g) using prohibited fishing gear;
 - (h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
 - (i) concealing, tampering with or disposing of evidence relating to investigation of an infringement;
 - (j) multiple infringements which taken together constitute a serious disregard of this Regulation, the SPRFMO Convention or any SPRFMO CMMs in force;
 - (k) refusal to accept a boarding and inspection, provided this refusal is not covered by the situation described in paragraphs 2 and 3 of Article 35b;
 - (l) assaulting, resisting, intimidating, sexually harassing, interfering with, or unduly obstructing or delaying an authorised inspector; and
 - (m) intentionally tampering with or disabling the vessel monitoring system.
2. Upon receipt of a notification of an alleged serious infringement, the flag Member State of the Union fishing vessel shall without delay:
- (a) investigate and, if the evidence warrants, take enforcement action against the vessel in question and notify the Commission accordingly, which shall notify the authorities of the inspection vessel and the SPRFMO Secretariat; or
 - (b) authorise the authorities of the inspection vessel to undertake the investigation of the alleged serious infringement and to notify the Commission accordingly, which shall notify the SPRFMO Secretariat.
3. For the purposes of this Regulation, flag Member States shall regard any interference with the carrying out of duties of an authorised inspector or an authorised inspection vessel by fishing vessels flying their flag, or the captains and crew of such vessels, in the same manner as any such interference occurring within their exclusive jurisdiction.”
- (19) In Title IV, the following Chapter is inserted:
- “CHAPTER Vb
- Marine pollution and retrieval of abandoned, lost or otherwise discarded fishing gear
- Article 35d
- Marine pollution

1. Member States shall prohibit fishing vessels flying their flag from discharging into the sea all plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products.
2. Member States shall ensure that fishing vessels flying their flag store all plastics on board the vessel until they can be discharged at adequate port reception facilities.
3. Paragraphs 1 and 2 shall not apply to the discharge of plastics from a fishing vessel necessary for the purpose of securing the safety of a ship and those on board or saving life at sea or to the accidental loss of plastics, synthetic ropes and fishing nets from a fishing vessel provided that all reasonable precautions have been taken to prevent such loss.

Article 35e

Retrieval of abandoned, lost or otherwise discarded fishing gear

1. Member States shall ensure that:
 - (a) vessels flying their flag operating with any fishing gear on board make all reasonable efforts to combat, minimize and eliminate abandoned, lost or otherwise discarded fishing gear linked to those vessels;
 - (b) fishing vessels flying their flag are prohibited from deliberately discarding or abandoning fishing gear linked to those vessels, except for safety reasons, notably vessels in distress and/or life in danger;
 - (c) fishing vessels flying their flag that have lost fishing gear are prohibited from abandoning it without making every reasonable attempt to retrieve it as soon as possible;
 - (d) any fishing vessels flying their flag operating with any gear on board have equipment, where possible, on board to retrieve any abandoned, lost or otherwise discarded fishing gear linked to those vessels;
 - (e) where a fishing vessel flying their flag cannot retrieve abandoned, lost or otherwise discarded fishing gear to that vessel, the vessel notifies its flag Member State and the Commission within 48 hours of the following information relating to that gear:
 - (i) the name, IMO number and call sign of the vessel;
 - (ii) the type/material of gear;
 - (iii) the quantity of gear ;
 - (iv) the time when the gear was lost, abandoned or otherwise discarded;
 - (v) the position (longitude/latitude) where the gear was lost, abandoned or otherwise discarded;
 - (vi) measures taken by the vessel to retrieve the gear; and
 - (vii) if known, the circumstances that led to the gear being lost, abandoned, or otherwise discarded for safety reasons;
 - (f) where a vessel flying their flag retrieves abandoned, lost or otherwise discarded fishing gear not linked to that vessel, the vessel notifies its flag Member State within 48 hours of the following:
 - (i) the name, IMO number and call sign of the vessel that has retrieved the gear;

- (ii) the name, IMO number and call sign of the vessel that lost, abandoned or otherwise discarded the gear (if known);
- (iii) the type of gear retrieved;
- (iv) the quantity of gear retrieved;
- (v) the time when the gear was retrieved;
- (vi) the position (longitude/latitude) where the gear was retrieved and, if possible, photographs of the gear retrieved.

2. Member States shall promptly transmit the information received under paragraph 1, points (e) and (f) to the Commission. The Commission shall forward that information promptly to the SPRFMO Secretariat.”

(20) Article 40 is replaced by the following:

“Article 40

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

1. Member States shall designate a point of contact for the purpose of receiving inspection reports from Contracting Parties, fishing entities, and CNCPs.
2. Member States shall transmit any changes to the designated point of contact to the Commission at least 20 days before the changes take effect. The Commission shall forward that information to the SPRFMO Secretariat at least 14 days before such changes take effect.
3. In the case of port inspections, if the point of contact designated by a Member State receives an inspection report from a Contracting Party, fishing entity or CNCP providing evidence that a fishing vessel flying the flag of that Member State has committed an infringement of the SPRFMO CMMs, 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.
4. In the case of high seas boarding and inspection, if the point of contact designated by a Member State receives an inspection report from a Contracting Party, fishing entity or CNCP providing evidence that a fishing vessel flying the flag of that Member State has committed a breach of the SPRFMO CMMs, the flag Member State shall report to the Commission on action it has taken in response to the alleged breach, including any proceedings instituted and sanctions applied, at least 110 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall forward that information to the SPRFMO Secretariat at least 90 days in advance of the annual meeting.”

(21) In Article 41, the following paragraph 4 is added:

“4. Not later than 110 days before the annual meeting, Member States whose vessels fish in the SPRFMO Convention Area shall report on the methods used to prevent tampering with the satellite-tracking device by fishing vessels flying their flag. The Commission shall forward that information to the SPRFMO Secretariat at least 90 days in advance of the annual meeting.”

(22) Article 43 is amended as follows:

(a) point (b) is replaced as follows:

“(b) the time limits laid down in Articles 7(1),(1b),1(c) and (2), 11, 13(2) and (5), 16(1) and (3), 17(1) and (2), 21, 22 (1) to (4), 23(6), 24(1) to (3), 25(5) and (6), 26(1), 27(2), (3) and (3a), 28a(1) and (2), 28b(1), 28(2), 28t, 28u(1), 29(1) and (2), 30(2), 31(1) and (1a), 34(5) and (6), 35(2) and (3), 35b(4), 35e(1), 36, 37(1), 39(2), and 40(2), (3) and (4), and 41(1), (2) and (4);”

(b) point (c) is replaced as follows:

“(c) observer coverage laid down in Article 6;”

(c) point (d) is deleted.

(d) point (f) is replaced as follows:

“(f) the type of data and information requirements laid down in Articles 7(2), 11, 13(2) and (3), 14(1) and (2), 16(1), 17(1), 18(2) and (3), 19(1) 21, 22 (1) to (4), 23(6), 24(1) to (3), 25(1), 26(1), 27(2), (3) and (3a), 28(5), 28a(1) and (2), 28b(1), 28i, 28n(1), 28t, 29(1) and (2), 29a(1) and (4), 31(1), 35a(3), and 35e(1).”

(e) points (g) to (u) are added as follows:

“(g) the threshold laid down in Article 7(1a);

(h) the type of management areas and fishing activities laid down in Article 12;

(i) the encounter criteria laid down in Article 14(1)

(j) the distances laid down in Articles 14(1), 24(2), and 29(1) and (3);

(k) vessel list information laid down in Article 22(4a);

(l) the observer qualifications criteria laid down in Article 28d;

(m) the list of observer training requirements laid down in Article 28e(1);

(n) the observer data validation standards laid down in Article 28h(3);

(o) the list of essential observer safety equipment laid down in Article 28k(2);

(p) the list of rights of observers laid down in Article 28p(2);

(q) the list of duties of observers laid down in Article 28q(2);

(r) the list of rights of Union vessel operators and masters laid down in Article 28r;

(s) the list of duties of Union vessel operators and masters laid down in Article 28s;

(t) the procedure to be followed in the event of an emergency laid down in Article 28u;

(u) the vessel identification and marking requirements laid down in Article 29a.”

- (23) Annexes XIV, XV, XVI, XVII, XVIII, XIX, and XX are added to Regulation (EU) 2018/975 in accordance with Annex I to this Regulation.

Article 3

Amendments to Regulation (EU) 2019/833

Regulation (EU) 2019/833 is hereby amended as follows:

- (1) In point (a) of Article 5(3) “all species” is replaced by “catch”;
- (2) In Article 6(1) point (ea) is added:

“(ea) close its directed fishery for cod in Division 3L between 00:01 UTC 15 April 2025 and 23:59 UTC 30 June 2025. During this period, Member States shall ensure that its vessels limit the catches retained on board and in any one haul of this stock in line with Article 7.3.(a) and observe the move-on provisions in Article 8.1(b).”
- (3) In Article 7(3) point (a) is replaced as follows:

“(a) for cod in Divisions 3L and 3M, redfish in Divisions 3LN and witch flounder in Divisions 3NO: 1 250 kg or 5 %, whichever is the greater;”
- (4) In points (d) and (e) of Article 6 (1) time format of “24:00” is replaced by “23:59”;
- (5) The title of Article 15 is replaced as follows:

“Lost, abandoned or discarded fishing gear, retrieval of fishing gear”
- (6) In Article 15(1) point (c) is replaced as follows:

“(c) not deliberately abandon or discard fishing gear, except for safety reasons.”
- (7) In Article 27 paragraph (3) is replaced as follows:

“3. By way of derogation from paragraph 2, a Member State may allow fishing vessels flying its flag to carry an observer for less than 100 %, but not less than 25 % of the fishing trips conducted by its fleet, or of the days the fishing vessels are present in the Regulatory Area calculated for a period of one calendar year in the following cases:

 - a. where the flag Member State has ensured that the vessels are targeting species in areas where negligible bycatch of other species is expected to occur; or
 - b. where the flag Member State has provided information justifying why a 100% coverage is not applied; or
 - c. where extraordinary and unforeseeable circumstances are duly documented and justified by the flag Member State preventing 100% observer coverage; or
 - d. where a vessel deploys an electronic observation program approved by the flag Member State and;

(i) the Member State submits to the NAFO Executive Secretary, with the Commission and EFCA in copy, their electronic observation standards and guidelines; and

(ii) the Member State submits a completed copy of the Annex II.M of the CEM referred to in point 35 of the Annex to this Regulation within 3 months of the electronically observed trip.

a) For each fishing trip of its vessels without an observer on board, the flag Member State shall physically inspect the landing of the vessel in its ports or otherwise evaluate as appropriate each landing in its ports, following risk assessment. Inspections shall be documented in the format prescribed in Annex IV.C to the CEM referred to in point 9 of the Annex to this Regulation.”

(8) Article 30 is replaced as follows:

“Article 30

Surveillance procedures

1. The inspecting Member State shall ensure that, for each sighting in the Regulatory Area of a fishing vessel entitled to fly the flag of a NAFO Contracting Party, its inspectors are to record in a Surveillance Report Form in accordance with Annex IV.A to the CEM referred to in point 38 of the Annex to this Regulation, the following information:
 - a. Inspecting Contracting Party and the inspector(s) identification;
 - b. identification or call sign of the inspecting platform;
 - c. flag State, name, and call sign of the sighted fishing vessel;
 - d. sighted fishing vessel’s activity in accordance as set out in ANNEX II.I.B to the CEM;
 - e. date and time of the sighting;
 - f. position of the fishing vessel at the time of the sighting; and
 - g. if images or footage were recorded and any other relevant observations.
2. The inspecting Member State shall ensure that where an inspector observes in the Regulatory Area a fishing vessel flying the flag of a Contracting Party for which there are reasons to suspect an apparent infringement of this Regulation, and where an immediate inspection is not practicable, the inspector shall:
 - a. fill out the Surveillance Report Form in accordance with Annex IV.A to the CEM referred to in point 38 of the Annex to this Regulation. If the inspector has made a volumetric or catch composition evaluation of the content of a haul, the surveillance report is to include all relevant information regarding the composition of the tow, and refer the method used for the volumetric evaluation;
 - b. record images of the vessel and record the position, date and time the image was recorded; and
 - c. without delay transmit electronically the surveillance report and images to his competent authority.
3. The competent authority of a Member State in receipt of a surveillance report shall without delay:
 - a. transmit the surveillance report relating to a sighting referred to in paragraph 1 to EFCA which shall submit it to the NAFO Executive Secretary within 15 days of the inspection vessel's return to port;

- b. transmit the surveillance report to EFCA relating to a sighting referred to in paragraph 2 which shall submit it without delay to the NAFO Executive Secretary for transmission to the flag State Contracting Party of the vessel;
 - c. upon request, transmit a copy of images and/or footage recorded, and any other available information related to a sighting, to EFCA which shall in turn submit them to the flag State Contracting Party of the vessel or the flag Member State if different from the inspecting Member State;
 - d. ensure security and continuity of the evidence for subsequent inspections.
4. Each Member State's competent authority shall on receipt of a surveillance report relating to a sighting referred to in paragraph 2 concerning a vessel flying its flag, conduct such investigation as may be necessary to determine appropriate follow-up action.
 5. Each Member State shall send to ECFA the investigation report referred to in paragraph 4, which shall send it to the NAFO Executive Secretary and to the Commission.”
- (9) In Article 35(3), point (c) sub-point (v) is added:
“(v) directed fishing during a closed time contrary to Article 6(1)(ea) or fishing with an unauthorized mesh size, grid or grate bar spacing, or without the use of grid or grate, contrary to Article 13(2)(d) when there is no observer on board and the vessel is directing for cod in Division 3L.”;
 - (10) In Article 50, paragraph 2, point (o) is added:
“(o) changes to closure periods of paragraph as provided in point (ea) of Article 6(1);”
 - (11) In Article 50, paragraph 2, point (p) is added:
“(p) by-catch retain on board as provided in Article 7(3);”
 - (12) In Article 50, paragraph 2, point (q) is added:
“(q) duties of master of the fishing vessel and Member States in relation to lost or abandoned fishing gear, and retrieval of fishing gear as provided for in Article 15;
 - (13) In Article 50(2), paragraph 2, point (r) is added:
“(r) derogations from the observer programme as provided for in Article 27(3);”
 - (14) In Article 50(2), paragraph 2, point (s) is added:
“(s) changes to the reference to NAFO document for vessel activity list used by Member States according to Article 30.1.(d).”

Article 4

Amendments to Regulation (EU) 2021/56

Regulation (EU) 2021/56 is hereby amended as follows:

- (1) In Article 4, paragraphs 1a, 1b and 1c are inserted as follows:
“1a. Purse seine vessels that exceed their annual catch limit shall be subject to an increased closure period during the following year. The closure period referred to in paragraph 1 of this Article shall be increased by 10 additional days for purse seine vessels that exceeded the annual catch limit of 1,200 metric tons of bigeye tuna

during the previous year. For purse seine vessels that exceeded the annual catch limit of 1,500 metric tons of bigeye tuna the closure period shall be increased by 13 days. For purse seine vessels that exceeded the annual catch limit of 1,800 tons of bigeye tuna, the closure period shall be increased by 16 days; for purse seine vessels that exceeded the annual catch limit of 2,100 metric tons, the closure period shall be increased by 19 days; and for purse seine vessels that exceeded the annual catch limit of 2,400 metric tons, the closure period shall be increased by 22 days, in addition to the closure referred to in paragraph 1. The additional days of closure pursuant to this paragraph shall be added, as appropriate, to the beginning of the closure for vessels observing the first period and to the end of the closure for vessels observing the second period, so that the closure of the first period shall always end on 8 October and the second period shall always begin on 9 November of each year.

1b. In order to apply paragraph 1a, Each Member State shall strengthen the monitoring and control system for tuna catches through, among others, the utilization of on-board observer data, logbooks, port sampling and information from tuna processing facilities. The Commission shall compile and submit to the IATTC Secretariat the final data on the annual catches of bigeye tuna made by individual vessels flying the Union flag no later than 15 February of the following year.

1c. Member States shall estimate the catch of bigeye tuna of each vessel flying its flag at the end of each trip, in the days immediately after the conclusion of the trip and discharge (e.g., observer estimates, ship's log data, well sampling, cannery data)."

(2) The following Article 4a is inserted:

"Article 4a

Report of annual by catches of Pacific bluefin tuna

Each Member State shall report to the Commission annually any by-catches of Pacific bluefin tuna, which cannot exceed 10 metric tons per year. The Commission shall report this information annually to the IATTC Secretariat."

(3) In Article 6 paragraphs 2a, 2b, 2c and 5a are added as follows:

"2a. Union purse-seine vessels may deactivate a satellite buoy attached to a FAD only in the following circumstances: complete loss of signal reception; beaching; appropriation of a FAD by a third party; temporarily during a selected closure period; when outside of: the area between the meridians 150° W and 100° W, and the parallels 8° N and 10°S; the area between the meridian 100° W and the coast of the American continent and the parallels 5° N and 15°S; or transfer of ownership.

2b. Union purse-seine vessels may remotely reactivate a satellite buoy attached to a FAD at sea in the following circumstances: to assist in the recovery of a beached FAD; after a temporary deactivation during the closure period; or transfer of ownership while the FAD is at sea.

2c. Union purse-seine vessels shall report any deactivation or remote reactivation of a satellite buoy to the IATTC in conformity with Annex II and III. The reports shall be submitted at monthly intervals with a time delay of at least 60 days, but no longer than 90 days after the deactivation or remote reactivation.

5a. Each Member States shall submit to the Commission information concerning the status of implementation of paragraphs 4 and 5 for each calendar year in a format consistent with the IATTC standards for the provision of catch and effort data, and

this information shall be made available for analysis to the IATTC Scientific staff and the Ad Hoc Working Group on FADs.”

(4) The following Article 6a is added:

“Article 6a

FAD design and recovery

1. To reduce the entanglement of sharks, marine turtles or any other species, Union fishing vessels shall deploy or redeploy only FADs that are not constructed with mesh net or entangling material in accordance with the specifications set out in Annex IV.
2. To reduce the amount of synthetic marine debris:
 - (a) as of 1 January 2026, the operators of Union fishing vessels shall only deploy or redeploy drifting FADs of biodegradability categories I, II, III or IV, as defined in Annex IV;
 - (b) as of 1 January 2029, the operators of Union fishing vessels shall only deploy or redeploy drifting FADs of biodegradability categories I or II, as defined in Annex IV.
3. The use of non- biodegradable materials, in particular nylon ropes, can be used exclusively to strengthen the structure of the floating or underwater component of the FAD of biodegradability categories I & II, as a temporary solution in the absence of the availability of a biodegradable alternative.
4. To prevent drifting loss or stranding, Member States may initiate voluntary recovery programs of drifting FADs through cooperative initiatives among fishing vessels operating in the Convention Area or vessels implementing projects for the recovery of such FADs. Without restricting regular fishing operations of purse seine vessels fishing with FADs, such recovery activities shall be limited to the collection of drifting FADs for final disposal and not to perform any type of maintenance or adjustment. These vessels shall not deploy FADs unless they are authorised purse seine vessels. Drifting FADs collected under the voluntary recovery program shall be taken on board and brought to port for recycling or disposal.”

(5) The following Articles 7a, 7b and 7c are inserted:

“Article 7 a

Port State Measures

1. A Member State wishing to grant access to its ports to third country fishing vessels carrying IATTC fishery products caught in the IATTC 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 20 days before the changes take effect. The Commission shall forward that information to the IATTC Secretariat at least 7 days before the changes take effect.
3. Member States shall take necessary action to ensure that masters facilitate safe access to the fishing vessel, cooperate with the competent authority of the port CPC, facilitate the inspection and communication and not obstruct, intimidate or interfere, or cause other persons to obstruct, intimidate or interfere with port CPC inspectors in the execution of their duties.

Article 7b

Vessels Monitoring System

1. Union fishing vessels shall ensure that the information collected by the Vessels Monitoring System includes:
 - a. the vessel's identification;
 - b. the vessel's geographical position (latitude and longitude), with an error of less than 100 meters at a confidence level of 98%;
 - c. the date and time (UTC) of the fixing of the vessel's position, and;
 - d. the vessel's speed and course.
2. The information referred in paragraph 1 shall be collected at least every four hours for longliners and two hours for other vessels by the land-based Fisheries Monitoring Centre (FMC) of the Member States.
3. VMS equipment installed on vessels will, at a minimum, be tamper evident (i.e., any attempts to tamper with the equipment will be detectable to the electronic monitoring service provider/vessel owner, and reported to the respective vessel flag authority), fully automatic for regular position data reporting, always operational regardless of environmental conditions, and capable of manual transmission of reports and messages.
4. A Union fishing vessel shall not be authorized to commence a fishing trip with a defective satellite tracking device. When a device stops functioning or has a technical failure during a fishing trip lasting more than 30 days, the repair or the replacement must take place as soon as the vessel enters a port.
5. In the event of identifying a technical failure or non-functioning of the satellite tracking device fitted on board a fishing vessel that prevents the reception of two consecutive transmissions, the vessel master shall commence manual transmission in accordance with paragraph 5 and the device shall be repaired or replaced within 30 days. This shall be applicable only where the competent authorities have exhausted all reasonable steps to ensure transmissions and there is no second functioning satellite tracking device on board.
6. A Union fishing vessel with a defective satellite tracking device shall communicate to the FMC or relevant competent authority at a minimum every 6 hours, reports containing the information in paragraph 1 by appropriate telecommunication means (e.g., radio, web-based reporting, electronic mail, telefax or telex).

Article 7c

Electronic Monitoring Systems and Vessel Monitoring Plans

1. 'Electronic Monitoring System' or 'EMS' means an integrated system of hardware and software that supports acquisition of video footages of fishing activity, positional data and/or sensor, that allows the analysis and reporting of electronic monitoring records.
2. Union fishing vessels shall apply the minimum technical requirements, performance standards and data requirements set out in Annexes VI and VII. when implementing an electronic monitoring system (EMS) in the Convention area.
3. The minimum technical requirements, performance standards and data requirements set out in Annex VI shall be periodically reviewed by the Commission to accommodate technological advances and changes in priorities, as well as the particular requirements of vessels of different sizes, gears, and fishing practices.
4. The minimum technical requirements, performance standards, activities that should be covered under EMS and captured by the camera(s) and general recommendations for configurations of EMS equipment are provided in Annex VI. Vessels or groups of vessels with similar designs observing these minimum standards shall have a Vessel Monitoring Plan (VMP) based on vessel's designs and specifics.
5. EMS equipment shall automatically and autonomously collect EMS records to generate the required EM data and shall be tamper-evident (i.e., any attempts to tamper with the equipment will be detectable to the EM service provider/vessel owner), and reported to the respective vessel flag authority. Both the mandatory minimum data fields that EMS shall collect, as well as optional data fields EMS may collect for each vessel type are provided in Annex VII.
6. If a Member State intends to achieve fisheries data submission by EMS, it shall develop an EMS Vessel Monitoring Plan (VMP) for each vessel, or groups of vessels (e.g., all purse-seine, or all longline, or all long-line of a certain size range) fishing for tuna or tuna-like species, on the basis of which EMS equipment is to be operated.
7. Vessels or groups of vessels with similar designs using EMS, observing the minimum standards provided under Annex VI and applying the IATTC minimum standards for EMS shall have a Vessel Monitoring Plan (VMP) based on the vessel's designs and specifics under Annex VI.
8. The VMP will describe the configuration, components and installation of EMS equipment on each vessel, and this configuration shall be capable of collecting EMS records consistent with all relevant mandatory minimum standards and technical specifications in this document. The requisite contents of the Vessel Monitoring Plan are set out in Annex VIII. Member States may choose another format of a VMP as long as it contains the minimum requirements described in Annex VIII, paragraph 4.
9. A copy of the Member State approved VMP shall be maintained aboard each vessel at all times when EMS equipment is deployed to monitor vessel's activities.
10. Any modification to the VMP, including in relation to EMS equipment, shall be reported to the vessel flag authority for approval.
11. Standards for storage and retention of EMS records, data retrieval and data review and reporting are detailed in Annex IX.
12. The masters of Union fishing vessel with a VMP shall ensure that:

- (a) in case the EMS equipment malfunctions, the malfunctions are reported to the relevant flag authority and, where appropriate, the provider as soon as possible;
 - (b) on-board physical access to the EMS equipment components is provided if requested by the flag authority or any -authorized personnel;
 - (c) in accordance with the VMP and the camera views capable of collecting the minimum data identified in this Regulation as specified in Annex VI, the cameras have an unobstructed view, and the lenses or lens covers are cleaned, as necessary;
 - (d) the handling of the catch and bycatch, to the extent practicable, allows electronic monitoring cameras an adequate view of the collection of the relevant data fields specified in Annex VI (e.g., species identification, catch composition, etc.);
 - (e) the transmission or retrieval of electronic monitoring records is carried out in accordance with the standards set out in Annex IX;
 - (f) unless authorized and instructed by the flag Member State or Member State -authorized personnel, the EMS equipment is not tampered with (e.g., disconnect the system, rearrange or obstruct the view of the cameras, disconnect cameras or sensors, switch-off the EMS equipment manually, intentionally break the system).
13. Member States that decide to implement EMS to collect fisheries data for submission to IATTC shall ensure that, prior to submitting EMS data to the IATTC, vessels flying their flags meet the following mandatory elements of the EMS minimum standards and requirements:
- (a) Member State EM programs are developed, and designed and implemented in a manner that ensures they are transparent and the resulting data verifiable in accordance with Annex IX;
 - (b) that the analysis of the EMS records in the synthesis of EM data is done by CPC-authorized companies or by CPC institutions or CPC authorities, with the necessary training, knowledge, skills and abilities to ensure effective EM records analysis and EMS data generation; this includes sufficiently accurate species identification;
 - (c) that the health status report of the EMS equipment on board each vessel under its jurisdiction be provided by the EMS service provider or by the EMS equipment itself;
 - (d) that rules and procedures are established in case of EMS equipment failure and are followed.
14. Member States shall provide to the Commission an EMS program description detailing, at a minimum, the following information:
- (a) the VMPs used in the program;
 - (b) responsibilities of fishing authorities and vessel owner/crew with respect to installing and maintaining equipment, including routine cleaning of cameras, and responses to mechanical or technical failure of the EMS;
 - (c) protocols for data storage, retrieval and transfer in line with Annex IX;

- (d) protocols for internal reporting and following up on possible actions inconsistent with these standards that are detected including rules and procedures in case of EMS equipment failure.
- 15. The EMS program description shall be submitted by the Commission to the IATTC Director before the EM program begins to submit data to the IATTC. Member States shall report any changes to their EMS domestic program to the Commission that shall inform the IATTC Director whenever such changes occur.
- 16. Member States that decide to implement EMS to collect fisheries data for submission to IATTC shall report EMS data for each year collected in a manner consistent with the minimum standards set out in this act to the IATTC Secretariat, preferably consistent with data reporting deadlines of the applicable resolutions or by the end of the following year using the formats and guidelines described in Annexes VI, VII and IX confidentiality requirements.
- 17. Member States that decide to implement EMS to collect fisheries data for submission to IATTC shall submit by March 30 of the following year a fleet-level summary of the VMPs to the Commission describing the implementation of their EM program(s) in the previous year, including, at a minimum, the number of vessels implementing EMs by gear and fishery type; the range of EMS configurations implemented within the fleet; a general description of EMS requirements placed upon vessel skippers/crews by the Member States; the percentage of coverage levels achieved by fishery and gear type; details on how those coverage levels were calculated; and, where appropriate, information on compliance monitoring.”

(6) Article 10 is replaced by the following:

“Article 10

Silky sharks

- 1. It shall be prohibited to retain on board, tranship, land, store, sell or offer for sale any part or whole, carcasses of silky sharks (*Carcharhinus falciformis*) caught by purse seine vessels in the Convention area.
- 2. Union purse-seine vessels shall release live silky sharks whenever possible.
- 3. If silky sharks are unintentionally caught and frozen as part of a purse seine vessel operation, and if the governmental authorities are present at the point of landing, the whole silky shark shall be surrendered to them. If the governmental authorities are unavailable, the whole silky shark surrendered shall not be sold or bartered but may be donated for purposes of domestic human consumption. Silky sharks surrendered in this manner shall be reported to the IATTC Secretariat.
- 4. Longline vessels that catch sharks incidentally shall limit bycatch of silky sharks to a maximum of 20 % of the total catch by fishing trip in weight. The multi-species fisheries using surface longlines (in which the majority of hooks fish at depths shallower than 100 meters and target species other than swordfish) shall limit the catch of silky sharks of less than 100 cm total length to 20% of the total number of silky sharks caught during the trip.
- 5. For those multi-species fisheries using surface longlines whose bycatch of silky sharks of less than 100cm total length exceed 20% of silky sharks in weight on average in a year, Member States shall prohibit the use of steel leaders during a period of three consecutive months each year. The average proportion of silky sharks in the catch shall be calculated from data of the previous calendar year. New vessels

entering the multi-species fisheries and those for which no data are available from the period immediately prior shall also be subject to the provisions of this paragraph.

6. Union fishing vessels of less than 12 metres length overall using manually operated fishing gear (i.e. without mechanical or hydraulic winches) and that do not deliver to motherships at any time during the fishing trip are excluded from the application of this Article.
7. Member States shall notify the Commission, before 15 September of each year, the single period of restricted use of steel leaders referred to in paragraph 5 which will be observed for the calendar year. The Commission shall notify the IATTC Secretariat accordingly.
8. Member States shall require the collection and submission of catch data for silky sharks, in accordance with IATTC data reporting requirements. Member States shall also record, through observer programs and other means, for the number and status (dead/alive) of silky sharks caught and released by purse-seine vessels of all capacity classes, and report it to the IATTC.
9. Union fishing vessels shall not fish in silky shark pupping areas identified by the IATTC.”

(7) Article 12 is replaced by the following:

“Article 12

Safe release of sharks

10. Union fishing vessels shall promptly release sharks (whether alive or dead) caught that are not retained unharmed, to the extent practicable, as soon as they are seen on the line, entangled in the net or brailed on the deck, taking due consideration of the safety of any persons. Member states shall require purse seine vessels to apply the following procedure to safeguard the safety of the persons involved in such an operation:
 - (a) sharks shall be disentangled and released into the ocean as soon as possible after first seen entangled in the net;
 - (b) sharks brailed on deck shall be returned to the water as soon as possible, either utilizing a ramp from the deck connecting to an opening on the side of the vessel, or through escape hatches. If ramps or escape hatches are not available, the sharks shall be lowered with a sling or cargo net, using a crane or similar equipment, or as indicated in Annex 3 of Resolution C-24-05¹⁷;
 - (c) the use of gaffs, hooks, or similar instruments for the handling of sharks shall be prohibited;
 - (d) the lifting of sharks by the head, tail, gill slits, or spiracles, or by using bind wire against or inserted through the body shall be prohibited. The punching of holes through the bodies of sharks (e.g., to pass a cable through for lifting the shark) shall be prohibited;

¹⁷ https://www.iattc.org/GetAttachment/7101d6dd-24e2-428b-afe1-aab5f05726ae/C-24-05_Sharks%E2%80%93amends-and-replaces-Res.-C-23-07.pdf

- (e) the lifting of whale sharks (*Rhincodon typus*) onboard the vessel shall be prohibited as well as the towing of whale sharks out of a purse-seine net, e.g., using towing ropes.
11. Member States shall require longline vessels to apply the following procedure to safeguard the safety of the persons involved in such operations:
- (a) the sharks shall be disentangled and released into the ocean as soon as possible after first seen entangled in the net;
 - (b) sharks brailed on deck shall be returned to the water as soon as possible, either utilizing a ramp from the deck connecting to an opening on the side of the vessel, or through escape hatches. If ramps or escape hatches are not available, the sharks shall be lowered with a sling or cargo net, using a crane or similar equipment, or as indicated in Annex 3 of Resolution C-24-05;
 - (c) the use of gaffs, hooks, or similar instruments for the handling of sharks shall be prohibited;
 - (d) the lifting of sharks by the head, tail, gill slits, or spiracles, or by using bind wire against or inserted through the body shall be prohibited. The punching of holes through the bodies of sharks (e.g., to pass a cable through for lifting the shark) shall be prohibited;
 - (e) the lifting of whale sharks (*Rhincodon typus*) onboard the vessel shall be prohibited as well as the towing of whale sharks out of a purse-seine net, e.g., using towing ropes;
 - (f) sharks shall be left in the water where possible;
 - (g) line cutters shall be used to cut the branchline as close to the hook as possible, and so that less than 1 meter remains on the animal, to the extent practicable.
12. In addition to what indicated under Article 12(1), Union fishing vessels shall apply best safe handling and release practices for sharks in accordance with the guidelines of Annex 3 and 3.1 of Resolution C-24-05.”

(8) Article 14 is replaced by the following:

“Article 14

Data collection on shark species

1. Masters of Union fishing vessels shall collect and submit catch data for silky and hammerhead sharks to the Member States, who shall send and submit those data to the Commission by 31 March each year. The Commission shall forward the data to the IATTC Secretariat.
2. Each Member States shall annually report data for catches, effort by gear type landing and trade of sharks, by species where possible, in accordance with IATTC reporting procedures, including available historical data to the Commission by 31 March each year. The Commission shall forward the data to the IATTC Secretariat.
3. Observers on Union fishing vessels shall record the number and status (dead or alive) of silky sharks and hammerhead sharks caught and released.
4. Member States shall also provide, through observer programs, electronic monitoring programs or other means, the species identification, the number and status (dead/alive) of all sharks caught, in accordance with applicable monitoring

requirements, including those caught incidentally and/or released by purse seine vessels of all capacity classes and longline vessels.”

- (9) In Article 20, paragraph 1, point (q) is added as follows:

“(q) a valid authorisation to fish/transship in the Convention area.”

- (10) In Article 25, the following point (6) is added:

“(6) the data collected on FADs in accordance with Article 14 of this Regulation shall be submitted by Member States to the Commission no later than 75 days prior to each regular meeting of the Scientific Advisory Committee. The Commission shall forward that information to the IATTC Secretariat no later than 60 days before the meeting of the Scientific Advisory Committee.”

- (11) Article 26 is replaced by the following:

“Article 26

Compliance process and alleged non-compliance reported by the IATTC

1. Member States shall fill in the standard questionnaire on compliance with the IATTC referred in Annex I of Resolution C-22-02¹⁸ no later than 75 days prior to the annual meeting of the Committee for the Review of Implementation of Measures adopted by the IATTC Commission (‘Compliance Committee’). The Commission shall forward that information to the IATTC Director no later than 60 days before the meeting of the Compliance Committee.
2. If the Commission receives from the IATTC Director any information indicating a suspected non-compliance with the Convention or Resolutions by a Member State or by Union fishing vessels, the Commission shall transmit that information to the Member State concerned without delay.
3. The Member State shall launch an investigation in relation to the allegations of non-compliance and shall provide the Commission with the findings of such investigation and any actions taken to address any non-compliance concerns at least 75 days in advance of the annual meeting of the Compliance Committee.
4. The Commission shall forward that information to the IATTC Director at least 60 days in advance of the Compliance Committee meeting.”

- (12) Article 27a is inserted as follows:

“Article 27a

Guidelines

The Commission shall provide Member States which have fishing opportunities in the area covered under the Convention with any guidelines developed by the IATTC, regarding best safe handling and release practices for sharks.

The Member States concerned shall ensure that those guidelines are provided to the masters of their vessels engaged in the fisheries concerned. Those masters shall take all necessary/possible steps to apply such guidelines.”

- (13) In Article 28 paragraph 1 point (p) is added:

¹⁸ https://www.iattc.org/GetAttachment/82979774-0873-498a-8416-67ca268e023a/C-22-02_Compliance.pdf

“(p) the reference to guideline documents provide in Article 12(1)(b) and 12(2)(b), 12(3), and reference to international acts set out in Article 26(1)”

- (14) In the title of the Annex to Regulation (EU) 2021/56 ‘Table 1: Mitigation measures’, the term ‘Annex’ is replaced by ‘Annex II’.
- (15) Annexes II, III, IV, V, VI, VII, VIII and IX are added to Regulation (EU) 2021/56 in accordance with Annex II to this Regulation.

Article 5

Amendments to Regulation (EU) 2022/2056

Regulation (EU) 2022/2056 is amended as follows:

- (1) Article 14 is replaced by the following:

“General measures for the protection of sharks

- 1. The Union longline vessels targeting tuna and billfish between 20° N and 20° S, shall not use wire trace as branch lines or wire leaders and shall be prohibited from using shark lines or branch lines running directly off of the longline floats or droplines, known as shark lines as depicted in Annex VI. Vessels carrying wire trace as branch lines or leaders shall stow them.
- 2. Union fishing vessels shall ensure that those sharks that are caught and are not to be retained, are hauled alongside the vessel before being cut free in order to facilitate species identification, in those cases where an observer or electronic monitoring camera is present and taking into consideration the safety of the crew and observer.
- 3. Sharks that are caught by the Union longline vessels and are not retained, shall be released as soon as possible, taking into consideration the safety of the crew and observer, in the following manner:
 - (a) leaving the shark in the water, where possible; and
 - (b) using a line cutter to cut the branch line as close to the hook as possible.”

- (2) In Article 15 a new paragraph 5 is added:

“5. Oceanic whitetip shark specimens that are unintentionally caught and frozen as part of a purse seine vessels’ operation, shall be surrendered by the fishing vessel to the responsible governmental authorities or discarded at the point of landing or transshipment. Oceanic whitetip shark surrendered in this manner may not be sold or bartered by the responsible governmental authorities but may be donated for purpose of domestic human consumption.”

- (3) In Article 17 a new paragraph 6 is added:

“6. Silky shark specimens that are unintentionally caught and frozen as part of a purse seine vessels’ operation, shall be surrendered by the fishing vessel to the responsible governmental authorities or discarded at the point of landing or transshipment. Silky shark surrendered in this manner may not be sold or bartered responsible by the governmental authorities but may be donated for purpose of domestic human consumption.”

- (4) (4) In Article 24 point (c) is replaced as follows:

“(c) fishing vessels flagged to non-contracting parties and operated by contracting parties under charter, lease or similar arrangements, which comply with the CMMs.”

Article 6

Amendments to Regulation (EU) 2022/2343

Regulation (EU) 2022/2343 is hereby amended as follows:

- (1) In Article 3, the following point (18) is added:

“(18) ‘Electronic Monitoring System’ or ‘EMS’ means an integrated system of hardware and software that supports acquisition of video footages of fishing activity, positional data and/or sensor, that allows the analysis and reporting of electronic monitoring records.”
- (2) In Article 4, the following paragraphs are inserted:

“1a. Union purse seine vessels shall not discard tropical tunas after the point in the fishing operation when the net is fully pursed and more than one half of the net has been retrieved. If equipment malfunctions affect the process of pursing and retrieving the net in such a way that this rule cannot be complied with, the crew must make efforts to release the tunas and the non-targeted species as soon as possible.

1b. Union purse seine vessels shall, to the extent practicable, retain on board and land all catches of other tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda, except fish that are unfit for human consumption.”
- (3) The following Article 5a is inserted:

“Article 5a

Voluntary fishing closure

“1. Member States may decide to prohibit their flag vessels from fishing for bigeye, yellowfin and skipjack tuna in the IOTC area of competence for a minimum period of 31 consecutive days. Vessels of less than 12 metres in overall length fishing inside the EEZ of a Member State may be excluded.

2. Member States which decide to implement the fishing closure shall communicate the period elected for the fishing closure to the Commission no later than 15 December each year. The Commission shall send that information to the IOTC Secretariat no later than 31 December.”
- (4) The following Article 8a is inserted:

“Article 8a

Management of drifting FADs

1. Only purse seine vessels and associated supply vessels are allowed to deploy DFADs and instrumented buoys.
2. Purse seine vessels and associated supply vessels shall only deploy DFADs with an instrumented buoy that has been activated and registered in the DFAD Register once the IOTC has implemented the DFAD register. The use of any other buoys, such as radio buoys is prohibited.
3. Purse seine vessels and associated supply vessels shall only activate instrumented buoys when these are physically present on board, and reactivate instrumented buoys

only after they have been brought back to port and have been authorised by their flag Member States.

4. Purse seine vessels and associated supply vessels shall take all reasonable precautions to prevent accidental loss of DFADs and instrumented buoys and are prohibited from deliberately discarding DFADs or associated instrumented buoys, except in cases of force majeure.
5. Before reporting the loss of a DFAD, purse seine vessels and associated supply vessels shall attempt to locate and retrieve such a DFAD as soon as possible.
6. When they retrieve an instrumented buoy attached to a DFAD, purse seine vessels and associated supply vessels shall not leave DFAD in the sea without an active instrumented buoy.
7. Member States shall draw up a national management plan for the use of DFADs by their fishing vessels. The management plan shall follow the guidelines set out in Annex 2.
8. Member States shall submit to the Commission the management plan referred to in paragraph 7 no later than 75 days before the 2025 IOTC annual meeting, and then submit annual amendments when required.”

(5) The following Article 8b is inserted:

“Article 8b

Design and construction of drifting FADs

1. Purse seine vessels and associated supply vessels shall only use DFADs whose design and construction comply with the following specifications as outlined as an example in Annex 3a:
 - (a) the use of mesh materials shall be prohibited for any part of a DFAD;
 - (b) only non-entangling material and designs shall be used; and
 - (c) the sub-surface structure shall be limited to a length of 50 meters.
2. Purse seine vessels and associated supply vessels shall:
 - (a) as of 1 January 2026, no longer deploy any DFADs of category V and only use DFADs of biodegradability categories I, II III, and IV as defined in Annex III;
 - (b) as of 1 January 2027, use only DFADs of categories I and II, as defined in Annex III; and
 - (c) as of 1 January 2029, use only DFADs of category I, as defined in Annex III.
3. Instrumented buoys attached to a deployed DFAD shall be permanently and clearly marked with the unique reference number marking (ID provided by the manufacturer of the instrumented buoy) and the IOTC unique vessel identifier number.
4. As of 1 January 2026, DFADs shall be permanently marked with a specific IOTC DFAD unique identifier as provided by the IOTC secretariat. The marking shall be separate from the marking of the instrumented buoy.
5. Purse seine vessels and associated supply vessels encountering DFADs that are not compliant with the requirements of design and construction shall, as far as practicable, immediately retrieve such DFADs from the water. Purse seine vessels and associated supply vessels shall report such cases to their flag Member States.

Member States shall report the information to the Commission which will in turn report it to the IOTC secretariat.

6. Member States shall submit information concerning the status of implementation of biodegradable FADs in accordance with Article 51(5).”
- (6) The following Article 8c is inserted:

“Article 8c

Reporting obligations for drifting FADs

1. Union fishing vessels shall record any fishing activities in association with a floating object (DFAD or log) and/or an instrumented buoy, from the deployment to the end of use, using the specific data elements set out in Annex 3 and the template provided by the IOTC secretariat¹⁹. Member States shall send that information to the Commission in accordance with Article 51(2).
2. Union fishing vessels shall annually submit the number of instrumented buoys assigned to them by the end of each calendar year, including instrumented buoys which have been lost, or abandoned and/or discarded by 1° by 1° grid area and month strata and DFAD type to their flag Member State. The information shall be stratified by fleet, year, month and 1x1 degrees grid, and expressed as the average daily number of active instrumented buoys in each stratum. Member States shall send that information to the Commission in accordance with Article 51(2).
3. Until the Commission notify the Member States of the entry into force of the IOTC DFAD register, Member States shall ensure that their flagged vessels record in the appropriate logbook the date, time and geographical coordinates (decimal degrees) of deployment for each instrumented buoy, associated with its instrumented buoy unique reference number.
4. Once the Commission will notify the Member States of the entry into force of the IOTC DFAD register, buoy owners shall insert the following information concerning the deployment of instrumented buoys
 - (a) unique instrumented buoy reference number that will allow the identification of its buoy owner;
 - (b) name of the buoy owner;
 - (c) unique IOTC Vessel Register number of the purse seiner that is assigned to the instrumented buoy;
 - (d) Member State of the purse seine vessel to which the instrumented buoy is assigned;
 - (e) manufacturer of the instrumented buoy;
 - (f) model name of the instrumented buoy;
 - (g) IOTC DFAD unique identifier, as provided by the IOTC secretariat;
 - (h) biodegradability category of the DFAD, or log when applicable, with which the buoy was deployed;
 - (i) date and time of deployment;

¹⁹ https://data.iotc.org/reference/latest/guidelines/#DFOB-related_activities

- (j) location of deployment.
- 5. Buoy owners shall include buoys deployed before the entry into force of the DFAD Register and still active on 1 January 2026 when the DFAD Register enters into force.
- 6. The buoy owner shall notify, through the DFAD Register and within 24 hours of activation, the IOTC Secretariat and its flagged Member State when an instrumented buoy is activated, together with the IOTC DFAD unique identifier as provided by the IOTC secretariat.
- 7. Member States shall verify the information provided by the buoy owner in the DFAD register and validate it at least once a year.
- 8. The buoy owner shall notify, through the DFAD Register and within 72 hours of deactivation, the IOTC Secretariat when an instrumented buoy is deactivated, including whether the DFAD and instrumented buoy were retrieved. If an active buoy attached to a DFAD is deactivated without being retrieved, the buoy owner shall include in the notification through the DFAD Register, the date, time, last location of the buoy and the reasons for deactivating it. The buoy owner shall record in the DFAD Register when an instrumented buoy has been decommissioned (i.e. the buoy was retrieved and cannot be redeployed or reactivated).
- 9. Member States shall transmit daily information on all active FADs to the Commission containing the following information:
 - (a) the geographical location (degrees, minutes and seconds);
 - (b) the date;
 - (c) the time;
 - (d) unique instrumented buoy reference number;
 - (e) the name and IOTC registration number of the vessels assigned to the instrumented buoy.

The information shall be compiled at monthly intervals and submitted not earlier than 30 days but no later than 60 days after the monthly compilation of the information concerned. The Commission shall send that information to the IOTC Secretariat

- 10. Member States may submit a motivated request for access to the information listed in paragraph 4(c), (d) and (j) pertaining to DFADs deployed by other CPC to the Commission.
- 11. In case another CPC requests access to the information listed in paragraph 4(c), (d) and (j) pertaining to DFADs deployed by a Member State, the Commission shall forward this request to the Member State concerned after asking the requesting CPC the reasoning of the request. The Member State concerned shall provide to the Commission within 20 days its consent to provide the information in paragraph 4(j) or its motivated refusal.”

(7) Article 9 is replaced by the following:

“Article 9

Anchored FADs

1. Union fishing vessels shall record fishing activities in association with AFADs using the specific data elements set out in Annex 3. Member States shall send that information to the Commission in accordance with Article 51(2).
2. Member States shall draw up a national management plan for the use of AFADs by their fishing vessels. The management plan shall follow the guidelines set out in Annex 2.
3. Member States shall ensure that their vessels only use AFADs that are permanently and clearly marked with a Unique National Identification number that identifies the Member States or the vessel(s) that the AFADs belong to (whichever applicable).
4. Member States shall undertake at sea inspections to ensure that the AFADs deployed are marked and constructed in accordance with Article 9a.
5. Member States shall report to the Commission when a new AFAD is deployed in the Union waters, within 15 days of the deployment, with the following information:
 - (a) date of deployment
 - (b) GPS position
 - (c) Unique National Identification number, referred in paragraph 4.

The Commission shall send that information to the IOTC Secretariat without delay and no later than 21 days after the deployment.

6. No later than 75 days before the IOTC annual meeting, Member States shall submit a progress report of the implementation of the management plan for the use of AFADs, and, if necessary, a review of the initially submitted management plan. The progress report shall include a register of deployed, lost, abandoned, and discarded AFADs and the number and outcome of inspections referred in paragraph 3.
7. The Commission shall send that information to the IOTC Secretariat no later than 60 days before the IOTC annual meeting.”

(8) The following Article 9a is inserted:

“Article 9a

Design and construction of anchored FADs

1. Member States and Union fishing vessels shall use only non-entangling designs and materials for the construction of the sub-surface aggregators of the AFADs. Sub-surface aggregators attached to the mooring line shall be constructed from bio-degradable materials.
 2. Member States and Union fishing vessels are encouraged to construct AFADs from materials that will ensure increased longevity.
 3. Member States and Union fishing vessels shall ensure that the nature and profile of the sea bottom is taken into account when choosing a site for deploying or replacing deployed AFADs. Where possible, sites with steep slopes to minimise the risk of loss should be avoided.
 4. Member States and Union fishing vessels shall ensure that the upper floatation of AFADs is suitable for offshore, high current deployments by using designs which are streamlined to reduce drag and resistance to currents and waves.”
- (9) In Article 13, paragraph 3 is inserted as follows:

“3. Union carrier vessels authorised to receive transshipments of IOTC species shall separate and stow transhipped fish by fishing vessel and develop a stowage plan to show the locations in the hold of the quantities by vessel and major species and, if possible, by other species. The carrier vessel master shall submit the stowage plan to inspectors, if requested.”

(10) Article 20 is amended as follows:

(a) In paragraph 2, point (b) is replaced by the following:

“(b) report interactions with cetaceans to the vessel’s flag Member State, with the following information:

- the species (if known);
- the number of individuals;
- a short description of the interaction, including details of how and why the interaction occurred, if possible;
- the location of the encirclement;
- the steps taken to ensure safe release; and
- an assessment of the life status of the animal on release, including whether the cetacean was released alive but subsequently died.”

(b) the following paragraph 4 is inserted :

“4. Member States shall ensure that Union fishing vessels are aware of and use proper mitigation, identification, handling and releasing techniques and keep on board all necessary equipment for their safe release of cetaceans.”

(11) In Article 22, paragraph 1 is replaced by the following:

“1. Union fishing vessels shall use mitigation measures to reduce in levels of seabird bycatch across all fishing areas, seasons and fisheries. In the area south of 25 degrees South latitude, all longline vessels shall use at least two of the three mitigation measures set out in Annex 4 as amended by this Regulation or, alternatively, use only hook-shielding devices, and shall comply with the minimum standards for those measures. The design and deployment of bird scaring lines shall comply with the additional specifications set out in Annex 5.”

(12) In Article 30 paragraphs 4, 5 and 6 are added as follows:

“4. Providing that the minimum mandatory Regional Observer Scheme data reporting standards²⁰ are met, Member States may complement or substitute the minimum human observer coverage provided for in paragraph 1 by means of an electronic monitoring system (EMS). EMS shall be complemented by port sampling and/or another data collection methods approved by the IOTC when required.

5. Member States who choose to implement EMS to partially or fully meet the minimum coverage set out in paragraph 1 shall ensure that their national electronic monitoring programme, their electronic monitoring system and data standards follow the requirements set out in this Regulation for the purpose of IOTC’s Regional

²⁰ IOTC Regional Observer Scheme Data Collection Fields:
<https://iotc.org/sites/default/files/documents/2023/05/IOTC-ROS-DataStandards.pdf>

Electronic Monitoring Program (REMP). This includes the requirements including set out in Annex 11 as established by this Regulation.

6. Member States who choose to implement EMS to partially or fully meet the minimum coverage set out in paragraph 1 shall:

- (a) ensure that a Vessel Monitoring Plan as set out in Annex 11 is developed for each vessel equipped with EM equipment and delivered to the Member State's competent authorities.
- (b) ensure that EM equipment is installed in those vessels following a Vessel Monitoring Plan to collect the required data and to comply with the coverage objectives agreed by the Commission.
- (c) ensure that EMS implementation is consistent with IOTC's REMP and its minimum standards.
- (d) collaborate to ensure National EM Programs are compatible and harmonized where necessary.
- (e) document the roles and responsibilities of fisheries government authorities and vessel owners and crew with respect to *inter alia* installing and maintaining equipment, routine cleaning of cameras, sending storage devices, access to EM records and EM data, responses to mechanical or technical failure of EMS.
- (f) provide the IOTC Secretariat with the contact details of their EM Program Coordinator(s)."

(13) In Article 31, the following paragraphs 1a and 1b are inserted :

"1a..When carrying out their duty, observers shall use the IOTC Regional Observer Scheme Minimum Standard Data Fields, the IOTC data collection forms, the IOTC Species identification cards, the IOTC Observer Manual and the IOTC Observer Forms as provided by the Commission²¹.

1b .Observers deployed on purse seine vessels shall collect detailed information on the DFAD design used and its conformity with the requirements set out in Annex 3bis prior to the deployment of each DFAD."

(14) In Article 33, paragraph 4 is added as follows:

"4. Member States who choose to implement EMS shall submit to the Commission the following information:

- (a) by 15 June each year, a vessel monitoring plan covering each vessel using EMS and outlining the EMS setup on each vessel, following the guidelines set out in Annex 11.
- (b) by 15 June each year, a Regional Observer Scheme data collection table specifying the following data fields:
 - i.the data field name and description;
 - ii.the data field reporting requirement level (mandatory to collect, mandatory to report if collected, not mandatory);

²¹ <https://iotc.org/science/regional-observer-scheme-science>

iii.a brief description of the data collection method used to collect data for each data field.

iv.in their national scientific report to be submitted in accordance with Article 51(6), a summary of the vessel monitoring plan specifying:

- the number of flagged vessels by gear and fishery type implementing EMS.
- the range of EMS configurations implemented within the fleet (including the numbers and placements of cameras for each configuration);
- a general description of EMS requirements imposed by the administration on the crew of the vessels.”

(15) In Article 44, the following paragraphs 3 and 4 are added :

“3. Port Member States should prioritise inspection in port of the following vessels:

- (a) carrier vessels whose AIS/VMS signals disappear under suspicious circumstances and without explanation and/or indicate dubious movements;
- (b) carrier vessels not entered into the IOTC Record of Carrier Vessels, .

4. Inspection of transshipment activities in port should involve the monitoring of the entire transshipment operation, including a review of the prior authorization to tranship in port issued by the flag CPC to the fishing vessel.”

(16) Article 51(2) is replaced by the following:

“2. In addition to the information referred to in paragraph 1, Member States shall include the following fishing effort data by the purse seiners fleet using supply vessels and FADs and fishing vessels fishing on AFADs:

(17) In Article 51 (2), points (d) and (e) is added as follows:

“(d) any fishing activities in association with a floating object (DFAD or log) and/or an instrumented buoy, from the deployment to the end of use, using the specific data elements set out in Annex 3

(e) any fishing activities in association with AFADs using the specific data elements set out in Annex 3”

(18) In Article 51 paragraph (5), is replaced by as follows:

“5.Member States shall submit to the Commission 75 days before the annual meeting of the IOTC information for the preceding calendar year, containing the information on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches, and implementation of biodegradable DFADs as provided in Article 8b. The Commission shall compile the information in a Union implementation report and send it to the IOTC Secretariat.”

(19) In Article 51 (6), point (e) is added as follows:

“(e) report on EMS as provided in Article 30 (4).”

(20) In Article 54(1), point (k) is added:

“(k) changes to reporting obligation and notifications for drifting FADs in Article 8c.”

- (21) Annexes 2 and 3 to Regulation (EU) 2022/2343 are replaced by the text set out in Annex IV to this Regulation.
- (22) Annexes 3a and 3b are inserted in Regulation (EU) 2022/2343 as set out in Annex IV to this Regulation.
- (23) Annex 4 to Regulation (EU) 2022/2343 is amended in accordance with the text set out in Annex IV to this Regulation.
- (24) Annex 11 is added to Regulation (EU) 2022/2343 as set out in Annex IV. to this Regulation.

Article 7

Amendments to Regulation (EU) 2023/2053

- (1) In Article 30, paragraph 6 is replaced as follows:

“6. In the event of force majeure preventing the planned joint fishing operation from taking place, the deadlines set out in paragraph 5 shall not apply as regards the information on the farms of destination. In such cases, the Member State concerned is allowed to transfer the unused quotas of vessels participating in a joint fishing operation to its vessels or vessels of other Member States participating in another JFO, provided that such transfer is necessary due to force majeure. Member States shall notify the Commission of such transfers as soon as possible, together with a description of the events constituting force majeure. This information shall be transmitted to the Commission prior to the start of the joint fishing operation involving the vessels receiving the unused quota. The Commission shall forward that information to the ICCAT Secretariat.”
- (2) Article 34 is amended as follows:
 - (a) Paragraphs 3, 4 and 5 are replaced by the following:

“3. By way of derogation from paragraph 1, Member States where bluefin tuna is landed may set a shorter period for the prior notification referred to in paragraph 1 for those Union fishing vessels of a length overall of 12 metres or more included in the list of vessels referred to in Article 26 that catch less than 3 specimens of bluefin tuna or less than one ton, taking into account the type of fishery products and the distance between the fishing grounds and the port or landing site, and provided that such a shorter period of prior notification does not impair the ability of that Member State to carry out inspections.

4. Member States making use of the derogation provided for in paragraph 3, shall provide this information, including the details of the potential shortened prior notification period and the reasons thereof, and the remainder of the conditions for the prior notification, prior to its implementation, in their monitoring, control, and inspection plan referred to in Article 14. Any subsequent changes shall be notified to the Commission without delay, and at least 20 days before the changes takes effect. The Commission shall transmit this information to the ICCAT Secretariat at least 14 days before the changes take effect and the Commission shall make this information available on a public website of the Commission. Member States shall also make the information on shorter periods for prior notification available on public websites.

5. The authorities of the port Member State shall keep a record of all prior notifications for a period of one year from the date of port entry.

5a. All landings in the Union shall be controlled by the relevant control authorities of the port Member State and a percentage shall be inspected based on a risk assessment system involving quotas, fleet size and fishing effort. Full details of the control system adopted by each Member State shall be set out in the annual monitoring, control and inspection plan referred to in Article 14.”

(b) A new paragraph 7 is added as follows:

“7. Where bluefin tuna is landed in CPC ports or CPC landing facilities other than the ports or landing facilities of the notified Member State, masters of Union catching vessels, whatever the length overall of the vessel, shall submit, within 48 hours after the completion of the landing, a landing declaration to the CPC where the bluefin tuna is landed which shall contain the information required in Article 17, paragraph 2, points (a), (b) and (c) of Regulation 1224/2009 and the quantities and weight of the blue fin tuna landed.”

(3) In Article 42, paragraph 3 is replaced by the following:

“3. The original ITD shall accompany the transfer to the farm of destination where bluefin tuna individuals are to be caged. At first transfer, the original ITD shall be duplicated by the donor operator when a single catch is transferred from the purse seine or the trap to more than one transport cage. In the event of a further transfer, the master of the donor towing vessel shall update the ITD by completing section 3 (Further transfers) thereof and provide the updated ITD to the receiving towing vessel. The updated ITD shall be duplicated by the master of the donor towing vessel if the fish subject to further transfer is divided into more than one transport cage. A copy of the original/updated ITD shall be kept on board the donor catching or towing vessels, or by the operator of the donor trap or donor farm and be accessible at any time for control purposes during the duration of the fishing season.”

(4) In Article 43(1), point (a) is replaced by the following:

“(a) for the first transfer and any voluntary or control transfer, to the ICCAT regional observer, to the master of the receiving towing vessel and, at the end of the fishing trip, to the competent authority of the flag or trap Member State of the donor operator;”

(5) In Article 46a, paragraph 1, is replaced by the following:

“1. On arrival of the towing vessel in the vicinity of the farm, the competent authority of the farm Member State shall ensure that the towing vessel and the cage are maintained at a distance of a minimum of 0.1 nautical mile from any facility of the farm until the competent authority of the farm Member State is physically present. The position and activity of that towing vessel shall be monitored at all times.”

(6) In Article 46a, paragraph 6, is replaced by the following:

“6. Fish shall be caged before 22 August of each year, unless the competent authorities of the Member State responsible for the farm provide valid reasons, including force majeure, which shall accompany the caging report when submitted. The above deadline does not apply in case of inter-farm transfers.”

(7) In Article 49, the following paragraph 2a is added:

“2a. In the event of persistent turbidity conditions in the farm area, the farm CPC competent authority may authorise the control caging to take place outside the farm,

in an adjacent area where there is sufficient visibility. CPCs shall document the measurement of the turbidity according to standard methods.”

- (8) In Article 56b, paragraph 1 is replaced by the following:
- “1. Intra-farm transfer shall not take place without the authorisation of the competent authority of the farm Member State. Each transfer shall be recorded by control cameras to confirm the number of bluefin tuna individuals transferred. The video recording shall comply with the minimum standards for video recording procedures set out in Annex X. The competent authority of the farm Member State shall monitor those transfers, including by verifying the video footage and shall ensure that each intra-farm transfer is recorded in the eBCD system. “
- (9) In Article 56b, a new paragraph 1a is inserted as follows:
- “1a. The competent authority of the farm Member State may allow a margin of error of up to 5 % between the number of bluefin tuna individuals resulting from the carry-over assessment and the number of individuals expected to be present in the cage. When the difference is of the margin larger than 5%, the competent authority of the farm Member State shall order the release of the corresponding number of bluefin tuna individuals. The release operation shall be conducted in accordance with Annex XII. Compensation for differences between different cages in the farm shall not be allowed.”
- (10) In Article 66, paragraph 1, point (b) is replaced by the following:
- “(b) deadlines for reporting information as laid down in Article 7(2)(a), Article 9(1), Article 16(1) and (2), Article 24(4), Article 26(1), Article 29(1), Article 32(2) and (3), Article 35(5) and (6), Article 36, Article 41(3), Article 44(2), Article 52(2), Article 57(5), point (b), and Article 58(6);”
- (11) In Article 66, paragraph 1, point (c) is replaced by the following:
- “(c) time periods for fishing seasons as provided in Article 17(1), (2), (3) and (4);”
- (12) In Article 66, paragraph 1, point (e) is replaced by the following:
- “(e) the percentages and reference parameters laid down in Article 13, Article 15(3) and (4), Article 20(1), Article 21(2), Article 38(1), Article 44(2), Article 46(1)(a), Article 50 and Article 51(8);”
- (13) In Article 66, paragraph 1(f) is replaced by the following:
- “(f) the information to be submitted to the Commission referred to in Article 7(2)(a), Article 11(1) Article 16(1), Article 24(1), Article 25(3), Article 29(1), Article 30(5), Article 32(1), Article 34(2) and Article 40(1);”
- (14) In Article 66, paragraph 1, the following point (o) is added:
- “(o) the information in the daily catch reports referred to in Article 32(1), the information on prior notification of landings referred to in Article 34(2), the information to be included in a prior transfer notification referred to in Article 40(1).”.

Article 8

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 Brussels,

For the European Parliament
The President

For the Council
The President