



2024/1474

27.5.2024

**COMMISSION IMPLEMENTING REGULATION (EU) 2024/1474**

**of 24 May 2024**

**laying down rules for the application of Article 14(4), point (a), of the Council Regulation (EC) No 1224/2009 as regards derogation from the margin of tolerance in estimating catches for unsorted landings and transhipments from small pelagic, industrial and tropical tuna purse seiners fisheries**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008, and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 <sup>(1)</sup>, in particular Article 14(6) thereof,

Whereas:

- (1) Article 14(3) of Regulation (EC) No 1224/2009 (hereafter referred to as ‘the Control Regulation’) provides for rules and measures on the permitted margin of tolerance in estimates recorded in the fishing logbook of quantities in kilograms of fish retained on board of fishing vessels.
- (2) In order to address the challenges of accurately estimating catches on board by species, Article 14(4), point (a), of the Control Regulation, as amended by Regulation (EU) 2023/2842 of the European Parliament and of the Council <sup>(2)</sup>, provides for a derogation from the existing margin of tolerance that may be granted for unsorted landings from small pelagic fisheries, industrial fisheries, and tropical tuna purse seine fisheries. The same derogation applies to estimates recorded in the transhipment declaration, in accordance with Article 21(3) of the Control Regulation.
- (3) Such derogation may only be granted if the species caught in those fisheries are landed or transhipped in listed ports based on applications submitted by Member States. The weighing of those catches should also be conducted in accordance with certain uniform conditions to ensure the accuracy of catch reporting. It is therefore necessary to lay down rules on conditions pertaining to the landing, transhipment, and weighing of catches covered by that derogation and on the listing of ports in which the landing, transhipment, and weighing of catches of fisheries covered by Article 14(4), point (a), of the Control Regulation is to take place.
- (4) Rules on conditions pertaining to the landing, transhipment, and weighing of catches covered by Article 14(4), point (a), of the Control Regulation should distinguish between specific fisheries, as well as between Union and third country ports, particularly for the exercise of powers of control and inspection, for which cooperation with the competent authorities of the third country concerned may be necessary.

For listed ports within the Union, requirements should be set for the adoption of systems, equipment, and procedures necessary to ensure the accuracy of weighing and catch reporting at landing.

- (5) As derogation to the margin of tolerance introduces significant risks concerning the accurate recording and reporting of catches, safeguard measures are necessary, which should include the use of remote electronic monitoring systems with CCTV cameras or other equivalent technology to ensure control of the conditions related to the landing, transhipment and weighing of catches covered by the derogation to the margin of tolerance.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) No 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control (OJ L, 2023/2842, 20.12.2023, ELI: <http://data.europa.eu/eli/reg/2023/2842/oj>).

- (6) The processing, exchange, cross-checking and storage by the competent authorities of Member States of data collected through the use of such systems and technology for control purposes set out in this Regulation should comply with the rules laid down in the Control Regulation, including relevant rules on the protection of personal data. The remote electronic monitoring systems or other equivalent technology used for the purposes of this Regulation should therefore be operated in a way that excludes images and identification of natural persons in recorded video material. To this end, those systems and technology should be positioned in such a way to allow monitoring only of the specific parts of the vessels and areas, systems, or facilities where the landing, transshipment and weighing of catches covered by the derogation to the margin of tolerance specified in Article 14(4), point (a), and Article 21(3) of the Control Regulation occur. In cases where the images of natural persons are nonetheless recorded and detected in a way that those natural persons are directly or indirectly identifiable, their images should be anonymized without undue delay.
- (7) To ensure that weighing operations in listed ports provide accurate weighing results, accredited independent third-party weighers should be responsible for weighing all catches of fisheries covered by the derogation from the margin of tolerance. In Union ports, coastal Member States may provide for the use of alternative means to ensure the accuracy of weighing and catch reporting. Such alternative means could not be extended by default to ports listed in the territory of a third country, as they would entail the compulsory involvement or use of national authority or certain control tools.
- (8) For Union fishing vessels landing or transshipping in third country ports, no derogation to the margin of tolerance should be allowed if the levels of control and resources needed to ensure the accuracy of catch reporting are not available in such ports, or if non-sustainable fishing and illegal, unreported, and unregulated (IUU) fishing occur in relation to the third country.
- (9) The listing of ports should be subject to the submission of appropriate evidence proving that the conditions laid down in this Regulation for the application of the derogation under Article 14(4), point (a), of the Control Regulation are met.
- (10) It is also necessary to lay down the procedure for the inclusion and removal of a port from the list of ports to be adopted by the Commission, including time limits for the submission of applications for the listing of ports, their content and the assessment to be carried out by the Commission.
- (11) To ensure adequate control of the derogation from the permitted margin of tolerance in listed ports, it is necessary to lay down additional conditions for masters of Union fishing vessels, coastal Member States and flag Member States. These conditions should concern aspects related to landing, transshipment, weighing, and registration of catches of fisheries covered by the derogation, such as the use of certified weighing systems that electronically report data, sampling plans, and monitoring requirements for weighing operations. These conditions should also incorporate safeguards, additional control and inspection measures and reporting obligations for Member States.
- (12) It is necessary to establish minimum and harmonized levels of inspections in view of the negative consequences, including serious misreporting, that could stem from non-compliance with the conditions to be established for the derogation to the margin of tolerance laid down by this Regulation. These inspection levels should be consistent with the approach already followed by the Union and its Member States under the rules of the CFP, such as in the context of Commission Implementing Regulation (EU) No 404/2011<sup>(3)</sup>, as well as under the rules adopted by regional fisheries management organizations that are binding upon the Union, including those on port inspection set out in Regulation (EU) 2022/2343 of the European Parliament and of the Council<sup>(4)</sup> laying down management, conservation and control measures applicable in the Indian Ocean.

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

<sup>(4)</sup> 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).

- (13) According to Article 14(4), point (a), of the Control Regulation, only fishing vessels that comply with the conditions set out in this Regulation can benefit from the derogation to the margin of tolerance. To ensure the necessary control of these conditions, Member States should draw up a list of the fishing vessels flying their flag that comply with the conditions laid down by this Regulation. Such list should be kept updated in particular in case of non-compliance of such conditions by a vessel. Member States should also ensure that appropriate follow-up measures are taken against the individuals or entities responsible for non-compliance with these conditions. In order to ensure transparency and allow national control authorities of listed ports to know which vessels could benefit from the derogation to the margin of tolerance, such list should be made available to all Member States and the Commission.
- (14) The conditions set out in this Regulation should apply without prejudice to the conditions and requirements on landing, weighing, and transshipment, as well as other rules of the common fisheries policy, as defined in Article 4(2) of the Control Regulation, including applicable international obligations adopted by regional fisheries management organizations, as well as those adopted in the context of sustainable fisheries partnership agreements or other fisheries agreements concluded by the Union with third countries.
- (15) The Committee for Fisheries and Aquaculture has not delivered an opinion within the time limit laid down by its chair.

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### GENERAL PROVISIONS

##### *Article 1*

#### **Subject matter and scope**

1. This Regulation lays down the conditions for applying the derogation concerning margins of tolerance in estimating catches set out in Article 14(4), point (a), of the Control Regulation that are landed or transhipped unsorted, in the case of (i) fisheries referred to in Article 15(1), point (a), first and third indents of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(5)</sup> and (ii) tropical tuna purse seine fisheries. These conditions concern:
- (a) the listing of Union and third country ports in which the landing, transshipment, and weighing of catches of fisheries covered by Article 14(4), point (a), of the Control Regulation is to take place if the derogation from the margin of tolerance under that Article is applied; and
  - (b) the landing, transshipment, and weighing of catches of fisheries covered by Article 14(4), point (a), of the Control Regulation to ensure accurate catch reporting, as well as the necessary control and safeguards to be complied with if the derogation from the margin of tolerance in ports listed under Article 14(6) of the Control Regulation is applied.
2. This Regulation also lays down the procedure for the approval and removal of a port from the list set out in accordance with Article 14(6) of the Control Regulation.
3. This Regulation is without prejudice to the conditions and requirements on landing, weighing, and transshipment, as well as other rules of the common fisheries policy, as defined in Article 4(2) of the Control Regulation, including applicable international obligations adopted by regional fisheries management organizations (RFMOs), as well as those adopted in the context of sustainable fisheries partnership agreements (SFPAs) or other fisheries agreements concluded by the Union with third countries.

<sup>(5)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

## CHAPTER II

**CONDITIONS FOR LISTING OF PORTS**

## SECTION 1

**Union ports***Article 2***Conditions for weighing systems, equipment and control tools**

1. A port may only be listed pursuant to Article 14(6) of the Control Regulation if it is equipped with all the following weighing systems, equipment, and control tools to ensure the accuracy of catch reporting and the necessary control thereof:
  - (a) a remote electronic monitoring system with closed-circuit television (CCTV) cameras allowing the competent authorities of the coastal Member State to monitor the landing, transshipment, and weighing of all catches of fisheries covered by Article 14(4), point (a), of the Control Regulation;
  - (b) a weighbridge or a crane weighing system to be used for the weighing of all catches of fisheries covered by Article 14(4), point (a), of the Control Regulation;
  - (c) one or more water separators to enable dewatering of catches at landing prior to their weighing for fisheries referred to in Article 15(1), point (a), first and third indents of Regulation (EU) No 1380/2013; and
  - (d) an automated or semi-automated sampling chute accessible by both operators and inspectors to ensure the impartiality of samples taken in accordance with applicable sample weighing procedures for fisheries referred to in Article 15(1), point (a), first and third indents of Regulation (EU) No 1380/2013.
2. By way of derogation from paragraph 1, the weighing systems, equipment and control tools referred to in that paragraph may be replaced by equivalent technology or system with equipment capable of ensuring the same level of accuracy of weighing and catch registration at landing or transshipment.

For the identification of the equivalent technology or system, aspects such as the dimensions of the port, its seasonal use, the small quantities of catches landed, and the content of a control plan or common control programme approved by the Commission may be taken into account.

*Article 3***Specific conditions for accurate weighing**

1. A port may only be listed pursuant to Article 14(6) of the Control Regulation if it has in place procedures to ensure the accurate weighing of all catches of fisheries referred to in Article 14(4), point (a), of the Control Regulation landed or transhipped in a listed port and to ensure compliance with the requirements set out in this article.
2. The weighing referred to in paragraph 1 shall be carried out under one of the following options:
  - (a) control of the competent authorities of the coastal Member State, which shall fully monitor the accuracy of the weighing of each landing and transshipment of catches of fisheries covered by Article 14(4), point (a);
  - (b) responsibility of independent third-party weighers, subject to the conditions set in paragraphs 3 and 4; or
  - (c) responsibility of other natural or legal persons responsible for weighing, subject to the conditions set in paragraph 5.

3. The independent third-party weigher referred to in paragraph 2(b) shall fully monitor the accuracy of the weighing of each landing and transshipment of catches of fisheries covered by Article 14(4), point (a), and shall meet the following minimum requirements:

- (a) be accredited in accordance with ISO 17020 type A or more stringent standards that confirm the independence of the third-party weigher;
- (b) be authorised by the competent authority of the coastal Member State;
- (c) be impartial, free from any conflict of interest, and in particular refrain from involvement in situations which may, directly or indirectly, affect the impartiality of their professional conduct as regards the exercise of their tasks;
- (d) maintain a record of calibration of the systems used for the weighing, including a copy of calibration certificates;
- (e) have qualified staff with adequate training applied in their area of competence, including support staff, as appropriate; and
- (f) have access to the infrastructure and equipment to carry out the tasks assigned to them.

4. Independent third-party weighers referred to in paragraph 2(b) shall complete a weighing record for each landing and transshipment of catches of fisheries referred to in Article 14(4), point (a), of the Control Regulation and transmit it to the relevant operator and to the competent authorities of the coastal Member State.

5. The other natural or legal persons referred to in paragraph 2(c) shall be authorised by the competent authorities of the coastal Member State and fully monitor the accuracy of the weighing of each landing and transshipment of catches of fisheries covered by Article 14(4), point (a), through the use of the electronic system referred to in Article 2(1)(a) or any equivalent technology, and shall provide the competent authorities of the coastal Member State with access to the monitoring data.

## SECTION 2

### **Third country ports**

#### *Article 4*

### **General conditions**

A third country port may only be listed if:

- (a) it is located in the territory of a Contracting Party to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing <sup>(6)</sup>;
- (b) it is not located in the territory of a country identified or notified of the possibility of being identified as a non-cooperating third country, in accordance with Chapter VI of Council Regulation (EC) No 1005/2008 <sup>(7)</sup>;
- (c) it is not located in the territory of a country identified as allowing non-sustainable fishing pursuant to Article 4(1), point (a), of Regulation (EU) No 1026/2012 of the European Parliament and of the Council <sup>(8)</sup>; and
- (d) it is a designated port for landing activities under SFPAs or other bilateral agreements concluded by the Union and third countries or within the framework of RFMOs, where applicable.

<sup>(6)</sup> OJ L 203, 6.8.2011, p. 1.

<sup>(7)</sup> 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).

<sup>(8)</sup> Regulation (EU) No 1026/2012 of the European Parliament and of the Council of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing (OJ L 316, 14.11.2012, p. 34).

*Article 5***Specific conditions for accurate weighing**

1. A port located in the territory of a third country may only be listed if procedures are in place to ensure:
  - (a) the accurate weighing of all catches of fisheries referred to in Article 14(4), point (a), of the Control Regulation, when landed or transhipped in its port;
  - (b) that the weighing referred to in point (a) is carried out under the responsibility of an independent third-party weigher complying with the minimum requirements set out in paragraph 2; and
  - (c) that the independent third-party weighers complete a weighing record for each landing and transhipment of catches of fisheries referred to in Article 14(4), point (a), of the Control Regulation and transmit it to the operator and to the competent authorities of the flag Member State of the relevant fishing vessel.
2. The independent third-party weigher shall fully monitor the accuracy of the weighing of each landing and transhipment of catches of fisheries covered by Article 14(4), point (a), and shall meet the following minimum requirements:
  - (a) be accredited in accordance with ISO 17020 type A or any other equivalent or more stringent standards that confirm the independence of the third-party weigher;
  - (b) be authorised to the task of accurately weighing and registering catches by the competent authority of the flag Member State;
  - (c) be impartial, free from any conflict of interest, and in particular not be in a situation which may, directly or indirectly, affect the impartiality of its professional conduct as regards the exercise of their tasks;
  - (d) maintain a record of calibration of the systems used for the weighing, including a copy of calibration certificates;
  - (e) have qualified staff with adequate training applied in their area of competence, including support staff, as appropriate; and
  - (f) have access to the infrastructure and equipment to carry out the tasks assigned to it.

## CHAPTER III

**PROCEDURE FOR APPROVAL OF PORTS FOR LISTING AND FOR REVOCATION THEREOF***Article 6***Submission of applications by Member States**

A Member State ('the applicant Member State') may submit an application to the Commission to include a port located in its territory or the territory of a third country in the list of ports approved by the Commission in accordance with Article 14(6) of the Control Regulation.

The submitted application shall include at least the following information:

- (a) the name and location of the port proposed to be listed;
- (b) the contact details of the Member State's competent authority responsible for the application;
- (c) the contact details of the third country's authority responsible for fisheries control, where applicable; and
- (d) specific, reliable, and verifiable evidence demonstrating the fulfilment of all the conditions set out in Chapter II for each port proposed to be listed.

The applicant Member State may include any other information that it considers relevant.

*Article 7***Assessment by the Commission**

1. By 1 November of each year, the Commission shall assess any application submitted in accordance with Article 6 and received no later than 1 September of the same year to determine whether the conditions set out in Chapter II have been fulfilled.
2. If, during the assessment referred to in paragraph 1, the Commission considers that the information requested under Article 6 is missing, it shall request the applicant Member State to complete its application within a reasonable time and in any case no later than 60 days from the time of the request. If the applicant Member State does not complete the application before this deadline, the Commission shall reject the application and inform the applicant Member State accordingly. A new application may be submitted under the terms and conditions laid down in this Article.
3. If the Commission finds that the conditions set out in Chapter II have been fulfilled, it shall inform the applicant Member State without delay and proceed with the listing of the port in accordance with Article 14(6) of the Control Regulation.
4. If the Commission finds that the conditions set out in Chapter II have not been fulfilled, in full or in part, or that the evidence submitted is insufficient for an assessment of the fulfilment of those conditions, it shall reject the application and inform the applicant Member State accordingly, explaining the reasons for such rejection.
5. The Commission may request third countries or flag Member States concerned by an application submitted under Article 6 to provide additional information or clarification, as appropriate. This information or clarification may be taken into consideration by the Commission for the assessment provided for in this Article.

*Article 8***Revocation of the approval by the Commission of a listed port**

1. The Commission shall revoke its approval and amend the list of ports adopted in accordance with Article 14(6) of the Control Regulation if:
  - (a) it has evidence that a listed port no longer meets the conditions referred to in Chapter II; or
  - (b) it considers that the information submitted in accordance with Article 14 of this Regulation is insufficient for an assessment of the fulfilment of the conditions set out in Chapter II.
2. The Commission shall notify its intention to revoke its approval of a listed port to the applicant Member State and the flag Member States of fishing vessels using that port, which will have 30 days to provide the Commission with the information and evidence that the conditions set out in Chapter II are met. After that period, the Commission shall proceed with the revocation of the approval and inform the Member States concerned at least one month before the revocation if:
  - (a) there is insufficient evidence that these conditions are met;
  - (b) the information submitted is insufficient for an assessment of the fulfilment of the conditions set out in Chapter II; or
  - (c) no information has been provided by the applicant Member State or the relevant flag Member State of fishing vessels using the listed port.
3. The Commission may also revoke its approval and amend the list of ports adopted in accordance with Article 14(6) of the Control Regulation upon reasoned request from the applicant Member State.

## CHAPTER IV

**ADDITIONAL CONDITIONS RELATING TO NECESSARY CONTROL AND SAFEGUARDS FOR LANDING, WEIGHING OR TRANSHIPPING CATCHES OF FISHERIES REFERRED TO IN ARTICLE 14(4), POINT (A) OF THE CONTROL REGULATION**

## SECTION 1

**Conditions for Masters of Union fishing vessels**

## Article 9

**General conditions**

1. In respect of catches of fisheries referred to in Article 14(4), point (a), of the Control Regulation landed or transhipped in listed ports, masters of Union fishing vessels shall land or tranship all catches from the same fishing trip only in listed ports.
2. In respect of catches of tropical tuna purse seine fisheries to be landed or transhipped in a listed port located in the territory of a third country, masters of Union fishing vessels shall ensure that the sorting, sampling and weighing of those catches on board are controlled at all times by remote electronic monitoring systems with CCTV cameras or equivalent technology ensuring the same level of accuracy of control.

## SECTION 2

**Conditions for Member States**

## Article 10

**Sampling plans**

1. In listed ports within the Union, Member States shall ensure that the determination of the catch composition of fisheries referred to in Article 14(4), point (a), of the Control Regulation landed or transhipped in a listed port by fishing vessels flying their flag, is based on sampling plans adopted or approved by the Commission, where applicable.
2. For catches of tropical tuna, the catch composition shall be determined by sorting and weighing the catch by species.
3. By way of derogation from paragraph 2, the catch composition of yellowfin tuna (*Thunnus albacares*) and bigeye tuna (*Thunnus obesus*) specimens below 5 kg landed or transhipped in the listed port of a third country may be determined in accordance with a sampling methodology established by the flag Member State in the conditions of the fishing authorisation of the fishing vessel.

## Article 11

**Information on Union fishing vessels benefitting from the derogation to the margin of tolerance**

1. On a yearly basis, Member States shall provide the Commission with a list of fishing vessels flying their flag that are allowed to benefit from the derogation to the margin of tolerance set in Article 14(4), point (a), and Article 21(3) of the Control Regulation in a listed port.
2. Member States shall ensure that only fishing vessels included in the list referred to in paragraph 1 and complying with the conditions set in this Chapter benefit from the derogation set out in Article 14(4), point (a), and Article 21(3) of the Control Regulation.

For that purpose, Member States shall exercise the necessary level of control over those vessels in line with Title VIII of the Control Regulation and ensure that natural persons who have committed or legal persons held liable for infringement of the conditions set out in this Chapter are subject to effective, proportionate, and dissuasive sanctions, including the temporary or permanent deletion of non-compliant fishing vessels from the list referred to in paragraph 1.

3. Member States shall make available the list referred to in paragraph 1 to the other Member States and the Commission and keep it updated.

#### Article 12

##### **Control and inspection in Union ports**

1. Coastal Member States of listed ports located in their territories shall ensure that measures are in place to effectively control the accuracy of catch reporting by Union fishing vessels benefitting from the derogation set out in Article 14(4), point (a), and Article 21(3) of the Control Regulation and to check compliance with the conditions set out in this Chapter.

2. The measures referred to in paragraph 1 shall include minimum benchmarks for inspection activities based on risk management, as defined in Article 4(18) of the Control Regulation, and revised periodically.

Such benchmarks shall not be lower than 5 % of the total number of landings and transhipments and 7,5 % of the quantities landed and transhipped by Union fishing vessels listed benefitting from the derogation set out in Article 14(4), point (a), and Article 21(3) of the Control Regulation, on a yearly basis.

#### Article 13

##### **Control and inspection in third country ports**

1. Flag Member States of fishing vessels benefitting from the derogation set out in Article 14(4), point (a), and Article 21(3) of the Control Regulation shall ensure that measures are in place to effectively control the accuracy of catch reporting by those fishing vessels and to check compliance with the conditions set out in this Chapter.

2. The measures referred to in paragraph 1 shall include minimum benchmarks for inspection activities based on risk management, as defined in Article 4(18) of the Control Regulation, and revised periodically.

Such benchmarks shall not be lower than 5 % of the total number of landings and transhipments and 7,5 % of the quantities landed and transhipped by Union fishing vessels listed benefitting from the derogation set out in Article 14(4), point (a), and Article 21(3) of the Control Regulation, on a yearly basis.

3. This Article shall apply only when access to the listed port and facilities of the third country concerned for control and inspection purposes is allowed within the framework of an SPPA, other bilateral agreements concluded by the Union with the third country or in any other case under international law that would allow officials, as defined in Article 4(6) of the Control Regulation, to conduct the inspections referred to in paragraph 2.

4. The Commission may request the third country concerned to grant access by officials to its port and facilities for control and inspection purposes on a case-by-case basis.

#### CHAPTER V

##### **FINAL PROVISIONS**

#### Article 14

##### **Reporting obligations**

1. On a yearly basis, applicant Member States shall review the information referred to in Article 6 and report any relevant change to the Commission.

2. On a yearly basis, Member States shall report to the Commission any detected or confirmed non-compliance with the conditions stipulated under Chapter II and IV of this Regulation, including:

- (a) the results of any inspection carried out under Articles 12 and 13; and
- (b) the results of the analysis and cross-checking of data collected through the use of remote electronic monitoring systems with CCTV cameras or other equivalent technology under this Regulation.

3. Such report should include follow-up actions taken in relation to non-compliance with the conditions listed under Chapter II and IV of this Regulation.

*Article 15***Data management**

Member States shall ensure that the same rules on data analysis, access, processing, exchange and storage as laid down by Articles 109, 110, 111 and 113 of the Control Regulation apply in respect of data collected under this Regulation.

*Article 16***Protection and processing of personal data**

1. Member States shall ensure that personal data collected under this Regulation can only be processed in accordance with the rules set out in Article 112 of the Control Regulation.
2. Member States shall ensure that remote electronic monitoring systems with CCTV cameras or other equivalent technology used for the purposes of this Regulation are operated in a way that excludes identification of natural persons in recorded video material. To this end, the use of such systems and technology should be positioned in such a way to allow monitoring only of the specific parts of the vessels and areas, systems, or facilities where the landing, transshipment and weighing of catches covered by the derogation to the margin of tolerance specified in Article 14(4), point (a) and Article 21(3) of the Control Regulation occur.
3. In cases where nonetheless the images of natural persons are recorded and detected in a way that those natural persons are directly or indirectly identifiable their images should be anonymized without undue delay.

*Article 17***Entry into force**

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

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

Done at Brussels, 24 May 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN