

COMMISSION IMPLEMENTING REGULATION (EU) 2015/746**of 11 May 2015****amending Implementing Regulation (EU) No 433/2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 ⁽¹⁾, and in particular Articles 12(2), 24(4), 27(1) and 45(2) thereof,

Whereas:

- (1) Regulation (EU) No 1236/2010 lays down certain specific control measures to monitor fishing activities of the Union in the Area covered by the North-East Atlantic Fisheries Commission (NEAFC) and supplements control measures provided for in Council Regulation (EC) No 1224/2009 ⁽²⁾.
- (2) Detailed rules for the application of Regulation (EU) No 1236/2010 were adopted through Commission Implementing Regulation (EU) No 433/2012 ⁽³⁾.
- (3) At its Annual Meeting in November 2013, NEAFC adopted Recommendation 9:2014 amending Article 22 and Annexes XV and XVI of the Scheme on port State control and inspection report forms. At the same Annual Meeting, NEAFC adopted Recommendations 12:2014, 13:2014 and 14:2014 amending Annex IX of the Scheme on data exchange formats and protocols, and Recommendation 16:2014 amending Appendix 1 to Annex IX of the Scheme on confidential treatment of electronic data. At its Annual Meeting in November 2014, NEAFC adopted Recommendation 16:2015 amending Appendix 2 to Annex II of the Scheme on codes for main gear types. At the same meeting it adopted Recommendation 12:2015 amending Recommendation 9:2014 with respect to Articles 22 and 23 and Annexes XV and XVI of the Scheme on port state control forms.
- (4) In accordance with Articles 12 and 15 of the Convention on future multilateral cooperation in the North-East Atlantic fisheries approved by Council Decision 81/608/EEC ⁽⁴⁾, Recommendations 12:2014, 13:2014, 14:2014 and 16:2014 came into force on 7 February 2014 and Recommendation 16:2015 came into force on 6 February 2015.
- (5) Pursuant to its provisions, Recommendation 9:2014 as amended by Recommendation 12:2015 will enter into force on 1 July 2015.
- (6) It is necessary to transpose those Recommendations into Union law. Implementing Regulation (EU) No 433/2012 should therefore be amended accordingly.

⁽¹⁾ OJ L 348, 31.12.2010, p. 17.

⁽²⁾ 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 (OJ L 343, 22.12.2009, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 433/2012 of 23 May 2012 laying down detailed rules for the application of Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (OJ L 136, 25.5.2012, p. 41).

⁽⁴⁾ Council Decision 81/608/EEC of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries (OJ L 227, 12.8.1981, p. 21).

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

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 433/2012 is amended as follows:

- (1) in Article 12, points (a) and (b) are replaced by the following:

- ‘(a) the form PSC 1 shall be used where the vessel is carrying its own catches;
- (b) the form PSC 2 shall be used where the vessel is engaged in transshipment operations, providing the information separately for catches from each donor vessel.’;

- (2) Article 13 is replaced by the following:

Article 13

1. When completing the prior notification in accordance with Article 25(1) of Regulation (EU) No 1236/2010, the flag Member State shall complete Part B of the PSC form provided for in Annex VIII.

2. When completing the prior notification in accordance with Article 25(2) and (4) of Regulation (EU) No 1236/2010, the port Member State shall complete Part C of the PSC form provided for in Annex VIII.’;

- (3) In Article 16 the first sentence is replaced by the following:

‘The data exchange formats and data communication systems referred to in Article 12(2) of Regulation (EU) No 1236/2010 to be used for transmission of reports and information to the NEAFC Secretary shall comply with the rules set out in Annex X.’

- (4) Annex VIII is replaced by the text in Annex 1 to this Regulation;

- (5) Annex IX is replaced by the text in Annex 2 to this Regulation;

- (6) Annex X is amended as follows:

- (a) the title is replaced by the following:

‘DATA EXCHANGE FORMAT AND DATA COMMUNICATION SYSTEMS’;

- (b) Section B is replaced by the text in Annex 3 to this Regulation;

- (c) in Section D.2, point (b) is replaced by the text in Annex 4 to this Regulation;

- (d) in Section D.2, a new point (c) is added as set out in Annex 5 to this Regulation;

- (7) Annex XI is amended as follows:

- (a) Section C is replaced by the text in Annex 6 to this Regulation;

- (b) a new Section G is added as set out in Annex 7 to this Regulation;

- (8) Annex XII is replaced by the text in Annex 8 to this Regulation.

Article 2

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

However, Article 1(1), (2), (4), (5) and (7)(b) shall apply from 1 July 2015.

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

Done at Brussels, 11 May 2015.

For the Commission
The President
Jean-Claude JUNCKER

PART B: For official use only — to be completed by the Flag State					
The Flag State of the vessel must respond to the following questions by marking in the box 'Yes' or 'No'	NEAFC CA		NAFO RA		
	Yes	No	Yes	No	
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared					
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable					
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared					
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data					
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.					
Name and Title:			Date:		
Signature:			Official Stamp:		
PART C: For official use only — to be completed by the Port State					
Name of Port State:					
Authorisation:	Yes:		No:		Date:
Signature:			Official Stamp:		
⁽¹⁾ Black ink is required when faxing forms ⁽²⁾ Fishing vessels not assigned an IMO number shall provide their external registration number ⁽³⁾ If necessary an additional form or forms shall be used ⁽⁴⁾ FAO Species Codes — Annex V ⁽⁵⁾ Product presentations — Appendix 1 to Annex IV ⁽⁶⁾ Type of processing — NEAFC Appendix 1c) to Annex IV					

PART B: For official use only — to be completed by the Flag State				
The Flag State of the vessel must respond to the following questions by marking in the box 'Yes' or 'No'	NEAFC CA		NAFO RA	
	Yes	No	Yes	No
a) The fishing vessel declared to have caught the fish had sufficient quota for the species declared				
b) The quantities on board have been duly reported and taken into account for the calculation of any catch or effort limitations that may be applicable				
c) The fishing vessel declared to have caught the fish had authorisation to fish in the area declared				
d) The presence of the fishing vessel in the area of catch declared has been verified according to VMS data				
Flag State confirmation: I confirm that the above information is complete, true and correct to the best of my knowledge and belief.				
Name and Title:				Date:
Signature:		Official Stamp:		
PART C: For official use only — to be completed by the Port State				
Name of Port State:				
Authorisation:	Yes:		No:	Date:
Signature:		Official Stamp:		
⁽¹⁾ Black ink is required when faxing forms. ⁽²⁾ Fishing vessels not assigned an IMO number shall provide their external registration number. ⁽³⁾ If necessary an additional form or forms shall be used. ⁽⁴⁾ FAO Species Codes — Annex V. ⁽⁵⁾ Product presentations — Appendix 1 to Annex IV. ⁽⁶⁾ Type of processing — NEAFC Appendix 1c) to Annex IV.'				

ANNEX 2

Annex IX to Implementing Regulation (EU) No 433/2012 is replaced by the following:

ANNEX IX

INSPECTION REPORT FORM

Report on Port State Control inspection (PSC 3)

Inspection report number:

A. INSPECTION REFERENCE

Landing	Yes	No	Transhipment	Yes	No	Other reason for port entry
Port State			Port of landing or transhipment			
Vessel name			Flag State	IMO Number ⁽¹⁾		International Radio call sign
Landing/transhipment started			Date		Time	
Landing/transhipment ended			Date		Time	
Vessel Type		Certificate of Registry ID		Port of Registry		VMS
Vessel master's name		Vessel master's nationality		Fishing master's name		Fishing master's nationality
Vessel's owner/operator		Vessel's beneficial owner ⁽²⁾		Vessel's agent		
Last port of call:		Date:				
B. INSPECTION DETAILS						
Name of donor vessel ⁽³⁾		IMO Number ⁽¹⁾		Radio call sign		Flag State

(c) Additional infringements found during the Port Inspection		
NAFO CEM infringement legal reference		National Infringement legal reference
E2. NEAFC infringement noted		
Article	NEAFC provision(s) violated and summary of pertinent facts	
Inspector's observations:		
Action taken:		
Inspecting authority/agency		
Inspector's Name	Inspector's signature	Date and place
F. DISTRIBUTION		
Copy to flag State	Copy to NEAFC Secretary	Copy to NAFO Executive Secretary
<p>⁽¹⁾ Fishing vessels not assigned an IMO number shall provide their external registration number.</p> <p>⁽²⁾ If known and if different from vessel's owner.</p> <p>⁽³⁾ In cases where a vessel has engaged in transshipment operations, a separate form shall be used for each donor vessel.</p> <p>⁽⁴⁾ FAO Species Codes — NEAFC Annex V — NAFO Annex II.</p> <p>⁽⁵⁾ Type of processing — NEAFC Appendix 1c) to Annex IV.</p> <p>⁽⁶⁾ Product presentations — NEAFC Appendix 1 to Annex IV — NAFO Annex XX (C).'</p>		

ANNEX 3

Section B of Annex X to Implementing Regulation (EU) No 433/2012 is replaced by the following:

B. Data communication systems

Electronic data transmission of reports and messages between Member States and the Secretary shall use data communication systems duly tested.

ANNEX 4

In Section D.2 of Annex X to Implementing Regulation (EU) No 433/2012, point (b) is replaced by the following:

b) Return error numbers:

Subject/Annex	Error Numbers			Error cause
	Rejected (NAK) Follow-up action required	Accepted and Stored (ACK) Follow-up action required	Accepted and Stored (ACK) with warning	
Communication	101			Message is unreadable
	102			Data value or size out of range
	104			Mandatory data missing
	105			This report is a duplicate; attempt to re-send a report previously rejected
	106			Unauthorised data source
			150	Sequence error
			151	Date/Time in the future
			155	This report is a duplicate; attempt to re-send a report previously accepted
Annex II			250	Attempt to re-Notify a vessel
		251		Vessel is not Notified
		252		Species not AUT, or LIM or SUS
Annex VIII		301		Catch prior to Catch on Entry
		302		Transshipment prior to Catch on Entry
		303		Catch on Exit prior to Catch on Entry
		304		No Position received (CAT, TRA, COX)
			350	Position without Catch on Entry
Annex X	401			Surveillance Exit prior to Surveillance Entry
		450		Observation without Surveillance Entry
		451		Inspectors or craft not notified'

ANNEX 5

In Section D.2 of Annex X to Implementing Regulation (EU) No 433/2012, the following point (c) is added:

'c) Identification of duplicate messages and reports:

Message/Reports	Data Elements																							
	TM	AD	SQ	RC	LA/LT	LO/LG	SP	CO	DA	TI	OB	CA	RA	DF	KG	TT	TF	PD	PT	CS	PO	CR	YR	
Position	POS	y		y	y	y			y	y														
Entry	ENT	y		y	y	y			y	y														
Exit	EXI	y		y	y	y			y	y														
Manual	MAN	y		y	y	y			y	y														
Catch on Entry	COE	y		y					y	y	y													
Catch	CAT	y		y					Y	Y		Y	Y	Y										
Catch on Exit	COX	y		y					Y	Y		Y	Y	Y										
Transshipment	TRA	y		y					Y	Y					Y	Y	Y	Y	Y					
Port of Landing	POR	y		y					Y	Y	Y				Y			Y	Y	Y	Y			
Cancel	CAN	y		y					y	y													Y	Y

For each message, if data in data-elements marked "Y" is identical, then identify message as duplicate'

ANNEX 6

In Annex XI to Implementing Regulation (EU) No 433/2012, Section C is replaced by the following:

C. Main gear types

FAO Alpha Code	Gear type
	Surrounding Nets
PS	With purse lines
PS1	1 vessel purse seine
PS2	2 vessels purse seine
	Seine Nets
SSC	Seine Scottish
	Trawls — Bottom
OTB	Bottom otter trawl
PTB	Bottom pair trawls
TBN	Bottom trawl Nephrop
TBS	Bottom trawl shrimp
OTT	Otter twin trawl
	Trawls — Midwater
OTM	Midwater otter trawl
PTM	Midwater trawls pair
	Gillnets and Entangling Nets
GNS	Gillnet anchored
GND	Drift nets
GEN	Gill tangle net (Not specified)
	Traps
FPO	Pot

FAO Alpha Code	Gear type
	<i>Hooks and Lines</i>
LHP	Hand lines
LHM	Hand line mechanical
LLS	Set line long line
LLD	Drifting long line
LL	Long line
LTL	Trolling long line
LX	Hook and lines
	<i>Harvesting Machines</i>
HMP	Pumps
	<i>No Gear</i>
NIL	No fishing gear to report'

ANNEX 7

In Annex XI to Implementing Regulation (EU) No 433/2012, the following Section G is added:

'G. Type of Processing

Code	Type
FRZ	Frozen
FRE	Fresh
OTH	Any other processing'

ANNEX 8

Annex XII to Implementing Regulation (EU) No 433/2012 is replaced by the following:

*'ANNEX XII***CONFIDENTIAL TREATMENT OF ELECTRONIC DATA**

Member States shall, when transmitting and receiving electronic data, take the necessary measures to comply with the confidentiality and security provisions set out in Recommendations approved by the NEAFC Commission.'
