



EFCA
European Fisheries Control Agency



Legal Repository

**EXTRACT OF EU LEGISLATION RELATED TO
EFCA'S INTERNATIONAL DIMENSION**

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1. EFCA Founding Regulation & Common Fisheries Policy

Regulation (EU) 2019/473

Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (codification)

CHAPTER II: MISSION AND TASKS OF THE AGENCY

Article 3: Mission

The mission of the Agency shall be:

- (a) to coordinate control and inspection by Member States related to the control and inspection obligations of the Union;
- (c) to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties;
- (h) to coordinate the operations to combat illegal, unreported and unregulated ('IUU') fishing in conformity with Union rules;
- (i) to assist in the uniform implementation of the control system of the common fisheries policy, including in particular:
 - the organisation of the operational coordination of control activities by Member States for the implementation of specific control and inspection programmes, control programmes related to IUU fishing and international control and inspection programmes,
 - inspections as necessary to fulfil the Agency's tasks in accordance with Article 19 ;
- (j) to cooperate with the European Border and Coast Guard Agency, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council ⁽¹²⁾, and the European Maritime Safety Agency, established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council ⁽¹³⁾, each within its mandate, to support the national authorities carrying out coast guard functions as set out in Article 8 of this Regulation, by providing services, information, equipment and training as well as by coordinating multipurpose operations.

Article 4: Tasks relating to the international obligations of the Union relating to control and inspection

Art 4(1): The Agency shall, at the Commission's request:

- (a) assist the Union and Member States in their relations with third countries and regional international fisheries organisations of which the Union is a member
- (b) cooperate with the competent authorities of regional international fisheries organisations regarding the control and inspection obligations of the Union in the framework of working arrangements concluded with such bodies.

Art 4(2): The Agency may, at the Commission's request, cooperate with the competent authorities of third countries in matters relating to control and inspection in the framework of agreements concluded between the Union and such third countries.

Art 4(3): The Agency may, within its field of competence, carry out, on behalf of Member States, tasks under international fisheries agreements to which the Union is a party.

Article 5: Tasks relating to operational coordination

Art 5(1): Operational coordination by the Agency shall cover control of all activities covered by the common fisheries policy.

Art 5(2): For the purpose of operational coordination, the Agency shall establish joint deployment plans and organise the operational coordination of control and inspection by Member States in accordance with Chapter III.

Article 6: Provision of contractual services to Member States

The Agency may provide contractual services to Member States, at their request, relating to control and inspection in connection with their obligations concerning fisheries in Union and/or international waters, including the chartering, operating and staffing of control and inspection platforms and the provision of observers for joint operations by the Member States concerned.

Article 7: Assistance to the Commission and the Member States

The Agency shall assist the Commission and the Member States for the purpose of ensuring a high level of uniform and effective fulfilment of their obligations under the rules of the common fisheries policy, including as regards the fight against IUU fishing, and assist them in their relations with third countries. The Agency shall in particular:

- (a) establish and develop a core curriculum for the training of the instructors of the fisheries inspectorate of the Member States and provide additional training courses and seminars to those officials and other personnel involved in control and inspection activities;
- (e) elaborate criteria for the exchange of means of control and inspection between Member States and between Member States and third countries, and for the provision of such means by the Member States;
- (h) assist Member States, at their request, to comply with their Union and international obligations, including the fight against IUU fishing, and those arising in the framework of regional fisheries management organisations;

CHAPTER III: OPERATIONAL COORDINATION**Article 9: Implementation of Union obligations relating to control and inspection.**

Art 9(1): The Agency shall, at the Commission's request, coordinate control and inspection activities by Member States on the basis of international control and inspection programmes by establishing joint deployment plans.

Art 9(2): The Agency may acquire, rent or charter the equipment that is necessary for the implementation of the joint deployment plans referred to in paragraph 1.

Article 17: Information network

The Commission, the Agency and the competent authorities of Member States shall exchange relevant information available to them regarding joint control and inspection activities within Union and international waters.

Article 19: Assignment of Agency officials as Union inspectors

Officials of the Agency may be assigned in international waters as Union inspectors in accordance with Article 79 of Regulation (EC) No 1224/2009

Regulation (EU) No 1380/2013

Consolidated text: 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

PART VI: EXTERNAL POLICY

Article 30: Compliance with international provisions

The Union shall, including through the European Fisheries Control Agency ("the Agency"), cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures, especially those to combat IUU fishing, in order to ensure that measures adopted by such international organisations are strictly adhered to.

PART IX: CONTROL AND ENFORCEMENT

Article 36: Objectives

Art 36(2): Control and enforcement of the CFP shall in particular be based on and shall include the following:

- (a) a global, integrated and common approach;
- (b) cooperation and coordination between Member States, the Commission and the Agency;
- (c) cost-efficiency and proportionality;
- (d) the use of efficient control technologies for the availability and quality of data on fisheries;
- (e) a Union framework for control, inspection and enforcement;
- (f) a risk-based strategy focused on systematic and automated cross-checks of all available relevant data;
- (g) the development of a culture of compliance and co operation among all operators and fishermen.

The Union shall adopt appropriate measures with regard to third countries which allow non-sustainable fishing.

Article 37: Expert group on compliance

Art37(2): The expert group on compliance shall be composed of representatives of the Commission and the Member States. At the request of the European Parliament, the Commission may invite the European Parliament to send experts to attend meetings of the expert group. The Agency may assist the expert group on compliance meetings as an observer.

2. Control and enforcement

Council Regulation (EC) No 1224/2009

Consolidated text (14/08/2019). Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

TITLE VII: INSPECTIONS AND PROCEEDINGS

Article 79: Union inspectors

Art 79(6): When assigned as Union inspectors, officials of the Commission or of the body designated by it shall have no police and enforcement powers.

Commission Implementing Regulation (EU) No 404/2011

Consolidated version, 14/08/2020. 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, 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

TITLE VI: INSPECTION

CHAPTER V: UNION INSPECTORS

Article 120: List of Union inspectors

1. On the basis of the notifications of Member States and the European Fisheries Control Agency, the Commission shall adopt a list of Union inspectors 6 months after the entry into force of this Regulation.
2. After the establishment of the initial list, Member States and the European Fisheries Control Agency shall notify to the Commission by October each year any amendment to the list which they wish to introduce for the following calendar year. The Commission shall amend the list accordingly by 31 December each year.
3. The list and amendment thereto shall be published on the official website of the European Fisheries Control Agency.

Article 121 Communication of Union inspectors to Regional Fisheries Management Organisations

The body designated by the Commission shall communicate to the secretariat of a Regional Fisheries Management Organisation the list of Union inspectors who are to carry out inspections in the framework of that Organisation (Designated by Commission Decision (2011) 9504

Article 122 Powers and duties of Union inspectors

2. Union inspectors shall present a service card stating their identity and the capacity under which they operate. For this purpose they shall be provided with an identification document issued by the Commission or the European Fisheries Control Agency stating their identity and capacity.

Article 123 Reports

1. Union inspectors shall submit a daily summary on their inspection activities, including the name and identification number of each fishing vessel or craft inspected and the type of inspection carried out, to the competent authorities of the Member State in whose waters the inspection took place or, where the inspection was carried outside Union waters, to the flag Member State of the inspected and the European Fisheries Control Agency.

2. If Union inspectors detect an infringement in the course of an inspection, they shall without delay submit a summarised inspection report to the competent authorities of the coastal Member State or, where the inspection was carried outside Union waters, to competent authorities of the flag State of the inspected fishing vessel and the European Fisheries Control Agency. Such summarised inspection report shall specify at least the date and place of the inspection, identification of the inspection platform, identification of the inspected target and type of infringement detected.

3. Union inspectors shall submit a copy of the full inspection report noting the relevant items in the appropriate inspection module of the inspection report in Annex XXVII to the competent authorities of the flag State of the inspected fishing vessel or craft and of the Member State in whose waters the inspection took place, within 7 days from the date of inspection. If the Union inspectors have detected an infringement, a copy of the full inspection report shall also be sent to the European Fisheries Control Agency.

Council Regulation (EC) No 1005/2008

Council Regulation (EC) No 1005/2008 (consolidated version, 15/09/2022)

Consolidated text: 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

Article 11: Procedure in the event of infringements

Art 11(3): The inspecting Member State shall immediately notify its decision not to authorise landing or transhipment operations taken in accordance with paragraph 2, accompanied by a copy of the inspection report, to the Commission or to a body designated by it, which shall immediately transmit it to the competent authority of the flag State of the inspected fishing vessel with a copy to the flag State or States of donor vessels where the inspected fishing vessel has engaged in transhipment operations. Where appropriate, a copy of the notification shall also be communicated to the Executive Secretary of the regional fisheries management organisation in whose area of competence the catch was made.

Article 20: Flag State notifications and cooperations with third countries

Art 20(4): The Commission shall, where appropriate, cooperate administratively with third countries in areas pertaining to the implementation of the catch certification provisions of this Regulation, including the use of electronic means to establish, validate or submit the catch certificates and, where appropriate, documents referred to in Article 14(1) and 14(2).

Such cooperation shall aim to:

- (c) provide for the conduct of on-the-spot audits by the Commission or a body designated by it to verify the effective implementation of the cooperation arrangement;

CHAPTER V: IDENTIFICATION OF FISHING VESSELS ENGAGED IN IUU FISHING

Article 25: Alleged IUU fishing

Art 25(2): Member States may, at any time, submit to the Commission any additional information which might be relevant for the establishment of the Community IUU vessel list. The Commission, or a body designated by it, shall circulate the information, together with all the evidence provided, to the Member States and to the flag States concerned.

CHAPTER X: IMPLEMENTATION OF PROVISIONS ADOPTED WITHIN CERTAIN REGIONAL FISHERIES MANAGEMENT ORGANISATIONS PERTAINING TO FISHING VESSEL SIGHTINGS

Article 48: Sightings at sea

Art 48(4): Sighting reports shall be sent without delay to the competent authority of the flag Member State of the sighting fishing vessel, which shall transmit them as soon as possible to the Commission or to the body designated by it. The Commission or the body designated by it shall then immediately inform the flag State of the fishing vessel sighted. The Commission or a body designated by it shall thereupon transmit the sighting report to all the Member States and, as appropriate, to the Executive Secretary of the relevant regional fisheries management organisations for further action in accordance with the measures adopted by those organisations.

Art 48(5): A Member State which receives a sighting report reporting the activities of a fishing vessel flying its flag from the competent authority of a contracting party of a regional fisheries management organisation shall notify the report and all relevant information as soon as possible to the Commission or to the body designated by it, which shall thereupon forward this information to the Executive Secretary of the regional fisheries management organisation concerned for further action in accordance with the measures adopted by this organisation, as appropriate.

Commission Decision (EU) No 2009/988

Commission Decision of 18 December 2009 designating the Community Fisheries Control Agency as the body to carry out certain tasks under Council Regulation (EC) No 1005/2008 (notified under document C(2009) 10155) (in force since 18/12/2009)

Article 1: The Community Fisheries Control Agency (CFCA) shall be the body designated to:

- (a) transmit notifications, with copy to the Commission, on denials of landing or transshipment authorisations by third country vessels to flag State(s) and, if appropriate copies of these notifications, to Regional Fisheries Management Organisations in accordance with Article 11(3) of Regulation (EC) No 1005/2008;
- (b) upon request from the Commission, provide for the conduct of on-the-spot audits, alone or in cooperation with the Commission, to verify the effective implementation of agreed cooperation arrangements with third countries in accordance with Article 20(4), second subparagraph (c) of Regulation (EC) No 1005/2008;
- (c) communicate to Member States and flag States, with copy to the Commission, additional information submitted by the Member States to the Commission which is relevant for the establishment of the European Union IUU vessel list in accordance with Article 25(2) of Regulation (EC) No 1005/2008;
- (d) transmit sightings reports to all Member States, with copy to the Commission, and, if appropriate, to the Executive Secretary of the relevant Regional Fisheries Management Organisation in accordance with Article 48(4) of Regulation (EC) No 1005/2008;
- (e) transmit to the Executive Secretary of the relevant Regional Fisheries Management Organisation, with copy to the Commission, information from a Member State in response to a sighting report on one of its vessels from a contracting party to that Regional Fisheries Management Organisation in accordance with Article 48(5) of Regulation (EC) No 1005/2008

Commission Implementing Decision (EU) No 2018/1986

**Commission Implementing Decision (EU) No 2018/1986 (consolidated version, 26/09/2020)
Consolidated text: Commission Implementing Decision (EU) 2018/1986 of 13 December 2018 establishing specific control and inspection programmes for certain fisheries and repealing Implementing Decisions 2012/807/EU, 2013/328/EU, 2013/305/EU and 2014/156/EU**

Article 5: Procedures for risk assessment and relation with joint deployment plans

Art 5(4): EFCA shall use the information received from Member States when coordinating the risk assessment at regional level.

Article 6: National and regional risk management strategies

Art 6(2): EFCA, on the basis of the regional risk assessment referred to in Article 5(4) of this Decision, shall establish a regional risk management strategy, as referred to in paragraph 1 of this Article. EFCA shall coordinate and implement this regional risk management strategy through a joint deployment plan.

Article 7: Target benchmarks

Art 7(2): By way of derogation from paragraph 1, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels according to the harmonised methodology established in cooperation with the EFCA, in order to fulfil the objectives set in Article 3 of this Decision, provided that:

- (a) detailed analysis of the fishing activities or fishing related activities and enforcement related issues justifies the need for setting target benchmarks in the form of improved compliance levels;
- (b) the Member States concerned define the control and inspection effort as well as the strategy to achieve the outcomes expected with the improved compliance levels;
- (c) the benchmarks expressed in terms of improved compliance levels do not negatively impact objectives, priorities and risk-based procedures defined by the specific control and inspection programmes;
- (d) the benchmarks expressed in terms of improved compliance levels are notified to the Commission at the latest one year after entry into force of this Decision and subsequently every 2 years, and this latter does not object to them within 90 days of the notification.

Article 8: Cooperation between MS and with third countries

Art 8(2): Where appropriate, all other Member States shall cooperate with the Member States concerned and EFCA to achieve the objectives of the joint deployment plans

Art 8(3): The Member States concerned and EFCA may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programmes.

Article 10: Exchange of data

Art 10(2): Data exchanged pursuant to paragraph 1 may include personal data. EFCA, the Commission and Member States may process personal data to which they have access pursuant to paragraph 1 for the purposes of complying with their tasks and obligations under the specific control and inspection programmes. EFCA, the Commission and Member States shall take, in accordance with Article 5 of Regulation (EU) 2016/679 and Article 4 of Regulation (EU) 2018/1725, measures to ensure appropriate protection of personal data.

Art 10(6): EFCA, the Commission and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to this Decision. EFCA and the Member State authorities shall cooperate on security-related tasks.

Art 10(7): EFCA, the Commission and Member States shall take measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Decision in accordance with Article 113 of Regulation (EC) No 1224/2009.

Article 11: Information and evaluation

Art 11(5): EFCA, for its annual assessment of the effectiveness of joint deployment plans referred to in Article 14 of Regulation (EC) No 768/2005, shall take into consideration the reports referred to in paragraph 1 of this Article.

3. Conservation & sustainable exploitation of marine biological resources

Regulation (EU) No 1343/2011

(consolidated version, 10/07/2019). Consolidated text: Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

Article 22m: International Joint Inspection and Surveillance Scheme in the Strait of Sicily

Art 22m(2): Member States may assign inspectors and inspection means and carry out inspections under the Scheme. The Commission or a body designated by it may also assign Union inspectors to the Scheme.

Art 22m(3): The Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union and may draw up, in coordination with the Member States concerned, a joint deployment plan to enable the Union to fulfil its obligation under the Scheme. Member States shall adopt the necessary measures to facilitate the implementation of those plans, particularly as regards the human and material resources required and the periods and geographical areas in which those resources are to be deployed.

Art 22m(4): Each Member State shall, not later than 31 October of each year, notify to the Commission or a body designated by it the list of the names of inspectors authorised to perform the inspection and surveillance in the area referred to in paragraph 1, as well as the names of the vessels and aircraft used for inspection and surveillance which they intend to assign to the Scheme for the following year. The Commission or a body designated by it shall send this information to the GFCM Secretariat by 1 December of each year or as soon as possible before the commencement of inspection activities.

Article 22o: Infringements

Art 22o(2): In the case of any boarding and inspection of a fishing vessel during which the inspectors detect an infringement, the authorities of the flag Member State of the inspection vessel shall immediately inform the Commission or a body designated by it, which shall notify the flag State of the inspected fishing vessel both directly and through the GFCM Secretariat. They shall also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

Art 22o(4): In the event that an infringement has been detected during an inspection, the actions and follow-up taken by the flag Member State shall be notified to the Commission or a body designated by it. The Commission or a body designated by it shall forward the action and follow-up taken to the GFCM Secretariat.

Article 22q: National monitoring, control and surveillance plans for turbot fisheries in the Black Sea

Art 22q(3): By 20 January each year, the Member States shall communicate the national plans to the Commission or a body designated by it. The Commission or a body designated by it shall forward those plans to the GFCM Secretariat by 31 January of each year.

4. Control and enforcement in RFMOs

Regulation (EU) 2019/833

(consolidated version, 14/11/2022). Consolidated text: 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) No 1386/2007

CHAPTER II: CONSERVATION AND MANAGEMENT MEASURES

Article 9a: Cod in Division 3M

Art 9(3): The Commission or a body designated by it shall ensure that the information referred to in point (c) of paragraph 1 is transmitted to the NAFO Executive Secretary without delay, for posting on the MCS website.

CHAPTER VI: OBSERVER SCHEME

Article 27: Observer programme

Art 27(15): The information that Member States are required to provide in accordance with points (c) and (d) of paragraph 3, point (a) of paragraph 5, point (c) of paragraph 6 and paragraph 7 shall be transmitted to EFCA with the Commission in copy. EFCA shall ensure that this information is transmitted to the NAFO Executive Secretary without delay, for posting on the MCS website.

CHAPTER VII: JOINT INSPECTION AND SURVEILLANCE SCHEME

Article 28: General provisions

Art 28(1): EFCA shall coordinate the inspection and surveillance activities for the Union. It may draw up, in concert with the Member States concerned, joint operational inspection and surveillance programmes for that purpose ('the Scheme'). The Member States whose vessels are engaged in fisheries in the Regulatory Area shall adopt the necessary measures to facilitate the implementation of the Scheme, particularly as regards the human and material resources required and the periods and zones in which these resources are to be deployed.

Art 28(3): The Member States, in collaboration with the Commission and EFCA, may by mutual agreement deploy inspectors and EFCA coordinators that EFCA has assigned to the Scheme to an inspection platform of another NAFO Contracting Party.

Art 28(4): When there are more than 15 fishing vessels of Member States at any one time present in the Regulatory Area, EFCA and Member States shall ensure that during that time:

- (a) an inspector or other competent authority is present in the Regulatory Area; or
- (b) a competent authority is present in the territory of a NAFO Contracting Party adjacent to the Convention Area;

Art 28(6): Each Member State participating in the Scheme, in coordination with the Commission or EFCA, shall ensure that every inspection platform flying its flag operating in the Regulatory Area maintains secure contact, daily where possible, with every other inspection platform operating in the Regulatory Area, to exchange information necessary to coordinate their activities.

Article 29: Notification requirements

Art 29(1): Each Member State shall, not later than 1 November each year, send the following information to EFCA (with the Commission in copy), which shall post the information on the NAFO MCS website:

- (a) the contact information of the competent authority which shall act as the contact point for the purpose of immediate notification of infringements in the Regulatory Area, and any subsequent changes to this information, not less than 15 days before the change comes into effect;
- (b) the names of inspectors and inspector trainees and the name, radio call sign and communication contact information of each inspection platform it has assigned to the Scheme. It shall notify changes to the particulars so notified, whenever possible, not less than 60 days in advance.

Art 29(2): When participating in the Scheme, a Member State shall ensure that EFCA is notified in advance of the date, start time and end of each patrol by the inspection platform it has so assigned.

Article 30: Surveillance procedures

Art 30(2): The competent authority of a Member State in receipt of such surveillance report shall without delay:

- (a) transmit the surveillance report to EFCA which shall submit it without delay to the NAFO Executive Secretary for transmission to the flag State Contracting Party of the vessel;
- (b) transmit a copy of images recorded to EFCA which shall in turn transmit them to the flag State Contracting Party of the vessel or the flag Member State if different from the inspecting Member State;

Art 30(4): Each Member State shall send the investigation report to EFCA, which shall send it to the NAFO Executive Secretary and to the Commission.

Article 33: Inspection report and follow-up

Art 33(3): The inspecting Member State shall:

- (a) send to EFCA the at sea inspection report, if possible within 20 days of the inspection, which shall submit it to the NAFO Executive Secretary;

Article 34: Procedures relating to infringements

Art 34(2): The inspecting Member State shall:

- (a) within 24 hours from detection of the infringement, transmit to the Commission and EFCA, which shall in turn transmit to the competent authority of the flag State Contracting Party or Member State if different from the inspecting Member State, and the NAFO Executive Secretary, written notification of the infringement reported by its inspectors. The written notification shall include the information entered in the Infringement section of the inspection report in Annex IV.B to the CEM referred to in point 41 of the Annex to this Regulation, cite the relevant measures and describe in detail the basis for issuing the notice of infringement, and the evidence in support of the notice, and where possible, be accompanied by images of any gear, catch or other evidence relating to the infringement referred to in paragraph 1 of this Article;
- (b) within five days of the inspection vessel's return to port, transmit the inspection report to the Commission and EFCA;

EFCA shall submit the inspection report to the NAFO Executive Secretary.

CHAPTER IX: NON-CONTRACTING PARTY

Article 45: Sighting and inspection of non-Contracting Party vessels in the Regulatory Area

Each Member State or, when appropriate, EFCA, with an inspection and/or surveillance presence in the Regulatory Area authorised under the Joint Inspection and Surveillance Scheme that sights or identifies a non-Contracting Party vessel engaged in fishing activities in the Regulatory Area shall:

- (a) transmit immediately the information to the Commission using the format of the surveillance report set out in Annex IV.A to the CEM referred to in point 38 of the Annex to this Regulation;
- (b) attempt to inform the master of the vessel that the vessel is presumed to be engaged in IUU fishing and that this information will be distributed to all Contracting Parties, relevant RFMOs and the flag State of the vessel;
- (c) if appropriate, request permission from the master of the vessel to board the vessel for inspection; and
- (d) where the master of the vessel agrees to inspection:
 - (i) transmit the inspector's findings to the Commission without delay, using the inspection report form set out in Annex IV.B to the CEM referred to in point 41 of the Annex to this Regulation; and
 - (ii) provide a copy of the inspection report to the master of the vessel.

Regulation (EU) No 1236/2010

Consolidated text: 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

Article 4 Contact points

1. Member States shall designate the competent authority which shall act as the contact point for the purposes of receiving surveillance and inspection reports in accordance with Articles 12, 19, 20 and 27 and for receiving notifications and issuing authorisations in accordance with Articles 24 and 25.
3. Member States shall send to the Commission or to the body designated by it and to the NEAFC Secretary the telephone number, e-mail address and fax number of the designated contact point.
4. Any subsequent changes to the information concerning the contact points referred to in paragraphs 1 and 3 shall be notified to the Commission or the body designated by it and to the NEAFC Secretary no later than 15 days before the change comes into force.

Article 17: General provisions for inspection and surveillance

1. The Commission or the body designated by it shall coordinate the surveillance and inspection activities for the Union and shall draw up each year, in concert with the Member States concerned, a joint deployment plan for Union participation in the Scheme in the following year. This deployment plan shall, inter alia, determine the number of inspections to be carried out.
Where at any time more than ten EU fishing vessels are engaged in fishing activities carried out in respect of regulated resources in the Regulatory Area, the Commission or the body designated by it shall ensure that an inspection vessel from a Member State is present during that time in the Regulatory Area or that an agreement has been concluded with another Contracting Party to ensure the presence of an inspection vessel.
2. The Commission or the body designated by it shall seek to ensure, through an equitable distribution of inspections, equal treatment of all Contracting Parties with fishing vessels operating in the Regulatory Area.

Article 18 Means to carry out inspection

2. The Commission or the body designated by it shall send to the NEAFC Secretary before 1 January each year details of the plan together with the names of the NEAFC inspectors and special inspection vessels as

well as the types of aircraft and their identification details (registration number, name, radio call-sign) which Member States are assigning to the Scheme during that year. Where appropriate, this information shall be taken from the list of inspectors referred to in Article 79(1) of Regulation (EC) No 1224/2009. Member States shall send changes to this list to the Commission or the body designated by it which in turn shall forward them to the NEAFC Secretary and the other Member States 1 month before the changes are due to come into effect.

4. For each Union inspection vessel or aircraft assigned to the Scheme, the Commission or the body designated by it shall keep a record of the date and hour of the start and termination of their duties under the Scheme as set out in the form determined in accordance with Article 50(2).

Article 19 Surveillance procedure

1. Surveillance shall be based on sightings of fishing vessels by NEAFC inspectors from a vessel or aircraft assigned to the Scheme. NEAFC inspectors shall forward a copy of each sighting report for every vessel without delay, by electronic transmission in the form set out in accordance with Article 50(2), to the flag state of the vessel concerned, to the Commission or the body designated by it and to the NEAFC Secretary. A hard copy of each sighting report and any photographs shall be forwarded on request to the flag state of the vessel concerned.

Article 20 Inspection procedure

9. Each inspection shall be documented by the completion of an inspection report in the format established in accordance with Article 50(2). The master may add his comments to the inspection report which shall be signed by the NEAFC inspectors at the end of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel. A copy of each inspection report shall be transmitted without delay to the flag state of the inspected vessel and to the Commission or the body designated by it. The Commission or the body designated by it shall forward the copy promptly to the NEAFC Secretary. The original or a certified copy of each inspection report shall be forwarded on request to the flag state of the inspected vessel.

Article 29 Infringement procedures

1. Where inspectors find that there are clear grounds for believing that a fishing vessel has engaged in any activity contrary to the conservation and management measures adopted by NEAFC they shall:

- (a) record the infringement in the report referred to in Articles 19(2), 20(9) or 27;
- (b) take all necessary measures to ensure security and continuity of the evidence. An identification mark may be affixed securely to any part of the fishing gear which appears to the inspector to be or to have been in contravention of applicable measures;
- (c) attempt immediately to communicate with an inspector or designated authority of the flag state of the inspected fishing vessel;
- (d) transmit the inspection report promptly to the Commission or the body designated by it.

2. The Member State carrying out the inspection shall communicate in writing the details of the infringement to the designated authority of the flag state of the inspected vessel and to the Commission or the body designated by it and, whenever possible, shall do so during the first working day following the start of the inspection.

3. The Member State carrying out the inspection shall send without delay the original of the surveillance or inspection report with any supporting documents to the competent authorities of the flag state of the inspected fishing vessel as well as a copy to the Commission or the body designated by it, which shall forward a copy to the NEAFC Secretary.

Article 30 Follow-up in the case of infringement

2. Member States shall designate the competent authorities which are to receive evidence of infringement and shall inform the Commission or the body designated by it of the address of those authorities and of any change in this information. The Commission or the body designated by it shall subsequently forward the information to the NEAFC Secretary

Article 32 Follow-up in the case of serious infringements

1. If an inspector considers that there are clear grounds for believing that a fishing vessel has committed a serious infringement under Article 31, that inspector shall promptly notify that infringement to the Commission or the body designated by it, the competent authorities of the flag state of the inspected fishing vessel and the flag state or states of the donor vessels where the inspected vessel has engaged in transshipment operations, in accordance with Article 29(3), and shall also transmit a copy to the NEAFC Secretary.

Article 33 Follow-up in the case of serious infringements by an EU fishing vessel

1. Flag Member States shall respond to the notification referred to in Article 32(1) without delay and shall ensure that the fishing vessel concerned is inspected within 72 hours by an inspector duly authorised in relation to the infringement. The duly authorised inspector shall board the fishing vessel concerned and examine the evidence of the suspected infringement established by the inspector, and forward the results of the examination as quickly as possible to the competent authority in the flag Member State and to the Commission or the body designated by it.

4. If the fishing vessel is not called to port, the flag Member State must provide due justification in a timely manner to the Commission or the body designated by it and to the inspecting state. The Commission or the body designated by it shall forward such justification to the NEAFC Secretary.

6. Flag Member States shall inform promptly the Commission or the body designated by it of the outcome of the thorough inspection and of the measures that they have adopted as a result of the infringement.

Article 34 Reporting and follow-up of infringements

1. By 15 February each year, Member States shall report to the Commission or the body designated by it on the status of the proceedings concerning infringements of the conservation and management measures adopted by NEAFC which were committed during the previous calendar year. The infringements shall continue to be listed in each subsequent report until the proceedings are concluded in accordance with the relevant provisions of national law. The Commission or the body designated by it shall forward the reports to the NEAFC Secretary before 1 March of the same year.

Article 36 Reports on surveillance and inspection activities

1. Each Member State shall report to the Commission or the body designated by it by 15 February each year for the previous calendar year:

- (a) the number of inspections it has carried out under Articles 19, 20 and 26, specifying the number of inspections on the vessels of each Contracting Party and, where an infringement has been committed, the date and position of the inspection of the individual vessel concerned and the nature of the infringement;
- (b) the number of hours flown and the number of days at sea on NEAFC patrols, the number of sightings of both Contracting Party vessels and non-Contracting Party vessels, and the list of individual vessels for which a surveillance report has been completed.

2. The Commission or the body designated by it shall compile a Union report on the basis of the reports of the Member States. It shall send the Union report to the NEAFC Secretary by 1 March each year.

Article 43 Reports on non-Contracting Parties activities

1. Each Member State shall report to the Commission or the body designated by it by 15 February each year for the previous calendar year:

- (a) the number of inspections of non-Contracting Party vessels that it conducted under this Scheme at sea or in its ports, the names of the vessels inspected and their respective flag states, the dates of the inspections and the names of any ports where the inspections were conducted, and the results of such inspections; and
- (b) where fish are landed or transhipped following an inspection pursuant to this Scheme, the evidence provided pursuant to Article 42.

2. In addition to surveillance reports and information on inspections, Member States may at any time submit to the Commission or the body designated by it any further information which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU activities in the Convention Area.

4. On the basis of this information, the Commission or the body designated by it shall send a global report on non-Contracting Parties' activities to the NEAFC Secretary by 1 March each year.

Commission Implementing Regulation (EU) No 433/2012

(consolidated version, 11/02/2020). Consolidated text: 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

Article 7: Designated body

The Agency is designated to:

- (a) coordinate the surveillance and inspection activities referred to in Article 17(1) of Regulation (EU) No 1236/2010;
- (b) receive, send and forward the notifications referred to in Articles 18(2), 19(1) and 20(9) of Regulation (EU) No 1236/2010;
- (c) keep the record referred to in Article 18(4) of Regulation (EU) No 1236/2010.

Regulation (EU) No 2016/1627

(consolidated version, 21/06/2019). Consolidated text: Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009

CHAPTER V: CONTROL MEASURES

SECTION 6: Monitoring and surveillance

Article 49: Vessel monitoring system

Art 49(4): Member States shall ensure that their fisheries monitoring centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag. The Commission shall send those messages electronically to the ICCAT Secretariat.

SECTION 7: Inspections and cross-checks

Article 52: ICCAT Scheme for Joint International Inspection

Art 52(4): The Commission or a body designated by it may assign Union inspectors to the ICCAT scheme.

Art 52(5): The Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. The Commission may draw up, in coordination with the Member States concerned, joint inspection programmes to enable the Union to fulfil its obligation under the ICCAT scheme. Member States whose fishing vessels are engaged in the fishery of bluefin tuna shall adopt the necessary measures to facilitate the implementation of those programmes particularly as regards the human and material resources required and the periods and geographical areas when those resources are to be deployed.

Regulation (EU) 2019/1154

(in force since 20/07/2019). 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 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council

CHAPTER III: CONTROL MEASURES

SECTION 2: Monitoring and surveillance

Article 18: Vessel monitoring system

Art 18(2): Member States shall ensure that their fisheries monitoring centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag. The Commission shall send those messages electronically to the ICCAT Secretariat.

SECTION 5: Inspections

Article 27: ICCAT Scheme of Joint International Inspection

Art 27(2): Member States whose fishing vessels are authorised to catch Mediterranean swordfish shall assign inspectors and carry out inspections at sea under the ICCAT Scheme. The Commission or a body designated by it may assign Union inspectors to the ICCAT Scheme.

Art 27(4): The Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. The Commission may draw up, in coordination with the Member State concerned, joint inspection programmes to enable the Union to fulfil its obligation under the ICCAT Scheme. Member States whose fishing vessels are engaged in Mediterranean swordfish fisheries shall adopt the necessary measures to facilitate the implementation of those joint inspection programmes, in particular as regards the human and material resources required and the periods when and geographical areas where those resources are to be deployed.



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