



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION (EC)

**laying down certain control measures applicable in the area covered by the
Convention on Future Multilateral Co-operation in the North-East Atlantic
Fisheries**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The North-East Atlantic Fisheries Commission (NEAFC), to which the European Community is a Contracting Party, seeks to ensure the conservation and rational management of the fishery resources in the area defined by the Convention.

At its 17th annual meeting on 17, 18, 19 and 20 November 1998, the NEAFC adopted two recommendations on the establishment of a Scheme of control and enforcement applicable to fishing vessels operating in the NEAFC area, and a Programme to promote compliance by non-Contracting Party vessels, with recommendations established by the NEAFC. The aim of the recommendations is to ensure respect for conservation and management measures adopted by the NEAFC.

The Scheme of control and enforcement provides, in particular, for control measures that will apply to vessels flying the flag of Contracting Parties which, operate in NEAFC areas and arrangements for inspections at sea which, provide for reciprocal rights of inspection of vessels by Contracting Parties together with a procedure for monitoring infringements.

The Programme provides for the mandatory inspection of non-Contracting Party vessels, where these vessels enter the ports of Contracting Parties voluntarily and a ban on the landing and transhipment of fish if, in the course of such inspection, it is established that the catches have been taken in breach of the conservation measures adopted by the NEAFC.

The two recommendations will enter into force on 1 July 1999. They will be binding on the Contracting Parties under the terms of the NEAFC Convention. The Community, as a Contracting Party, should consequently apply them.

The purpose of this proposal for a Regulation is to translate these recommendations for use in the Community.

It lays down detailed rules for the application of the Scheme and the Programme and establishes the Member States' primary responsibility for implementing them.

With a view, finally, to the monitoring of fishing activities in the NEAFC area, it provides also for co-operation among Member States and between them and the Commission.

These NEAFC measures were adopted with the full support of the Community. It is in the Community's interest therefore that they be applied in the Community by means of the proposed Regulation.

The Commission proposes that the Council adopt this Regulation.

Proposal for a

COUNCIL REGULATION (EC)

laying down certain control measures applicable in the area covered by the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

- (1) Whereas the Convention on Future Multilateral Co-operation in the North-East Atlantic Fisheries, hereinafter called "the NEAFC Convention", was approved by Council Decision 81/608/EEC of 13 July 1981³ and entered into force on 17 March 1982;
- (2) Whereas the NEAFC Convention provides an appropriate framework for multilateral co-operation on the rational conservation and management of fishery resources in the area defined by the Convention;
- (3) Whereas the North-East Atlantic Fisheries Commission, at its 17th annual meeting on 17, 18, 19 and 20 November 1998, adopted two recommendations establishing a scheme of control and enforcement applicable to fishing vessels operating in areas beyond the limits of the national jurisdiction of the Contracting Parties in the Convention area (hereinafter called "the Scheme"), and a programme to promote compliance by non-Contracting Party vessels with its recommendations in order to ensure full respect for conservation and management measures adopted by the NEAFC (hereinafter called "the Programme");
- (4) Whereas the Scheme provides for control measures applicable to vessels flying the flag of the Contracting Parties and operating in the NEAFC area, and arrangements for inspections at sea which include inspection and surveillance procedures and infringement procedures which must be implemented by the Contracting Parties;

¹ OJ C

² OJ C

³ OJ L 227, 12. 8.1981, p. 21.

- (5) Whereas the Programme provides for the mandatory inspection of non-Contracting Party vessels where they enter the ports of the Contracting Parties voluntarily and a prohibition on the landing and transshipment of catches if, during such inspection, it is established that they have been taken in breach of the conservation measures adopted by the NEAFC;
- (6) Whereas, under Articles 12 and 15 of the NEAFC Convention, these recommendations enter into force on 1 July 1999 and become binding on the Contracting Parties; whereas the Community should apply these recommendations;
- (7) Whereas, in order to make it possible for Community fishing activities in the NEAFC Regulatory Area to be monitored and to supplement the control measures provided for in Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁴, certain specific control measures should be laid down, in particular as regards participation in fishing activities, the marking of vessels and fishing gear and their documents, the recording and reporting of catches and the transshipment of fish;
- (8) Whereas Article 2(2) of Regulation (EEC) No 2847/93 provides that each Member State must ensure that the activities of its vessels outside the Community fishery zone are subject to proper monitoring and, where such Community obligations exist, to inspections and surveillance, in order to ensure compliance with Community rules applicable in those waters; whereas provision should be made therefore that Member States whose vessels are authorised to fish in the NEAFC Regulatory Area assign inspectors to the Scheme to undertake monitoring and surveillance, together with adequate resources for inspection;
- (9) Whereas, in order to ensure the monitoring of fishing activities in the NEAFC area, it is necessary that Member States co-operate with one another and with the Commission in applying the Scheme;
- (10) Whereas it is the responsibility of Member States to ensure that their inspectors comply with the inspection procedures laid down by the NEAFC;
- (11) Whereas the masters of Community vessels should co-operate in the inspection of their vessels as provided for in the procedures laid down in this Regulation;
- (12) Whereas the procedures to be applied in situations where it is suspected that an infringement and in particular a serious infringement has been committed should be laid down; whereas to that end a list of the types of action considered to constitute serious infringements should be drawn up;
- (13) Whereas detailed rules for the implementation of the Programme in the Community should be laid down;

⁴ OJ L 261, 20.10.1993, p. 1.

- (14) Whereas, under the Treaty, authority over national waters and ports is exercised by the Member States; whereas, however, in the case of access to Community port facilities by non-Contracting Party vessels which have been sighted operating in the NEAFC Regulatory Area, additional uniform measures need to be adopted at Community level so that the activities of those vessels in the Community ports can be regulated, in order to ensure the effectiveness of measures laid down by the NEAFC;
- (15) Whereas a procedure should be laid down for adopting detailed rules for the implementation of the Scheme,

HAS ADOPTED THIS REGULATION:

Article 1

Purpose

This Regulation lays down the general rules and conditions for the application by the Community of:

- the Scheme of control and enforcement applicable to fishing vessels operating in areas beyond the limits of national jurisdiction in the NEAFC area;
- the Programme to promote compliance by non-Contracting Party vessels with recommendations made by the NEAFC.

Article 2

Definitions

For the purposes of this Regulation:

1. "Regulatory Area" means the waters of the Convention Areas as defined in Article 1(1) of the NEAFC Convention, which lie beyond the waters under the jurisdiction of NEAFC Contracting Parties;
2. "regulated resources" are those fishery resources which are subject to recommendations under the Convention and are listed in the Annex hereto; the Annex may be amended in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92;
3. "fishing activities" means fishing, fish-processing operations, the transshipment of fish and fishery products and any other activity in preparation for or related to fishing in the Regulatory Area;
4. "NEAFC inspector" means an inspector assigned by an NEAFC Contracting Party to the Scheme;
5. "boarding" means the boarding of a fishing vessel by NEAFC inspectors to carry out an inspection;

6. "infringement" means any activity or omission of a fishing vessel which gives clear grounds for suspecting that a breach of the provisions of this Regulation and of any other regulation transposing an NEAFC recommendation has occurred and which has been noted in an inspection report in accordance with the Scheme;
7. "serious infringement" means:
 - a) fishing without a valid authorisation issued by the flag State;
 - b) fishing without or after exhausting a quota;
 - c) using prohibited fishing gear;
 - d) serious mis-recording of catches;
 - e) repeated failure to comply with the obligation to communicate movements and catches;
 - f) preventing an inspector from carrying out his duties;
 - g) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
 - h) falsifying or concealing the markings, identity or registration of a fishing vessel;
 - i) concealing, tampering with or disposing of evidence relating to an investigation;
 - j) multiple breaches which together constitute a serious disregard of conservation and management measures;
8. "duly authorised inspector" means an NEAFC inspector duly authorised by the flag Member State of the vessel suspected of having committed a serious infringement;
9. "non-Contracting Party vessel" means a vessel flying the flag of a country which is not a Contracting Party to the NEAFC Convention and which has been sighted and reported as engaging in fishing activities in the NEAFC Regulatory Area and is consequently suspected of having undermined the effectiveness of the recommendations adopted by the NEAFC.

Title I – Implementation of the control Scheme adopted by the NEAFC

Article 3

Scope

1. This Title shall apply to all Community fishing vessels used or intended for use for the purposes of commercial fishing activities conducted on fishery resources in the Regulatory Area.
2. Community fishing vessels operating in the Regulatory Area which keep on board fish from that area shall do so in accordance with the objectives and principles of the NEAFC Convention.

Chapter 1: Control measures

Article 4

Community participation

1. Only Community fishing vessels which have been issued a special fishing permit by their flag Member State shall be authorised, on the conditions set out in the permit, to fish, keep on board, tranship and land fishery resources from the Regulatory Area.
2. Member States shall send the Commission, in computer-readable form, a list of all the vessels flying their flag and registered in the Community which are authorised to fish in the Regulatory Area, in particular the vessels authorised to fish for one or more regulated resources together with amendments to the list. This information shall be sent no later than 15 December each year or at least 30 days before the vessel enters the Regulatory Area. The Commission shall forward the information promptly to the NEAFC secretariat.
3. The format for transmission of the list referred to in paragraph 2 and the specifications shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 5

Marking and documents

Community fishing vessels shall comply with the provisions relating to the marking of and documents for fishing vessels and fishing gear defined in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 6

Recording of catches and fishing effort

1. In addition to the information specified in Article 6 of Regulation (EEC) No 2847/93, the masters of Community fishing vessels shall be required to enter in their logbook each entry into and departure from the Regulatory Area.
2. The masters of Community fishing vessels shall be required to keep in respect of processed or frozen catches of the resources listed in the Annex,
 - a) a production logbook setting out, for each species and each processed product, the aggregate production, or
 - b) a storage plan, for each species, of the processed products, showing the location of the processed products in the hold.
3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 7

Reporting of catches

1. The masters of Community fishing vessels shall send the competent authorities in their flag Member State a "catch report" within the period specified in paragraph 2.

Catch reports shall include:

- a) the quantities held on board when the masters of Community fishing vessels enter the Regulatory Area. Reports shall be transmitted no earlier than 12 hours and no later than 6 hours in advance of each entry into the Regulatory Area;
- b) weekly catches. These reports shall be transmitted for the first time no later than the end of the seventh day following the entry of the vessel into the Regulatory Area or, when fishing trips take more than seven days, at the latest on Monday for catches that have been taken in the Regulatory Area during the preceding week ending at midnight on Sunday;
- c) the quantities held on board when a vessel leaves the Regulatory Area. These reports shall be transmitted no earlier than 8 hours and no later than 6 hours in advance of each departure from the Regulatory Area. They shall include, where appropriate, the number of fishing days and the catches taken in the Regulatory Area since the start of fishing or since the last catch report;

- d) the quantities loaded and unloaded for each transshipment of fish during the vessel's stay in the Regulatory Area. These reports shall be transmitted no later than 24 hours after the completion of transshipment.
2. Each Member State shall, upon receipt, forward catch reports by computer transmission to the NEAFC Secretariat.
3. Catch reports shall be transmitted to the competent authorities in the Member States and the NEAFC Secretariat in accordance with the format and the specifications determined under the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.
4. The Member States in the database referred to in Article 19(2) of Regulation (EEC) No 2847/93 shall record the data contained in the catch reports.

Article 8

Comprehensive reporting of catches and fishing effort

1. Member States shall inform the Commission, by computer transmission before the fifteenth day of each month, of the quantities and regulated resources taken in the Regulatory Area which have been landed or transhipped during the preceding month.
2. Notwithstanding Article 3(2), this Article shall apply also to regulated resources which have been taken in the Convention area under the jurisdiction of the Member States without prejudice to Article 15 of Regulation (EEC) No 2847/93.
3. The list of resources referred to in paragraph 1 and the format for transmission of the data shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 9

Vessel Monitoring System (VMS)

Member States shall ensure that information obtained by VMS concerning vessels flying their flag which fish or are planning to fish in the Regulatory Area is transmitted electronically to the NEAFC Secretariat, in real time, in the format and in compliance with the specifications adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 10

Transhipments

Community fishing vessels shall engage in transhipment activities in the Regulatory Area only if they have received prior authorisation from the competent authorities in the Member State whose flag they are flying and in which they are registered.

Chapter 2 – Inspection procedure

Article 11

General rules for inspection and surveillance

1. Member States whose fishing vessels are authorised to fish in the Regulatory Area shall assign inspectors to the Scheme to carry out surveillance and inspection.
2. Each Member State shall take steps to ensure that NEAFC inspectors are able to carry out inspections on board vessels flying its flag.
3. Each Member State shall ensure that inspections carried out by its inspectors are conducted in a non-discriminatory manner and in accordance with the Scheme. The number of inspections shall be based on the size of the fleets of the Contracting Parties present in the Regulatory Area, taking into account the time spent in the Area.
4. The Commission may assign Community inspectors to the Scheme.

Article 12

Means of inspection

1. Member States shall make available to their inspectors' adequate means to enable them to carry out their surveillance and inspection tasks. To that end they shall assign inspection vessels and aircraft to the Scheme.
2. Member States shall co-ordinate their surveillance and inspection activities. They may draw up joint surveillance and inspection programmes for that purpose which will enable them to fulfil their obligations under the Scheme.
3. Member States shall inform the Commission by 1 September each year of the names of the inspectors and the inspection vessels and of the details of the aircraft they are intending to assign to the Scheme during the following year. Using this information the Commission shall draw up, in collaboration with the Member States, a forward plan for Community participation in the Scheme in the calendar year concerned, which it shall send to the NEAFC Secretariat and the Member States. The Member States shall ensure that the plan is observed.

4. When drawing up forward plans the Commission shall ensure that, where, at any time, more than 10 Community fishing vessels are engaged in fishing activities targeted at regulated resources in the Regulatory Area, an inspection vessel from a Member State is present in the area or that an agreement has been concluded with another Contracting Party to ensure the presence of an inspection vessel.
5. Member States shall see to it that any vessel assigned to the Scheme and carrying inspectors and any support vessels display a special flag or pennant to show that inspectors are carrying out an inspection under the Scheme. Aircraft assigned to the Scheme shall have their international radio call sign clearly displayed. The form of the special flag or pennant shall be determined in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.
6. Member States shall inform the Commission electronically of the date and time of the start and end of the activities of inspection vessels and aircraft, in the form determined in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 13

NEAFC inspectors

1. The Member States or the Commission shall issue, under Article 11(4), a special identity document to each inspector. Inspectors shall carry and produce this document when boarding a fishing vessel. The form of the special identity document shall be determined in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.
2. The Member States and the Commission shall ensure that inspectors carry out their duties in accordance with the rules laid down in the Scheme. Inspectors shall remain under the operational control of their competent authorities and shall be accountable to them.

Article 14

Surveillance procedure

1. NEAFC inspectors shall carry out surveillance based on sightings of fishing vessels from a vessel or aircraft assigned to the Scheme. They shall record their findings in an observation report in a form adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92 and shall forward it to their competent authority.
2. Member States shall forward the observation report promptly, by electronic transmission, to the flag State of the sighted vessel or the authorities designated by that State, as notified by the NEAFC Secretariat, to the NEAFC Secretariat and to the Commission. They shall also forward the

original of each observation report and any photographs to the flag State of the vessel concerned at its request.

Article 15

Inspection procedure

1. Member States and the Commission shall ensure that their NEAFC inspectors:
 - a) do not board a vessel without prior notice being given by radio to the vessel or without the vessel being given the appropriate signal using the International Code Signal, including details of the inspection team;
 - b) do not require the vessel that is being boarded to stop or manoeuvre during fishing, or the shooting or hauling of fishing gear. Inspectors may, however, require the interruption or delay of the shooting of gear until they have boarded the vessel but in any event no more than 30 minutes after receiving the signal;
 - c) see to it that an inspection does not exceed four hours or the period until the net and catch are hauled in and inspected, whichever is longer. Where an infringement is detected, inspectors may remain on board for the period necessary to complete their duties as referred to in Article 17(b). However, in special circumstances, taking into account the size of the fishing vessel and the quantity of fish held on board, the duration of the inspection may exceed the periods referred to above. In such a situation, inspectors shall remain on board no longer than is necessary to complete their inspection. The reasons for exceeding the usual period shall be recorded in the inspection report;
 - d) do not interfere with the ability of masters to communicate with the authorities of their flag State during boarding and inspection;
 - e) manoeuvre at a safe distance from the fishing vessel in accordance with the rules of good seamanship;
 - f) avoid the use of force save where and to the extent that it is necessary to ensure their safety. When conducting inspections on board fishing vessels, inspectors shall not carry firearms;
 - g) conduct their inspection in a manner such as to cause the least disturbance or inconvenience to the vessel, its activities and catches;
 - h) draw up an inspection report as provided for in the rules adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92 and forward it to their authorities.
2. Inspectors shall be authorised to examine all relevant areas, decks and rooms of the fishing vessel, catches (whether processed or not), nets and other gear, equipment and any relevant documents which are necessary for verifying

compliance with the conservation measures adopted by the NEAFC and to question the master or a person designated by him.

3. In carrying out their inspection, inspectors may ask the master for any assistance they may require. The master may comment on the inspection report, which must be signed by inspectors on completion of the inspection. A copy of the inspection report shall be given to the master of the fishing vessel.
4. Member States shall ensure that inspection teams comprise no more than two NEAFC inspectors.

Article 16

Obligations of masters of fishing vessels during the inspection procedure

The master of a Community fishing vessel which is being boarded and inspected shall:

- a) facilitate safe and effective boarding;
- b) co-operate with and assist in the inspection of the fishing vessel conducted in accordance with the procedures laid down in this Regulation, and shall not obstruct, intimidate or interfere with the inspectors in the performance of their duties and shall ensure their safety;
- c) permit the inspectors to communicate with the authorities of the flag State and the inspecting State;
- d) provide access to relevant areas, decks, rooms of the vessel, catches (whether processed or not), nets and other gear, equipment and any relevant documents;
- e) provide inspectors with reasonable facilities, including, where appropriate, food and accommodation where they remain on board the vessel in accordance with Article 18(3);
- f) facilitate safe disembarkation by inspectors.

Article 17

Infringement procedure

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

- a) record the infringement in their inspection report;
 - b) take all necessary measures to ensure the safety and survival of the evidence. An identification mark shall be affixed securely to any part of the fishing gear, which appears on inspection to have been used in breach of the measures;
 - c) attempt immediately to communicate with an inspector or the designated authorities of the flag State of the inspected fishing vessel;
 - d) transmit the inspection report promptly to their authorities.
2. The Member State carrying out the inspection or, as appropriate, the Commission, shall notify the details of the infringement committed by the inspected vessel, where possible during the working day following the start of the inspection, to the flag State of the inspected vessel and the Commission.
 3. The Member State carrying out the inspection shall send the original inspection report with supporting documents to the Commission, which shall forward them to the appropriate authorities in the flag State of the inspected vessel with a copy to the NEAFC Secretariat.

Article 18

Follow-up in the case of infringements

1. Where a Member State is notified by another Contracting Party or another Member State of an infringement committed by a vessel flying its flag, it shall take prompt action to receive and examine the evidence and conduct any further investigations necessary for action to be taken as a result of the infringement and, where possible, inspect the vessel.
2. Member States shall designate the appropriate authorities appointed to receive evidence of infringements and inform the Commission of their address.

Article 19

Special procedure in the event of serious infringements

1. Where NEAFC inspectors consider that there are clear grounds for believing that a fishing vessel has committed a serious infringement, they shall notify the flag State, their own authorities, the Commission and the NEAFC Secretariat thereof without delay.
2. In order to preserve the evidence, inspectors shall take all necessary steps to ensure the security and survival of the evidence while minimising interference with and inconvenience to the operation of the vessel.

3. Inspectors may remain on board a fishing vessel for the period necessary to provide the duly authorised inspector with information concerning the infringement or until receiving a reply from the flag State requesting them to leave the fishing vessel.
4. The Member State carrying out the inspection shall take a decision, with the consent of the flag State, on whether the inspector remains on board during the re-routing of the vessel. The Member State carrying out the inspection shall decide also whether an NEAFC inspector shall be present during the thorough inspection of the vessel in port. It shall inform the Commission promptly of the decisions it has taken in accordance with this paragraph.

Article 20

Follow-up in the case of serious infringements

1. Where the competent authorities in a flag Member State receive information from an NEAFC inspector that a serious infringement is suspected to have been committed by a fishing vessel flying its flag or where the Commission receives such information, the competent authorities and the Commission shall inform one another thereof without delay.
2. After receiving information as provided for in paragraph 1, the flag Member State shall ensure that the vessel is inspected within 72 hours by a duly authorised inspector.
3. The duly authorised inspector shall board the fishing vessel concerned and examine the evidence of the suspected infringement, established by the NEAFC inspector, and forward as quickly as possible to the competent authority in the flag Member State and the Commission the results of this examination.
4. Following notification of the results and where the suspected infringement is a serious one, the competent authority in the flag Member State of the inspected vessel shall, if the situation so warrants it, within 24 hours, itself require or authorise the duly authorised inspector to require the vessel to proceed to a designated port.

Where a vessel is re-routed, the duly authorised inspector shall take all necessary measures to ensure the safety and survival of the evidence.

5. On arrival in the designated port, the vessel suspected of having committed an infringement shall undergo a thorough inspection under the authority of the flag Member State and, where applicable, in the presence of an NEAFC inspector from any other Contracting party which wishes to participate.

The flag Member State shall inform the Commission promptly of the outcome of the thorough inspection and of the measures it has adopted as a result of the infringement.

6. Where the competent authority of the flag Member State does not require the vessel to be re-routed to a port, it shall inform the Commission without delay of the reasons for its decision. The Commission shall notify the NEAFC Secretariat at the appropriate time of this decision and its justification.

Article 21

Treatment of inspection reports

Member States shall treat reports drawn up by the NEAFC inspectors of other Contracting Parties and other Member States on the same basis as reports from its own inspectors.

Article 22

Penalties for infringements

Article 31 of Regulation (EEC) No 2847/93 shall apply.

Article 23

Infringement reports

1. Member States shall forward to the Commission by 15 September each year for the previous 12 months a report containing information on the progress of proceedings relating to notified infringements of NEAFC conservation measures. A list of the infringements shall be drawn up annually until a final decision is taken in accordance with the relevant provisions of national law.
2. The report shall contain details of the progress of the proceedings (e.g. case pending, under appeal, under investigation, etc.), a specific description of fines or penalties (i.e. the amount of fines, the value of forfeited fish and/or gear, written warnings, etc.) and include an explanation if no action has been taken.

Article 24

Reporting on inspection activities

Each Member State shall report to the Commission by 15 September each year for the previous 12 months on:

- the number of inspections it has carried out under the Scheme specifying the number of inspections on the vessels of each Contracting Party and, where an infringement has been committed, the date and location of the inspection of the vessel concerned and the nature of the suspected infringement;

- the number of air hours flown on NEAFC surveillance, the number of sightings and the number of surveillance reports that have been drawn up together with the follow-up action that has been taken on the reports.

Title II – Implementation of the programme to promote compliance by non-Contracting Party vessels

Article 25

Transmission of sighting reports

1. Upon receiving a report of the sighting of a vessel flying the flag of a non-Contracting Party from one of its NEAFC inspectors, the Member State concerned shall forward this information without delay to the NEAFC Secretariat and the Commission, and where possible, to the vessel, informing it that the information will be transmitted to its flag State.
2. The Commission shall inform all Member States promptly of each sighting report it receives by notifying the NEAFC Secretariat or another Contracting Party thereof.

Article 26

Transshipment

Community fishing vessels shall be prohibited from receiving transshipments of fish from non-Contracting Party vessels.

Article 27

Monitoring/inspection of fishing activities of non-Contracting Party vessels

1. Member States shall ensure that each non-Contracting Party vessel, which enters a designated port within the meaning of Article 28(e)(2) of Regulation (EEC) No 2847/93, is inspected by their competent authorities. Until this inspection is completed, the landing and/or transshipment of the catches of this vessel shall be prohibited.
2. If, on completion of inspection, the competent authorities find that the non-Contracting Party vessel is carrying on board resources, which are the subject of an NEAFC recommendation, the Member State concerned shall prohibit their landing and/or transshipment.
3. However, no ban shall apply if the master of the inspected vessel or his representative establishes to the satisfaction of the competent authorities of the Member State concerned that:

- a) the resources held on board were taken outside the Regulatory Area, or
- b) the resources held on board were taken in compliance with the NEAFC conservation measures.

Article 28

Follow-up of inspections

1. Member States shall inform the Commission immediately of the results of each inspection and, where appropriate, of any prohibition of landing and/or transshipment imposed as a result of the inspection.
2. The Commission shall transmit this information immediately to the NEAFC Secretariat and as soon as possible to the flag State of the inspected vessel.

Title III - Final provisions

Article 29

Confidentiality

In addition to the obligations laid down in Article 37 of Regulation (EEC) No 2847/93, Member States and the Commission shall comply with the rules of confidentiality adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.

Article 30

Entry into force

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

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

Done at ...,

*For the Council
The President*

ANNEX

Regulated resources

Stock		Geographical area/ICES area
<i>(Common name)</i>	<i>(Scientific name)</i>	
Redfish	<i>Sebastes mentella</i>	V, XII, XIV
Norwegian Spring-Spawning (Atlanto-Scandian) herring	<i>Clupea harengus</i>	I, II
Blue whiting	<i>Micromesistius poutassou</i>	IIa, IVa, Vb, VII, XII, XIV