

Regulation (EU) 2018/975 of the European Parliament and of the Council of 4 July 2018 laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area

TITLE III

**MANAGEMENT, CONSERVATION AND CONTROL
MEASURES CONCERNING CERTAIN FISHING METHODS**

CHAPTER I

Bottom fishing

Article 12

Bottom fishing authorisation

1 Member States shall not authorise fishing vessels flying their flag to engage in bottom fishing without prior authorisation from the SPRFMO.

2 Member States whose vessels intend to engage in bottom fishing activities in the SPRFMO Convention Area shall submit a request for authorisation to the Commission not later than 45 days before the SPRFMO Scientific Committee meeting at which they wish the request to be considered. The Commission shall forward the request to the SPRFMO Secretariat not later than 30 days before the SPRFMO Scientific Committee meeting. The request shall contain:

- a the bottom fishing footprint, based on the track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 established by the Member State concerned;
- b the average annual catch level over the period 1 January 2002 to 31 December 2006;
- c a bottom fishing impact assessment;
- d an evaluation as to whether the proposed activities both promote the sustainable management of target species and non-target species taken as by-catch, and protect the marine ecosystems in which those resources occur, including by preventing significant adverse impacts on VMEs.

3 The impact assessment referred to in point (c) of paragraph 2 shall be carried out in accordance with the International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organisation published in 2009 ('Deep-sea Fisheries Guidelines of the FAO') and shall take into account the SPRFMO Bottom Fishery Impact Assessment Standard and areas where VMEs are known or are likely to occur.

4 The Commission shall inform the relevant Member State of the SPRFMO decision regarding the authorisation to bottom fish in the SPRFMO Convention Area for the purpose of which the impact assessment was conducted, including any attached conditions and relevant measures to prevent significant adverse impacts on VMEs.

5 Member States shall ensure that impact assessments referred to in point (c) of paragraph 2 are updated when a substantial change in the fishery has occurred that is likely to

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have an impact on VMEs, and shall transmit that information to the Commission as soon as it becomes available. The Commission shall forward that information to the SPRFMO Secretariat.

Article 13

Bottom fishing outside the bottom fishing footprint or exceeding reference period catch levels

1 Member States shall not authorise fishing vessels flying their flag to engage in bottom fishing outside the bottom fishing footprint or exceeding reference period catch levels without prior authorisation from the SPRFMO.

2 Member States whose vessels intend to fish outside the bottom fishing footprint or intend to exceed the average annual catch level referred to in point (b) of Article 12(2) shall submit a request for authorisation to the Commission not later than 80 days before the SPRFMO Scientific Committee meeting of the year in which they wish their request to be considered. The Commission shall forward the request to the SPRFMO Secretariat not later than 60 days before the SPRFMO Scientific Committee meeting. The request shall contain:

- a a bottom fishing impact assessment;
- b an evaluation as to whether the proposed activities both promote the sustainable management of target species and non-target species taken as by-catch, and protect the marine ecosystems in which those resources occur, including by preventing significant adverse impacts on VMEs.

3 The impact assessment referred to in point (a) of paragraph 2 shall be carried out in accordance with the Deep-sea Fisheries Guidelines of the FAO and shall take into account the SPRFMO Bottom Fishery Impact Assessment Standard and areas where VMEs are known or are likely to occur.

4 The Commission shall inform the relevant Member State of the SPRFMO decision regarding the authorisation to bottom fish within the SPRFMO Convention Area for the purpose of which the impact assessment was conducted, including any attached conditions and relevant measures to prevent significant adverse impacts on VMEs.

5 Member States shall ensure that impact assessments referred to in point (a) of paragraph 2 are updated when a change in the fishery has occurred that is likely to have an impact on VMEs, and transmit that information to the Commission as soon as it becomes available. The Commission shall forward that information to the SPRFMO Secretariat.

Article 14

VMEs in bottom fishing

1 Until the SPRFMO Scientific Committee has developed advice on threshold levels, Member States shall establish threshold levels for encounters with VMEs for fishing vessels flying their flag, taking into account paragraph 68 of the Deep-sea Fisheries Guidelines of the FAO.

2 Member States shall require fishing vessels flying their flag to cease bottom fishing activities within five nautical miles of any site in the SPRFMO Convention Area where encounters exceed the threshold levels established pursuant to paragraph 1 of this Article. Member States shall report encounters with VMEs to the Commission on the basis of the

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guidelines set out in Annex IV. The Commission shall forward that information to the SPRFMO Secretariat without delay.

Article 15

Observer coverage in bottom fishing

Member States shall ensure 100 % observer coverage of trawlers flying their flag engaged in bottom fishing and at least 10 % of fishing vessels flying their flag deploying other bottom fishing gear.

Article 16

Data reporting for bottom fishing

1 By the 15th day of each month, Member States shall report to the Commission on the catches of bottom fishing species from the preceding month in accordance with Article 33 of Regulation (EC) No 1224/2009.

2 By the 15th day of each month, Member States shall provide to the Commission a list of fishing vessels flying their flag actively fishing and fishing vessels flying their flag engaged in transshipment. The Commission shall forward that information to the SPRFMO Secretariat within five days of receiving it.

3 Member States shall prohibit fishing vessels flying their flag from participating in bottom fishing if the minimum required data regarding fishing vessel identification set out in Annex V have not been provided.

CHAPTER II

Exploratory fisheries

Article 17

Exploratory fisheries authorisation

1 Member States intending to authorise a fishing vessel flying their flag to fish in an exploratory fishery shall submit to the Commission, not later than 80 days in advance of the SPRFMO Scientific Committee meeting:

- a a request for authorisation providing the information contained in Annex V;
- b a Fisheries Operation Plan in accordance with Annex VI, including a commitment to comply with the SPRFMO Data Collection Plan referred to in Article 18(3), (4) and (5).

2 Not later than 60 days in advance of the SPRFMO Scientific Committee meeting, the Commission shall forward the request to the SPRFMO Commission, and the Fisheries Operation Plan to the SPRFMO Scientific Committee.

3 The Commission shall inform the Member State concerned of the SPRFMO decision regarding the authorisation to fish in an exploratory fishery.

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Article 18

Exploratory fisheries

1 Member States shall not authorise fishing vessels flying their flag to fish in an exploratory fishery without prior authorisation from the SPRFMO.

2 Member States shall ensure that any fishing vessel flying their flag fishes only in an exploratory fishery in accordance with the Fisheries Operation Plan approved by the SPRFMO.

3 Member States shall ensure that the data required by the SPRFMO Data Collection Plan is provided to the Commission, which shall forward those data to the SPRFMO Secretariat.

4 Union fishing vessels authorised to participate in exploratory fisheries shall be prohibited from continuing to fish in the relevant exploratory fishery unless the data specified in the SPRFMO Data Collection Plan has been submitted to the SPRFMO Secretariat for the most recent season in which the fishing occurred and the SPRFMO Scientific Committee has had the opportunity to review that data.

5 Member States whose fishing vessels participate in exploratory fisheries shall ensure that each fishing vessel flying their flag carries one or more independent observers as needed to collect data in accordance with the SPRFMO Data Collection Plan.

Article 19

Fishing vessel replacement in exploratory fisheries

1 Notwithstanding Articles 17 and 18, Member States may authorise fishing in an exploratory fishery by a vessel flying their flag which is not identified in the Fisheries Operation Plan if a Union fishing vessel identified in the Fisheries Operation Plan is prevented from fishing on account of legitimate operational or *force majeure* reasons. In such circumstances, the Member State concerned shall inform the Commission without delay and provide:

- a full details of the intended replacement vessel;
- b a comprehensive account of the reasons for the replacement and any relevant supporting evidence;
- c specifications and a full description of the types of fishing gear to be used by the replacement vessel.

2 The Commission shall transmit that information to the SPRFMO Secretariat without delay.

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CHAPTER III

Large-scale pelagic driftnets, deepwater gillnets and other gillnets

Article 20

Large-scale pelagic driftnets and deepwater gillnets

The use of large-scale pelagic driftnets and all deepwater gillnets shall be prohibited throughout the SPRFMO Convention Area.

Article 21

Gillnets

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

- (a) give at least 36 hours advance notice to the SPRFMO Secretariat prior to the vessel entering the SPRFMO Convention Area, including the expected entry and exit dates and length of gillnet carried on board;
- (b) ensure that the vessels flying their flag operate a vessel monitoring system (VMS) reporting once every two hours while in the SPRFMO Convention Area;
- (c) submit VMS position reports to the SPRFMO Secretariat within 30 days of the vessel leaving the SPRFMO Convention Area; and
- (d) if gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position and length (metres) of gillnets lost to the SPRFMO Secretariat as soon as possible and in any event within 48 hours of the gear being lost or having fallen overboard.

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