

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 IV

COMMON CONTROL MEASURES

CHAPTER VI

Enforcement

Article 36

Alleged infringements of SPRFMO conservation and management measures reported by the Member States

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least 145 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least 120 days in advance of the annual meeting.

Article 37

Inclusion of a Union fishing vessel in the draft SPRFMO IUU vessel list

1 If the Commission receives official notification of the inclusion of a Union fishing vessel in the draft SPRFMO IUU vessel list from the SPRFMO Secretariat, it shall transmit the notification, including the supporting evidence and any other documented information provided by the SPRFMO Secretariat, to the flag Member State for comments not later than 45 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall examine and forward that information to the SPRFMO Secretariat at least 30 days in advance of the annual meeting.

2 Once notified by the Commission, the authorities of the flag Member State shall notify the owner of the fishing vessel of its inclusion in the draft SPRFMO IUU vessel list and of the consequences that may result from its inclusion being confirmed in the IUU vessel list adopted by the SPRFMO.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2018/975 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 38

Measures concerning fishing vessels included in the SPRFMO IUU vessel list

1 On adoption of the SPRFMO IUU vessel list, the Commission shall request the flag Member State to notify the owner of the fishing vessel identified on the SPRFMO IUU vessel list of its inclusion on the list and the consequences which result from being included on the list.

2 A Member State with information indicating a change of name or an IRCS of a fishing vessel appearing on the SPRFMO IUU vessel list shall, as soon as practicable, transmit such information to the Commission. The Commission shall forward that information to the SPRFMO Secretariat without delay.

Article 39

Alleged non-compliance reported by the SPRFMO Secretariat

1 If the Commission receives from the SPRFMO Secretariat any information indicating a suspected non-compliance with the SPRFMO Convention and/or SPRFMO conservation and management measures by a Member State, the Commission shall transmit that information to the concerned Member State without delay.

2 The Member State shall provide the Commission with the findings of any investigation undertaken in relation to the allegations of non-compliance and any actions taken to address compliance concerns at least 45 days in advance of the annual meeting of the SPRFMO Commission. The Commission shall forward that information to the SPRFMO Secretariat at least 30 days in advance of the annual meeting.

Article 40

Alleged infringements of SPRFMO conservation and management measures reported by a Contracting Party or CNCP

1 Member States shall designate a point of contact for the purpose of receiving port inspection reports from Contracting Parties and CNCPs.

2 Member States shall transmit any changes to the designated point of contact to the Commission at least 40 days before the changes take effect. The Commission shall forward that information to the SPRFMO Secretariat at least 30 days before such changes take effect.

3 If the point of contact designated by a Member State receives an inspection report from a Contracting Party or CNCP providing evidence that a fishing vessel flying the flag of that Member State has committed a breach of the SPRFMO conservation and management measures, the flag Member State shall promptly investigate the alleged infringement and notify the Commission of the status of the investigation, and of any enforcement action that may have been taken, to enable the Commission to inform the SPRFMO Secretariat within three months of receipt of the notification. If the Member State cannot provide the Commission with a status report within three months of the receipt of the inspection report, it shall notify the Commission within the three month period of the reasons for the delay and of the date by which the status report will be submitted. The Commission shall transmit the information regarding the status or delay of the investigation to the SPRFMO Secretariat.

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Article 41

Technical failure of the satellite-tracking device

1 In case of technical failure of their satellite-tracking device, Union fishing vessels shall report the following data to the FMC of the Member State to which they are flagged every four hours, by appropriate telecommunication means:

- a IMO number;
- b IRCS;
- c vessel name;
- d vessel master's name;
- e position (latitude and longitude), date and time (UTC);
- f activity (fishing/transit/transshipping).

2 Member States shall ensure that, in the event that the technical failure of the satellite tracking device has not been solved within 60 days from the commencement of the reporting obligation as specified in paragraph 1, fishing vessels flying their flag cease fishing, stow all fishing gear and return to port without delay to repair the satellite-tracking device.

3 Paragraphs 1 and 2 of this Article shall apply in addition to the requirements laid down in Article 25 of Regulation (EU) No 404/2011.

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)