



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

Establishing a multi-annual recovery Plan for Bluefin tuna in the Eastern Atlantic and Mediterranean

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

The purpose of this proposal is to implement at a Community level the recovery plan for bluefin tuna adopted by ICCAT for the entire duration of this recovery plan.

- **General context**

The European Community participates in a number of regional fisheries organisations which provide a framework for regional cooperation on the conservation and management of certain stocks of highly migratory species. These organisations adopt recommendations, including Total Allowable Catch (TAC) and quotas, technical measures for the fixing of minimum sizes for fish, closed areas and seasons, restriction on fishing effort and control measures. The recommendations become binding on Contracting Parties which do not object to them. As a Contracting Party to those organisations, the Community has a responsibility to apply recommendations adopted to which it has raised no objections.

The Community is a member of the International Commission for the Conservation of Atlantic Tunas (ICCAT) since November 1997. It is therefore necessary to implement the recommendations adopted by ICCAT into Community law to ensure sustainable management of the resources under the jurisdiction of that organisation.

At its Annual Meeting in 2006, the ICCAT adopted a 15 year recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.

In order to rebuild the stock, the ICCAT recovery plan provides for a reduction of the TAC level until 2010, restriction on fishing within certain areas and time periods, a new minimum size, measures concerning sport and recreational fishing activities as well as control measures and the implementation of the ICCAT Scheme of Joint International Inspection to ensure the effectiveness of that plan.

- **Existing provisions in the area of the proposal**

Some technical measures adopted by ICCAT for bluefin tuna are presently incorporated in Community law as Council Regulation (EC) No 973/2001 of 14 May 2001 laying down technical measures for the conservation of certain stocks of highly migratory species (OJ L 137, 19.5.2001), as last amended by Regulation (EC) No 831/2004 (OJ L 127, 29.4.2004). These technical measures include the minimum size of bluefin tuna and closed fishing areas and seasons which have been modified at the Annual Meeting of ICCAT in 2006. Following the decision at the 2006 ICCAT Annual Meeting, the current legislation in force should therefore be updated.

The ICCAT recovery plan for bluefin tuna was implemented into Community law on a provisional basis for the 2007 fishing season by Council Regulation (EC) n° .../2007 *as concerns the recovery plan for bluefin tuna recommended by the International Commission for the Conservation of Atlantic Tunas.*

This regulation modifies the TAC regulation for 2007 and incorporates the provisions of the recovery plan and the new quota allocations for the Member States following the ICCAT decision on a quota allocation scheme between the Contracting Parties at the meeting in Tokyo held on 29-31 January 2007.

As the above legislation is limited to the 2007 fishing year, it is now necessary to implement this ICCAT recovery plan on a more permanent basis for the entire duration of this recovery plan.

- **Consistency with other policies and objectives of the Union**

The proposal is in keeping with the general pattern of the sustainable exploitation of tuna stocks in compliance with the objectives of the Common Fisheries Policy and contributes to sustainable development.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

In order to prepare the Community position in the context of the negotiations that take place at annual meetings of ICCAT, the Commission consults with Member States, those involved in the industry and NGOs.

Summary of responses and how they have been taken into account

The main sectors consulted have approved the Community position on the adoption of a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.

- **Collection and use of expertise**

Scientific/expertise domains concerned

Scientific Committee of ICCAT

Methodology used

The Scientific Committee assesses the stocks and recommends the adoption of management and conservation measures to ensure the sustainable exploitation of tuna stocks, in particular through the adoption of technical measures.

Main organisations/experts consulted

Scientific Committee of ICCAT

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has been mentioned.

The existence of such risks is universally accepted. The Scientific Committee of ICCAT has indicated in its 2006 stock assessment that the spawning stock biomass for bluefin tuna continues to decline, while fishing mortality is increasing rapidly, especially for large fish.

The Scientific Committee has indicated a possible collapse of this stock in the near future unless adequate management measures are implemented.

The Scientific Committee of ICCAT has recommended the adoption of measures to ensure the sustainable exploitation of bluefin tuna, principally through the fixing of minimum size and closed fishing areas and season.

Means used to make the expert advice publicly available

The opinions of the Scientific Committee are published on the ICCAT website.

- **Impact assessment**

The aim of the recovery plan for bluefin tuna is to ensure the sustainable exploitation of bluefin tuna and in particular to reduce the fishing mortality of both juveniles and adult fish by a combination of closed fishing seasons and increased minimum size.

The recovery plan implemented at the Community level, will apply to Community fishermen fishing for bluefin tuna in the Eastern Atlantic Ocean and Mediterranean Sea.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

Transposal into Community law of measures adopted by ICCAT responsible for the management of tuna species to which the European Community is a Contracting Party.

- **Legal basis**

Article 37 of the Treaty.

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the principle of proportionality, for the following reasons:

The recommendations adopted by the regional fisheries organisations are directly enforceable by the Community and the Member States. However, in the interests of clarity and transparency, they are incorporated in a Council regulation in order to

clarify them so that they can be better applied by the Member States and fishermen.

There are no financial consequences.

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reason(s).

Recommendations adopted by Regional Fisheries Organisations are transposed in a Council Regulation.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

- **Detailed explanation of the proposal**

This proposal seeks to transpose the recovery plan for bluefin tuna adopted by ICCAT including inter alia TAC, technical measures for the fixing of minimum size for bluefin tuna, closed areas and seasons and control measures.

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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 Commission;

Having regard to the opinion of the European Parliament¹

Whereas:

- (1) The Community has, since 14 November 1997, been a Party to the International Convention for the Conservation of Atlantic Tunas².
- (2) At its Annual Meeting in November 2006, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted Recommendation 2006[05] to establish a 15-year recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.
- (3) In order to rebuild the stock, the ICCAT recovery plan provides for a graduated reduction of the Total Allowable Catch (TAC) level from 2007 to 2010, restrictions on fishing within certain areas and time period, a new minimum size for bluefin tuna, measures concerning sport and recreational fishing activities as well as control measures and the implementation of the ICCAT Scheme of Joint International Inspection to ensure the effectiveness of the recovery plan.
- (4) In order to comply with the international obligations following the recommendation of ICCAT, the ICCAT recovery Plan for bluefin tuna in the Eastern Atlantic and Mediterranean was implemented on a provisional basis in Regulation (EC) n°.../2007 *as concerns the recovery plan for bluefin tuna recommended by the International Commission for the Conservation of Atlantic Tunas* pending the adoption of a Council Regulation implementing multi-annual measures to recover the bluefin tuna stock in 2007.

¹

² OJ L 162, 18.6.1986, p. 33

- (5) It is therefore necessary to implement the ICCAT recovery plan on a permanent basis by means of a Council Regulation establishing a recovery plan as provided for in Article 5 of Regulation (EC) n°2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy³, which will apply from 1 January 2008.
- (6) Some technical measures adopted by ICCAT for bluefin tuna have now been incorporated in Community law as Council Regulation (EC) n° 973/2001 of 14 May 2001 laying down technical measures for the conservation of certain stocks of Highly Migratory species⁴.
- (7) The adoption of new technical measures adopted by ICCAT for bluefin tuna and the updating of those in force since the adoption of the above regulation require the deletion of some provision of Regulation (EC) n° 973/2001 and their replacement by this Regulation.

HAS ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1 Subject matter and scope

This Regulation lays down the general rules for the application by the Community of a Multi-annual recovery Plan for Bluefin Tuna (*thunnus thynnus*) recommended by the International Commission for the Conservation of the Atlantic Tunas (ICCAT). This Regulation shall apply to bluefin tuna in the Eastern Atlantic and the Mediterranean.

The objective of that recovery plan shall be to achieve a biomass corresponding to the maximum sustainable yield (Bmsy) with greater than 50% probability.

Article 2 Definitions

For the purpose of this Regulation, the following definitions shall apply:

- a) "CPCs" means Contracting Parties to the International Convention for the Conservation of the Atlantic Tuna and Cooperating Non-Contracting Parties, Entities or Fishing Entities;

³ OJ L 358, 31.12.2002, p. 59

⁴ OJ L 137, 19.5.2001, p. 1 Regulation as last amended by Regulation (EC) N° 831/2004 (OJ L 127, 29.4.2004, p. 33)

- b) "Fishing vessel" means any vessel used or intended for use for the commercial exploitation of tuna resources, included fish processing vessels and vessels engaged in transshipment;
- c) "Joint fishing operation" means any operations between two or more vessels flying the flag of different CPCs or Member States in which catch is transferred from the fishing gear of one vessel to another;
- d) "Transfer activities" means any transfer of bluefin tuna:
 - (i) from the fishing vessel to the end fattening bluefin tuna farm, including where the fish died or escaped during the transport,
 - (ii) from a bluefin tuna farm or a tuna trap to a processing vessel, to a transport vessel or to land,
- e) "Tuna trap" means fixed gear anchored to the bottom usually containing a guide net that leads fish into an enclosure;
- f) "Caging" means that bluefin tuna is not taken on board and includes both, fattening and farming;
- g) "Fattening" means caging of bluefin tuna for a short period of between two and six months with the main aim of increasing the fat content of the fish;
- h) "Farming" means caging of bluefin tuna for a period longer than one year, with the aim of increasing the total biomass;
- i) "Transshipment" means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel;
- j) "Processing vessel" means a vessel on board which fisheries products are subject, prior to their packaging, to one or more of the following operations: filleting, slicing, freezing, transformation;
- k) "Sport fishery" means a non-commercial fishery the participants in which are members of a national sport organisation or are issued with a national sport licence;
- l) "Recreational fishery" means a non-commercial fishery the participants in which are not members of a national sport organisation or are not issued with a national sport licence;
- m) "Task II" means task II as defined by the International Commission for the Conservation of the Atlantic Tunas (ICCAT) in the "Field manual for statistics and sampling Atlantic tunas and tuna-like fish" (Third edition, ICCAT, 1990).

CHAPTER II FISHING OPPORTUNITIES

Article 3 Total Allowable Catches (TACs)

The TACs, fixed by ICCAT for Contracting Parties, for the bluefin tuna stock in the Eastern Atlantic and Mediterranean shall be as follows:

- in 2008: 28.500 tonnes,
- in 2009: 27.500 tonnes,
- in 2010: 25.500 tonnes.

However, where in the framework of ICCAT new TAC levels are agreed, the Council, acting by a qualified majority on a proposal from the Commission, shall adjust the TACs provided for in the first paragraph accordingly.

Article 4

1. Each Member State may allocate its bluefin tuna quota to fishing vessels flying its flag and traps registered by it which are authorised to fish actively for bluefin tuna.
2. Private trade arrangements between nationals of a Member State and a CPC in order to use a fishing vessel flying the flag of that Member State for fishing in the framework of a tuna quota of a CPC, may be concluded subject to the authorisation by the Member State concerned, which shall inform the Commission.

CHAPTER III TECHNICAL MEASURES

Article 5 Closed fishing season

1. Bluefin tuna fishing by large-scale pelagic longline vessels over 24 m shall be prohibited in the East Atlantic and Mediterranean, with the exception of the area delimited by West of 10°W and North of 42° N, during the period from 1 June to 31 December.
2. Bluefin tuna fishing by purse seine vessels shall be prohibited in the East Atlantic and Mediterranean during the period from 1 July to 31 December.
3. Bluefin tuna fishing by bait boats shall be prohibited in the East Atlantic and Mediterranean during the period from 15 November to 15 May.

4. Bluefin tuna fishing by pelagic trawlers shall be prohibited in the East Atlantic during the period from 15 November to 15 May.

Article 6
Use of planes

Member States shall take necessary measures to prohibit the use of airplanes or helicopters for searching for bluefin tuna in the Convention Area.

Article 7
Minimum size

1. The minimum size for bluefin tuna in the East Atlantic and in the Mediterranean Sea shall be 30 kg.
2. By derogation from paragraph 1 and without prejudice to Article 10, a minimum size for bluefin tuna (*Thunnus thynnus*) of 8 kg shall apply for the following bluefin tunas:
 - (a) bluefin tuna caught in the Eastern Atlantic by bait boats, trolling boats and pelagic trawlers;
 - (b) bluefin tuna caught in the Adriatic Sea for farming purposes.
3. The additional specific conditions for bluefin tuna caught in the Eastern Atlantic by bait boats, trolling boats and pelagic trawlers are set out in Annex I.

Article 8
Sampling plan for bluefin tuna

1. Each Member State shall establish a sampling programme for the estimation of the numbers-at-size of the bluefin tuna captured.
2. Sampling by size in cages shall be carried out on a sample of 100 specimens per 100 tonnes of live fish or on a sample of 10% of the total number of fish placed in a cage. The size sample, on basis of length or weight, shall be taken during harvesting at the farm, and on the dead fish during transport in accordance with the method adopted by the ICCAT for notifying data in the framework of Task II.
3. Additional methods and samplings shall be developed for fish reared for more than one year.
4. Sampling shall be carried out during a harvest taken at random and shall cover all cages. The data for sampling carried out each year shall be notified to the ICCAT by 31 May of the following year.

Article 9
By-catch

1. A by-catch of no more than 8 % of bluefin tuna weighing less than 30 kg but no less than 10 kg shall be authorised for fishing vessels, whether actively fishing for bluefin tuna or not.
2. The percentage mentioned in paragraph 1 shall be calculated either on the basis of the total by-catch in number of fish per landing of the total bluefin tuna catches of the vessel, or on the basis of its weight equivalence.
3. By-catch must be deducted from the quota of the flag Member State. Dead fish shall not be discarded and shall be deducted from the quota of the flag Member State.
4. Landings of by-catch of bluefin tuna shall be subject to Articles 14 and 18(1).

Article 10
Recreational fisheries

1. In the framework of recreational fisheries it shall be prohibited to catch, retain on board, tranship and land more than one piece of bluefin tuna in each sea trip.
2. The marketing of bluefin tuna caught in recreational fishing shall be prohibited except for charitable purposes.
3. Member States shall record catch data from recreational fishing and transmit this data to the Standing Committee on Research and Statistics of ICCAT.
4. Member States shall take the necessary measures to ensure, to the greatest extent possible, the release of bluefin tuna caught alive, especially juveniles, in the framework of recreational fishing.

Article 11
Sport fisheries

1. Member States shall take the necessary measures to regulate sport fishing, notably by fishing authorisations.
2. The marketing of bluefin tuna caught in sport fishing competitions shall be prohibited except for charitable purposes.
3. Member States shall record catch data from sport fishing and transmit this data to the ICCAT Standing Committee on Research and Statistics.
4. Member States shall take the necessary measures to ensure, to the greatest extent possible, the release of the bluefin tuna caught alive, especially juveniles, in the framework of sport fishing.

CHAPTER IV CONTROL MEASURES

Article 12

Register of vessels authorised to fish for bluefin tuna

1. By 1 April 2008, each Member State shall send the Commission electronically a list of all fishing vessels flying its flag authorised to fish actively for bluefin tuna in the Eastern Atlantic and Mediterranean Sea by issue of a special fishing permit.
2. The Commission shall send the list referred to in paragraph 1 to the ICCAT Executive Secretariat so that those vessels can be entered on the ICCAT record of vessels authorised to fish for bluefin tuna.
3. Community fishing vessels not entered into the ICCAT record shall not fish for, retain on board, tranship, transport, transfer or land bluefin tuna in the Eastern Atlantic and Mediterranean Sea.
4. The rules on fishing licences in Article 8a (2), (4), (6), (7) and (8) of Regulation (EC) No 1936/2001 shall apply *mutatis mutandis*.

Article 13

Register of tuna traps authorised to fish for bluefin tuna

1. By 1 April 2008, each Member State shall send the Commission electronically a list of its tuna traps authorised to fish for bluefin tuna in the Eastern Atlantic and Mediterranean Sea by issue of a special fishing licence. The list shall include the name of the traps and the register number.
2. The Commission shall send the list to the ICCAT Executive Secretariat before 15 April 2008 so that the tuna traps can be entered on the ICCAT record of tuna traps authorised to fish for bluefin tuna.
3. Community tuna traps not entered into the ICCAT record may not fish for, retain, tranship or land bluefin tuna in the Eastern Atlantic and Mediterranean Sea.
4. Article 8a (2), (4), (6), (7) and (8) of Regulation (EC) No 1936/2001 shall apply *mutatis mutandis*.

Article 14

Designated ports

1. Member States shall designate a place to be used for landing or a place close to the shore (designated ports) where landing or transhipment operations of bluefin tuna are permitted.

2. Member States shall transmit to the Commission no later than 1 April of each year a list of designated ports. The Commission shall send the list to the ICCAT Executive Secretariat before 15 April of each year. Any subsequent changes to the list shall be notified to the Commission for transmission to the ICCAT Executive Secretariat, at least 15 days before the change shall come into force.

3. It shall be prohibited to land and or tranship from vessels referred to in Article 12 any quantity of bluefin tuna fished in East Atlantic and Mediterranean Sea at any place other than ports designated by CPCs.

4. This provision shall not apply to landings or transhipments by bait boats, trolling boats and pelagic trawlers having caught bluefin tuna in the Eastern Atlantic.

Article 15
Recording requirements

1. In addition to complying with Article 6 and 8 of Regulation (EEC) No 2847/93, masters of the vessels referred to in Article 13 shall enter in the logbook the information listed in Annex II.

2. The masters of the vessels referred to in Article 13 engaged in a joint fishing operation shall record the following information in their logbook:

(a) where the catch is taken on board or transferred into cages:

- the date and the time,
- the location (longitude/latitude),
- amount of catches taken on board, or transferred into cages,
- the name and international radio call sign of the fishing vessel by whose gear the catch has been taken,

(b) where the catch is not taken on board or is in a net before transfer activities or transferred into cages:

- the date and the time,
- the location (longitude/latitude),
- that no catches have been taken on board or have been transferred into cages,
- the name and international radio call sign of the catching fishing vessel by whose gear the catch has been taken.

Article 16
Joint Fishing operations

1. Joint fishing operations for bluefin tuna involving vessels flying the flag of a Member State require the consent of the flag Member State concerned.
2. Fishing vessels participating in the joint fishing operation shall provide their flag Member State with detailed information concerning the duration of the joint operation and the identity of the operators involved.
3. Member States shall transmit the information referred to in paragraph 2 to the ICCAT Secretariat and the Commission.

Article 17
Catch reports

1. The masters of fishing vessels referred to in Article 12 shall send to the competent authorities of their flag Member State a 'catch report' stating the quantities of bluefin tuna, including zero catch returns.
2. The catch report shall be transmitted for the first time at the latest at the end of the ten days after the entry into Eastern Atlantic and Mediterranean Sea or after the beginning of the fishing trip. In the case of joint operations the master shall indicate for which vessel or vessels the catches shall be counted against the quota of the flag State.
3. From 1 June of each year, the masters of fishing vessels shall transmit the catch report on the quantity of bluefin tuna, including zero catch returns on a 5 days basis.
4. Each Member State shall, upon receipt, forward catch reports by electronic means or other means to the ICCAT Secretariat.
5. Member States shall inform the Commission, in computer-readable form, before the fifteenth day of each month, of the quantities of bluefin tuna caught in the Eastern Atlantic and Mediterranean Sea which during the preceding month have been landed, transhipped or caged by vessels flying their flag.

Article 18
Landings

1. By way of derogation from Article 7 of Regulation (EEC) No 2847/93, masters of the vessels referred to in Article 12 of this Regulation or their representative shall notify the competent authority of the Member State whose designated ports or landing facility they wish to use at least 4 hours before the estimated time of arrival at the port, of the following:
 - (a) estimated time of arrival,
 - (b) estimated quantity of bluefin tuna retain on board,
 - (c) information on the zone where the catches were taken;

2. The competent authority of the Member State shall send a record of the landing to the flag authority of the vessel, within 48 hours after the landing has ended.

3. This provision shall not apply to landings by bait boats, trolling boats and pelagic trawlers having caught bluefin tuna in the Eastern Atlantic.

Article 19
Transshipment

1. By way of derogation from Article 11 of Regulation (EEC) No 2847/93 transshipment at sea of bluefin tuna in the East Atlantic and Mediterranean Sea shall be prohibited, except for large-scale tuna longline fishing vessels operating in accordance with ICCAT *Recommendation 2005[06] establishing a programme for transshipment for large-scale tuna longline fishing vessels*, as amended.

2. Prior to entry into any port, the master of the receiving vessels (catching vessel or processing vessel) or his representative, shall provide the competent authorities of the Member State of the port he wishes to use or the competent authorities of the Member State of the farm concerned at least 48 hours before the estimated time of arrival with the following:

- (a) estimated time of arrival,
- (b) estimated quantity of bluefin tuna retained on board,
- (c) information on the geographical area where the catches were taken,
- (d) the name of the catching vessel and its number in the ICCAT record of authorised fishing vessels for bluefin tuna,
- e) the name of the receiving vessel and its number in the ICCAT record of authorised fishing vessels for bluefin tuna,
- f) the tonnage of bluefin tuna to be transhipped,

3. Catching vessels shall not tranship without prior authorisation from their flag State.

4. The master of the catching vessel shall, at the time of the transshipment, inform its flag State of the following:

- (a) the quantities of bluefin tuna transhipped,
- (b) the date and port of the transshipment,
- (c) the name, registration number and flag of the receiving vessel and its number in the ICCAT record of authorised fishing vessels for bluefin tuna,
- (d) the geographical area of the tuna catches

5. The competent authority of the Member State of the port in which the transshipment takes place or the competent authorities of the Member State of the farm concerned shall

inspect the receiving vessel on arrival and check the cargo and documentation related to the transshipment operation.

6. The competent authority of the Member State of the port in which the transshipment takes place or the competent authorities of the Member State of the farm concerned, shall send a record of the transshipment to the flag State authority of the catching vessel, within 48 hours after the transshipment has ended.

7. The masters of vessels referred to in Article 12 shall complete and transmit a transshipment declaration to the competent authorities of the Member State whose flag the vessels are flying. The declaration shall be transmitted no later than 15 days after the date of transshipment in port in accordance with the format set out in Annex III.

Article 20 *Caging operations*

1. The Member State under whose jurisdiction the bluefin tuna farm is located shall submit within one week after the completion of the caging operation a caging report, validated by an observer, to the Member State or Contracting Party whose flag vessels have fished the tuna and to the ICCAT Secretariat. The report shall contain the information included in the caging declaration as referred to in Article 4 b of Regulation (EC) No 1936/2001.

2. When the fattening farms are located outside waters under the jurisdiction of Member States, paragraph 1 shall apply, *mutatis mutandis*, to Member States where the natural or legal persons responsible for fattening farms are established.

3. Before any transfer activity, the flag Member State of the catching vessel shall be informed by the competent authority of the farm Member State of the transfer into cage of quantities caught by fishing vessels flying its flag. The Flag Member State of the catching vessel shall request the competent authority of the farm Member State to seize of the catches and release the fish into the sea if it considers on receipt of that information that:

(a) the fishing vessel declared to have caught the fish had not sufficient quota for bluefin tuna put into the cage,

(b) the quantity of fish has not been duly reported and not taken into account for the calculation of any quota that may be applicable,

(c) the fishing vessel declared to have caught the fish is not authorised to fish for bluefin tuna.

4. The masters of the fishing vessels referred to in Article 12 shall complete and shall transmit to the flag Member State not later than 15 days after the date of transfer to tug vessels or to the cage, a transfer declaration made in accordance with the format set out in Annex III. The transfer declaration shall accompany the transferred fish during transport to the cages.

Article 21
Trap activities

1. Catches shall be recorded after the end of every fishing operation in tuna traps and the catch record shall be transmitted by electronic means or other means within 48 hours after the end of every fishing operation to the competent authority.
2. Each Member State shall, upon receipt, forward the catch record by electronic means to the ICCAT Secretariat.

Article 22
Port or farm inspections

1. Member States shall inspect in port all vessels included in the ICCAT Record of vessel authorised to fish for bluefin tuna which enter one of their designated ports to land or tranship bluefin tuna caught in the Eastern Atlantic and Mediterranean Sea.
2. Member States shall inspect the caging operation in the farms falling under their jurisdiction.
3. When the farms are located outside waters under jurisdiction of Member States, paragraph 2 shall apply, mutatis mutandis, to Member States where the natural or legal persons responsible for the farm are established.

Article 23
Cross checking

1. Member States shall verify, including by using Vessel Monitoring System (VMS) data, the submission of logbooks and relevant information recorded in the logbooks of fishing vessels flying their flag, in the transfer/transhipment document and in the catch documents.
2. Member States shall carry out administrative cross checks on all landings and all transhipments or caging between the quantities by species recorded in the vessels logbook or quantities by species recorded in the transhipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoice and/or sales notes.

Article 24
ICCAT Scheme of Joint International Inspection

1. The ICCAT Scheme of Joint International Inspection adopted by ICCAT at its Fourth Regular Meeting (Madrid, November 1975) and set out in Annex IV to this Regulation shall apply in the Community.
2. Member States whose fishing vessels are authorised to fish for bluefin tuna in the Eastern Atlantic and Mediterranean Sea shall assign inspectors to carry out inspections at sea under the Scheme.
3. The Commission may assign Community inspectors to the Scheme.

4. The Commission shall coordinate the surveillance and inspection activities under the Scheme for the Community. It may draw up, in concert with the Member States concerned, joint inspection programmes for that purpose which will enable the Community to fulfil its obligation under the Scheme. The Member States whose vessels are engaged in fisheries on regulated resources shall adopt the necessary measures to facilitate the implementation of these programmes particularly as regards the human and material resources required and the periods and zones when those resources are to be deployed.

5. Member States shall inform the Commission by 1 April of each year of the names of the inspectors and the inspection vessels they are intending to assign to the Scheme during the following year. On the basis of that information the Commission shall draw up, in collaboration with the Member States, a forward plan for Community participation in the Scheme each year, which it shall send to the ICCAT Secretariat and the Member States.

Article 25
Observer programme

1. Each Member State shall ensure that observers are present on the fishing vessels flying its flag over 15m in length for at least:

- (a) 20% of its active purse seine vessels. In the case of joint fishing operations, an observer shall be present during the fishing operation,
- (b) 20% of its active pelagic trawlers,
- (c) 20% of its active longline vessels,
- (d) 20% of its active bait boats,
- (e) 100% during the harvesting process for tuna traps.

The observer tasks shall be, in particular, to:

- (a) monitor a vessel's compliance with this Regulation,
- (b) record and report upon the fishing activity,
- (c) observe and estimate catches and verify entries made in the logbook,
- (d) sight and record vessels which may be fishing contrary to ICCAT conservation measures.

In addition, the observer shall carry out scientific work, such as collecting task II data as defined by ICCAT, when required by the International Commission for the Conservation of the Atlantic Tunas, based on the instructions from the ICCAT Standing Committee on Research and Statistics.

2. Each Member State under whose jurisdiction the bluefin tuna farm is located shall ensure that an observer is present during all transfers of bluefin tuna to cages and all harvesting of fish from the cage.

The observer's tasks shall be, in particular, to:

- (a) observe and monitor farming operation compliance in accordance with Article 4a, 4b and 4c of Regulation (EC) No 1936/2001,
- (b) validate the caging report referred to in Article 20,
- (c) carry out such scientific work, for example collecting samples, as required by the International Commission for the Conservation of the Atlantic Tunas based on the instructions from the ICCAT Standing Committee on Research and Statistics.

Article 26 *Enforcement*

1. Member States shall take enforcement measures with respect to a fishing vessel flying their flag, where it has been established, in accordance with their law that the vessel does not comply with Articles 5, 7, 14, 15, 17, 19. The measures may include in particular, depending on the gravity of the offence and in accordance with their national law:

- (a) fines,
- (b) seizure of illegal fishing gear and catches,
- (c) sequestration of the vessel,
- (d) suspension or withdrawal of authorisation to fish,
- (e) reduction or withdrawal of the fishing quota, if applicable.

2. Each Member State under whose jurisdiction the bluefin tuna farm is located shall take enforcement measures with respect to that farm, where it has been established, in accordance with its law that the farm does not comply with Articles 20 and 25(2) of this Regulation and and Articles 4a, 4b and 4c of Regulation (EC) No 1936/2001. The measures may include in particular depending on the gravity of the offence and in accordance with the national law:

- (a) fines,
- (b) suspension or withdrawal from the fattening farms register,
- (c) prohibition of caging or marketing quantities of bluefin tuna.

Article 27 *Market measures*

1. Internal trade, landing, imports, exports, caging for farming and fattening, re-exports and transshipments of Eastern Atlantic and Mediterranean bluefin tuna (*thunnus thynnus*) that are not accompanied by accurate, complete, and validated documentation required by this Regulation shall be prohibited.

2. Internal trade, imports, landings, caging for farming and fattening, processing, exports, re-exports and the transshipment of Eastern Atlantic and Mediterranean bluefin tuna (*thunnus thynnus*) caught by fishing vessels whose flag State does not have a quota, catch limit or allocation of fishing effort for Eastern Atlantic and Mediterranean bluefin tuna, under the terms of ICCAT management and conservation measures, or whose flag State's fishing opportunities are exhausted, shall be prohibited

3. Internal trade, imports, landings, processing, exports from farms that do not comply with ICCAT *Recommendation 2006 [07]* on bluefin Tuna Farming shall be prohibited.

Article 28
Conversion factors

The conversion factors adopted by the ICCAT Standing Committee on Research and Statistics shall apply to calculate the equivalent round weight of the processed bluefin tuna.

CHAPTER V
FINAL PROVISIONS

Article 29
Amendments to Regulation (EC) No 973/2001

Regulation (EC) No 973/2001 is amended as follows:

- (1) Articles 5 and 5a are deleted;
- (2) in Annex IV, the entry concerning bluefin tuna is deleted.

Article 30
Entry into force

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

It shall apply from 1 January 2008.

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

Done at Brussels,

For the Council
The President

ANNEX I

Specific conditions applying to bait boat, trolling boat and pelagic trawler fisheries in the Eastern Atlantic

1. Each Member State shall limit the maximum number of its bait boat and trolling boats authorised to fish bluefin tuna to the number of the vessels participating in directed fishery for bluefin tuna in 2006.
2. Each Member State shall limit the maximum number of its pelagic trawler vessels authorised to fish bluefin tuna as by catch.
3. By 1 April 2008, Member States shall submit to ICCAT Secretariat, the number of fishing vessels established pursuant to paragraphs 1 and 2.
4.
 - a) Each Member State shall ensure that vessels to which a special fishing permit referred to in paragraphs 1 and 2 has been issued are included in a list containing their name and Community fleet register number (CFR) as defined in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register⁵. Member States shall issue the special fishing permit only when a vessel has been entered into the ICCAT record of vessels authorised to fish for bluefin tuna.
 - b) Each Member State shall send to the Commission the list referred to in paragraph a) and all subsequent amendments in a computer readable form.
 - c) Amendments to the list referred to in paragraph 4 a) shall be transmitted to the Commission at least five days prior to the date that the vessel newly inserted in that list enters Eastern Atlantic and Mediterranean Sea. The Commission shall promptly forward amendments to the ICCAT Secretariat.
5. Each Member State shall allocate no more than 10% of its quota for bluefin tuna among vessels authorised in accordance with paragraph 4, with up to a maximum of 200 tonnes of bluefin tuna weighing no less than 6,4 kg caught by bait boat vessels of an overall length of less than 17 m.
6. Each Member State may allocate no more than 2% of its quota for bluefin tuna among its coastal artisanal fishery for fresh fish.
7.
 - a) It shall be prohibited to land and or tranship from vessels referred to in paragraph 1 and 2 of the present Annex any quantity of bluefin tuna fished in East Atlantic and Mediterranean Sea at any place other than ports designated by CPCs.
 - b). Member States shall designate a place used for landing or a place closed to the shore (designated ports) where landing or transhipment operations of bluefin tuna are permitted.
 - c). Member States shall transmit to the Commission no later than 1 April of each year a list of designated ports. The Commission shall send this information to the ICCAT Executive Secretariat before 15 April of each year. Any subsequent changes to the list shall be notified

⁵ OJ L 5, 9.1.2004, p. 25

to the Commission for transmission to the ICCAT Executive Secretariat, at least 15 days before the change shall come into force.

8. By way of derogation from the provision of Article 7 of Regulation (EEC) No 2847/93, masters of the Community vessels referred to in paragraph 1 and 2 or their representative must notify the competent authority of the Member State in whose ports or landing facility they wish to use at least 4 hours before the estimated time of arrival at the port, of the following:

- a) estimated time of arrival,
- b) estimate of quantity of bluefin tuna retain on board,
- c) information on the zone where the catches were taken

9. Each Member State shall implement a catch reporting regime that insures effective monitoring of the utilisation of each vessel's quota.

10. Bluefin tuna catches may not be offered for retail sale to the final consumer, irrespective of the marketing method, unless appropriate marking or labelling indicates:

- (a) the species, fishing gear used,
- (b) the catch area and date.

11. Beginning 1 July 2008, Member States whose bait boats are authorised to fish for bluefin tuna in the East Atlantic shall institute tail tag requirements as follows:

- a) Tail tags must be affixed on each bluefin tuna immediately upon offloading.
- b) Each tail tag shall have a unique identification number and be included on bluefin tuna statistical documents and written on the outside of any package containing tuna.

ANNEX II
Specification for logbooks:

Minimum specifications for logbooks

1. The logbook must be numbered by sheets.
2. The logbook must be filled every day (midnight) and before port arrival
3. The logbook must be completed in case of at sea inspections
4. One copy of the sheets must remain attached to the logbook
5. Logbooks must be kept on board to cover a period of one year operation.

Minimum standard information for logbooks:

1. Master name and address
2. Dates and ports of departure, Dates and ports of arrival
3. Vessel name, register number, ICCAT number and IMO number (if available). In case of joint fishing operations, vessel names, register numbers, ICCAT numbers and IMO numbers (if available) of all the vessels involved in the operation.
4. Fishing gear:
 - a) type FAO code
 - b) Dimension (length, mesh size, number of hooks...)
5. Operations at sea with one line (minimum) per day of trip, providing:
 - a) Activity (fishing, steaming...)
 - b) Position: Exact daily positions (in degree and minutes), recorded for each fishing operation or at noon when no fishing has been conducted during this day.
 - c) Record of catches:
6. Species identification:
 - a) by FAO code
 - b) round (RWT) weight in kg per day
7. Master signature
8. Observer signature (if applicable)
9. Means of weight measure: estimation, weighing on board.
10. The logbook is kept in equivalent live weight of fish and mentions the conversion factors used in the evaluation.

Minimum information in case of landing, transshipment/transfer:

1. Dates and port of landing /transhipment/transfer
2. Products
 - a) presentation
 - b) number of fish or boxes and quantity in kg
3. Signature of the Master or Vessel Agent

ANNEX III
ICCAT TRANSFER/TRANSHIPMENT DECLARATION

Document N° **ICCAT TRANSFER/TRANSHIPMENT DECLARATION**

Tug/Carrier vessel

Name of vessel and radio call sign:

Flag:

Flag State authorization No.

National Register No.

ICCAT Register No.

IMO No.

Fishing Vessel

Name of the vessel and radio call sign,

Flag:

Flag State authorisation No.

National register No.

ICCAT Register No.

External identification:

Fishing logbook sheet No.

Day Month Hour Year|2_|0_|_|_| F.V Master's name:Tug/Carrier Master's name: LOCATION OF
TRANSHIPMENT

Departure |_|_| |_|_| |_|_| from |_____|

Return |_|_| |_|_| |_|_| to |_____| Signature: Signature:

Transfer/Transh |_|_| |_|_| |_|_| |_____|

For transhipment, indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms.

In case of transfer of live fish indicate number of unit and live weight

Port	Sea		Species	Number of unit of fishes	Type of	Type of	Type of	Type of	Type of	Type of	further transfer / transhipments
	Lat.	Long.			Product Live	Product Whole	Product Guttetd	Product Head off	Product Filleted	Product	
											Date: Place/Position:
											Authorization CP No.
											Transfer vessel Master signature:
											Name of receiver vessel:
											Flag
											ICCAT Register No.
											IMO N°
											Master's signature

												Date: Place/Position: Authorisation CP No. Transfer vessel Master's signature: Name of receiver vessel: Flag ICCAT Register No. IMO No. Master's signature

ICCAT Observer signature (if applicable):

Obligations in case of transfer /transhipment:

1. The original of the transfer/transhipment declaration must be provided to the recipient vessel (tug/processing/transport)
2. The copy of the transfer/transhipment declaration must be kept by the correspondent catching fishing vessel
3. Further transfers or transhipping operations shall be authorised by the relevant CP which authorised the vessel to operate
4. The original of the transfer/ transhipment declaration has to be kept by the recipient vessel which holds the fish, up to the farm or the landing place
5. The transfer or transhipping operation shall be recorded in the log book of any vessel involved in the operation

ANNEX IV
ICCAT SCHEME OF JOINT INTERNATIONAL INSPECTION

The Commission agreed at its Fourth Regular Meeting (Madrid, November 1975) that:

Pursuant to paragraph 3 of Article IX of the Convention, the Commission recommends the establishment of the following arrangements for international control outside the waters under national jurisdiction for the purpose of ensuring the application of the Convention and the measures in force there under:

1. Control shall be carried out by inspectors of the fishery control services of Contracting Governments. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the Commission.
2. Ships carrying inspectors shall fly a special flag or pennant approved by the Commission to indicate that the inspector is carrying out international inspection duties. The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the Commission, as soon as may be practical.
3. Each inspector shall carry a document of identify supplied by the authorities of the flag state in a form approved by the Commission and given him on appointment stating that he has authority to act under arrangements approved by the Commission.
4. Subject to the arrangements agreed under paragraph (9), a vessel employed for the time being in fishing for tuna or tuna-like fishes in the Convention Area outside the waters under national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master⁶ of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch or gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.
5. On boarding the vessel an inspector shall produce the document described in (3) above. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish be avoided. An inspector shall limit his enquiries to the ascertainment of the fact in relation to the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. He shall draw up a report of his inspection in a form approved by the Commission. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations. Copies of the report shall be given to the master of the vessel and to the inspector's government who shall transmit copies to the appropriate authorities of the flag state of the vessel and to the Commission. Where any infringement of the recommendations is discovered the inspector should, where possible, also inform the competent authorities of the

⁶ Master refers to the individual in charge of the vessel

flag state, as notified to the Commission, and any inspection ship of the flag state known to be in the vicinity.

6. Resistance to an inspector or failure to comply with his directions shall be treated by the flag state of the vessel in a manner similar to resistance to any inspector of that state or a failure to comply with his directions.

7. Inspector shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them.

8. Contracting Governments shall consider and act on reports of foreign inspectors under these arrangements on a similar basis in accordance with their national legislation to the reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting Government to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Governments shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

9. (i) Contracting Governments shall inform the Commission by the 1st of March each year of their provisional plans for participation in these arrangements in the following year and the Commission may make suggestions to Contracting Governments for the coordination of national operations in this field including the number of inspectors and ships carrying inspectors.

(ii) The arrangements set out in this recommendation and the plans for participation shall apply between Contracting Governments unless otherwise agreed between them; and such agreement shall be notified to the Commission:

Provided however, that implementation of the scheme shall be suspended between any two Contracting Governments if either of them has notified the Commission to that effect, pending completion of an agreement.

10. (i) The fishing gear shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The inspector will state the nature of this violation in this report.

(ii) Inspectors shall have the authority to inspect all fishing gear in use or that fishing gear on deck ready for use.

11. The inspector shall affix an identification mark approved by the Commission to any fishing gear inspected which appears to be in contravention of the Commission's recommendations in force in relation to the flag state of the vessel concerned and shall record this fact in his report.

12. The inspector may photograph the gear in such a way as to reveal those features which in his opinion are not in conformity with the regulation in force, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state.

13. The inspector shall have authority, subject to any limitations imposed by the Commission, to examine the characteristics of catches, to establish whether the Commission's recommendations are being complied with. He shall report his findings to the authorities of the flag state of the inspected vessel as soon as possible. (Biennial Report 1974-75, Part II).

Remarks

It was agreed to leave in abeyance the date of entry into effect of the International Inspection Scheme until the Commission decides otherwise.

ICCAT Pennant:

