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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	17 June 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down management, conservation and control measures applicable in the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007
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Delegations will find attached document COM(2016) 401 final.

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Brussels, 17.6.2016
COM(2016) 401 final

2016/0187 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**laying down management, conservation and control measures applicable in the
Convention Area of the International Commission for the Conservation of Atlantic
Tunas (ICCAT) and amending Council Regulations (EC) No 1936/2001, (EC) No
1984/2003 and (EC) No 520/2007**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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

The proposal aims at transposing into EU law the conservation, control and enforcement measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to which the European Union is a Contracting Party. ICCAT is the Regional Fisheries Management Organisation (RFMO) responsible for the management of ICCAT species in the Atlantic Ocean and adjoining seas. ICCAT adopts new conservation, control and enforcement measures every year. This transposition proposal relates to the measures adopted by ICCAT since 2008, with the exception of the multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, which is subject to a separate transposition process.

ICCAT has the authority to adopt compulsory decisions (“recommendations”) for the conservation and management of the fisheries under its purview. These acts are essentially addressed to the ICCAT Contracting Parties but also contain obligations for operators (e.g. the vessel master). The ICCAT recommendations enter into force six months following their adoption and are binding for Contracting Parties and, in the case of the EU, must be enacted into European law to the extent to which they are not already covered by EU legislation.

- **Consistency with existing policy provisions in the policy area**

The last transposition of the ICCAT conservation and enforcement recommendations was done through the following legal acts: Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish¹; Council Regulation (EC) No 520/2007 of 7 May 2007, laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001, and Council Regulation (EC) No 302/2009 concerning the multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.²

The ICCAT recommendations adopted after 2008 introduce amendments to many recommendations adopted before and establish several new provisions. In addition, the relevant EU legislation has substantially evolved since the last transposition with the adoption of the Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing and Regulation (EU) No 1380/2013 of the European

¹ This Regulation was amended three times: in 2004, 2008 and 2009 by Council Regulation (EC) No 869/2004 of 26 April 2004, Council Regulation (EC) No 1005/2008 of 29 September 2008 and Council Regulation (EC) No 302/2009 of 6 April 2009 to take into account the outcome of the ICCAT annual meetings between 2001 and 2008.

² This Regulation was amended last by Regulation (EU) No 500/2012 of the European Parliament and of the Council to transpose ICCAT Recommendation 10-04. The proposal for a third amendment to Council Regulation (EC) No 302/2009 aiming to transpose the most recent measures adopted by ICCAT in 2012 and 2013, such as those pertaining to the fishing seasons, is currently on its way of adoption.

Parliament and of the Council on the Common Fisheries Policy. For reasons of clarity, parts of Council Regulation (EC) No 1936/2001 and of Council Regulation (EC) No 520/2007 referred to above will be repealed to take account of the many changes adopted since 2008.

Fishing opportunities for the EU decided by ICCAT will not be covered by this proposal in the light of Article 43(3) of the Treaty on the Functioning of the European Union (TFEU), which provides that the adoption of measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities is a prerogative of the Council.

- **Consistency with other Union policies**

NA.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on Article 43(2) TFEU as it sets out provisions necessary for the pursuit of the objectives of the Common Fisheries Policy.

- **Subsidiarity (for non-exclusive competence)**

The subsidiarity principle does not apply in this context, as the proposal relates to the sustainable exploitation, management and conservation of marine biological resources in the context of the external component of the Common Fisheries Policy..

- **Proportionality**

The considered option will ensure the implementation of the ICCAT obligations within the EU without exceeding what is necessary to achieve the objective pursued.

- **Choice of the instrument**

As a Regulation is directly applicable and binding on the Member States, it shall contribute to a uniform application of the proposed rules throughout the Union, therefore creating a level playing field for all EU operators active in fishing activities in the ICCAT Convention Area.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

NA.

- **Stakeholder consultations**

This proposal aims at transposing already existing ICCAT recommendations, binding upon the Contracting Parties. Both Member States experts and stakeholders are consulted in the preparation of the ICCAT meetings where these recommendations are adopted, as well as

throughout the negotiations at the ICCAT annual meeting. No stakeholder consultation was therefore deemed to be necessary for this transposition Regulation.

- **Collection and use of expertise**

NA.

- **Impact assessment**

As no new policy aspects will be defined, an impact assessment is not relevant for the present legislative initiative. This initiative is about applicable international obligations that are already binding upon the EU, in respect of which no impact assessment is required.

- **Regulatory fitness and simplification**

NA.

- **Fundamental rights**

NA.

4. BUDGETARY IMPLICATIONS

NA.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

NA.

- **Explanatory documents (for directives)**

NA.

- **Detailed explanation of the specific provisions of the proposal**

Title I contains general provisions such as subject matter and scope, objective and definitions. Most importantly, this Regulation applies to the Union vessels fishing in the ICCAT Convention area or, in the case of transshipments, in the area outside the ICCAT Convention area for the species caught in the ICCAT Convention area.

Title II contains ICCAT management measures divided into 7 chapters per individual species. Chapter 1 is devoted to tropical tunas; Chapter 2 to North Atlantic albacore; Chapter 3 to swordfish (Atlantic swordfish as well as Mediterranean swordfish); Chapter 4 to blue marlin and white marlin; Chapter 5 to sharks; Chapter 6 to sea-birds (caught as by-catch) and Chapter 7 to turtles (caught as by-catch).

Title III contains common control and monitoring measures. Chapter 1 deals with the ICCAT record of large scale vessels. Chapter 2 lays down provisions on chartering. Chapter 3 deals with control of catches, and notably compliance with quotas and minimum size requirements,

catch sampling and catch and fishing effort notification. Chapter 4 and 5 set provisions on transshipment and on scientific observer programmes respectively. Chapter 6 lays down provisions for reporting obligations with regard to designated ports and points of contact and with regard to port inspections. Chapter 7 deals with enforcement and specifically with alleged infringements and non-compliances and ICCAT draft IUU list

Title IV contains final provisions, such as annual report, confidentiality of data, procedure for amendments, exercise of the delegation, implementation and amendments to the existing EU legislation.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down management, conservation and control measures applicable in the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 (2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁴ is to ensure exploitation of marine biological resources that provides long-term environmental, economic and social sustainability.
- (2) The European Union has approved by Council Decision 98/392/EC⁵ the United Nations Convention on the Law of the Sea, which contains, inter alia, principles and rules with regard to the conservation and management of marine living resources. In the framework of its wider international obligations, the European Union participates in efforts made in international waters to conserve fish stocks.

³ OJ C , , p. .

⁴ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁵ Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations ICCAT Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

- (3) Pursuant to Council Decision 86/238/EEC⁶ the European Union has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas (hereinafter "the ICCAT Convention") since 14 November 1997.
- (4) The ICCAT Convention provides a framework for regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and the adjoining seas through the setting up of an International Commission for the Conservation of Atlantic Tunas (hereafter the "ICCAT").
- (5) ICCAT has the authority to adopt compulsory decisions ("Recommendations") for the conservation and management of the fisheries under its purview, which are binding for the Contracting Parties. These acts are essentially addressed to the ICCAT Contracting Parties, but also contain obligations for private operators (e.g. vessel masters). The ICCAT Recommendations enter into force six months following their adoption and in respect of the EU, they must be enacted into European Union law.
- (6) The last implementation of the ICCAT conservation and enforcement recommendations was done through Council Regulation (EC) No 1936/2001⁷ and Council Regulation (EC) No 520/2007⁸.
- (7) ICCAT Recommendation concerning multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean were implemented by Council Regulation (EC) No 302/2009⁹. This Regulation does not cover such multiannual recovery plan.
- (8) This Regulation also does not cover fishing opportunities decided by ICCAT, as Article 43(3) of the Treaty on the Functioning of the European Union provides that measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities shall be adopted by the Council.
- (9) The ICCAT Recommendations adopted after 2008 introduce amendments to many recommendations adopted before that date and establish several new provisions.
- (10) In order to swiftly incorporate into Union law future binding amendments to the ICCAT Recommendations, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and

⁶ Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

⁷ Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).

⁸ Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

⁹ Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

- (11) In order to ensure uniform conditions for the implementation of the provisions of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁰.
- (12) To ensure compliance with the CFP, EU legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) activities.
- (13) In particular, Council Regulation (EC) No 1224/2009¹¹ establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the Common Fisheries Policy. Commission Implementing Regulation (EU) No 404/2011¹² lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008¹³ establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. Those Regulations already implement a number of the provisions laid down in the ICCAT Recommendations. It is therefore not necessary to include those provisions in this Regulation.
- (14) Article 15(1) of Regulation (EU) No 1380/2013 introduced a landing obligation which applies as of 1 January 2015 to small and large pelagic fisheries, fisheries for industrial purposes and fisheries for salmon in the Baltic sea. However, under Article 15(2) of that Regulation, the landing obligation is without prejudice to the Union's international obligations, such as those resulting from ICCAT Recommendations. Under that same provision the Commission is empowered to adopt delegated acts, for the purpose of implementing such international obligations into Union law, including, in particular, derogations from the landing obligation. Accordingly, the discard in some fisheries for small and large pelagic fisheries and fisheries for industrial purposes will be allowed in some situations laid down in Commission Delegated Regulation (EU) No 2015/98¹⁴.

¹⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).

¹¹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

¹² Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

¹³ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

¹⁴ Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of

- (15) Council Regulation (EC) No 1984/2003¹⁵ establishes statistical document programmes for swordfish and bigeye in accordance with the relevant ICCAT provisions. As new provisions on statistical programmes have been adopted by ICCAT in relation to transshipment at sea, it is appropriate to amend Regulation (EC) No 1984/2003 to incorporate those provisions in Union law.
- (16) Many ICCAT recommendations have changed or have been repealed in recent years. Therefore, for reasons of clarity, simplification and legal certainty it is appropriate to amend Council Regulations (EC) No 1936/2001 and (EC) No 520/2007,

HAVE ADOPTED THIS REGULATION:

TITLE I GENERAL PROVISIONS

Article 1 Subject matter

This Regulation lays down management, conservation and control provisions relating to fishing for highly migratory fish species managed by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Article 2 Scope

This Regulation shall apply to:

- (a) Union fishing vessels, and Union vessels engaged in recreational fisheries, which operate in the ICCAT Convention Area and, in the case of transshipments, also outside the ICCAT Convention area if they tranship species caught in that area;
- (b) third country vessels which are inspected in Member States ports and which carry ICCAT species or fish products originating from such species that have not been previously landed or transhipped at ports.

Article 3 Relationship to other Union acts

This Regulation shall apply without prejudice to the provisions laid down in:

- (a) Regulation XXXX/2016 [new FAR Regulation];

the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16/23, 23.01.2015, p. 23).

¹⁵ Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community (OJ L 295, 13.11.2003, p. 1).

(b) Regulation YYYY/2016 [BFT transposition Regulation].

Article 4
Definitions

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

- (1) 'ICCAT species' means species listed in Annex I;
- (2) 'tropical tuna' means bigeye tuna, yellowfin tuna and skipjack tuna;
- (3) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources or a blue fin tuna trap;
- (4) "catching vessel" means a fishing vessel used for the purpose of the capture of marine biological resources;
- (5) 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (6) 'fishing authorisation' means an authorisation issued in respect of a Union fishing vessel entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;
- (7) 'special fishing authorisation' means an authorisation issued in respect of a Union fishing vessel entitling it to carry out specific fishing activities with specific gears during a specified period, in a given area and for a given fishery under specific conditions;
- (8) 'transshipment' means the unloading of all or any fisheries products on board a vessel to another vessel;
- (9) 'recreational fishery' means non-commercial fishing activities exploiting marine living aquatic resources for recreation, tourism or sport;
- (10) 'Task I data' means data defined as Task I by ICCAT in the "Field manual for statistics and sampling Atlantic tunas and tuna-like fish";
- (11) 'Task II data' means data defined as Task II by ICCAT in the 'Field manual for statistics and sampling Atlantic tunas and tuna-like fish';
- (12) 'CPC' means Contracting Parties to the ICCAT Convention and Cooperating Non-Contracting Parties, Entities or Fishing Entities;
- (13) 'ICCAT Convention area' means all waters of the Atlantic Ocean and adjacent seas
- (14) 'Sustainable fisheries partnership agreement' means an international agreement as defined in Article 4(1) point 37 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council;
- (15) 'vessel length' means the distance measured in a straight line between the foremost point of the bow and the aftermost point of the stern;

- (16) 'large scale pelagic longline vessels' means pelagic longline vessels greater than 24 meters length overall;
- (17) 'large scale fishing vessels' means fishing vessels greater than 20 meters length overall;
- (18) 'ICCAT record of large scale fishing vessels' means the list, maintained by the ICCAT Secretariat, of large scale fishing vessels authorised to target ICCAT species in the ICCAT Convention Area;
- (19) 'support vessel' means a vessel that supplies a catching vessel or facilitates, assists or prepares fishing activities, and that is not equipped with an operational fishing gear;
- (20) 'carrier vessel' means a support vessel engaged in transshipment and receiving ICCAT species from a large scale pelagic longline vessel;
- (21) 'ICCAT record of carrier vessels' means the list, maintained by the ICCAT Secretariat, of vessels authorised to receive transshipment at sea from large scale pelagic longline vessels in the ICCAT Convention area;
- (22) 'ICCAT record of authorised tropical tunas vessels' means the list, maintained by the ICCAT Secretariat, of large scale fishing vessels authorised to fish, retain on board, tranship, transport, process or land tropical tunas in the ICCAT Convention area;
- (23) 'fish-aggregating devices (FADs)' means any equipment which is floating on the sea surface and is deployed with the objective of attracting fish;
- (24) 'IUU fishing' means fishing activities which are illegal, unreported and unregulated;
- (25) 'ICCAT IUU list' means a list of vessels flying the flag of non-Contracting parties, which are considered by ICCAT to have engaged in IUU fishing;
- (26) 'longlines' means a fishing gear which comprises a main line carrying numerous hooks on branch lines (snoods) of variable length and spacing depending on the target species;
- (27) 'purse seines' means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the groundrope, enabling the net to be pursed and closed;
- (28) 'hook' means a bent, sharpened piece of steel wire.

TITLE II

MANAGEMENT, CONSERVATION AND CONTROL MEASURES CONCERNING CERTAIN SPECIES

Chapter I

Tropical tunas

Article 5

Restrictions on the number of large scale catching vessels targeting bigeye tuna

The number and total capacity in gross tonnage (GT) of large scale Union catching vessels targeting bigeye tuna in the ICCAT Convention area shall be determined:

- (a) as the average number and the capacity in GT of Union catching vessels targeting bigeye tuna in the ICCAT Convention area during the period 1991 to 1992; and
- (b) on the basis of the restriction on the number of Union catching vessels targeting bigeye tuna in 2005 notified to ICCAT on 30 June 2005.

Article 6

Specific authorisations for large scale tropical tuna catching vessels and for support vessels

1. Member States shall issue authorisations, in accordance with the provisions laid down in Regulation XXXX/2016 [new FAR regulation], to large scale catching vessels flying their flag which are allowed to fish tropical tunas in the ICCAT Convention area.
2. Member States shall issue authorisations to vessels flying their flag used for any kind of support to vessels referred to in paragraph 1.

Article 7

ICCAT record of authorised tropical tuna vessels

1. Member States shall notify the Commission without delay and at the latest within 30 days of any event requiring an addition to, deletion from or modification of the ICCAT Record of authorised tropical tuna vessels. The Commission shall without delay and at the latest within 45 days from the date of the event submit that information to the ICCAT Secretariat.
2. Vessels targeting bigeye tuna in the ICCAT Convention area may be replaced only by vessels of equivalent capacity or lesser.
3. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 large scale fishing vessels not entered into the ICCAT Record of authorised tropical tuna vessels shall not be allowed to fish, retain on board, tranship, transport, transfer or process tropical tunas from the ICCAT Convention area.

Article 8
List of vessels fishing tropical tunas in a given year

Member States shall by 30 June of each year submit to the Commission the list of authorised vessels flying their flag which have fished for tropical tunas in the ICCAT Convention area in the previous calendar year. The Commission shall notify ICCAT of the lists received from the Member States by 31 July each year.

Article 9
Management plans for FADs

1. By 31 January of each year, Member States with purse seine and baitboat vessels fishing for tropical tunas in association with FADs, shall submit to the Commission management plans for the use of such aggregating devices by vessels flying their flag. The Commission shall forward that information to the ICCAT Secretariat by 1 July each year.
2. The objective of the FAD management plans shall be to:
 - (a) improve the knowledge about FADs characteristics, buoys characteristics, FADs fishing, including fishing effort, and related impacts on targeted and non-targeted species;
 - (b) effectively manage the deployment and recovery of FADs and beacons and their potential loss;
 - (c) reduce and limit the impacts of FADs and FAD fishing on the ecosystem, including where appropriate by acting on the different components of the fishing mortality (e.g. number of deployed FADs, including number of FAD sets by purse seiners, fishing capacity, number of support vessels).
3. The management plans referred to in paragraph 1 shall contain the information set out in Annex II.
4. Member States shall ensure that no more than 500 instrumental buoys are active at any one time for each purse seine flying their flag and fishing for tropical tunas in association with FADs.

Article 10
Requirements for FADs

1. FADs shall comply with each of the following requirements:
 - (a) the surface structure of the FAD shall either not be covered by any material or only be covered with material implying minimum risk of entangling non-targeted species;
 - (b) the sub-surface components shall be exclusively composed of material which does not entangle non-targeted species.

2. When designing FADs, biodegradable materials should be prioritised with a view to phasing out non-biodegradable FADs by 2018.
3. Member States shall report to the Commission on an annual basis as part of the annual report referred to in Article 70 on the steps undertaken to ensure compliance with paragraphs 1 and 2. The Commission shall forward that information to the ICCAT Secretariat.

Article 11
Information on FADs submitted by vessels

1. For each deployment of a FAD, Union purse seine and baitboat catching vessels and Union support vessels shall collect and report the following information and data:
 - (a) position;
 - (b) date;
 - (c) FAD type (anchored FAD, drifting artificial FAD);
 - (d) FAD identifier (i.e. FAD Marking or beacon ID, type of buoy – e.g. simple buoy or associated with echosounder), or any information allowing to identify the owner;
 - (e) FAD design characteristics (dimension and material of the floating part and of the underwater hanging structure and the entangling feature of the underwater hanging structure).
2. For each visit on a FAD, whether followed or not by a set, Union purse seine and baitboat catching vessels and Union support vessels shall collect and report the following information:
 - (a) type of the visit (hauling, retrieving, intervention on electronic equipment);
 - (b) position;
 - (c) date;
 - (d) FAD type (anchored FAD, drifting natural FAD, drifting artificial FAD);
 - (e) FAD identifier (i.e. FAD Marking or beacon ID or any information allowing to identify the owner);
 - (f) if the visit is followed by a set, the results of the set in terms of catch and by-catch, whether retained or discarded dead or alive.
3. For each loss of a FAD, Union purse seine and baitboat catching vessels and all Union support vessels shall collect and report the following information:
 - (a) last registered position;
 - (b) date of the last registered position;

- (c) FAD identifier (i.e. FAD Marking or beacon ID), or any information allowing to identify the owner.
4. Union fishing vessels shall keep updated on a quarterly basis a list of deployed FADs, containing at least the information set out in Annex III.

Article 12
Information on FADs submitted by Member States

Member States shall submit every year to the Commission 15 days prior to the deadline established by ICCAT for the given year, in order to be made available to the ICCAT Secretariat:

- (a) the number of FADs actually deployed on a quarterly basis, by FAD type, indicating the presence or absence of a beacon/buoy associated to the FAD;
- (b) the number and type of beacons/buoys (e.g. radio, with echo-sounder) actually deployed on a quarterly basis;
- (c) the average numbers of active beacons/buoys on a quarterly basis that have been followed by each vessel;
- (d) average numbers of active lost FADs on a quarterly basis;
- (e) for each support vessel, the number of days spent at sea, per 1° grid area, month and flag State.

Article 13
Logbooks

Member States shall ensure that

- (a) paper and electronic fishing logbooks as well as FAD logbooks, where applicable, are promptly collected and made available to Union scientists.
- (b) the Task II data transmitted to the Commission pursuant to Article 49 include the information collected from the fishing or FAD logbooks, where applicable;

Article 14
Area or time closure in relation with the protection of juveniles

1. Targeting for, or supporting activities to target tropical tunas in association with objects that could affect fish aggregation, including FADs, shall be prohibited:
- (a) from 1 January to 28 February each year, and
 - (b) in the area delineated as follows:
 - Northern limit - Parallel 5° North latitude

- Southern limit - Parallel 4° South latitude
 - Western limit - Meridian 20° West longitude
 - Eastern limit - the African coast.
2. The prohibition referred to in paragraph 1 shall include:
- (a) launching any floating objects, with or without buoys;
 - (b) fishing around, under, or in association with artificial objects, including vessels;
 - (c) fishing around, under, or in association with natural objects;
 - (d) towing floating objects from inside to outside the area.
3. Each Member State fishing in the geographical area of the area or time closure shall:
- (a) take appropriate action to ensure that all vessels flying its flag, including support vessels, when engaged in fishing activities during the time/area closure referred to in paragraph 1, have an observer on board. The observer programme shall respect the requirements set out in Annex IV;
 - (b) submit the information collected by the observers referred to in point (a) every year by 30 June to the Commission who shall notify ICCAT by 31 July;
 - (c) take appropriate action against fishing vessels flying its flag that do not comply with the area or time closure referred to in paragraph 1;
 - (d) submit a report on its compliance with the area or time closure to the Commission as part of its annual report referred to in Article 70.

Article 15

Fishing for tropical tunas in certain Portuguese waters

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to retain on board any quantity of tropical tunas caught using purse seines in waters under the sovereignty or jurisdiction of Portugal in ICES subarea X north of 36°30' N or in CECAF areas north of 31° N and east of 17°30' W, or to target such species in those areas with those gears.

Article 16

Identification of IUU activities

If the ICCAT Executive Secretary notifies the Commission of a possible violation by Union fishing vessels of Article 7(3) and Article 14(1) and (2), the Commission shall without delay inform the flag Member State. The flag Member State shall immediately investigate the situation and, if the vessel is fishing in relation with objects that could affect fish aggregates, including FADs, shall request the vessel to stop fishing and, if necessary, leave the area without delay. The flag Member State shall without delay report to the Commission the

results of its investigation and the corresponding measures taken. The Commission shall forward that information to the Coastal State and to the ICCAT Executive Secretary.

Chapter II

North Atlantic Albacore

Article 17

Restrictions on the number of vessels

The maximum number of Union catching vessels targeting North Atlantic Albacore in the ICCAT Convention area shall be determined as the average number of Union catching vessels fishing for North Atlantic albacore tuna as a target species during the period 1993 to 1995.

Chapter III

Swordfish

SECTION 1

SWORDFISH IN THE ATLANTIC

Article 18

Management Plans for North Atlantic swordfish

Member States fishing for North Atlantic swordfish shall submit to the Commission their management plans by 15 August of each year. The Commission shall forward that information to the ICCAT Secretariat by 15 September of each year.

Article 19

Minimum size for Atlantic swordfish

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, targeting, retaining on board or transshipping, landing, transporting, storing, displaying or offering for sale, selling or marketing swordfish of less than 25 kg live weight, or in alternative, 125 cm of lower jaw fork length, shall be prohibited.
2. By way of derogation from paragraph 1, incidental catches of maximum 15 % of swordfish weighing less than 25 kg live weight or 125 cm of lower jaw fork length may be retained on board, transhipped, transferred, landed, transported, stored, sold, displayed or offered for sale.
3. The tolerance of 15% referred to in paragraph 2 shall be calculated on the basis of the number of swordfish of the vessel's total swordfish catch per landing.

SECTION 2 SWORDFISH IN THE MEDITERRANEAN

Article 20

Vessels authorised to target Mediterranean swordfish

1. Member States shall issue authorisations to target Mediterranean swordfish, in accordance with the provisions laid down in Regulation XXXX/2016 [new FAR Regulation].
2. By 1 January of each year, Member States shall submit electronically and in the format set out in the Guidelines for Submitting Data and Information Required by ICCAT:
 - (a) a list of all Union catching vessels flying their flag authorised to target Mediterranean swordfish;
 - (b) a list of all Union vessels authorised to target Mediterranean swordfish in the context of recreational fisheries.
3. The Commission shall forward that information to the ICCAT Secretariat by 15 January.
4. Member States shall notify the Commission without delay and at the latest within 30 days of any addition to, deletion from or modification of the lists of Union catching vessels and of vessels engaged in recreational fisheries which are authorised to target swordfish in the Mediterranean. The Commission shall without delay and at the latest within 45 days from the date of the addition to, deletion from or modification submit that information to the ICCAT Secretariat.

Article 21

By-catch

Union catching vessels not included in the list referred to in Article 20(2)(a) shall not be authorised to catch, retain on board, tranship, transport, process or land swordfish exceeding 5% of the total catch on board by weight or/and number of pieces.

Article 22

Special fishing authorisation

1. Union catching vessels included in the list of authorised vessels pursuant to Article 20(2)(a) and which use harpoons or longlines shall have a special fishing authorisation.
2. By 30 June of each year, each Member State shall submit electronically to the Commission the list of special fishing authorisations delivered for the previous year. The Commission shall forward that information to the ICCAT Secretariat by 31 July.

Article 23
Closed fishing seasons

1. Mediterranean swordfish shall not be caught (either as targeted species or as by-catch), retained on board, transhipped or landed during the period from 1 to 31 March and during the period from 1 October to 30 November.
2. Member States shall monitor the effectiveness of the closure and shall submit to the Commission by 15 August of each year all relevant information on appropriate controls and inspections carried out to ensure the compliance with paragraph 1. The Commission shall forward that information to the ICCAT Secretariat at least two months before the ICCAT annual meeting.

Article 24
Minimum size for Mediterranean swordfish

1. Only entire specimens of swordfish, without removal of any external part, or gilled and gutted specimens, may be retained on board, transhipped, landed and transported.
2. Catching, retaining on board, transhipping, landing, transporting, storing, or displaying or offering for sale of Mediterranean swordfish measuring less than 90 cm of lower jaw fork length or, in alternative, weighing less than 10 Kg of round weight or 9 Kg of gilled and gutted weight, or 7,5 Kg of dressed weight (gilled, gutted, fins off, part of head off), shall be prohibited.
3. By way of derogation from paragraph 2, incidental catches of swordfish below the minimum size set out in that paragraph may be retained on board, transhipped, landed, transported, stored, or displayed or offered for sale if they do not exceed 5% by weight or number of pieces per landing of the total swordfish catch on board the vessel.

Article 25
Technical specifications of the fishing gear for vessels authorised to target Mediterranean swordfish

1. By way of derogation from Article 12 of Council Regulation (EC) No 1967/2006¹⁶, the maximum number of hooks that may be set by or taken on board of vessels targeting swordfish shall be fixed at 2800 hooks.
2. In addition to the maximum number referred to in paragraph 1, a second set of rigged hooks may be allowed on board for trips longer than 2 days provided that it is duly lashed and stowed in lower decks so that it may not readily be used.
3. Hook size shall not be smaller than 7 cm of height.

¹⁶ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

4. The length of the pelagic longlines shall not exceed 30 nautical miles (55,56 km).

Article 26
Reporting obligations for Mediterranean swordfish

1. Member States shall submit to the Commission by 30 June of each year, the following information concerning Union catching vessels that were authorised to carry out pelagic longline fisheries or harpoon fisheries targeting swordfish in the Mediterranean during the preceding year:
- (a) information on the catching vessel:
 - (i) name of the vessel (if no name, the registry number without country initials shall be indicated);
 - (ii) Community fleet register number as defined in Annex I to Commission Regulation (EC) No 26/2004¹⁷;
 - (iii) ICCAT list number.
 - (b) information related to fishing activities, based on sampling or on the whole fleet:
 - (i) fishing period(s) and total annual number of fishing days of the vessel, by target species and area;
 - (ii) geographical areas, by ICCAT statistical rectangles, for the fishing activities carried out by the vessel, by target species and area;
 - (iii) type of vessel, by target species and area;
 - (iv) number of hooks used by the vessel, by target species and area;
 - (v) number of longline units used by the vessel, by target species and area;
 - (vi) overall length of all longline units for the vessel, by target species and area.
 - (c) data on the catches, in the smallest time-area possible:
 - (i) size and, if possible, age distributions of the catches,
 - (ii) catches and catch composition per vessel and,
 - (iii) fishing effort (average fishing days per vessel, average number of hooks per vessel, average longline units per vessel, average overall length of longline per vessel).

¹⁷ Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).

2. The information referred to in paragraph 1 shall be submitted in the format required by ICCAT.
3. The Commission shall forward that information to the ICCAT Secretariat by 31 July of each year.

Chapter IV

Blue marlin and white marlin in the Atlantic

Article 27

Release of blue marlin and white marlin caught alive

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, vessels flying the flag of a Member State that approaches its quota shall release all blue marlin (*Makaira nigricans*) and white marlin (*Tetrapturus albidus*) that are alive by the time of boarding.
2. Member States referred to in paragraph 1 shall take appropriate measures to ensure that the blue marlin and white marlin are released in a manner that maximizes their survival.
3. Member States shall encourage the use of monofilament streamer lines on swivel so that live blue marlin and white marlin may be easily released.

Article 28

Landing of blue marlin and white marlin beyond the fishing opportunities

As a Member State has exhausted its quota, that Member State shall ensure that the landings of blue marlin and white marlin that are dead when brought alongside the vessel are not to be sold or entered into commerce.

Article 29

Recreational fisheries of blue marlin and white marlin

1. All Member States whose vessels are engaged in recreational fisheries of blue marlin and white marlin shall maintain a 5% scientific observer coverage of blue marlin and white marlin tournament landings.
2. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to catch retain on board or tranship, land, transport, store, display or offer for sale, sell or market blue marlin of less than 251 cm lower jaw fork length.
3. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to catch, retain on board or tranship, land, transport, store, display or offer for sale, sell or market white marlin of less than 168 cm lower jaw fork length.
4. It shall be prohibited to sell, or offer for sale, any part or whole carcass of blue marlin or white marlin caught in recreational fisheries.

Chapter V Sharks

Article 30 *General provisions*

1. In fisheries that are not targeting sharks, live sharks that are caught incidentally and are not used for food or subsistence shall be released.
2. Member States shall carry out research on shark species caught in the ICCAT Convention area in order to improve the selectivity of fishing gears, to identify potential nursery areas and consider time and area closures and other measures, as appropriate. Such research shall provide information on key biological and ecological parameters, life-history and behavioural traits, as well as on the identification of potential mating, pupping and nursery grounds.

Article 31 *Porbeagle sharks (Lamna nasus)*

1. Retaining on board, transshipping or landing any part or whole carcass of porbeagle sharks shall be prohibited.
2. Union catching vessels shall promptly release unharmed porbeagle sharks caught in association with ICCAT fisheries when brought alongside the vessel.

Article 32 *Bigeye thresher sharks (Alopias superciliosus)*

1. Retaining on board, transshipping or landing any part or whole carcass of bigeye thresher sharks caught in association with ICCAT fisheries shall be prohibited.
2. Union catching vessels shall promptly release unharmed, bigeye thresher sharks caught in association with ICCAT fisheries when brought alongside the vessel.

Article 33 *Shortfin mako sharks (Isurus oxyrinchus)*

Member States shall endeavour to reduce fishing mortality in fisheries targeting North Atlantic shortfin mako sharks and report about the progress made to the Commission on an annual basis in the annual report referred to in Article 70.

Article 34 *Oceanic whitetip shark (Carcharhinus longimanus)*

1. Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks caught in association with ICCAT fisheries shall be prohibited.

2. Union catching vessels shall promptly release unharmed oceanic whitetip sharks caught in association with ICCAT fisheries when brought alongside the vessel.

Article 35

Hammerhead sharks

1. Retaining on board, transshipping or landing any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except *Sphyrna tiburo*) caught in association with ICCAT fisheries shall be prohibited.
2. Union catching vessels shall promptly release unharmed hammerhead sharks caught in association with ICCAT fisheries when brought alongside the vessel.

Article 36

Silky sharks (Carcharhinus falciformis)

1. Retaining on board, transshipping or landing any part or whole carcass of silky sharks caught in association with ICCAT fisheries shall be prohibited.
2. Union catching vessels shall promptly release unharmed silky sharks caught in association with ICCAT fisheries, at the latest before putting the catch into the fish holds, giving due consideration to the safety of crew members.
3. Union purse seine vessels engaged in ICCAT fisheries shall take additional measures to increase the survival rate of silky sharks incidentally caught. Member States shall report about the progress made to the Commission on an annual basis in the annual report referred to in Article 70.

Article 37

Sampling of shark species by scientific observers and other authorised individuals

1. By way of derogation from the prohibition to retain on board porbeagle, bigeye thresher, oceanic whitetip, hammerhead (of the *Sphyrnidae* family, except for the *Sphyrna tiburo*), and silky sharks, as set out in Articles 31, 32, 34, 35 and 36, the collection of biological samples during commercial fishing operations by scientific observers or individuals authorized by the CPC to collect biological samples shall be permitted under the following conditions:
 - (a) the biological samples are collected only from animals which are dead at the haul back;
 - (b) the biological samples are taken in the framework of a research project notified to the Standing Committee on Research and Statistics of the ICCAT and developed taking into consideration the recommended research priorities of that Committee;
 - (c) the biological samples are kept on board until the port of landing or transshipment; and

- (d) the authorisation of the flag State Member State or, in the case of chartered vessels, of the chartering CPC and the flag Member State, must accompany all samples collected according to this Article until the final port of landing. Such samples and other parts of the shark specimens sampled may not be marketed or sold.
2. The biological sample referred to in paragraph 1 may include in particular vertebrae, tissue, reproductive tracts, stomachs, skin samples, coil valves, jaws, whole fish or skeletons for taxonomic studies and fauna inventories.
3. The sampling campaign may only start once the authorisation by the relevant Member State has been issued.

Chapter VI

Seabirds

Article 38

Mitigation measures for seabirds in the area between 20° South and 25° South

1. All vessels fishing between 20° and 25° South shall carry and use bird-scaring lines (tori lines) and tori poles that meet the requirements and Supplemental Guidelines set out in Annex V.
2. Tori lines are to be deployed prior to longlines entering the water at all times.
3. A second tori pole and tori line shall be used at times of high bird abundance or activity.
4. Back-up tori lines shall be carried by all vessels and be ready for immediate use.
5. Longline vessels targeting swordfish using monofilament longline gear are exempted from the requirements of paragraphs 1, 2 and 3, subject to each of the following conditions:
 - (a) longlines are set during the night, with night being defined as the period between nautical dusk/dawn as referenced in the nautical dusk/dawn almanac for the geographical position fished;
 - (b) minimum swivel weight of 60 g placed not more than 3m from the hook is used to achieve optimum sink rates;
 - (c) flag Member States of the vessels applying this derogation shall inform the Commission of their scientific findings resulting from their observer coverage of these vessels.

Article 39
Mitigation measures for seabirds in the area south of 25° South

Longline vessels shall use at least two of the following mitigation measures in accordance with the requirements and Supplemental Guidelines set out in Annex V:

- (a) night setting with minimum deck lighting;
- (b) bird-scaring lines (tori lines);
- (c) line weighting.

Article 40
Reporting obligations for seabirds

1. Longline vessels shall collect and provide to the flag Member State information on interactions with seabirds, including incidental catches. Member States shall submit that information to the Commission by 30 June of each year. The Commission shall forward that information to the ICCAT Secretariat without delay.
2. Member States shall inform the Commission on how they are implementing the measures laid down in Articles 38 and 39 and on the progress of the implementation of the EU action plan for reducing incidental catches of seabirds in fishing gears¹⁸.

Chapter VII **Turtles**

Article 41
General provisions for turtles

1. Purse seine vessels shall avoid encircling sea turtles and shall release encircled or entangled sea turtles, including on FADs. They shall report interactions between purse seines or FADs and sea turtles to their flag Member State.
2. Pelagic longline vessels shall carry and use safe-handling, disentanglement and release equipment capable of releasing sea turtles in a manner that maximizes the probability of their survival.
3. Fishermen on pelagic longline vessels shall use the equipment specified in paragraph 2 and in accordance with Annex VI to maximize the probability of sea turtle survival.
4. Member States shall train those fishermen in safe handling and release techniques.

18

Article 42
Reporting obligations for turtles

1. Member States shall collect, and report to the Commission by 30 June of each year information on the interactions of their fleets with sea turtles in ICCAT fisheries by gear type. The Commission shall forward that information to the ICCAT Secretariat by 31 July. That information shall include:
 - (a) catch rates, gear characteristics, times and locations, target species, and disposition status (i.e. discarded dead or released alive);
 - (b) a breakdown of interactions by sea turtle species; and
 - (c) the nature of the hooking or entanglement (including with FADs), bait type, hook size and type, and the size of the animal.
2. Member States shall report to the Commission as part of the annual report referred to in Article 70 each year on the implementation of Article 41 and on other relevant actions taken to implement, with respect to ICCAT fisheries, the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations¹⁹.

TITLE III
COMMON CONTROL MEASURES

Chapter I
Authorisations

Article 43
ICCAT record of large scale fishing vessels

1. Member States shall issue authorisations to large scale fishing vessels flying their flag allowed to fish for, retain on board, tranship or land ICCAT species in the ICCAT Convention Area in accordance with the provisions laid down in Regulation XXXX/2016 [new FAR Regulation].
2. Member States shall submit to the Commission at the time of authorisation a list of large scale fishing vessels authorised pursuant to paragraph 1. The Commission shall without delay submit this information to the ICCAT Secretariat for inclusion in the ICCAT record of large scale fishing vessels.
3. Member States shall notify the Commission without delay and at the latest within 30 days any event requiring an addition to, deletion from or modification of the ICCAT record of large scale fishing vessels. The Commission shall at the latest within 45 days from the date of the event, submit that information to the ICCAT Secretariat.

¹⁹ ISBN 978-92-5-106226-5 (<http://www.fao.org/docrep/012/i0725e/i0725e.pdf>).

4. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 large scale fishing vessels not entered into the ICCAT record of large scale fishing vessels shall not be allowed to target, retain on board, tranship or land ICCAT species from the ICCAT Convention Area.

Chapter II

Chartering

Article 44

Scope

This Chapter shall apply to chartering arrangements other than bareboat chartering, between Union catching vessels and CPCs, where the Union catching vessels involved do not change their flag.

Article 45

General provisions

1. Union catching vessels shall be allowed to participate in a chartering arrangement concluded with CPCs only as chartered vessels subject to the following conditions:
 - (a) the chartered vessels shall have a fishing license issued by the chartering CPC and shall not be on the ICCAT IUU list;
 - (b) the chartered vessels shall not be authorised to fish under more than one chartering arrangement at the same time;
 - (c) the catches of the chartered vessels shall be unloaded exclusively in the ports of the chartering CPCs, unless otherwise provided for in the chartering arrangement;
 - (d) the chartering company shall be legally established in the chartering CPC.
2. Any transhipment at sea shall be previously and duly authorised by the chartering CPC and shall comply with the provisions laid down in Chapter IV.

Article 46

Notification

1. At the time the chartering arrangement is made, the flag Member State shall provide to the Commission its consent to the chartering arrangement.
2. If, within 15 calendar days of the transmission to the Commission of the information referred to in paragraph 1, the Commission has not required further information, the chartered vessel may start the concerned fishing activities.
3. The flag Member State shall inform the Commission without delay about the termination of each charter.

4. The Commission shall forward without delay the information referred to in paragraphs 1 and 3 to the Executive Secretary of ICCAT.

Chapter III

Control of catches

Article 47

Compliance with quotas and minimum size requirements

1. By 30 June of each year Member States shall submit to the Commission information on the catches of ICCAT species of the previous year subject to quotas and on the compliance with minimum sizes.
2. The Commission shall forward that information to the ICCAT Secretariat by 15 September of each year.

Article 48

Catch sampling

1. Sampling of catches for the purposes of improving the knowledge on the biology of the relevant ICCAT species and of estimating the necessary parameters for their evaluation shall be carried out in accordance with the provisions laid down in Council Regulation (EC) No 199/2008²⁰, Commission Decision 2010/93/EU²¹, and the requirements of the 'Field manual for statistics and sampling Atlantic tunas and tuna-like fishes' (Third edition, ICCAT, 1990).
2. The Commission may adopt implementing acts as regards detailed requirements for the catch sampling referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).

Article 49

Catch and fishing effort notification

1. Unless otherwise established by the Commission in order to meet annual deadlines set by ICCAT, Member States shall transmit to the Commission the following data (Task I data) by 30 June each year:
 - (a) information on the characteristics of their fleet for the previous year;
 - (b) estimates of the annual nominal catch data (including by-catch and discards data) concerning ICCAT species for the previous year.

²⁰ Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework concerning the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).

²¹ Commission Decision 2010/93/EU of 18 December 2009 adopting a multiannual Community programme for the collection, management and use of data in the fisheries sector for the period 2011-2013 (OJ L 41, 16.2.2010, p. 8).

2. Unless otherwise established by the Commission to meet annual deadlines set by ICCAT, Member States shall transmit to the Commission the following data (Task II data) for the ICCAT species by not later than 30 June each year:
 - (a) catch and fishing effort data for the previous year, giving a detailed spatio-temporal breakdown; those data shall include estimates of discards and releases with the indication of the status of the fish (dead or alive);
 - (b) any data they have on catches in recreational fisheries for the previous year.
3. The Commission shall forward the information referred to in paragraphs 1 and 2 to ICCAT without delay.
4. The Commission may adopt implementing acts as regards detailed requirements for the Task I and II data referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).

Chapter IV

Transhipment

Article 50

Scope

1. This Chapter shall apply to the following transhipment operations:
 - (a) transhipment operations carried out within the ICCAT Convention area in respect of ICCAT species and other species caught in association with these species; and
 - (b) transhipment operations carried out outside the ICCAT Convention area in respect of ICCAT species, and other species caught in association with these species, that were harvested in the ICCAT Convention area.
2. By way of derogation from paragraph 1(b), this Chapter shall not apply to transhipments at sea outside the ICCAT Convention area of fish caught in the ICCAT Convention area where such transhipment is subject to a programme for transhipment established by another tuna regional fisheries management organisation.
3. This Chapter shall not apply to harpoon vessels engaged in the transhipment of fresh swordfish at sea.

Article 51

In-port transhipment

1. All transhipment operations shall take place in port, except those carried out by large scale pelagic longline vessels pursuant to Articles 52 to 59.

2. Union fishing vessels shall comply with the obligations set out in Annex VII when carrying out transhipments in port.
3. This Article shall be without prejudice to Articles 17 to 22 of Regulation (EC) No 1224/2009 and Articles 4, 6, 7 and 8 of Regulation (EC) No 1005/2008.

Article 52
At-sea transhipment

Transhipment operations at sea by large scale pelagic longline vessels shall take place in accordance with Articles 53 to 59.

Article 53
ICCAT record of carrier vessels

1. Member States shall issue authorisations in accordance with the provisions laid down in Regulation XXXX/2016 [new FAR regulation] to carrier vessels allowed to receive transhipments at sea from large scale pelagic longline vessels in the ICCAT Convention area.
2. Member States shall submit to the Commission at time of authorisation a list of carrier vessels authorised pursuant to paragraph 1. The Commission shall without delay submit this information to the ICCAT Secretariat for inclusion in the ICCAT record of carrier vessels.
3. Flag Member States shall promptly notify the Commission of any addition to, any deletion from or any modification to the ICCAT record of carrier vessels. The Commission shall without delay submit this information to the ICCAT Secretariat.
4. The notification referred to in paragraphs 2 and 3 shall reflect the format and layout established by the ICCAT Secretariat and shall include the following information:
 - name of vessel, register number;
 - ICCAT Record Number (if any);
 - IMO number;
 - previous name (if any);
 - flag (if any);
 - previous details of deletion from other registries (if any);
 - international radio call sign;
 - type of vessels, length, gross registered tonnage (GRT) and carrying capacity;
 - name and address of owner(s) and operator(s);
 - time period authorised for transhipping.

5. Transshipment at sea referred to in Article 52 may only be received by carrier vessels entered on the ICCAT record of carrier vessels.

Article 54

Large scale pelagic longline vessels authorised to tranship in the ICCAT Convention area

1. Member States shall issue authorisations in accordance with the provisions laid down in Article 5 of Regulation XXXX/2016 [new FAR Regulation] to large scale pelagic longline vessels flying their flag which are allowed to tranship at sea.
2. Member States shall submit to the Commission at time of authorisation a list of large scale pelagic longline vessels flying their flag, which are authorised pursuant to paragraph 1. The Commission shall without delay submit this information to the ICCAT Secretariat.
3. Flag Member States shall promptly notify the Commission of any addition to, any deletion from or any modification to their list of large scale pelagic longline vessels authorised to tranship at sea. The Commission shall without delay submit this information to the ICCAT Secretariat.
4. The notification referred to in paragraphs 2 and 3 shall reflect the format and layout established by the ICCAT Secretariat and shall include the following information:
 - name of vessel, register number;
 - ICCAT Record Number;
 - time period authorised for transshipping at sea;
 - flag(s), name(s) and register number(s) of the carrier vessel(s) authorised for use by the large scale pelagic longline vessel(s).

Article 55

Prior authorisations for at-sea transhipment

1. Transshipments by large scale pelagic longline vessels in waters under the jurisdiction of a CPC are subject to prior authorisation from that CPC. An original or copy of that authorisation shall be retained on the vessel and made available to the ICCAT regional observer when requested.
2. Large scale pelagic longline vessels shall not be allowed to tranship at sea unless they have obtained prior authorisation from their flag Member State. An original or copy of the documentation of that authorisation shall be retained on the vessel and made available to the ICCAT observer when requested.
3. To receive the prior authorisations mentioned in paragraphs 1 and 2, the master or owner of the large scale pelagic longline vessel shall notify the following information to its flag Member State authorities and to the coastal CPC, at least 24 hours in advance of the intended transhipment:

- (a) the name of the large scale pelagic longline vessel and its number in the ICCAT list of large scale pelagic longline vessels authorised to tranship at sea;
- (b) the name of the carrier vessel and its number in the ICCAT record of carrier vessels;
- (c) the product to be transhipped, by species, where known, and, if possible, by stock;
- (d) the quantities of ICCAT species, if possible, by stock, to be transhipped;
- (e) the quantities of other species caught in association with ICCAT species by species, where known, to be transhipped;
- (f) the date and location of transhipment;
- (g) the geographic location of the catches by species and, where appropriate, by stock, consistent with ICCAT statistical areas.

Article 56
ICCAT transhipping declaration

1. The master or owner of the large scale pelagic longline vessel shall complete and transmit to its flag Member State and to the coastal CPC not later than 15 days after the transhipment, the ICCAT transhipment declaration.
2. The master of the receiving carrier vessel shall, within 24 hours of the completion of the transhipment, complete and transmit to the ICCAT Secretariat, to the flag CPC of the large scale pelagic longline vessel and to its flag Member State the ICCAT transhipment declaration, along with its number in the ICCAT record of carrier vessels.
3. The master of the receiving carrier vessel shall, 48 hours before landing, transmit to the competent authorities of the State where the landing is to take place the ICCAT transhipment declaration, along with its number in the ICCAT record of carrier vessels.
4. All ICCAT species and any other species caught in association with those species landed in or imported into the area or territory of a CPC, either unprocessed or after having being processed on board, and which are transhipped at sea, shall be accompanied by the ICCAT transhipment declaration until the first sale has taken place.

Article 57
ICCAT regional observer programme for at-sea transhipment

1. Each Member State shall ensure that all carrier vessels transhipping at sea have on board an ICCAT observer in accordance with the ICCAT regional observer programme for at-sea transhipment as laid down in Annex VIII.

2. The ICCAT observer shall be tasked to verify compliance with this Chapter, and, notably, whether the transhipped quantities are consistent with the reported catch in the ICCAT transshipment declaration and with the catches recorded in the fishing vessel logbook.
3. Vessels shall be prohibited from commencing or continuing transhipping in the ICCAT Convention area without an ICCAT regional observer on board, except in cases of *force majeure* duly notified to the ICCAT Secretariat.

Article 58
Reporting obligations

1. The flag Member State of large scale pelagic longline vessels which have transhipped and the flag Member State of carrier vessels which have accepted transshipments during the previous year shall report annually by 15 August to the Commission:
 - (a) the quantities of catches of ICCAT species, by species and, if possible, by stock, transhipped during the previous year;
 - (b) the quantities of other species caught in association with ICCAT species by species, where known, transhipped during the previous year;
 - (c) the list of the large scale pelagic longline vessels which have transhipped during the previous year;
 - (d) a comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their large scale pelagic longline vessels.
2. The Commission shall forward the information received pursuant to paragraph 1 to the ICCAT Secretariat by 15 September each year.

Article 59
Consistency of reported data

The Flag Member State of the large scale pelagic longline vessel engaged in at-sea transshipments shall review the information received pursuant to the provisions of this Regulation to determine consistency between the reported catches, transshipments, and landings of each vessel, including in cooperation with the landing State as necessary. This verification shall be carried out in such a manner so as to ensure that the vessel suffers the minimum interference and inconvenience and cause no deterioration in fish quality.

Chapter V

Scientific Observer Programmes

Article 60

Establishment of domestic scientific observer programmes

1. Member States shall establish domestic scientific observer programmes ensuring the following:
 - (a) a minimum of 5% observer coverage of fishing effort in each of the pelagic longlines, purse seines and baitboat fisheries;
 - (b) for chartered vessels, by way of derogation from point (a), a minimum of 10 % observer coverage of fishing effort in each of the pelagic longlines, purse seines and baitboat fisheries;
 - (c) a representative temporal and spatial coverage of the operation of the fleet to ensure the collection of adequate and appropriate data, taking into account characteristics of the fleets and fisheries;
 - (d) data collection on all aspects of the fishing operation, including catch, as specified in Article 62(1).
2. The observer coverage referred to in paragraph 1(a) and (b) shall be calculated as follows:
 - (a) in number of sets or trips for purse seine fisheries;
 - (b) in fishing days, number of sets, or trips for pelagic longline fisheries; or
 - (c) in fishing days for baitboat fisheries.
3. By way of derogation from point (a) of paragraph 1, for vessels less than 15 meters, where an extraordinary safety concern may exist that precludes deployment of an onboard observer, a Member State may employ an alternative scientific monitoring approach. That alternative approach shall ensure a coverage comparable to that specified in paragraph 1(a) and an equivalent collection of data. The Member State concerned shall present the details of the approach to the Commission.
4. The Commission shall submit the details of the approach to the ICCAT Standing Committee for Research and Statistics for evaluation. Alternative approaches implemented pursuant to this provision shall be subject to the approval of the ICCAT Commission at the ICCAT annual meeting prior to implementation.

Article 61

Qualifications of scientific observers

Member States shall ensure that observers have followed the required training and are approved before their deployment. The observers shall possess the following qualifications:

- (a) sufficient knowledge and experience to identify species and collect information on different fishing gear configurations;
- (b) satisfactory knowledge of the ICCAT conservation and management measures;
- (c) ability to observe and record accurately data to be collected under the programme;
- (d) ability to collect biological samples;
- (e) not be a crew member of the fishing vessel being observed; and
- (f) not be an employee of a fishing vessel company involved in the observed fishery.

Article 62
Responsibilities of scientific observers

1. In particular, Member States shall require observers to:
 - (a) record and report information on the fishing activity, which shall include at least the following:
 - (i) data concerning total target catch, by-catch and discards (including sharks, sea turtles, marine mammals, and seabirds), size composition, disposition status (i.e. retained, discarded dead, released alive), and biological samples for life history studies (e.g. gonads, otoliths, spines, scales);
 - (ii) fishing operation information, including area of catch by latitude and longitude, fishing effort information (e.g. number of sets, number of hooks, etc.), date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity;
 - (b) observe and record the use of by-catch mitigation measures and other relevant information;
 - (c) submit any proposals they consider appropriate to improve the efficiency of conservation measures and scientific monitoring.
2. Member States shall ensure use of robust data collection protocols, including, if necessary, the use of photography or cameras.
3. Masters of the vessels shall ensure appropriate access to the vessel and its operations to allow the observer to carry out its responsibilities effectively.

Article 63
Submission of collected information

By 30 June of each year Member States shall submit to the Commission the information collected under their domestic observer programmes. The Commission shall forward that information to the ICCAT Secretariat by 31 July of each year.

Chapter VI

Control of third country vessels in Member State ports

Article 64

Reporting obligations with regard to designated ports and points of contact

1. Member States wishing to grant access to its ports to third country fishing vessels carrying ICCAT species or fish products originating from such species that have not been previously landed or transhipped at ports shall:
 - (a) designate their ports to which third country fishing vessels may request entry pursuant to Article 5 of Regulation (EC) 1005/2008;
 - (b) designate a point of contact for the purposes of receiving prior notice pursuant to Article 6 of Regulation (EC) 1005/2008;
 - (c) designate a point of contact for the purposes of transmitting port inspection reports pursuant to Article 65.
2. Member States shall transmit any changes to the list of designated ports and designated points of contact to the Commission at least 30 days before such changes take effect. The Commission shall notify that information to the ICCAT Secretariat at least 14 days before those changes take effect.

Article 65

Reporting obligations with regard to port inspections

1. The inspecting Member State shall transmit a copy of the port inspection report referred to in Article 10(3) of Regulation (EC) 1005/2008 to the Commission no later than 10 days following the date of completion of the inspection. The Commission shall forward that information to the ICCAT Secretariat no later than 14 days following the date of completion of the inspection.
2. If the port inspection report cannot be transmitted within 10 days, the inspecting Member State shall notify the Commission within a 10 days' time period the reasons for the delay and when the report will be submitted.
3. If the information collected during the inspection provides evidence to the official to believe that a third country vessel has committed an infringement of the ICCAT conservation and management measures, Article 11 of Regulation (EC) No 1005/2008 shall apply.

Chapter VII Enforcement

Article 66

Alleged infringements reported by the Member States

1. In addition to the requirements set out in Article 48(4) of Regulation (EC) No 1005/2008, Member States shall submit to the Commission any documented information that indicates possible non-compliance of CPCs with ICCAT conservation and management measures at least 140 days before the ICCAT annual meeting. The Commission shall examine that information and, if appropriate, forward it to the ICCAT Secretariat at least 120 days before the ICCAT annual meeting.
2. Member States shall submit to the Commission the list of catching vessels 12 meters or greater in length overall and fish processing vessels, tug and towing vessels, vessels engaged in transshipment, and support vessels alleged to be carrying out IUU fishing activities in the ICCAT Convention Area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity. That list shall be submitted at least 140 days before the ICCAT annual meeting. The Commission shall examine that information and, if the information is sufficiently documented, forward it to the ICCAT Secretariat at least 120 days before the ICCAT annual meeting for the purpose of establishing the ICCAT draft IUU list.

Article 67

Draft IUU list

Member States shall closely monitor the vessels included in the ICCAT Draft IUU list circulated by the ICCAT Executive Secretary, in order to determine the activities and possible changes of name, flag or registered owner of those vessels.

Article 68

Alleged non-compliances reported by the ICCAT Executive Secretary

1. If the Commission receives from the ICCAT Executive Secretary any information indicating a suspected non-compliance by a Member State, the Commission shall transmit that information to the concerned Member State without delay.
2. The concerned Member State shall provide the Commission with the findings of any investigation taken in relation to the allegations of non-compliance and any actions taken to address compliance issues not later than 45 days before the ICCAT annual meeting. The Commission shall forward that information to the ICCAT Executive Secretary at least 30 days before the ICCAT annual meeting.

Article 69
Alleged infringements reported by a CPC

1. Member States shall designate a point of contact for the purpose of receiving port inspection reports from CPCs.
2. Member States shall transmit to the Commission any changes to the contact point referred to in paragraph 1 at least 30 days before such changes take effect. The Commission shall notify that information to the ICCAT Secretariat at least 14 days before those changes take effect.
3. If the contact point designated by a Member State receives a port inspection report from a CPC providing evidence that a fishing vessel flying the flag of that Member State has committed an infringement of ICCAT conservation and management measures, the Member State shall promptly investigate the infringement and notify the Commission within 160 days of such receipt of the status of the investigation and of any enforcement action that may have been taken.
4. If the flag Member State cannot meet the deadline referred to in paragraph 1, it shall notify the Commission the reasons for the delay and when the status report will be submitted.
5. The Commission shall forward that information to the ICCAT Secretariat within 180 days from the receipt of the inspection report and shall include in the annual report referred to in Article 70 information regarding the status of the investigations and any enforcement actions undertaken by the flag Member State.

TITLE IV
FINAL PROVISIONS

Article 70
Annual report

1. By 30 June of each year Member States shall submit to the Commission an annual report for the preceding calendar year, comprising information on fisheries, research, statistics, management, inspection activities and any additional information as appropriate.
2. The annual report shall include information on the steps taken to mitigate by-catch and reduce discards, and on any relevant research in this field.
3. The Commission shall compile the information received and forward it to ICCAT without delay.
4. The Commission may adopt implementing acts as regards detailed requirements for the format for annual report referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).

Article 71
Confidentiality

Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.

Article 72
Procedure for amendments

In order to implement amendments to the existing ICCAT recommendations into Union law, the Commission shall be empowered to adopt delegated acts in accordance with Article 73 amending:

- (a) Annexes II to VIII to this Regulation;
- (b) the time limits laid down in Articles 7(1), 8, 9(1), 10(2), 14(1) and (3), 18, 20(2), (3), and (4), 22(2), 23(1) and (2), 26(1) and (3), 40(1), 42(1), 43(3), 46(2), 47(1) and (2), 49(1) and (2), 55(3), 56(1), (2) and (3), 58(1) and (2), 63, 64(2), 65(1) and (2), 66(1) and (2), , 68(2), 69(2), (3) and (5) and 70(1);
- (c) the area laid down in Article 14(1)(b);
- (d) the minimum sizes laid down in Articles 19(1) and (2), 24(2), 29(2) and (3);
- (e) the tolerances laid down in Articles 19(2) and (3), 21 and 24(3);
- (f) the technical specifications of hooks and longlines laid down in Articles 25 and 38(5)(b);
- (g) the scientific observer coverage laid down in Article 29(1), and 60(1)(a) and (b);
- (h) the type of information and data laid down in Articles 11(1), (2) and (3), 12, 20(2), 26(1), 42(1), 49(1) and (2), 53(4), 54(4), 55(3) and 58(1);
- (i) the maximum number of instrumental buoys laid down in Article 9(4).

Article 73
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 72 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.
3. The delegation of power referred to in Article 72 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union*.

Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 72 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 74
Implementation

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 75
Amendments to Regulation (EC) No 1936/2001

In Regulation (EC) No 1936/2001, Articles 4, 5, 6, 6(a), 7, 8a, 8b, 8c, 9, 9a, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 are deleted.

Article 76
Amendments to Regulation (EC) No 1984/2003

Regulation (EC) No 1984/2003 is amended as follows:

- (a) In Article 3, the following points (g) and (h) are added:

"(g) 'large scale fishing vessels' means fishing vessels 20 meters in length overall or greater;

(h) 'large scale pelagic longline vessels' means pelagic longline vessels 24 meters in length overall or greater;"
- (b) In Article 4(2), the following point (c) is added:

"(c) if the fishing has been carried out by a large scale fishing vessel, be accepted only when that vessel is on the ICCAT record of vessels".
- (c) In Article 5(2), the following point (c) is added:

"(c) if the fishing has been carried out by a large scale fishing vessel, be validated only when the that vessel is on the ICCAT record of vessels".

(d) In Chapter 2, the following Section 4 is added:

**"SECTION 4
REQUIREMENTS ON MEMBER STATES IN RESPECT OF TRANSHIPPED PRODUCTS
IN THE ICCAT CONVENTION AREA**

*Article 7a
Statistical documents and reporting*

1. When validating statistical documents, the flag Member State of large scale pelagic longline vessels shall ensure that transshipments are consistent with the reported catch amount by each such vessel.
2. The flag Member State of large scale pelagic longline vessels shall validate statistical documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with Articles 50 to 57 of [ICCAT transposition Regulation]. That confirmation shall be based on the information obtained through the ICCAT Observer Programme for at-sea transshipment.
3. Member States shall require that the species covered by the statistical document programs caught by large scale pelagic longline vessels in the ICCAT Convention area, when imported into their area or territory, are accompanied by statistical documents validated for the vessels on the ICCAT list of large scale pelagic longline vessels authorised to tranship at sea and a copy of the ICCAT transshipment declaration."

*Article 77
Amendments to Regulation (EC) No 520/2007*

In Regulation (EC) No 520/2007, Article 4(1), Title II and Annexes II, III and IV are deleted.

*Article 78
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*.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President