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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	ANNEXES to the 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

Delegations will find attached document COM(2016) 401 final - ANNEXES 1 to 8.

Encl.: COM(2016) 401 final - ANNEXES 1 to 8



EUROPEAN
COMMISSION

Brussels, 17.6.2016
COM(2016) 401 final

ANNEXES 1 to 8

ANNEXES

to the 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**

Annex I
ICCAT species

<i>Family</i>	<i>Latin name</i>	<i>English name</i>
<i>Scombridae</i>	<i>Acanthocybium solandri</i>	Wahoo
	<i>Allothunnus fallai</i>	Slender tuna
	<i>Auxis rochei</i>	Bullet tuna
	<i>Auxis thazard</i>	Frigate tuna
	<i>Euthynnus alletteratus</i>	Little tunny/Atlantic black skipjack
	<i>Gasterochisma melampus</i>	Butterfly kingfish
	<i>Katsuwonus pelamis</i>	Skipjack
	<i>Orcynopsis unicolor</i>	Plain bonito
	<i>Sarda sarda</i>	Atlantic bonito
	<i>Scomberomorus brasiliensis</i>	Serra Spanish mackerel
	<i>Scomberomorus cavalla</i>	King mackerel
	<i>Scomberomorus maculatus</i>	Spotted Atlantic Spanish mackerel
	<i>Scomberomorus regalis</i>	Cero
	<i>Scomberomorus tritor</i>	West African Spanish mackerel
	<i>Thunnus alalunga</i>	Albacore
	<i>Thunnus albacares</i>	Yellowfin tuna
	<i>Thunnus atlanticus</i>	Blackfin tuna
	<i>Thunnus maccoyii</i>	Southern bluefin tuna
	<i>Thunnus obesus</i>	Bigeye tuna
<i>Thunnus thynnus</i>	Bluefin tuna	
<i>Istiophoridae</i>	<i>Istiophorus albicans</i>	Atlantic sailfish
	<i>Makaira indica</i>	Black marlin
	<i>Makaira nigricans</i>	Atlantic blue marlin
	<i>Tetrapturus albidus</i>	Atlantic white marlin

	Tetrapturus belone	Mediterranean Spearfish
	Tetrapturus georgii	Roundscale Spearfish
	Tetrapturus pfluegeri	Longbill Spearfish
<i>Xiphiidae</i>	Xiphias gladius	Swordfish
<i>Alopiidae</i>	Alopias superciliosus	Bigeye thresher shark
<i>Carcharhinidae</i>	Carcharhinus falciformis	Silky shark
	Carcharhinus longimanus	Oceanic whitetip shark
	Prionace glauca	Blue shark
<i>Lamnidae</i>	Isurus oxyrinchus	Shortfin mako shark
	Lamna nasus	Porbeagle shark
<i>Sphyrnidae</i>	Sphyrna spp.	Hammerhead sharks
<i>Coryphaenidae</i>	Coryphaena hippurus	Dolphinfish

Annex II

Guidelines for preparation of FAD management plans

The FAD Management Plan for a CPC purse seine and bait boat fleets must include the following:

1. Description
 - a) FAD types: AFAD = anchored; DFAD = drifting
 - b) Type of beacon/buoy
 - c) Maximum number of FAD to be deployed per purse seine and per FAD type
 - d) Minimum distance between AFADs
 - e) Incidental by-catch reduction and utilization policy
 - f) Consideration of interaction with other gear types
 - g) Statement or policy on “FAD ownership”

2. Institutional arrangements
 - a) Institutional responsibilities for the FAD Management plan
 - b) Application processes for FAD deployment approval
 - c) Obligations of vessel owners and masters in respect of FAD deployment and use
 - d) FAD replacement policy
 - e) Additional reporting obligations beyond this Regulation
 - f) Conflict resolution policy in respect of FADs
 - g) Details of any closed areas or periods e.g. territorial waters, shipping lanes, proximity to artisanal fisheries, etc.

3. FAD construction specifications and requirements
 - a) FAD design characteristics (a description)
 - b) Lighting requirements
 - c) Radar reflectors

- d) Visible distance
- e) FAD markings and identifier
- f) Radio buoys markings and identifier (requirement for serial numbers)
- g) Echo-sounder buoys markings and identifier (requirement for serial numbers)
- h) Satellite transceivers
- i) Research undertaken on biodegradable FADs
- j) Prevention of loss or abandonment of FADs
- k) Management of FADs recovery.

4. Applicable period for the FAD Management Plan

5. Means for monitoring and reviewing the implementation of the FAD Management Plan

Annex III

List of deployed FADs on a quarterly basis

FAD Identifier		FAD & electronic equipment types		FAD Design characteristics				Observation
FAD Marking	Associated beacon ID	FAD Type	Type of the associated beacon and /or electronic devices	FAD floating part		FAD underwater hanging structure		
				Dimensions	Materials	Dimensions	Materials	
(1)	(1)	(2)	(3)	(4)	(5)	(4)	(6)	(7)
...
...

(1) If FAD marking and associated beacon ID are absent or unreadable, mention it and provide all available information which may help to identify the owner of the FAD.

(2) Anchored FAD, drifting natural FAD or drifting artificial FAD.

(3) E.g. GPS, sounder, etc. If no electronic device is associated to the FAD, note this absence of equipment.

(4) E.g. width, length, high, depth, mesh sizes, etc.

(5) Mention the material of the structure and of the cover and if biodegradable.

(6) E.g. nets, ropes, palm leaves, etc... and mention the entangling and/or biodegradable features of the material.

(7) Lighting specifications, radar reflectors and visible distances shall be reported in this section.

Annex IV
Observer Programme requirements for vessels fishing for tropical tunas in the geographical areas of the area/time closure

1. The observers shall have the following qualifications to accomplish their tasks:
 - sufficient experience to identify species and fishing gear;
 - satisfactory knowledge of the ICCAT conservation and management measures assessed by a certificate provided by the Member State and based on ICCAT training guidelines;
 - the ability to observe and record accurately;
 - a satisfactory knowledge of the language of the flag state of the vessel observed.
2. The observers shall not be crew members of the fishing vessel being observed and shall:
 - (a) be nationals of one of the CPCs;
 - (b) be capable of performing the duties set forth in point 3 below;
 - (c) not have current financial or beneficial interests in the tropical tuna fisheries.

Observer tasks

3. The observer tasks shall be in particular:
 - (a) to monitor the fishing vessels' compliance with the relevant conservation and management measures adopted by the ICCAT Commission.

In particular the observers shall:

 - (i) record and report upon the fishing activities carried out;
 - (ii) observe and estimate catches and verify entries made in the logbook;
 - (iii) sight and record vessels which may be fishing in contravention to ICCAT conservation and management measures;
 - (iv) verify the position of the vessel when engaged in catching activity;
 - (v) carry out scientific work such as collecting Task II data when required by ICCAT, based on the directives from the SCRS.
 - (b) report without delay, with due regard to the safety of the observer, any fishing activity associated with FADs made by the vessel in the area and during the period referred to in Article 11.
 - (c) establish general reports compiling the information collected in accordance with this paragraph and provide the master and farm operator the opportunity to include therein any

relevant information.4. The observers shall treat as confidential all information with respect to the fishing and transshipment operations of the fishing vessels and accept this requirement in writing as a condition of appointment as an observer.

5. The observers shall comply with requirements established in the laws and regulations of the flag Member State which exercises jurisdiction over the vessel to which the observer is assigned.

6. The observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this programme, and with the obligations set forth in point 7.

Obligations of the flag Member State

7. The responsibilities regarding observers of the flag Member States of the fishing vessels and their masters shall include the following, notably:

(a) the observers shall be allowed to access to the vessel personnel and to the gear and equipment;

(b) upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in point 3:

(i) satellite navigation equipment;

(ii) radar display viewing screens when in use;

(iii) electronic means of communication.

(c) the observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;

(d) the observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and

(e) the flag Member State shall ensure that masters, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

Annex V
Minimum technical standards for mitigation measures

<i>Mitigation measure</i>	<i>Description</i>	<i>Specification</i>
Night setting with minimum deck lighting	No setting between nautical dawn and before nautical dusk. Deck lighting to be kept to a minimum	Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date. Minimum deck lighting should not breach minimum standards for safety and navigation.
Bird-scaring lines (Tori lines)	Bird-scaring lines shall be deployed during longline setting to deter birds from approaching the branch line.	<p>For vessels greater than or equal to 35m:</p> <ul style="list-style-type: none"> - deploy at least 1 bird-scaring line. Where practical, vessels are encouraged to use a second tori pole and bird scaring line at times of high bird abundance or activity; both tori lines should be deployed simultaneously, one on each side of the line being set; - aerial extent of bird-scaring lines must be greater than or equal to 100 m. - long streamers of sufficient length to reach the sea surface in calm conditions must be used; - long streamers must be at intervals of no more than 5m. <p>For vessels less than 35m:</p> <ul style="list-style-type: none"> - deploy at least 1 bird-scaring line; - aerial extent must be greater than or equal to 75m; - long and/or short (but greater than 1m in length) streamers must be used and placed at intervals as follows: <ul style="list-style-type: none"> • Short: intervals of no more than 2m. • Long: intervals of no more than 5m for the first 55 m of bird scaring line. <p>Additional design and deployment guidelines for bird-scaring lines are provided in Supplemental Guidelines for Design and</p>

		Deployment of tori lines below.
Line weighting	Line weights to be deployed on the snood prior to setting	<p>Greater than a total of 45 g attached within 1 m of the hook; or</p> <p>Greater than a total of 60 g attached within 3.5 m of the hook; or</p> <p>Greater than a total of 98 g weight attached within 4 m of the hook.</p>

Supplemental Guidelines for Design and Deployment of Tori Lines

Preamble

Minimum technical standards for deployment of tori lines are found in Table above of this Annex. These supplemental guidelines are designed to assist in preparation and implementation of tori line regulations for longline vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged, within the requirements of the Table above. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. On-going improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.

Tori line design

1. An appropriate towed device on the section of the tori line in the water can improve the aerial extension.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. The line is best attached to the vessel with a robust barrel swivel to reduce tangling of the line.
4. The streamers should be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) suspended from a robust three-way swivel (that again reduces tangles) attached to the tori line.
5. Each streamer should consist of two or more strands.
6. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.

Deployment of tori lines

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with fishing gear. Greater pole height provides greater bait protection. For example, a height of around 7 m above the water line can give about 100 m of bait protection.
2. If vessels use only one tori line it should be set to windward of sinking baits. If baited hooks are set outboard of the wake, the streamer line attachment point to the vessel should be positioned several meters outboard of the side of the vessel that baits are deployed. If vessels use two tori lines, baited hooks should be deployed within the area bounded by the two tori lines.
3. Deployment of multiple tori lines is encouraged to provide even greater protection of baits from birds.
4. Because there is the potential for line breakage and tangling, spare tori lines should be carried on board to replace damaged lines and to ensure fishing operations can continue uninterrupted. Breakaways can be incorporated into the tori line to minimize safety and operational problems should a longline float foul or tangle with the in-water extent of a streamer line.
5. When fishers use a bait casting machine (BCM), they must ensure coordination of tori line and machine by:
 - (i) ensuring the BCM throws directly under the tori line protection, and
 - (ii) when using a BCM (or multiple BCMs) that allows throwing to both port and starboard, two tori lines should be used.
6. When casting branchline by hand, fishers should ensure that the baited hooks and coiled branchline sections are cast under the tori line protection, avoiding the propeller turbulence which may slow the sink rate.
7. Fishers are encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.

Annex VI

Detailed requirements for the release of turtles

Regarding safe-handling practices:

(i) When a turtle is to be removed from the water, an appropriate basket lift or dip-net shall be used to bring aboard sea turtles that are hooked or entangled in gear. No turtle shall be hauled from the water by a fishing line attached to, or entangled upon the body of a turtle. If the turtle cannot be safely removed from the water, the crew should cut the line as close as possible to the hook, without inflicting additional unnecessary harm on the turtle.

(ii) In cases where marine turtles are taken on board, vessel operators or crew shall assess the condition of sea turtles that are caught or entangled prior to release. Those turtles with difficulties to move or are unresponsive shall be kept on board to the extent practicable and assisted in a manner consistent with maximizing their survival prior to release. These practices are described further in the FAO's Guidelines to reduce sea turtle mortality in fishing operations.

(iii) To the extent practicable, turtles handled in fishing operations or during national observer programmes (e.g. tagging activities) shall be handled in a manner consistent with the FAO's Guidelines to Reduce Sea Turtle Mortality in Fishing Operations.

Regarding the use of line cutters:

(i) Longline vessels shall carry on board line-cutters and use these when de-hooking is not possible without harming the marine turtle while releasing them.

(ii) Other types of vessels that use gear that may entangle sea turtles shall carry on board line-cutters and use these tools to safely remove gear, and release sea turtles.

Regarding the use of de-hooking devices:

(i) Longline vessels shall carry on board de-hooking devices to effectively remove hooks from sea turtles.

(ii) When a hook is swallowed, no attempt shall be made to remove the hook. Instead, the line must be cut as close to the hook as possible without inflicting additional unnecessary harm on the turtle.

Annex VII In-Port Transshipment

1. Transshipment in-port by Union vessels or in Union ports of tuna and tuna-like species and any other species caught in association with these species in the Convention area shall follow the following procedures:

Notification obligations

2. Fishing vessel

2.1 At least 48 hours in advance of transshipment operations, the captain of the fishing vessel must notify to the port State authorities the name of the carrier vessel and date/time of transshipment.

2.2 The captain of a fishing vessel shall, at the time of the transshipment, inform its flag Member State of the following;

- the quantities of tuna and tuna-like species, if possible, by stock, to be transhipped;
- the quantities of other species caught in association with tuna and tuna-like species by species, where known, to be transhipped;
- the date and place of the transshipment;
- the name, registration number and flag of the receiving carrier vessel; and
- the geographic location of the catches by species and, where appropriate, by stock, consistent with ICCAT statistical areas.

2.3 The captain of the fishing vessel concerned shall complete and transmit to its flag Member State the ICCAT transshipment declaration, along with its number in the ICCAT record of fishing vessels, where applicable, not later than 15 days after the transshipment.

3. Receiving vessel

3.1 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of catches of tuna and tuna-like species transhipped to his vessel, and complete and transmit the ICCAT transshipment declaration to the competent authorities within 24 hours.

3.2 The master of the receiving carrier vessel shall, at least 48 hours before landing, complete and transmit an ICCAT transshipment declaration to the competent authorities of the landing State where the landing takes place.

Port and Landing State Cooperation

4. The port State and the landing State referred to in the above paragraphs shall review the information received pursuant to the provisions of this Annex, including in cooperation with the flag CPC of the fishing vessel as necessary, to determine consistency between the reported catches, transshipments, and landings of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.

Reporting

6. Each flag Member State of the fishing vessel shall include in its annual report each year to ICCAT the details on the transshipments by its vessels.

Annex VIII

ICCAT Regional Observer Programme for transshipment at-sea operations

1. Member States shall require carrier vessels included in the ICCAT record of vessels authorised to receive transshipments in the ICCAT area and which tranship at sea, to carry an ICCAT observer during each transshipment operation in the Convention area.
2. Observers shall be appointed by ICCAT and shall be placed on board the carrier vessels authorised to receive transshipments in the ICCAT area from large scale pelagic longline vessels (LSPLVs) flying the flag of CPCs that implement the ICCAT observer programme.

Designation of the observers

3. The designated observers shall have the following qualifications to accomplish their tasks:
 - demonstrated ability to identify ICCAT species and fishing gear with a strong preference given to those with experience as observers on pelagic longline vessels;
 - satisfactory knowledge of the ICCAT conservation and management measures;
 - the ability to observe and record accurately;
 - a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

4. Observers shall:
 - (a) have completed the technical training required by the guidelines established by ICCAT;
 - (b) not be nationals or citizens of the flag State of the receiving carrier vessel;
 - (c) be capable of performing the duties set forth in point 5 of this Annex;
 - (d) be included in the list of observers maintained by ICCAT;
 - (e) not be a crew member of the LSPLV or the carrier vessel or an employee of the LSPLV or carrier vessel company.
5. The observer shall monitor the LSPLV's and carrier vessel's adherence to the relevant conservation and management measures adopted by ICCAT. The observers' tasks shall be, in particular, to:
 - 5.1 Visit the LSPLV intending to tranship to a carrier vessel, taking into account the concerns reflected in point 9 of this Annex, and before the transshipment takes place, to:

- (a) check the validity of the fishing vessel's authorisation or license to fish for tuna and tuna-like species and any other species caught in association with those species in the Convention area;
- (b) inspect the fishing vessel's prior authorisations to tranship at sea from the flag CPC and, if appropriate, the coastal State;
- (c) check and record the total quantity of catch on board by species and, if possible, by stock, and the quantities to be transhipped to the carrier vessel;
- (d) check that the VMS is functioning and examine the logbook and verify entries, if possible;
- (e) verify whether any of the catch on board resulted from transfers from other vessels, and check the documentation on such transfers;
- (f) in the case of indication that there are any violations involving the fishing vessel, immediately report the violation(s) to the master of the carrier vessel (taking due regard of any safety considerations) and to the observer programme implementing company, who shall promptly forward it to the flag CPC authorities of the fishing vessel; and
- (g) record the results of these duties on the fishing vessel in the observer's report.

5.2 Observe the activities of the carrier vessel and:

- (a) record and report upon the transshipment activities carried out;
- (b) verify the position of the vessel when engaged in transshipping;
- (c) observe and estimate quantities of tuna and tuna-like species transhipped by species, if known, and, if possible, by stock;
- (d) observe and estimate the quantities of other species caught in association with tuna and tuna-like species by species, where known;
- (e) verify and record the name of the LSPLV concerned and its ICCAT record number;
- (f) verify the data contained in the transshipment declaration, including through comparison with the LSPLV logbook, where possible;
- (g) certify the data contained in the transshipment declaration;
- (h) countersign the transshipment declaration; and
- (i) observe and estimate quantities of product by species when offloaded in the port where the observer is disembarked to verify consistency with quantities received during at sea transshipment operations.

5.3 In addition, the observer shall:

- (a) issue a daily report of the carrier vessel's transshipping activities;
- (b) establish general reports compiling the information collected in accordance with the observer's duties and provide the captain the opportunity to include therein any relevant information;
- (c) submit to the ICCAT Secretariat the aforementioned general report within 20 days from the end of the period of observation;
- (d) exercise any other functions as defined by ICCAT.

6. Observers shall treat as confidential all information with respect to the fishing operations of the LSPLV and of the LSPLV owners and accept this requirement in writing as a condition of appointment as an observer;

7. Observers shall comply with requirements established in the laws and regulations of the flag Member State and, where relevant, the coastal State, which exercises jurisdiction over the vessel to which the observer is assigned.

8. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this programme, and with the obligations of vessel personnel set forth in point 9 of this Annex.

Responsibilities of the flag States of carrier vessels

9. The conditions associated with implementation of the regional observer programme vis à vis the flag States of the carrier vessels and their captains include the following, notably:

(a) Observers shall be allowed access to the vessel personnel, pertinent documentation, and to the gear and equipment;

(b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in point 5:

- (i) satellite navigation equipment;
- (ii) radar display viewing screens when in use;
- (iii) electronic means of communication; and
- (iv) scale used for weighing transhipped product;

(c) Observers shall be provided with accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;

(d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties;

(e) Observers shall be allowed to determine the most advantageous location and method for viewing transshipment operations and estimating species/stocks and quantities transhipped. In this regard, the master of the carrier vessel, giving due regard to safety and practical concerns, shall accommodate the needs of the observer in this regard, including, upon request, temporarily placing product on the carrier vessel deck for inspection by the observer and providing adequate time for the observer to carry out his/her duties. Observations shall be conducted in a manner that minimizes interference and avoids compromising the quality of the products transhipped.

(f) In light of the provisions of point 10, the master of the carrier vessel shall ensure that all necessary assistance is provided to the observer to ensure safe transport between the carrier and fishing vessels should weather and other conditions permit such an exchange; and

(g) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

Responsibilities of LSPLVs during transhipments

10. Observers shall be allowed to visit the fishing vessel, if weather and other conditions permit, and shall be granted access to personnel, all pertinent documentation, and areas of the vessel necessary to carry out their duties set forth in point 5 in this Annex. The master of the fishing vessel shall ensure that all necessary assistance is provided to the observer to ensure safe transport between the carrier and fishing vessels. Should conditions present an unacceptable risk to the welfare of the observer such that a visit to the LSPLV is not feasible prior to the start of transshipment operations, such operations may still be carried out.

Observer fees

11. The costs of implementing this programme shall be financed by the flag CPCs of LSPLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the programme. This fee shall be paid into a special account of the ICCAT Secretariat and the ICCAT Secretariat shall manage the account for implementing the programme.

12. No LSPLV may participate in the at-sea transshipment programme unless the fees, as required under point 11, are paid.