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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	24 April 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 229 final - ANNEX 3
Subject:	ANNEX to the Proposal for a Regulation of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish and amending Regulations (EC) No 1967/2006 and (EU) 2017/2107 ICCAT Scheme of Joint International Inspection

Delegations will find attached document **COM(2018) 229 final - ANNEX 3**.

Encl.: **COM(2018) 229 final - ANNEX 3**



Brussels, 24.4.2018
COM(2018) 229 final

ANNEX 3

ANNEX

to the

**Proposal for a Regulation of the European Parliament and of the Council
on a multiannual recovery plan for Mediterranean swordfish and amending Regulations
(EC) No 1967/2006 and (EU) 2017/2107**

ICCAT Scheme of Joint International Inspection

ANNEX III

ICCAT Scheme of Joint International Inspection

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

I. Serious violations

1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the Commission:

- (a) Fishing without a license, permit or authorization issued by the flag CPC;
- (b) Failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- (c) Fishing in a closed area;
- (d) Fishing during a closed season;
- (e) Intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the ICCAT;
- (f) Significant violation of catch limits or quotas in force pursuant to the ICCAT rules;
- (g) Using prohibited fishing gear;
- (h) Falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;
- (i) Concealing, tampering with or disposing of evidence relating to investigation of a violation;
- (j) Multiple violations which taken together constitute a serious disregard of measures in force pursuant to the ICCAT;
- (k) Assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorized inspector or observer;
- (l) Intentionally tampering with or disabling the vessel monitoring system;
- (m) Such other violations as may be determined by the ICCAT, once these are included and circulated in a revised version of these procedures;
- (n) Interference with the satellite monitoring system and/or operation of a vessel without a VMS system;
- (o) Transshipment at sea

2. In the case of any boarding and inspection of a fishing vessel during which the authorized inspectors observe an activity or condition that would constitute a serious violation, as defined in paragraph 1, the authorities of the flag State of the inspection vessel shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations, the inspector should, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

3. ICCAT inspectors should register the inspections undertaken and the infringements detected (if any) in the fishing vessel logbook.
4. The flag State CPC shall ensure that, following the inspection referred to in paragraph 2 of this Annex, the fishing vessel concerned ceases all fishing activities. The flag State CPC shall require the fishing vessel to proceed within 72 hours to a port designated by it, where an investigation shall be initiated.
5. In the case where an inspection has detected an activity or condition that would constitute a serious violation, the vessel should be reviewed under the procedures described in the Recommendation by ICCAT Further Amending Recommendation 09-10 Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area [Rec. 11-18], taking into account any response actions and other follow up.

II. Conduct of inspections

6. Inspections shall be carried out by inspectors designated by the Contracting Governments. The names of the authorized government agencies and individual inspectors designated for that purpose by their respective governments shall be notified to the ICCAT Commission.
7. Ships carrying out international boarding and inspection duties in accordance with this Annex shall fly a special flag or pennant approved by the ICCAT Commission and issued by the ICCAT Secretariat. The names of the ships so used shall be notified to the ICCAT Secretariat as soon as practical in advance of the commencement of inspection activities. The ICCAT Secretariat shall make information regarding designated inspection vessels available to all CPCs, including by posting on its password-protected website.
8. Inspectors shall carry appropriate identity documentation issued by the authorities of the flag State, which shall be in the form shown in paragraph 21 of this Annex.
9. Subject to the arrangements agreed under paragraph 16 of this Annex, a vessel flagged to a Contracting Government and fishing for tuna or tuna-like fishes in the Convention area outside waters under national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in paragraph 7 and carrying an inspector unless the vessel is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master of the vessel shall permit the inspection party, as specified in paragraph 10 of this Annex, to board it and must provide a boarding ladder. The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify compliance with the ICCAT Commission's recommendations in force in relation to the flag State of the vessel being inspected. Further, an inspector may ask for any explanations that he or she deems necessary.
10. The size of the inspection party shall be determined by the commanding officer of the inspection vessel taking into account relevant circumstances. The inspection party should be as small as possible to accomplish the duties set out in this Annex safely and securely.
11. Upon boarding the vessel, inspectors shall produce the identity documentation described in paragraph 8 of this Annex. Inspectors shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew, and shall minimize interference with fishing activities or stowage of product and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board; Inspectors shall limit their enquiries to the ascertainment of the observance of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned. In making the inspection, inspectors may ask the master of the fishing vessel for

any assistance they may require. Inspectors shall draw up a report of the inspection in a form approved by the ICCAT Commission. Inspectors shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he or she may think suitable and must sign such observations.

12. Copies of the report shall be given to the master of the vessel and to the government of the inspection party, which shall transmit copies to the appropriate authorities of the flag State of the inspected vessel and to the ICCAT Commission. Where any infringement of ICCAT recommendations is discovered, the inspector should, where possible, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

13. Resistance to inspectors or failure to comply with their directions shall be treated by the flag State of the inspected vessel in a manner similar to such conduct committed with respect to a national inspector.

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

15. Contracting Governments shall consider and act on inspection reports, sighting information sheets as per Recommendation [94-09] and statements resulting from documentary inspections of foreign inspectors under these arrangements on a similar basis in accordance with their national legislation to the reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting Government to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Governments shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

16.

a) Contracting Governments shall inform the ICCAT Commission by 1 January each year of their provisional plans for conducting inspection activities under this recommendation in that calendar year and the Commission may make suggestions to Contracting Governments for the coordination of national operations in this field including the number of inspectors and ships carrying inspectors;

b) The arrangements set out in this recommendation and the plans for participation shall apply between Contracting Governments unless otherwise agreed between them, and such agreement shall be notified to the ICCAT Commission. Provided, however, that implementation of the scheme shall be suspended between any two Contracting Governments if either of them has notified the ICCAT Commission to that effect, pending completion of such an agreement.

17.

a) The fishing gear shall be inspected in accordance with the regulations in force for the subarea for which the inspection takes place. Inspectors will state the subarea for which the inspection took place, and a description of any violations found, in the inspection report;

b) Inspectors shall have the authority to inspect all fishing gear in use or on board.



18. Inspectors shall affix an identification mark approved by the ICCAT Commission to any fishing gear inspected which appears to be in contravention of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned and shall record this fact in his/her report.

19. Inspectors may photograph the gears, equipment, documentation and any other element he/she considers necessary in such a way as to reveal those features which in their opinion are not in conformity with the regulation in force, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag State.

20. Inspectors shall, as necessary, inspect all catch on board to determine compliance with ICCAT recommendations.

21. The model Identity Card for inspectors is as follows:

Dimensions: Width 10.4cm, Height 7cm

<p>INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA</p>  <p>ICCAT</p> <p>Inspector Identity Card</p> <p>Contracting Party:</p> <p>Inspector Name:</p> <p>Card n°:</p> <p>Issue Date: Valid five years</p> <div data-bbox="201 763 370 945" style="border: 1px dashed black; padding: 5px; text-align: center;">Photograph</div>	 <p>ICCAT</p> <p>The holder of this document is an ICCAT inspector duly appointed under the terms of the Scheme of Joint International Inspection and Surveillance of the International Commission for the Conservation of the Atlantic Tuna and has the authority to act under the provision of the ICCAT Control and Enforcement measures.</p> <p>..... ICCAT Executive Secretary Issuing Authority</p> <p>..... Inspector</p>
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