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Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 - Mandate for negotiations with the European Parliament

Delegations will find herewith the Presidency compromise text on the above-mentioned proposal, as agreed at the Working Party on Internal and External Fisheries Policy at its meeting on 4 June 2020.

Changes to the Commission proposal are marked in **bold underline** and ~~**bold strikethrough**~~.

The Presidency notes that recitals will be reviewed at a later stage to reflect the agreement found as regards the Articles.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627

CHAPTER I
GENERAL PROVISIONS

Article 1
Subject matter

This Regulation lays down general rules for the uniform and effective implementation by the Union of the multiannual management plan for bluefin tuna (*Thunnus thynnus*) in the eastern Atlantic Ocean and the Mediterranean Sea, as adopted 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:
 - catch bluefin tuna in the Convention Area; and
 - tranship or carry on board, also outside the Convention Area, bluefin tuna caught in the Convention Area;
- (b) Union farms;
- (c) Third country fishing vessels, and third country vessels engaged in recreational fisheries that operate in Union waters and catch bluefin tuna in the Convention Area;
- (d) Third country vessels which are inspected in Member State ports and which carry on board bluefin tuna caught in the Convention Area, or fishery products originating from bluefin tuna caught in Union waters that have not been previously landed or transhipped at ports.

Article 3
Objective

The objective of this Regulation is to **implement the multiannual management plan for bluefin tuna, as adopted by ICCAT, which aims to** maintain a biomass of bluefin tuna above levels capable of producing maximum sustainable yield.

Article 4
Relationship with other Union law

Unless otherwise stated in this Regulation, the provisions of this Regulation shall apply without prejudice to other Union acts governing the fisheries sector, in particular:

- (1) Council Regulation (EC) No 1224/2009¹ establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy;
- (2) Council Regulation (EC) No 1005/2008² establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing;
- (3) Regulation (EU) 2017/2403³ of the European Parliament and of the Council on the sustainable management of the external fishing fleets;
- (4) Regulation (EU) 2017/2107⁴ 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).
- (4a) Regulation (EU) 2019/1241⁵ of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.**

¹ OJ L 343, 22.12.2009, p. 1.
² OJ L 286, 29.10.2008, p. 1.
³ OJ L 347, 28.12.2017, p. 81.
⁴ OJ L 315, 30.11.2017, p. 1.
⁵ OJ L 198, 25.07.2019, p. 105.

Article 5 **Definitions**

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

- (1 5) ‘ICCAT’ means the International Commission for the Conservation of Atlantic Tunas;
- (2 6) ‘the Convention’ means the International Convention for the Conservation of Atlantic Tunas⁶;
- (3 7) ‘Fishing vessel’ means any powered vessel used for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support vessels, towing vessels, vessels engaged in transshipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;
- (4 8) ‘Live bluefin tuna’ means bluefin tuna that is kept alive for a certain period in a trap, or transferred alive to a farming installation, ~~caged, farmed and finally harvested or released~~;
- (5 9) ‘SCRS’ means the Standing Committee on Research and Statistics of the ICCAT;
- ~~(5a) ‘sport fishery’ means non-commercial fisheries whose members adhere to a national sport organization or are issued with a national sport license;~~
- (6 10) ‘Recreational fishery’ means non-commercial fisheries activities exploiting marine biological resources ~~for recreation, tourism or sport~~;
- (5 6a) **‘Sport fishery’ means non-commercial fisheries whose members adhere to a national sport organization or are issued with a national sport license;**
- (7 11) ‘Towing vessel’ means any vessel used for towing cages;
- (8 12) ‘Processing vessel’ means a vessel on board of which fisheries products are subject to one or more of the following operations, prior to their packaging: filleting or slicing, freezing and/or processing;
- (9 13) ‘Auxiliary vessel’ means any vessel used to transport dead bluefin tuna (not processed) from a transport/farming cage, a purse seine or a trap to a designated port and/or to a processing vessel;
- (10 14) ‘Trap’ means fixed gear anchored to the bottom, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting or farming;

⁶ International Convention for the Conservation of Atlantic Tunas (OJ L 162, 18.6.1986, p. 34).

- (~~11~~ 15) ‘Purse seine’ 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 ground rope, enabling the net to be pursed and closed;
- (~~12~~ 16) ‘Caging’ means the relocation of live bluefin tuna ~~in farms and subsequent feeding aiming to fatten and increase their total biomass from the transport cage or trap to the farming or fattening cages;~~
- (~~13~~ 17) ‘Catching vessel’ means a vessel used for the purposes of the commercial capture of bluefin tuna resources;
- (~~14~~ 18) ‘Farm’ means a marine area clearly defined by geographical coordinates, used for the fattening or farming of bluefin tuna caught by traps and/or purse seiners. A farm could have several farming locations, all of them defined by geographical coordinates with a clear definition of longitude and latitude for each one of the points of the polygon;
- (~~15~~ 19) ‘Farming’ or ‘fattening’ means caging of bluefin tuna in farms and subsequently feeding aiming to fatten and increase their total biomass;
- (~~16~~ 20) ‘Harvesting’ means the killing of bluefin tuna in farms or traps;
- (~~17~~ 21) ‘Stereoscopic camera’ means a camera with two or more lenses, with a separate image sensor or film frame for each lens, enabling the taking of three-dimensional images for the purpose of measuring the length of the fish and assisting in refining the number and weight of bluefin tuna;
- (~~18~~ 22) ‘Small scale coastal vessel’ is a catching vessel with at least three of the five following characteristics:
- (a) Length overall <12m;
 - (b) The vessel is fishing exclusively inside the waters under jurisdiction of the flag Member State;
 - (c) Fishing trips have a duration of less than 24 hours;
 - (d) The maximum crew number is established at four persons; or
 - (e) The vessel is fishing using techniques which are selective and have a reduced environmental impact;
- (~~19~~ 23) ‘Joint fishing operation’ means any operation between two or more purse seine vessels where the catch of one purse seine vessel is attributed to one or more purse seine vessels in accordance with a previously agreed allocation key;

- (~~20~~ 24) 'Fishing actively' means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;
- (~~21~~ 25) 'BCD' means a bluefin tuna catch document;
- (~~22~~ 26) 'eBCD' means an electronic bluefin tuna catch document;
- (~~23~~ 27) 'Convention Area' means the geographical area defined in Article 1 of the Convention;
- (~~24~~ 28) 'Transshipment' means the unloading of all or any of the fisheries products on board a fishing vessels to another fishing vessel. However, unloading of dead bluefin tuna from the purse seiner net, the trap or the towing vessel to an auxiliary vessel shall not be considered as transshipment;
- (~~25~~ 29) 'Control transfer' means any additional transfer being implemented at the request of the fishing/farming operators or the control authorities for the purpose of verifying the number of fish being transferred;
- (~~26~~ 30) 'Control camera' means a stereoscopic camera and/or conventional video camera for the purpose of the controls provided for in this Regulation;
- (~~27~~ 31) 'CPC' means a Contracting Party to the Convention and a cooperating non-contracting party, entity or fishing entity;
- (~~28~~ 32) 'Large scale pelagic longline vessel' means a pelagic longline vessel greater than 24 meters in length overall;
- (~~29~~ 33) 'Transfer' means any transfer of:
- (a) Live bluefin tuna from the catching vessel's net to the transport cage;
 - (b) Live bluefin tuna from the transport cage to another transport cage;
 - (c) The cage with live bluefin tuna from a towing vessel to another towing vessel;
 - (d) **The cage with live bluefin tuna from one farm to another, or between different cages in the same farm; and live bluefin tuna between different cages in the same farm;**
 - (e) Live bluefin tuna from the trap to the transport cage independently of the presence of a towing vessel;

- (30 34) 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
- (31 35) 'gear group' means a group of fishing vessels using the same gear for which a group quota has been allocated.
- (32 36) 'fishing effort' means the product of the capacity and the activity of a fishing vessel to measure the intensity of the fishing operations. ~~This measurement varies from gear to gear. For longline fisheries is measured in number of hooks or hooks hours. For purse seiners is measured in terms of boat days (fishing time plus searching time).~~
- (33 37) 'responsible Member State' means the flag Member State or the Member State under whose jurisdiction the relevant farm or trap is located.

CHAPTER II MANAGEMENT MEASURES

Article 6

Conditions associated with fisheries management measures

- (1) Each Member State shall take the necessary measures to ensure that the fishing effort of its catching vessels and its traps is commensurate with the bluefin tuna fishing opportunities available to that Member State in the eastern Atlantic Ocean and the Mediterranean Sea. Measures adopted by Member States shall include establishing individual quotas for their catching vessels over 24 m included in the list of authorised vessels referred to in Article 25.
- (2) Member States shall require catching vessels to proceed immediately to a port designated by it when the individual quota of the vessel is deemed to be exhausted, in accordance with Article 35 of Regulation (EC) No 1224/2009.
- (3) Chartering operations shall not be permitted in the bluefin tuna fishery.

Article 7
Carry-over of non-harvested live bluefin tuna

- (1) ~~The carry-over of unused quotas and non-harvested live bluefin tuna shall not be permitted.~~
- (2) ~~By way of derogation from paragraph 1,~~ the carry-over of non-harvested live bluefin tuna from a previous years' catches within a farm may be permitted only if a reinforced system of control is developed and reported by the ~~Commission to the ICCAT Secretariat~~ Member State to the Commission. That system shall be an integral part of the Member State inspection plan referred to in Article 13, and shall include at least the measures established in Articles ~~26 (3) and 52 and 60~~.
- (3) Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna carried over after bulk-harvests in farms under their jurisdiction. To ~~this~~ that end, all carried-over live bluefin tuna of the catching year subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided they guarantee the same level of precision and accuracy, in accordance with Article 50. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna of years that were not subject to bulk harvest shall be controlled annually using the same procedure of sampling appropriate sample based on risk assessment.
- (4) The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.

Article 7a
Carry-over of unused quotas

- (1) The carry-over of unused quotas shall not be permitted.
- (2) By way of derogation from paragraph 1, Member States may request to transfer a maximum of 5% of its 2019 quota to 2020. Member States shall include this request in their fishing/capacity plan.

Article 8
Quota transfers

- (1) The transfers of quotas between the Union and the other CPCs shall only be carried out upon prior authorisation by the Member States and/or CPCs concerned. The Commission shall notify the ICCAT Secretariat 48 hours prior to the transfer of quotas.
- (2) The transfer of quotas within gear groups, by-catch quotas and individual fishing quotas of each Member State shall be allowed, provided that the Member States~~(s)~~ concerned informs the Commission of such transfers in advance, so that the Commission can inform the ICCAT Secretariat prior to the transfer taking effect.

Article 9
Quota deductions in case of overfishing

- (3) When Member States overfish the quotas allocated to them and this situation cannot be remedied by quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, Articles 37 and 105 of Regulation (EC) No 1224/2009 shall apply.

Article 10
Annual fishing plans

- (1) Each Member State with a bluefin tuna quota shall establish an annual fishing plan. That plan shall include, at least, the following information **for the catching vessels and traps**:
 - (a) the quotas allocated to each gear group, including by-catch quotas;
 - (b) where applicable, the method used to allocate and manage quotas;
 - (c) the measures to ensure the respect of individual quotas;
 - (d) open fishing seasons for each gear category;
 - (e) information on designated ports;
 - (f) the rules on by-catch; and
 - (g) the number of **catching** vessels, other than bottom trawlers, greater than 24m and purse seiners that are authorised to operate for bluefin tuna in the eastern Atlantic Ocean and the Mediterranean Sea.
- (2) Member States may allocate sectorial quotas to small scale coastal vessels authorised to fish for bluefin tuna and shall include such allocation in their fishing plans. They shall also include the additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.

- (3) Portugal and Spain may allocate sectorial quotas for bait-boats operating in the Union waters of the archipelagos of Azores, Madeira and Canary Islands. The sectorial quota shall be included in their annual fishing plans and additional measures to monitor its consumption shall be clearly set out in their annual monitoring, control and inspection plans.
- (4) When Member States allocate sectorial quotas in accordance with paragraph 2 or 3, the minimum quota requirement of 5 tonnes defined in Union act in force for the fishing opportunities allocations shall not apply.
- (5) Any amendment to the annual fishing plan shall be transmitted by the Member State concerned to the Commission, at least three working days before the start of the fishing activity to which the amendment relates. The Commission shall forward the amendment to the ICCAT Secretariat, at least one working day before the start of the fishing activity to which the amendment relates.

Article 11 ***Allocation of fishing opportunities***

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fisheries, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Article 12 ***Annual fishing capacity management plans***

Each Member State with a bluefin tuna quota shall establish an annual fishing capacity management plan. In that plan, Member States shall adjust the number of **fishing catching** vessels **and traps** in a way to ensure that the fishing capacity is commensurate with **the its** fishing opportunities **allocated to catching vessels for the relevant quota period**. Member States shall adjust the fishing capacity using the parameters defined in Union act in force for the fishing opportunities allocations. The adjustment of Union fishing capacity for purse seiners shall be limited to a maximum variation of 20% compared to the baseline fishing capacity of 2018.

Article 13
Annual inspection plans

Each Member State with a bluefin tuna quota shall establish an annual inspection plan with the view to ensuring compliance with this Regulation. Member States shall submit their respective plans to the Commission. Those plans shall be set up in accordance with:

- (a) the objectives, priorities and procedures as well as benchmarks for inspection activities set up in the specific control and inspection programme for bluefin tuna established under Article 95 of Regulation (EC) No 1224/2009;
- (b) the national control action programme for bluefin tuna established under Article 46 of Regulation (EC) No 1224/2009.

Article 14
Annual farming management plans

- (1) Each Member State with a bluefin tuna quota shall establish an annual farming management plan.
- (2) In the annual farming management plan, each Member State shall ensure that the total input capacity and the total farming capacity are commensurate with the estimated amount of bluefin tuna available for farming.
- (3) Member States shall limit their tuna farming capacity to the total farming capacity registered in the ICCAT 'record of bluefin tuna farming facilities' or authorised and declared to ICCAT in 2018.
- (4) The maximum input of wild caught bluefin tuna into the farms of a Member State shall be limited to the level of the input quantities registered with ICCAT in the 'record of bluefin tuna farming facilities' by the farms of that Member State in the years 2005, 2006, 2007 or 2008.
- (5) If a Member State needs to increase the maximum input of wild caught tuna in one or several of its tuna farms, that increase shall be commensurate with the fishing opportunities allocated to that Member State, **including and any live bluefin tuna imports from another Member State or Contracting Party.**
- (6) Member States responsible for the farms shall ensure that scientists tasked by the SCRS with trials to identify growth rates during the fattening period have access to the farms and assistance to carry out their duties.
- (6a) Revised farming management plans, if appropriate, shall be submitted to the Commission by 15 May each year.**

Article 15
Transmission of annual plans

- (1) By 31 January of each year, each Member State with a bluefin tuna quota shall transmit to the Commission the following plans:
- (a) the annual fishing plan for the catching vessels and traps fishing bluefin tuna in the eastern Atlantic and Mediterranean, established in accordance with Article 10;
 - (b) the annual fishing capacity management plan established in accordance with Article 12;
 - (c) the annual inspection plan established in accordance with Article 13; and
 - (d) the annual farming management plan established in accordance with Article 14.
- (2) The Commission shall compile the plans referred to in paragraph 1 and use it for the establishment of a Union annual plan. The Commission shall transmit the Union plan to the ICCAT Secretariat by 15 February of each year for discussion and approval by the ICCAT.
- (3) In case of the non-submission by-a Member State-to the Commission-of any of the plans referred to in paragraph 1, **within the deadline laid down in that paragraph, or if the Commission found a case of serious non-compliance with the provisions of the present of Regulation as established in final inspections reports, it** may decide ~~to not endorse the plans submitted and~~ to transmit the Union plan to ICCAT Secretariat without the plans of Member State concerned. **In case a Member State submits to the Commission any of the plans referred to in paragraph 1 after 31 January but before 15 February, the Commission shall endeavour to nonetheless include the plans of this Member State in the Union plan.**

CHAPTER III
TECHNICAL MEASURES

Article 16
Fishing seasons

- (1) Purse seine fishing for bluefin tuna shall be permitted in the eastern Atlantic Ocean and Mediterranean Sea from 26 May until 1 July.
- (1a) By way of derogation from paragraph 1, the season in the eastern Mediterranean Sea (FAO fishing areas 37.3.1 Aegean; 37.3.2 Levant), may be open 15 May if Cyprus or Greece request it in their annual fishing plan.**

- (2) By way of derogation from paragraph 1, Croatia may ~~request~~ **provide** in its annual fishing plans, as referred to in Article 10, that purse seiners flying its flag be allowed to fish for bluefin tuna for farming purposes in the Adriatic Sea (FAO fishing area 37.2.1) until 15 July.
- (3) By way of derogation ~~form from~~ paragraphs 1 ~~or 2~~, if a Member State provides evidence to the Commission that, due to winds reaching force 4 or more on the Beaufort scale, some of its purse seiners fishing for bluefin tuna in the eastern Atlantic and Mediterranean Sea were unable to operate, ~~utilise their normal fishing days during a year~~, that Member State may expand the fishing season by an equivalent number of fishing days lost, up to a maximum of 10 days ~~until 11 July of that year~~ for the vessels concerned. The inactivity of the vessels concerned, and in the case of a joint fishing operation for all vessels involved, shall be duly justified with weather reports and VMS positions.
- (4) Bluefin tuna fishing shall be permitted in the eastern Atlantic Ocean and Mediterranean Sea by large-scale pelagic longlines vessels during the period from 1 January to 31 May.
- (5) Member States shall establish fishing seasons for their fleets, other than purse seiners and large scale pelagic longline vessels, in their annual fishing plans.

Article 17
Landing obligation

The provisions of this Chapter shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any applicable derogations thereto.

Article 18
Minimum conservation reference size

- (1) It shall be prohibited to catch, retain on board, tranship, transfer, land, transport, store, sell, display or offer for sale Bluefin tuna including when caught as by-catch or in recreational fisheries, of bluefin tuna weighing less than 30 kg or with fork length of less than 115 cm.
- (2) By way of derogation from paragraph 1, a minimum conservation reference size for bluefin tuna of 8 kg or 75 cm fork length shall apply to the following fisheries:
 - (a) Bluefin tuna caught in the eastern Atlantic Ocean by baitboats and trolling boats;
 - (b) Bluefin tuna caught in the Mediterranean Sea by the small scale costal fleet fishery for fresh fish by baitboats, longliners and handliners; and
 - (c) Bluefin tuna caught in the Adriatic Sea by vessels flying the flag of Croatia for farming purposes.

- (3) Specific conditions applying to the derogation referred in paragraph 2 are set out in Annex I.
- (4) Member States shall issue a fishing authorisation to vessels fishing under the derogations referred to in paragraph 2 and 3 of Annex I. The vessels concerned shall be indicated in the list of catching vessels referred to in Article 25.
- (5) Fish below the minimum reference sizes set out in this Article that are discarded dead, shall be counted against the quota of the Member State.

Article 19

Incidental catches under the minimum reference size

- (1) By way of derogation from Article 18(1), all catching vessels and traps fishing actively for bluefin tuna shall be allowed a maximum of 5 % **by number** of incidental catches of bluefin tuna weighing between 8 and 30 kg or, alternatively, with a fork length between 75 and 115 cm.
- (2) The percentage of 5% referred to in paragraph 1 shall be calculated on the basis of the total catches of bluefin tuna retained on board a vessel, or inside the trap, at any time after each fishing operation.
- (3) Incidental catches shall be deducted from the quota of the Member State responsible for the catching vessel or trap.
- (4) Incidental catches of bluefin tuna under the minimum reference size shall be subject to Articles 30, 32, 33 and 34.

Article 20

By-catches

- (1) Each Member State shall make provision for by-catch of bluefin tuna within its quota and shall inform the Commission thereof when transmitting its fishing plan.
- (2) The level of authorised by-catches, which shall not exceed 20% of the total catches on board at the end of each fishing trip, and the methodology used to calculate those bycatches in relation to the total catch on board, shall be clearly defined in the annual fishing plan **as** referred to in Article 10. The percentage of by-catches may be calculated in weight or in number of specimens. The calculation in number of specimens shall only apply to tuna and tuna-like species managed by the ICCAT. The level of authorised by-catches for the small-scale coastal vessels fleet may be calculated on an annual basis.

- (3) All by-catches of dead bluefin tuna, retained on board or discarded, shall be deducted from the quota of the flag Member State, and recorded and reported to the Commission, in accordance with Articles 30 and 31.
- (4) For Member States without a bluefin tuna quota, the by-catches concerned shall be deducted from the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) of the Treaty and Article 16 of Regulation (EU) No 1380/2013.
- (5) If the total quota allocated to ~~the a~~ Member State ~~or group of Member States~~ has been exhausted, the catching of any bluefin tuna shall not be permitted **by vessels flying its flag** and ~~the that~~ Member States shall take the necessary measures to ensure the release of the bluefin tuna caught as by catch. **If the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) of the Treaty and Article 16 of Regulation (EU) No 1380/2013 has been exhausted, the catching of any bluefin tuna shall not be permitted by vessels flying the flag of Member States without a bluefin tuna quota and those Member States** shall take the necessary measures to ensure the release of the bluefin tuna caught as by catch. In ~~that~~these cases, the processing and commercialisation of dead bluefin tuna shall be prohibited and all catches shall be recorded. Member States shall report information on such quantities of such dead bluefin tuna bycatch on an annual basis to the Commission, which shall transmit that information to the ICCAT Secretariat.
- (6) Vessels not fishing actively for bluefin tuna shall clearly separate any quantity of bluefin tuna retained on board from other species, to allow control authorities to monitor the respect of this Article. Those by-catches may be marketed insofar as they are accompanied by the eBCD.

Article 21 *Use of aerial means*

It shall be prohibited to use any aerial means, including aircraft, helicopters or any types of unmanned aerial vehicles to search for bluefin tuna.

CHAPTER IV RECREATIONAL FISHERIES

Article 22

Specific quota for recreational fisheries

- (1) Each Member State with a bluefin tuna quota shall regulate recreational fisheries by allocating a specific quota for the purpose of those fisheries. Possible dead bluefin tuna shall be taken into account in such allocation, including in the framework of catch-and-release fishing. Member States shall inform the Commission of the quota allocated to recreational fisheries when transmitting their fishing plans.
- (2) Catches of dead bluefin tuna shall be reported and counted against the quota of the Member State.

Article 23

Specific conditions for recreational fisheries

- (1) Each Member States with a bluefin tuna quota **allocated to recreational fisheries** shall regulate recreational fisheries by issuing fishing authorisations to vessels for the purpose of recreational fishing. Upon request by ~~the Commission~~ **ICCAT**, Member States shall make available **to the Commission** the list of recreational vessels which have been granted with a fishing authorisation **to catch bluefin tuna**. The list **to be submitted electronically by the Commission to ICCAT** shall contain the following information **for each vessel**:
 - (a) Name of vessel;
 - (b) Register number;
 - (c) ICCAT record number (if any);
 - (d) Any Previous name; and
 - (e) Name and address of owner(s) and operator(s).
- (2) In recreational fisheries, it shall be prohibited to catch, retain on board, tranship or land more than one bluefin tuna per vessel per day.
- (3) The marketing of bluefin tuna caught in recreational fisheries shall be prohibited.
- (4) Each Member State shall record catch data including ~~the~~ weight ~~and length~~ of each bluefin tuna caught ~~during in~~ recreational **fishing fisheries** and communicate the data for the preceding year to the Commission by 30 June each year. The Commission shall forward that information to the ICCAT Secretariat.
- (5) Each Member State shall take the necessary measures to ensure, to the greatest extent possible, the release of bluefin tuna, especially juveniles, caught alive in ~~the framework of~~ recreational **fishing fisheries**. Any bluefin tuna landed shall be whole, gilled and/or gutted.

Article 24
Catch, tag and release

- (1) By way of derogation from **paragrah 1 of** Article 22~~(1)~~, Member States authorising ‘catch and release’ fishing in the north east Atlantic conducted exclusively by ~~recreational sport fisheries~~ **sport fishery vessels** ~~those vessels~~ **exclusively** to target bluefin tuna with the purpose of ‘catch, tag and release’ fishing without the need to allocate them a specific quota. Such vessels shall operate in the context of a scientific project of a research institute integrated in a scientific research programme. The results of the project shall be communicated to the relevant authorities of the flag Member State.
- (2) Vessels conducting scientific research under the ICCAT Research Programme for bluefin tuna shall not be deemed to conduct ‘catch, tag and release’ activities as referred to in paragraph 1.
- (3) Member States authorising ‘catch, tag and release’ activities, shall:
- (a) Submit **a** description of those activities and the measures applicable thereto as an integral part of their fishing and inspection plans referred to in Articles 11 and 14;
 - (b) Closely monitor the activities of the vessels concerned to ensure their compliance with ~~the provisions of~~ this Regulation;
 - (c) Ensure that the tagging and releasing operations are performed by trained personnel to ensure high survival of the specimens; and
 - (d) Annually submit a report to the Commission on the scientific activities conducted, at least 50 days before the SCRS meeting of the following year. The Commission shall forward the report to the ICCAT 60 days before the SCRS meeting of the following year.
- (4) Any bluefin tuna that dies during ‘catch, tag and release’ activities shall be reported and deducted from the quota of the flag Member State.

CHAPTER V CONTROL MEASURES

SECTION I *LISTS AND RECORDS OF VESSELS AND TRAPS*

Article 25 *Lists and Records of vessels*

- (1) Member States shall submit electronically each year to the Commission, one month before the start of the period of authorisation, the following vessels lists in the format set out in the last version of the ICCAT Guidelines⁷ for submitting data and information:
- (a) a list of all catching vessels authorised to fish actively for bluefin tuna; and
 - (b) a list of all other fishing vessels used for the purposes of commercial exploitation of bluefin tuna resources.

The Commission shall send this information to the ICCAT Secretariat 15 days before the start of the fishing activity, so that those vessels can be entered into the ICCAT record of authorised vessels and, if relevant, in the ICCAT record of vessels 20 metres in length overall or greater authorised to operate in the Convention Area.

- (2) During a calendar year, a fishing vessel may be included in both of the lists referred to in paragraph 1 provided that it is not included in both lists at the same time.
- (3) The information on vessels referred to in **points (a) and (b) of** paragraph 1 ~~(a) and (b)~~ shall contain the vessel's name and Union fleet register number (CFR) as defined in Annex I to Commission Implementing Regulation (EU) No 2017/218⁸.
- (4) No retroactive submission shall be accepted by the Commission.
- (5) Subsequent changes to the lists referred to in paragraphs 1 and 3, during a calendar year, shall only be accepted if a notified fishing vessel is prevented from participating in the fishery due to legitimate operational reasons or force majeure. In such circumstances, the Member State concerned shall immediately inform the Commission of that fact, and shall provide:

⁷ <https://www.iccat.int/en/SubmitCOMP.html>

⁸ Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

- (a) full details of the fishing vessel(s) intended to replace that fishing vessel; and
 - (b) a comprehensive account of the reason justifying the replacement and any relevant supporting evidence or references.
- (6) The Commission shall, if necessary, modify during the year the information on the vessels referred to in paragraph 1, by providing updated information to the ICCAT Secretariat in accordance with Article 7(6) of Regulation (EU) No 2017/2403.

Article 26
Fishing authorisations for vessels

- (1) Member States shall issue fishing authorisations to vessels included in one of the lists described in **paragraphs 1 and 5 of Article 25**~~(1) and (5)~~. Fishing authorisations shall contain as a minimum the information set out in Annex VII and shall be issued in the format laid down in that Annex. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules set out in this Regulation.
- (2) Without prejudice to **paragraph 6 of Article 20**~~(6)~~, Union fishing vessels not entered into the ICCAT records referred to in **paragraph 1 of Article 25**~~(1)~~, shall be deemed not to be authorised to fish for, retain on board, tranship, transport, transfer, process or land bluefin tuna in the eastern Atlantic and the Mediterranean.
- (3) The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to a vessel, and may require the vessel to proceed immediately to a port designated by it, when the individual quota assigned to the vessel is deemed to be exhausted.

Article 27
Lists and Records of traps authorised to fish for bluefin tuna

- (1) Each Member State shall send to the Commission electronically, as part of their fishing plans, a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. The Commission shall send that information to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for bluefin tuna.
- (2) Member States shall issue fishing authorisations for traps included in the list referred to in paragraph 1. Fishing authorisations shall contain as a minimum the information and the format set in Annex VII. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules set out in this Regulation.

- (3) Union traps not entered into the ICCAT record of traps authorised to fish for bluefin tuna shall not be deemed to be authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. It shall be prohibited to retain on board, transfer, cage or land bluefin tuna caught by those traps.
- (4) The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to traps when the quota assigned to them is deemed exhausted.

Article 28
Information on fishing activities

- (1) By 15 July each year, each Member State shall notify the Commission detailed information on bluefin tuna catches in the eastern Atlantic and Mediterranean Sea in the preceding year. The Commission shall forward that information to the ICCAT by 31 July each year. This information shall include:
 - (a) The name and ICCAT number of each catching vessel;
 - (b) The period of authorisation(s) for each catching vessel;
 - (c) The total catches of each catching vessel including zero catches throughout the period of authorisation(s);
 - (d) The total number of days each catching vessel fished in the eastern Atlantic and Mediterranean Sea throughout the period of authorisation(s); and
 - (e) The total catch outside their period of authorisation (by-catch).
- (2) Member States shall send the following information to the Commission for fishing vessels flying their flag which were not authorised to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea but which caught bluefin tuna as by-catch:
 - (a) The name and ICCAT number or, if not registered with ICCAT, the national registry number of the vessel; and
 - (b) The total catches of bluefin tuna.
- (3) Member States shall notify to the Commission any information concerning any vessels not included in paragraphs 1 and 2 but known or presumed to have fished for bluefin tuna in the eastern Atlantic and Mediterranean Sea. The Commission shall transmit this information to the ICCAT Secretariat as soon as the information is available.

Article 29
Joint Fishing Operations

- (1) Any joint fishing operation for bluefin tuna shall only be allowed if participating vessels are authorised by the flag Member State(s). To be authorised, each purse seiner must be equipped to fish for bluefin tuna, have an individual quota, and comply with the reporting obligations set out in Article 31.
- (2) The quota allocated to a joint fishing operation shall be equal to the total of the quotas allocated to participating purse seiners.
- (3) Union purse seiners shall not engage in joint fishing operations with purse seiners from other CPCs.
- (4) The application form for the authorisation to participate in a joint fishing operation is set out in Annex IV. Each Member State shall take the necessary measures to obtain the following information from its purse seiners vessel(s) participating in a joint fishing operation:
 - (a) The requested period of authorisation of the joint fishing operation;
 - (b) The identity of the operators involved;
 - (c) The individual vessels' quotas;
 - (d) The allocation key between the vessels for the catches involved; and
 - (e) Information on the farms of destination.
- (5) At least 10 days before the start of the joint fishing operation, each Member States shall send the information referred to in paragraph 4 to the Commission in the format set out in Annex IV. The Commission shall transmit that information to the ICCAT Secretariat and to the flag State of other fishing vessels participating in the joint fishing operation, at least 5 days before the start of the fishing operation.
- (6) In case of force majeure, the deadlines set out in paragraph 5 shall not apply as regards the information on the farms of destination. In such cases, Member States shall submit to the Commission an update of that information as soon as possible, together with a description of the events constituting force majeure. The Commission shall forward that information to the ICCAT Secretariat.

SECTION 2

CATCH RECORDING

Article 30

Recording requirements

- (1) Master of Union catching vessels shall maintain a fishing logbook of their operations in accordance with Articles 14, 15, 23 and 24 of Regulation (EC) No 1224/2009 and Section A of Annex II to this Regulation.
- (2) Masters of Union towing vessels, auxiliary vessels and processing vessels shall record their activities in accordance with the requirements set out in Sections B, C and D of Annex II.

Article 31

Catch reports sent by masters and trap operators

- (1) Masters of Union catching vessels **fishing actively** shall communicate to their flag Member States daily catch reports by electronic means during the whole period in which they are authorised to fish for bluefin tuna. Those reports shall not be obligatory for vessels in port, except if they are engaged in a joint fishing operation. The data in the reports shall be taken from logbooks and shall include date, time, location (latitude and longitude) and the weight and number of bluefin tuna caught in the Convention Area, including releases and discards of dead fish. Masters shall send the reports in the format set out in Annex III **or through the Member State's reporting requirements**.
- (2) Masters of purse seiners shall produce the daily reports referred to in paragraph 1 for each fishing operation, including operations where the catch was zero. The reports shall be transmitted by the master of the vessel or his authorised representatives to its flag Member State by 9.00 GMT for the preceding day.
- (3) Trap operators or their authorised representatives fishing actively for bluefin tuna shall produce daily reports that have to be communicated to their flag Member States within every 48 hours by electronic means during the whole period in which they are authorised to fish bluefin tuna. Those reports shall include the ICCAT register number of the trap, date and time of the catch, weight and number of bluefin tuna caught, including zero catches, releases and discards of dead fish. They shall send that information in the format set out in Annex III.
- (4) Masters of catching vessels other than purse seiners, shall transmit to their flag Member States the reports referred to in paragraph 1 by the latest Tuesday 12.00 GMT for the preceding week ending Sunday.

SECTION 3

LANDINGS AND TRANSHIPMENTS

Article 32

Designated ports

- (1) Each Member State ~~who~~ **that** has been allocated a bluefin tuna quota shall designate ports where landing or transshipping operations of bluefin tuna are authorised. The information on designated ports shall be included in the annual fishing plan referred to in Article 10. Member States shall inform the Commission without delay of any amendment to the information on designated ports. The Commission shall communicate that information to the ICCAT Secretariat without delay.
- (2) For a port to be determined as a designated port, the port Member State shall ensure that the following conditions are met:
 - (a) Established landing and transshipment times;
 - (b) Established landing and transshipment places; and
 - (c) Established inspection and surveillance procedures ensuring inspection coverages during all landing and transshipment times and at all landing and transshipment places in accordance with Article 34.
- (3) It shall be prohibited to land or tranship from catching vessels, as well as processing vessels and auxiliary vessels, any quantity of bluefin tuna fished in the eastern Atlantic and the Mediterranean Sea at any place other than ports designated by CPCs and Member States. Exceptionally, dead bluefin tuna, harvested from a trap/cage, may be transported to a processing vessel using an auxiliary vessel, insofar as it is conducted in the presence of the control authority.

Article 33

Prior notification of landings

- (1) Article 17 of Regulation (EC) No 1224/2009 shall apply to masters of Union fishing vessels of 12 metres or more included in the list of vessels referred to in Article 25. The prior notification under Article 17 of Regulation (EC) No 1224/2009 shall be sent to the competent authority of Member State (including the flag Member State) or CPC whose ports or landing facility they wish to use.

- (2) Prior to entry into port, masters or their representatives, of Union fishing vessels under 12 metres as well as processing vessels and auxiliary vessels included in the list of vessels referred to in Article 25 shall, at least four hours before the estimated time of arrival at the port, notify the competent authority of the Member State (including the flag Member State) or the CPC whose ports or landing facility they wish to use, at least the following information:
- (a) Estimated time of arrival;
 - (b) Estimated quantity of bluefin tuna retained on board;
 - (c) Information on the geographical area where the catches were taken;
 - (d) The external identification number and the name of the fishing vessels.
- (3) Where Member States are authorised under applicable Union legislation to apply a shorter notification period than the period of four hours before the estimated time of arrival, the estimated quantities of bluefin tuna retained on board may be notified at the applicable time of notification prior to arrival. If the fishing grounds are less than four hours from the port, the estimated quantities of bluefin tuna retained on board may be modified at any time prior to arrival.
- (4) Authorities of the port Member State shall keep a record of all prior notifications for the current year.
- (5) All landings in the Union shall be controlled by the relevant control authorities of the port Member State and a percentage shall be inspected based on a risk assessment system involving quotas, fleet size and fishing effort. Full details of such control system adopted by each Member State shall be set out in the annual inspection plan referred to in Article 13.
- (6) Masters of a Union catching vessel, whatever the length overall of the vessel, shall submit, within 48 hours after the completion of the landing, a landing declaration to the competent authorities of the Member State or CPC where the landing takes place and to its flag Member State. The master of a catching vessel shall be responsible for, and certify, the completeness and accuracy of the declaration. The landing declaration shall indicate, as a minimum requirement, the quantities of bluefin tuna landed and the area where they were caught. All landed catches shall be weighed. The port Member State shall send a record of the landing to the authorities of the flag Member State or CPC, 48 hours after the completion of the landing.

Article 34
Transshipments

- (1) Transshipment at sea by Union fishing vessels carrying on board bluefin tuna, or by third country vessels in Union waters, shall be prohibited in all circumstances.
- (2) Without prejudice to the requirements set out in **paragraphs 2 and 3 of** Article 52~~(2) and (3)~~, Article 54 and Article 57 of Regulation (EU) 2017/2107, fishing vessels shall only tranship bluefin tuna catches in designated ports as referred to in Article 32 of this Regulation.
- (3) The Master of the receiving fishing vessel, or its representative, shall provide the relevant authorities of the port State at least 72 hours before the estimated time of arrival at port, with the information listed in the transshipment declaration template set out in Annex V. Any transshipment shall require the prior authorisation from the flag Member State or flag CPC of the transshipping fishing vessel concerned. Furthermore, the master of the transshipping vessel shall, at the time of the transshipment, inform its flag Member State or CPC of the dates required in Annex V.
- (4) The port Member State shall inspect the receiving vessel on arrival and check the quantities and documentation related to the transshipment operation.
- (5) Masters of Union fishing vessels shall complete and transmit to their flag Member States the ICCAT transshipment declaration within 15 days after the completion of the transshipment. The masters of the transshipping fishing vessels shall complete the ICCAT transshipment declaration in accordance with Annex V. The transshipment declaration shall include the reference number of the eBCD to facilitate cross-checking of data contained thereof.
- (6) The port State shall send a record of the transshipment to the flag Member State or CPC authority of the transshipping fishing vessel, within 5 days after the completion of the transshipment.
- (7) All transshipments shall be inspected by the competent authorities of the designated port Member States.

SECTION 4

REPORTING OBLIGATIONS

Article 35

Monthly ~~Weekly~~ reports on quantities

Each Member State shall send weekly catch reports to the Commission. In the case of purse-seiners, seine vessels and traps, the reports shall be as defined in Article 31. before the 15th day of each month, the data concerning quantities of bluefin tunas caught, landed, transhipped, or caged during the preceeding month by the fishing vessels or traps flying the flag of or registered in that Member State. The information provided shall be structured by gear type including by catch, catches in sport and recreational fisheries and zero catches. The Commission shall promptly forward that information to the ICCAT Secretariat.

Article 36

Information on quota exhaustion

- (1) In addition to complying with Article 34 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group is deemed to have reached 80%.
- (2) In addition to complying with Article 35 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group or to a joint fishing operation or to a purse seiner is deemed to be exhausted. That information shall be accompanied by official documentation proving the fishing stop or the call back to port issued by the Member State for the fleet, the gear group, the joint fishing operation, or the vessels with an individual quota including a clear indication of the date and the time of the closure.
- (3) The Commission shall inform the ICCAT Secretariat of the dates when the Union quota of bluefin tuna has been exhausted.

SECTION 5
OBSERVER PROGRAMMES

Article 37
National Observer Programme

- (1) Each Member State shall ensure that the deployment of national observers, issued with an official identification document, on vessels and traps active in the bluefin tuna fishery covers at least:
- (a) 20% of its active pelagic trawlers (over 15m);
 - (b) 20% of its active longline vessels (over 15 m);
 - (c) 20% of its active baitboats (over 15m);
 - (d) 100% of towing vessels;
 - (e) 100% of harvesting operations from traps.

Member States with less than five catching vessels belonging to the categories listed in points (a), (b) and (c) of ~~the first subparagraph~~ **paragraph 1** and authorised to fish actively for bluefin tuna shall ensure that the deployment of national observers covers at least 20% of the time the vessels are active in the bluefin tuna fishery.

- (2) The national observer tasks shall be, in particular, the following:
- (a) **to** monitor compliance with this Regulation by fishing vessels and traps;
 - (b) **to** record and report the fishing activity, including the following:
 - (a) Amount of catch (including by-catch), and catch disposition (retained on board or discarded dead or alive);
 - (b) Area of catch by latitude and longitude;
 - (c) Measure of effort (such as the number of sets, number of hooks), as defined in the ICCAT Field Manual for different gears;
 - (d) Date of catch.
 - (c) **to** verify entries made in the logbook;
 - (d) **to** sight and record vessels that may be fishing contrary to ICCAT conservation measures.

- (3) In addition to the tasks referred to in paragraph 2, national observers shall carry out scientific work, including the collection of necessary data , based on the guidelines from the SCRS.
- (4) Data and information collected under each Member State's observer programme shall be provided to Commission that shall send it to the SCRS or the ICCAT secretariat , as appropriate.
- (5) For the purposes of paragraphs 1 to 3, each Member State shall ensure:
 - (a) representative temporal and spatial coverage to ensure that the Commission receives adequate and appropriate data and information on catch, effort and other scientific and management aspects, taking into account characteristics of the fleets and fisheries;
 - (b) robust data collection protocols;
 - (c) observers are properly trained and approved before deployment;
 - (d) to the extent practicable, minimal disruption to the operations of vessels and traps fishing in the Convention Area.

Article 38
ICCAT Regional Observer Programme

- (1) Member States shall ensure the effective implementation of the ICCAT regional observer programme as set out in this Article and in Annex VIII.
- (2) Member States shall ensure that an ICCAT regional observer is present:
 - (a) on all purse seiners authorised to fish bluefin tuna;
 - (b) during all transfers of bluefin tuna from purse seiners;
 - (c) during all transfers of bluefin tuna from traps to transport cages;
 - (d) during all transfers from one farm to another;
 - (e) during all cagings of bluefin tuna in farms;
 - (f) during all harvesting of bluefin tuna from farms; and
 - (g) during the release of bluefin tuna from farming cages into the sea.

- (3) Purse seine vessels without an ICCAT regional observer shall not be authorised to fish for bluefin tuna.
- (4) Member States shall ensure that one ICCAT regional observer shall be assigned to each farm for the whole period of caging operations. In cases of force majeure, and following confirmation **by the farming Member State** of those circumstances that constitute force majeure ~~by the competent authorities of the Member State concerned~~, an ICCAT regional observer may be shared by ~~two farms~~ **more than one farm** to guarantee the continuity of farming operations. However, the Member State responsible for the farms shall immediately request the deployment of an additional regional observer.
- (5) The ICCAT regional observers tasks shall be, in particular to:
- (a) Observe and monitor fishing and farming operations in compliance with the relevant ICCAT conservation and management measures, including trough access to stereoscopic camera footages at the time of caging that enables the measuring of length and estimating the corresponding weight;
 - (b) Sign the ICCAT transfer declarations and BCDs when the information contained therein is consistent with his/her own observations. Otherwise, the ICCAT regional observer shall indicate his/her presence on the transfer declarations and BCDs and the reasons of disagreement quoting specifically the rule(s) or procedure(s) that has not been respected;
 - (c) Carry out scientific work, including collecting samples, based on the guidelines from the SCRS.
- (6) Masters, crew, and farm, trap and vessel operators shall not obstruct, intimidate, interfere with, or influence by any means regional observers in the performance of their duties.

SECTION 6
TRANSFER OPERATIONS

Article 39
Transfer authorisation

- (1) Before any transfer operation, the master of the catching or towing vessel or its representatives or the operator of the farm or trap, where the transfer originates, shall send to flag Member State, or to the Member State responsible for the farm or trap, a prior transfer notification indicating:
 - (a) the name of the catching vessel or farm or trap and ICCAT record number;
 - (b) estimated time of transfer;
 - (c) estimated quantity of bluefin tuna to be transferred;
 - (d) information on the position (latitude/longitude) where the transfer will take place and cage identification numbers;
 - (e) name of the towing vessel, number of cages towed and ICCAT record number where appropriate; and
 - (f) destination port, farm, or cage of the bluefin tuna.
- (2) For the purpose of paragraph 1, Member States shall assign a unique number to each transport cage. If several transport cages need to be used when transferring a catch corresponding to one fishing operation, only one transfer declaration is required, but the numbers of each transport cage used shall be recorded in the transfer declaration, clearly indicating the bluefin tuna quantity transported in each cage.
- (3) Cage numbers shall be issued with a unique numbering system that includes at least the alpha-3 code corresponding to the ~~flag of the towing vessel~~ farming Member State followed by three numbers. Unique cage numbers shall be permanent and not transferable from one cage to another.
- (4) The Member State referred to in paragraph 1 shall assign and communicate to the master of the fishing vessel, or operator of the trap or farm as appropriate, an authorisation number for each transfer operation. The authorisation number shall include the three letter Member State code, four numbers showing the year and three letters indicating either positive authorisation (AUT) or negative (NEG) followed by sequential numbers.
- (5) The Member State referred to in paragraph 1, shall authorise or refuse to authorise the transfer within 48 hours following the submission of the prior transfer notification. The transfer operation shall not begin without the prior positive authorisation issued.
- (6) The transfer authorisation shall not prejudice the confirmation of the caging operation.

Article 40
Refusal of the transfer authorisation and release of bluefin tuna

- (1) The Member State responsible for the catching vessel, the towing vessel, farm or trap shall refuse to authorise the transfer if, on receipt of the prior notification of transfer, it considers that:
- (a) The catching vessel or the trap declared to have caught the fish did not have a sufficient quota;
 - (b) The quantity of fish has not been duly reported by the catching vessel or trap, or was not authorised to be caged;
 - (c) The catching vessel declared to have caught the fish did not have a valid authorisation to fish for bluefin tuna issued in accordance with Article 26, or;
 - (d) The towing vessel declared to receive the transfer of fish is not registered in the ICCAT record of other fishing vessels referred to in Article 25, or is not equipped with a fully functioning VMS or equivalent tracking device.
- (2) If the transfer is not authorised, the Member State referred to in paragraph 1, as appropriate, shall immediately issue a release order to the master of the catching or of the towing vessel or to the operator of the trap or farm as appropriate, to inform them that the transfer is not authorised and require them to release of the fish into the sea in accordance with Annex XII.
- (3) In the event of a technical failure of its VMS during the transport to the farm, the towing vessel shall be replaced by another towing vessel with a fully functioning VMS, or a new operative VMS shall be installed or used, as soon as feasible and not later than 72 hours. That period of 72 hours may be exceptionally extended in case of force majeure or legitimate operational constraints. The technical failure shall be immediately communicated to the Commission which shall inform the ICCAT Secretariat. The master or his representative shall, from the time the technical failure was detected until it is remedied, communicate every four hours to the control authorities of the flag Member State the updated geographical coordinates of the fishing vessel by appropriate telecommunication means.

Article 41
Transfer declaration

- (1) The masters of catching or towing vessels or the operator of the farm or trap shall complete and transmit to responsible Member State the ICCAT transfer declaration at the end of the transfer operation in accordance with the format set out in Annex VI.
- (2) The transfer declaration forms shall be numbered by the authorities of the Member State responsible for the fishing vessel, farm or trap from where the transfer originates. The number of the declaration form shall include the three letters Member State code, followed by four numbers showing the year and three sequential numbers followed by the three letters ITD (MS-20**/xxx/ITD).
- (3) The original transfer declaration shall accompany the transfer **of fish**. A copy of the declaration **must** ~~shall be kept by the master of the fishing catching~~ vessel or ~~the operator of the trap or farm and towing vessels~~.
- (4) Masters of vessels carrying out transfer operations shall report their activities in accordance with Annex II.
- (5) Information regarding dead fish shall be recorded in accordance with the procedures set out in Annex XIII.

Article 42
Monitoring by video-camera

- (1) The master of the catching or towing vessel or the operator of the farm or trap shall ensure that the transfer is monitored by video camera in the water in order to verify the number of fish being transferred. The video recording shall be carried out in accordance with the minimum standards and procedures set out in Annex X.
- (2) **Upon request of the SCRS**, Member States shall provide copies of the video records to the Commission, which shall forward them to the SCRS ~~upon request~~.

Article 43
Verification by ICCAT Regional observers and conduct of investigations

- (1) ICCAT regional observers on board the catching vessel and trap, as referred to in Article 38 and Annex VIII, shall:
 - (a) record and report the transfer activities carried out;
 - (b) observe and estimate catches transferred; and
 - (c) verify entries made in the prior transfer authorisation, as referred to in Article 39, and in the ICCAT transfer declaration, as referred to in Article 41.

- (2) In cases where there is more than a 10% difference by number between the estimates made by either the regional observer, relevant control authorities or the master of the catching or towing vessel, or the operator of the trap or farm, an investigation shall be initiated by the responsible Member State. Such investigation shall be concluded prior to the time of caging at the farm and in any case within 96 hours of the investigation being initiated, except on cases of force majeure. Pending the results of the investigation, caging shall not be authorised and the relevant section of the BCD shall not be validated.
- (3) However, in cases when the video record is of insufficient quality or clarity to estimate the quantities transferred, the master of the vessel or operator of the farm or trap may request the authorities of the responsible Member State to be authorised to conduct a new transfer operation and to provide the corresponding video record to the regional observer. If that voluntary transfer control is not performed with satisfactory results, the responsible Member State shall initiate an investigation. If after that investigation, it is confirmed that the quality of the video does not permit to estimate the quantities involved in the transfer, the control authorities of the responsible Member State shall order **another** control transfer operation and provide the corresponding video record to the ICCAT regional observer. New transfers shall be conducted as control transfer(s) until the quality of the video record could allow estimating the quantities transferred.
- (4) Without prejudice to the verifications conducted by inspectors, the ICCAT regional observer shall sign the transfer declaration only when his/her observations are in accordance with ICCAT conservation and management measures and the information contained in the transfer declaration is consistent with his/her observations and includes a compliant video record in accordance with paragraphs 1, 2 and 3. The ICCAT observer shall also verify that the ICCAT transfer declaration is transmitted to the master of the towing vessel or operator of the farm or trap representative where applicable. If the ICCAT observer is not in agreement with the transfer declaration, the ICCAT observer shall indicate his/her presence on the transfer declarations and BCDs and the reasons of disagreement quoting specially the rule(s) or procedure(s) that have not been respected.
- (5) The master of the catching or towing vessels or the operators of the farm or trap shall complete and transmit to the responsible Member State, the ICCAT transfer declaration at the end of the transfer operation, in accordance with the format set out in Annex VI. Member States shall forward the transfer declaration to the Commission ~~which shall send it to the ICCAT Secretariat without delay.~~

Article 44
Implementing acts

The Commission may adopt implementing acts laying down operational procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.

SECTION 7
CAGING OPERATIONS

Article 45
Caging authorisation and possible refusal of an authorisation

- (1) Prior to the start of caging operations for each transport cage, the anchoring of transport cages within 0.5 nautical miles of farming facilities, shall be prohibited. To this end, geographical coordinates corresponding to the polygon where the farm is placed need to be available in the farming management plans referred to in Article 14.
- (2) Before any caging operation, the Member State responsible for the farm shall request the approval of the caging by the Member State or CPC responsible for the catching vessel or trap which caught the bluefin tuna to be caged.
- (3) The competent authority of the Member State responsible for the catching vessel or trap shall refuse to approve the caging if it considers that:
 - (a) the catching vessel or trap which caught the fish had not a sufficient quota for bluefin tuna;
 - (b) the quantity of fish has not been duly reported by the catching vessel or trap, or;
 - (c) the catching vessel or trap declared to have caught the fish does not have a valid authorisation to fish for bluefin tuna, issued in accordance with Article 26.
- (4) If the Member State responsible for the catching vessel or trap refuses to approve the caging, it shall:
 - (a) inform the competent authority of the Member State or CPC responsible for the farm; and
 - (b) request that competent authority to proceed to the seizure of the catches and the release of the fish into the sea.

- (5) The caging shall not begin without the approval, issued within one working day of the request, by the Member State or CPC responsible for the catching vessels or trap, or by the Member State responsible for the farm if agreed with the authorities of Member State or CPC responsible for the catching vessels or trap. If no response is received within one working day, from the authorities of the Member State or CPC responsible for the catching vessel or trap, the competent authorities of the Member State responsible for the farm may authorise the caging operation.
- (6) Fish shall be caged before the 22 August of each year, unless the competent authorities of the Member State or CPC responsible for the farm provide valid reasons including *force majeure*, which shall accompany the caging report when submitted. In any case, the fish shall not be caged after the 7 September of each year.

Article 46

Bluefin tuna catch documentation

Member States responsible for farms shall prohibit the caging of bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of the Regulation (EU) No 640/2010⁹. The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps.

Article 47

Inspections

Member States responsible for farms shall take the necessary measures to inspect each caging operation in the farms.

Article 48

Monitoring by video-camera

Member States responsible for farms shall ensure that caging operations shall be monitored by their control authorities by video camera in the water. One video record shall be produced for each caging operation in accordance with the procedures **set out** in Annex X.

⁹ Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003 (OJ L 194, 24.7.2010, p. 1).

Article 49
Launching and conduct of investigations

Where there is a difference of more than 10% by number between the estimates made by either the ICCAT regional observer, relevant Member States control authorities and/or the farm operator, the Member State responsible of the farm shall initiate an investigation in cooperation with the Member State or CPC responsible for the catching vessel and/or trap. The Member State undertaking the investigations may use other information at their disposal, including the results of the caging programmes referred to under Article 50.

Article 50
Measures and programmes to estimate the number and weight of bluefin tuna to be caged

- (1) Member States shall ensure that a programme using stereoscopic cameras systems or alternative methods that guarantee the same level of precision and accuracy covers 100% of all caging operations, in order to estimate the number and weight of the fish.
- (2) That programme shall be conducted in accordance with the procedures set out in Annex XI. Alternative methods may only be used if they have been endorsed by the ICCAT during the Annual meeting.
- (3) Member States responsible for the farm shall communicate the results of this programme to the Member State or CPC responsible for the catching vessels, and to the entity operating the regional observer program on behalf of ICCAT.
- (4) When the results of the programme indicate that the quantities of bluefin tuna caged differ from the quantities reported caught and/or transferred, **the Member State responsible for the catching vessel or trap shall, in cooperation with the Member State or CPC responsible for the farm, the flag CPC of the catching vessel and/or the trap CPC in cooperation with the Member State responsible for the farm shall** launch an investigation. **Where a CPC launches such an investigation, the Member State responsible for the farm shall cooperate with that investigation.**
- (5) The Member State responsible for the catching vessel or trap shall issue a release order , in accordance with the procedures ~~laid down~~ **set out** in Annex XII, for the quantities caged which exceed the quantities declared caught and transferred, if:
 - (a) the investigation referred to in paragraph 4 is not concluded within 10 working days from the communication of the results of the programme, for a single caging operation, or of all caging operations from a joint fishing operation; or
 - (b) the outcome of the investigation indicates that the number and/or average weight of bluefin tuna is in excess of that declared caught and transferred;

The release of the excess shall be conducted in the presence of control authorities.

- (6) The results of the programme shall be used to decide if releases are required and the caging declarations and relevant sections of the BCD shall be completed accordingly. When a release order has been issued, the farm operator shall request the presence of a national control authority and an ICCAT regional observer to monitor the release.
- (7) Member States shall submit the results of the programme to the Commission by 1 September of each year. **In case of force majeure in the caging, Member States shall submit these results before 12 September.** The Commission shall transmit that information to the SCRS by 15 September of each year for evaluation.
- (8) The transfer of live bluefin tuna from one farming cage to another farming cage shall not take place without the authorisation and the presence of control authorities of the Member State or CPC responsible for the farm. Each transfer shall be recorded to control the number of specimens. National control authorities shall monitor those transfers and ensure that each intra farm transfer is recorded in the e-BCD system.
- (9) A difference greater than or equal to 10% between the quantities of bluefin tuna reported caught by the vessel or trap and the quantities established by the control camera at the moment of caging shall constitute a potential non-compliance by the vessel or trap concerned. Member States shall take the necessary measures to ensure the appropriate follow-up.

Article 51

Caging declaration and caging report

- (1) Within **72 hours after the end of each caging operation** ~~one week from the completion of the caging operation, the Member State responsible for the~~ a farm operator shall submit a caging declaration ~~according as provided in Annex XIV to the Member State or CPC whose vessels or traps have caught the bluefin tuna, and to the Commission. The Commission shall transmit that information to the ICCAT Secretariat their competent authority.~~
- (2) **In addition to the caging declaration referred to in paragraph 1, a Member State responsible for the farm shall submit one week from the completion of the caging operation, a caging report containing the elements set up in Section B of Annex XI to the Member State or CPC whose vessels or traps have caught the bluefin tuna, and to the Commission. The Commission shall transmit that information to the ICCAT Secretariat.**
- (3) For the purpose of paragraph ~~21~~, a caging operation shall not be deemed to be completed until any investigation launched and any release operation ordered is concluded.

Article 52
Intra-farm transfers and random controls

- (1) Member States responsible for the farms shall put in place a traceability system, including the video-recording of internal transfers.
- (2) The control authorities of the Member States responsible for the farms shall undertake random controls, on the basis of a risk analysis, on bluefin tuna kept in farm cages between the time of completion of caging operations in a year and the first caging in the following year.
- (3) For the purpose of paragraph 2, each Member State responsible for farms shall establish a minimum percentage of fish to be controlled. That percentage shall be set out in the annual inspection plan referred to in Article 13. Each Member State shall communicate to the Commission the results of the random controls carried out each year. The Commission shall transmit those results to the ICCAT Secretariat in April of the following year.

Article 53
Access to and requirements for video records

- (1) Each Member State responsible for the farm shall ensure that the video records referred to in Articles 48 and 50 are made available upon request to the national inspectors, as well as regional and ICCAT inspectors and ICCAT and national observers.
- (2) Each Member State responsible for farms shall take the necessary measures to avoid any replacement, edition or manipulation of the original video records.

Article 54
Annual caging report

Member States subject to the obligation of submitting caging declarations under Article 51, shall send to the Commission a caging report each year by 31 July for the previous year. The Commission shall send that information to the ICCAT Secretariat ~~by~~ **before 31** August each year. The report shall contain the following information:

- (a) The total amount of bluefin tuna caged by farm, including loss in number and weight during the transportation to the cages by farm, carried out by fishing vessels and by traps;
- (b) The list of vessels that fish for, provide or transport bluefin tuna for farming purposes (name of the vessel, flag, license number, gear type) and traps;
- (c) The results of the sampling programme for the estimation of the numbers-at-size of the bluefin tuna caught, as well as the date, time and area of catch and the fishing method used, in order to improve statistics for stock assessment purposes;

The sampling programme requires that size sampling (length or weight) at cages must be done on one sample (= 100 specimens) for every 100t of live fish, or on a 10% sample of the total number of the caged fish. Size samples will be collected during harvesting at the farm and on the dead fish during transport, following the ICCAT Guidelines for submitting data and information. For fish farmed more than one year, other additional sampling methodologies shall be established. The sampling shall be conducted during any harvesting, covering all cages;

- (d) The quantities of bluefin tuna placed in cage and estimate of the growth and mortality while in captivity and of the amounts sold in tonnes. This information shall provided by farm;
- (e) The quantities of bluefin tuna caged during the previous year; and
- (f) The quantities, broken down by their origin, marketed during the previous year.

Article 55
Implementing acts

The Commission may adopt implementing acts laying down procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.

SECTION 8
MONITORING AND SURVEILLANCE

Article 56
Vessel Monitoring System

- (1) By way of derogation from Article 9 (5) of Regulation (EC) No 1224/2009, flag Member States shall implement a Vessel Monitoring System (VMS) for their fishing vessels with a length overall equal to or greater than 12 meters in accordance with Annex XV.
- (2) Fishing vessels over 15 meters length overall that are included in the list of vessels referred to in point (a) of Article 25(1) or in the list of vessels referred to in point (b) of Article 25(1) shall begin to transmit VMS data to ICCAT at least 5 days before their period of authorisation and shall continue at least 5 days after their period of authorisation, unless a request is sent in advance to the Commission for the vessel to be removed from the ICCAT record of vessels.

- (3) For control purposes, the master or his representative shall ensure that the transmission of VMS data from catching vessels that are authorised to fish actively for bluefin tuna is not interrupted when vessels are in port **unless there is a system of hailing in and out of port.**
- (4) Member States shall ensure that their fisheries monitoring centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag. The Commission shall send those messages electronically to the ICCAT Secretariat.
- (5) Member States shall ensure that:
 - (a) VMS messages from the fishing vessels flying their flag are forwarded to the Commission at least every two hours;
 - (b) In the event of technical malfunctioning of the VMS, alternative messages from the fishing vessels flying their flag received pursuant to **paragrah 1 of** Article 25~~(4)~~ of Implementing Regulation (EU) No 404/2011 are forwarded to the Commission within 24 hours of receipt by their fisheries monitoring centres;
 - (c) Messages forwarded to the Commission are sequentially numbered (with a unique identifier) in order to avoid duplication;
 - (d) Messages forwarded to the Commission are in accordance with **paragraph 3 of** Article 24~~(3)~~ of Implementing Regulation (EU) No 404/2011.
- (6) Each Member State shall ensure that all messages made available to its inspection vessels are treated in a confidential manner and are limited to inspection at sea operations.

SECTION 9

Inspection and Enforcement

Article 57

ICCAT Scheme of Joint International Inspection

- (1) Joint international inspection activities shall be carried out in accordance with the ICCAT Scheme of Joint International Inspection (the ICCAT 'scheme') for international control outside the waters under national jurisdiction, as set out in Annex IX to this Regulation.
- (2) Member States whose fishing vessels are authorised to operate for bluefin tuna shall assign inspectors and carry out inspections at sea under the ICCAT scheme.

- (3) When at any time, more than 15 fishing vessels flagged to a Member State are engaged in bluefin tuna activities in the Convention Area, the ~~concerned~~ Member State concerned shall, on the basis of risk assessment, deploy an inspection vessel for the purpose of inspection and control at sea in the Convention Area throughout the period that those vessels are there. That obligation shall be deemed to have been complied with where Member States cooperate to deploy an inspection vessel or where a Union inspection vessel is deployed in the Convention Area.
- (4) The Commission or a body designated by it may assign Union inspectors to the ICCAT scheme.
- (5) For the purpose of paragraph 3, the Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. The Commission may draw up, in coordination with the Member States concerned, joint inspection programmes to enable the Union to fulfil its obligation under the ICCAT scheme. Member States whose fishing vessels are engaged in the fishery of bluefin tuna shall adopt the necessary measures to facilitate the implementation of those programmes particularly as regards the human and material resources required and the periods and geographical areas when those resources are to be deployed.
- (6) Member States shall inform the Commission by 1 April of each year of the names of the inspectors and the inspection vessels they intend to assign to the ICCAT scheme during the year. Using that information, the Commission shall draw up, in collaboration with the Member States, a plan for the Union participation in the ICCAT scheme each year, which it shall send to the ICCAT Secretariat and the Member States.

Article 58

Inspections in case of infringements

The flag Member State shall ensure that a physical inspection of a fishing vessel flying its flag takes place under its authority in its ports, or by an inspector designated by it when the fishing vessel is not in one of its ports, if the fishing vessel:

- (a) failed to comply with the recording and reporting requirements set out in Articles 30 and 31; or
- (b) committed a breach of the provisions of this Regulation or a serious infringement referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90 of Regulation (EC) No 1224/2009.

Article 59
Cross-checks

- (1) Each Member State shall verify information and timely submission of inspection and observer reports, VMS data, and where appropriate e-BCDs, logbooks of their fishing vessels, transfers/transshipment documents and catch documents, in accordance with Article 109 of Regulation (EC) No 1224/2009.
- (2) Each Member State shall carry out cross-checks on all landings, all transshipments or caging between the quantities by species recorded in the fishing vessel logbook or quantities by species recorded in the transshipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoice and/or sales notes.

SECTION 10
Enforcement

Article 60
Enforcement

Without prejudice to Articles 89 to 91 of Regulation (EC) No 1224/2009, and in particular the duty of the Member States to take appropriate enforcement measures with respect to a fishing vessel, the Member State responsible for the farm(s) for bluefin tuna shall take appropriate enforcement measure with respect to a farm, where it has been established, in accordance with its law that this farm does not comply with the provisions of Articles 45 to 55 of this Regulation. ~~The measures may include,~~ Depending on the gravity of the offense and in accordance with the pertinent provisions of national law such measures may include, in particular, suspension of the authorisation or withdrawal ~~of the record of bluefin tuna farm, and the imposition of fines from the ICCAT Record of Bluefin tuna Farming Facilities established in accordance with Rec. 06-07 and/or fines.~~

CHAPTER 6

Marketing

Article 61

Marketing measures

- (1) Without prejudice to Regulations (EC) No 1224/2009, (EC) No 1005/2008 and Regulation (EU) No 1379/2013¹⁰, Union trade, landing, import, export, placing in cages for fattening or farming, re-export and transshipment of bluefin tuna that are not accompanied by the accurate, complete and validated documentation set out in this Regulation, Article 4b of Regulation (EC) No 1936/2001 and Union legislation implementing ICCAT rules on the catch documentation programme shall be prohibited.
- (2) Union trade, import, landing, placing in cages for fattening or farming, processing, export, re-export and transshipment of bluefin tuna shall be prohibited if:
 - (a) the bluefin tuna was caught by fishing vessels or traps whose flag State does not have a quota, catch limit or allocation of fishing effort for bluefin tuna under the terms of ICCAT conservation and management measures, or;
 - (b) the bluefin tuna was caught by a fishing vessel or a trap whose individual quota or whose State's fishing opportunities were exhausted at the time of the catch.
- (3) Without prejudice to Regulations (EC) No 1224/2009, (EC) No 1005/2008 and (EU) No 1379/2013, Union trade, imports, landings, processing and exports of bluefin tuna from fattening or farming farms that do not comply with the Regulations referred to in paragraph 1 shall be prohibited.

CHAPTER 7

Final provisions

Article 62

Evaluation

Upon request from the Commission, Member States shall submit without delay a detailed report on their implementation of this Regulation to the Commission. Based on the information received from Member States, the Commission shall submit to the ICCAT Secretariat by the date decided by the ICCAT, a detailed report on the implementation of ICCAT Recommendation 18-02.

¹⁰ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

Article 63
Financing

For the purposes of Regulation (EU) No 508/2014 of the European Parliament and of the Council ¹¹, this Regulation shall be deemed to be a multiannual plan within the meaning of Article 9 of Regulation (EU) No 1380/2013.

Article 64
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 65
Procedure for amendments

- (1) The Commission is empowered to adopt delegated acts in accordance with Article 66 concerning amendments to this Regulation in order to adapt it to measures adopted by ICCAT that bind the Union and its Member States as regards:
- (a) The target of fishing mortality to maintain the stock biomass at MSY as referred to in Article 3;
- (a1) Exceptions to the prohibition under Article 7a(1) to carry-over unused quotas;**
- (b) Deadlines for reporting information as laid down in Article 23(4), Article 25(1), Article 28(1), Article 31(2) and (3), Article 34(5) and (6), Article 35, Article 40(3), Article 43(2), Article 50(7), Article 51(~~12~~), Article 54, Article 56(5)(b) and Article 57(6);
- (c) Time periods for fishing seasons as provided in Article 16(1) and (4);
- (d) The minimum conservation reference size set in Article 18(1) and (2) and Article 19(1);
- (e) The percentages and reference parameters laid down in Article 12, Article 14(3) and (4), Article 19(1), Article 20(2), Article 37(1), Article 43(2), Article 49 and Article 50(9);

¹¹ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

- (f) The information to be submitted to the Commission referred to in Article 10(1), Article 23(1), Article 24(3), Article 28(1), Article 29(4), Article 33(2), Article 39(1) and Article 54;
 - (g) Tasks for national observers and ICCAT regional observers as provided in Article 37(2) and Article 38(5), respectively;
 - (h) Reasons to refuse the authorisation to transfer laid down in Article 40(1);
 - (i) Reasons to seize the catches and order the release of fish of Article 45(4);
 - (j) The number of vessels in Article 57(3);
 - (k) Annexes I to XV.
- (2) Any amendments adopted in accordance with paragraph 1 shall be strictly limited to the implementation of amendments and/or supplements to the respective ICCAT recommendations **which are binding on the** ~~into~~ Union ~~law~~.

Article 66
Exercise of 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 65 shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. **The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
- (3) The delegation of power referred to in Article 65 may be revoked at any time by the European Parliament or the Council. A decision to revoke 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* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.
- (4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
- (5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

- (6) A delegated act adopted pursuant to Article 65 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 or 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 of the Council.

Article 67
Committee procedure

- (1) The Commission shall be assisted by the Committee for Fisheries and Aquaculture established under 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 68
Amendments to Regulation(EC) No 1936/2001

Regulation (EC) No 1936/2001 is amended as follows:

- (a) Article 3(g) to (j), Articles 4a, 4b, and 4c and Annex Ia are deleted.
- (b) in Annexes I and II, the word “Bluefin tuna: *Thunnus thynnus*” is deleted.

Article 69
Amendments to Regulation (EU) 2017/2107

In Regulation (EU) 2017/2107, Article 43 is deleted.

Article 70
Amendments to Regulation (EU) 2019/833

In Regulation (EU) 2019/833 Article 53 is deleted.

Article 71
Repeal

- (1) Regulation (EC) No 2016/1627 is hereby repealed.
- (2) References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XVI.

Article 72
Entry into force

This Regulation shall enter into force on [the twentieth] 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

For the Council

The President

The President

ANNEX I

Specific Conditions Applying to the Catching Vessels fishing under Article 18

- (1) Each Member State shall ensure the following capacity limitations are respected:
 - The maximum number of its baitboats and trolling boats authorised to fish actively bluefin tuna to the number of the vessels participating in directed fishery for bluefin tuna in 2006.
 - The maximum number of its artisanal fleet authorised to fish actively bluefin tuna in the Mediterranean Sea to the number of the vessels participating in the fishery for bluefin tuna in 2008.
 - The maximum number of its catching vessel authorised to fish actively bluefin tuna in the Adriatic to the number of the vessel participating in the fishery for bluefin tuna in 2008. Each Member State shall allocate individual quotas to the concerned vessels.
- (2) Each Member State may allocate:
 - No more than 7% of its quota for bluefin tuna among its baitboats and trolling boats. In the case of France, a max of 100 tones of Bluefin tuna weighing no less than 6.4 kg or 70 cm fork length, can be caught by vessels flying the flag of France of an overall length of less than 17 m operating in the Bay of Biscay.
 - No more than 2% of its quota for bluefin tuna among its coastal artisanal fishery for fresh fish in the Mediterranean Sea.
 - **No more than 90% of its quota for bluefin tuna among its catching vessels in the Adriatic for farming purpose.**
- (3) ~~Croatia may allocate a maximum of 7% of its quota among its catching vessels in the Adriatic for farming purposes, with a tolerance level for specimens of Bluefin tuna with a minimum weight of 6.4 kg or 66 cm fork length.~~ **For a maximum of 7% by weight of specimens of Bluefin tuna caught in Adriatic for farming purposes by its vessels, Croatia may apply minimum weight of 6.4 kg or 66 cm fork length.**
- (4) Member States whose baitboats, longliners, handliners and trolling boats are authorised to fish for bluefin tuna in the eastern Atlantic and Mediterranean Sea shall institute tail tag requirements as follows:
 - Tail tags must be affixed on each bluefin tuna immediately upon offloading.
 - Each tail tag shall have a unique identification number and be included on bluefin tuna catch documents and written legibly and indelibly on the outside of any package containing tuna.

ANNEX II
Logbook requirements

A. CATCHING VESSELS

Minimum specifications for fishing logbooks:

- (5) The logbook shall be numbered by sheet.
- (6) The logbook shall be completed every day (midnight) or before port arrival.
- (7) The logbook shall be completed in case of at-sea inspections.
- (8) One copy of the sheets shall remain attached to the logbook.
- (9) Logbooks shall be kept on board to cover a period of one year of operation.

Minimum standard information for fishing logbooks:

- (10) Master's name and address.
- (11) Dates and ports of departure, dates and ports of arrival.
- (12) Vessel's name, register number, ICCAT number, international radio call sign and IMO number (if available).
- (13) Fishing gear:
 - (a) type FAO code;
 - (b) dimension (e.g. length, mesh size, number of hooks).
- (14) Operations at sea with one line (minimum) per day of trip, providing:
 - (a) activity (e.g. fishing, steaming);
 - (b) position: exact daily positions (in degree and minutes), recorded for each fishing operation or at midday when no fishing has been conducted during that day;
 - (c) record of catches, including:
 - FAO code;
 - round (RWT) weight in kg per day;
 - number of pieces per day.

For purse seiners those data shall be recorded by fishing operation, including nil return.

- (15) Master's signature.
- (16) Means of weight measure: estimation, weighing on board.
- (17) The logbook shall be kept in equivalent live weight of fish and shall mention the conversion factors used in the evaluation.

Minimum information for fishing logbooks in case of landing or transhipment:

- (18) Dates and port of landing/transhipment.
- (19) Products:
 - (a) species and presentation by FAO code;
 - (b) number of fish or boxes and quantity in kg.
- (20) Signature of the master or vessel agent.
- (21) In case of transhipment: receiving vessel name, its flag and ICCAT number.

Minimum information for fishing logbooks in case of transfer into cages:

- (22) Date, time and position (latitude/longitude) of transfer.
- (23) Products:
 - (a) species identification by FAO code;
 - (b) number of fish and quantity in kg transferred into cages.
- (24) Name of towing vessel, its flag and ICCAT number.
- (25) Name of the farm of destination and its ICCAT number.

- (26) In the case of a JFO, in addition to the information laid down in points 1 to 4, the masters shall record in their logbook:
- (a) as regards the catching vessel transferring the fish into cages:
 - amount of catches taken on board,
 - amount of catches counted against its individual quota,
 - the names of the other vessels involved in the JFO;
 - (b) as regards the other catching vessels of the same JFO not involved in the transfer of the fish:
 - the name of those vessels, their international radio call signs and ICCAT numbers,
 - that no catches have been taken on board or transferred into cages,
 - amount of catches counted against their individual quotas,
 - the name and the ICCAT number of the catching vessel referred to in point (a).

B. TOWING VESSELS

- (27) The master of a towing vessel shall record in the daily logbook the date, time and position of transfer, the quantities transferred (number of fish and quantity in kg), the cage number, as well as the catching vessel's name, flag and ICCAT number, the name of the other vessel(s) involved and their ICCAT number, the farm of destination and its ICCAT number, and the ICCAT transfer declaration number.
- (28) Further transfers to auxiliary vessels or to other towing vessel shall be reported, including the same information as in point 1, as well as the auxiliary or towing vessel's name, flag and ICCAT number and the ICCAT transfer declaration number.
- (29) The daily logbook shall contain the details of all transfers carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

C. AUXILIARY VESSELS

- (30) The master of an auxiliary vessel shall record the activities daily in the logbook, including the date, time and positions, the quantities of bluefin tuna taken on board, and the fishing vessel, farm or trap name he/she is operating in association with.
- (31) The daily logbook shall contain the details of all activities carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

D. PROCESSING VESSELS

- (32) The master of a processing vessel shall report in the daily logbook the date, time and position of the activities and the quantities transhipped and the number and weight of bluefin tuna received from farms, traps or catching vessels, where applicable. The master shall also report the names and ICCAT numbers of those farms, traps or catching vessels.
- (33) The master of a processing vessel shall maintain a daily processing logbook specifying the round weight and number of fish transferred or transhipped, the conversion factor used, and the weights and quantities by product presentation.
- (34) The master of a processing vessel shall maintain a stowage plan that shows the location and the quantities of each species and presentation.
- (35) The daily logbook shall contain the details of all transhipments carried out during the fishing season. The daily logbook, processing logbook, stowage plan and the originals of ICCAT transhipment declarations shall be kept on board and be accessible at any time for control purposes.

ANNEX III

Catch report form

Catch report form												
Flag	ICCAT Number	Vessel name	Report start date	Report end date	Report duration (d)	Catch date	Location of the catch		Catch			Attributed weight in case of a joint fishing operation (kg)
							Latitude	Longitude	Weight (kg)	Number of pieces	Average weight (kg)	

ANNEX IV

Application form for the authorisation to participate in a Joint Fishing Operation

Joint fishing operation								
Flag State	Vessel name	ICCAT No	Duration of the operation	Identity of the operators	Vessel's individual quota	Allocation key per vessel	Fattening and farming farm destination	
							CPC	ICCAT No

Date ...

Validation of the flag State ...

ANNEX V ICCAT Transshipment Declaration

Document No

Carrier vessel	Fishing Vessel	Final destination:
Name of vessel and radio call sign:	Name of the vessel and radio call sign:	Port:
Flag:	Flag:	Country:
Flag State authorisation No	Flag State authorisation No.	State:
National Register No	National Register No.	
ICCAT Register No	ICCAT Register No.	
IMO No	External identification:	
	Fishing logbook sheet No	

Day Month Hour Year |2_|0_|_|_| F.V Master's name: Carrier vessel Master's name:

Departure |_|_| |_|_| |_|_| From: |_|_|_|_|

Return |_|_| |_|_| |_|_| To: |_|_|_|_| Signature: Signature:

Tranship. |_|_| |_|_| |_|_| |_|_|_|_|

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

LOCATION OF TRANSHIPMENT

Port	Sea		Species	Number of unit of fish	Type of product live	Type of product whole	Type of product gutted	Type of product head off	Type of product filleted	Type of product		Further transshipments
	Lat.	Long.										
												Date: _ _ _ _ Place/Position: _ _ _ _
												Authorisation CP No
												Transfer vessel Master's signature:
												Name of receiver vessel:
												Flag
												ICCAT Register No
												IMO No
												Master's signature
												Date: _ _ _ _ Place/Position: _ _ _ _
												Authorisation CP No
												Transfer vessel Master's signature:
												Name of receiver vessel:
												Flag
												ICCAT Register No
												IMO No
												Master's signature

Obligations in case of transshipment:

1. The original of the transshipment declaration shall be provided to the recipient vessel (processing/transport).
2. The copy of the transshipment declaration shall be kept by the correspondent catching vessel or trap.
3. Further transshipping operations shall be authorised by the relevant CPC which authorised the vessel to operate.
4. The original of the transshipment declaration has to be kept by the recipient vessel which holds the fish, up to the landing place.
5. The transshipping operation shall be recorded in the logbook of any vessel involved in the operation.

ANNEX VI

ICCAT Transfer Declaration

Document No	ICCAT Transfer Declaration		
1. TRANSFER OF LIVE BFT DESTINATED FOR FARMING			
Fishing vessel name:	Trap name:	Tug vessel name:	Name of destination farm:
Call sign:	ICCAT Register No	Call sign:	ICCAT Register No:
Flag:		Flag:	
Flag State transfer authorisation No		ICCAT Register No:	Cage number:
ICCAT Register No		External identification:	
External identification:			
Fishing logbook No			
JFO No			
2. TRANSFER INFORMATION			
Date: __/__/____	Place or position:	Port:	Lat: Long:
Number of individuals:		Species:	Weight:
Type of product: Live <input type="checkbox"/> Whole <input type="checkbox"/> Gutted <input type="checkbox"/> Other (Specify):			
Master of fishing vessel trap operator/farm operator name and signature:		Master of receiver vessel (tug, processing, carrier) name and signature:	
Observer names, ICCAT No and signature:			
3. FURTHER TRANSFERS			
Date: __/__/____	Place or position:	Port:	Lat: Long:
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation No:	External identification:	Master of receiver vessel name and signature:	
Date: __/__/____	Place or position:	Port:	Lat: Long:
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation No:	External identification:	Master of receiver vessel name and signature:	
4. SPLIT CAGES			
Donor cage No	Kg:	No of fish:	
Donor tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No

ANNEX VII
Minimum Information for Fishing Authorisations¹²

A. IDENTIFICATION

- (36) ICCAT registration number
- (37) Name of fishing vessel
- (38) External registration number (letters and numbers)

B. FISHING CONDITIONS

- (39) Date of issue
- (40) Period of validity
- (41) Conditions of fishing authorisation, including when appropriate species, zone, fishing gear and any other conditions applicable derived from this Regulation and/or from national legislation.

		From ../..	From ../..	From ../..	From ../..	From ../..	From ../..
		To ../..	To ../..	To ../..	To ../..	To ../..	To ../..
Zones							
Species							
Fishing gear							
Other conditions							

¹² This is in Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011.

ANNEX VIII
ICCAT Regional Observer Programme

ASSIGNMENT OF ICCAT REGIONAL OBSERVERS

- (42) Each ICCAT regional observer shall have the following qualifications to accomplish their tasks:
- (a) sufficient experience to identify species and fishing gear;
 - (b) satisfactory knowledge of the ICCAT conservation and management measures assessed by a certificate provided by the Member States and based on ICCAT training guidelines;
 - (c) the ability to observe and record accurately;
 - (d) satisfactory knowledge of the language of the flag of the vessel or farm observed.

OBLIGATIONS OF THE ICCAT REGIONAL OBSERVER

- (43) The ICCAT regional observers shall:
- (a) have completed the technical training required by the guidelines established by ICCAT;
 - (b) be nationals of one of the Member States and, to the extent possible, not of the farm or trap state or the flag State of the purse seiner. If, however, bluefin tuna is harvested from the cage and traded as fresh products, the ICCAT regional observer that observes the harvest may be a national of the Member State responsible for the farm;
 - (c) be capable of performing the tasks set out in point 3;
 - (d) be included in the list of ICCAT regional observers maintained by ICCAT;
 - (e) not have current financial or beneficial interests in the bluefin tuna fishery.

ICCAT REGIONAL OBSERVER TASKS

(44) The tasks of ICCAT regional observers shall be, in particular:

- (a) as regards observers on purse seine vessels, to monitor the purse seine vessels' compliance with the relevant conservation and management measures adopted by ICCAT. In particular, the regional observer shall:
 - (1) in cases where the ICCAT regional observer observes what may constitute non-compliance with ICCAT recommendations, he/she shall submit that information without delay to the ICCAT regional observer implementing company who shall forward it without delay to the flag State authorities of the catching vessel;
 - (2) record and report upon the fishing activities carried out;
 - (3) observe and estimate catches and verify entries made in the logbook;
 - (4) issue a daily report of the purse seine vessels' transfer activities;
 - (5) sight and record vessels which may be fishing in contravention of ICCAT conservation and management measures;
 - (6) record and report upon the transfer activities carried out;
 - (7) verify the position of the vessel when engaged in transfer;
 - (8) observe and estimate products transferred, including through the review of video recordings;
 - (9) verify and record the name of the fishing vessel concerned and its ICCAT number;
 - (10) carry out scientific work such as collecting Task II data when required by the ICCAT Commission, based on the directives from the SCRS;
- (b) as regards ICCAT regional observers in farms and traps, to monitor their compliance with the relevant conservation and management measures adopted by ICCAT. In particular, the ICCAT regional observer shall:
 - (1) verify the data contained in the transfer declaration and caging declaration and BCD, including through the review of video records;
 - (2) certify the data contained in the transfer declaration and caging declaration and BCDs;

- (3) issue a daily report of the farms' and traps' transfer activities;
- (4) countersign the transfer declaration and caging declaration and BCDs only when he/she agrees that the information contained within them is consistent with his/her observations including a compliant video record as per the requirements referred to in Article 41(1) and Article 42(1);
- (5) carry out such scientific work, for example collecting samples, as required by the Commission, based on the directives from the SCRS;
- (6) register and verify the presence of any type of tag, including natural marks, and notify any sign of recent tag removals;
- (c) establish general reports compiling the information collected in accordance with this point and provide the master and farm operator with the opportunity to include therein any relevant information;
- (d) submit to the Secretariat the general report referred to in point (c) within 20 days from the end of the period of observation;
- (e) exercise any other functions as defined by the ICCAT Commission.
- (45) The ICCAT regional observer shall treat as confidential all information with respect to the fishing and transfer operations of the purse seiners and of the farms and shall accept that requirement in writing as a condition of appointment as an ICCAT regional observer.
- (46) The ICCAT regional observer shall comply with requirements established in the laws and regulations of the flag or farm state, which exercises jurisdiction over the vessel or farm to which the ICCAT regional observer is assigned.
- (47) The ICCAT regional observer shall respect the hierarchy and general rules of behaviour which apply to all vessel and farm personnel, provided such rules do not interfere with the duties of the ICCAT regional observer under this programme, and with the obligations of vessel and farm personnel set out in point 7 of this Annex and Article 38.

OBLIGATIONS OF THE FLAG MEMBER STATES TOWARDS ICCAT REGIONAL OBSERVERS

- (48) Member States responsible for the purse seiner, farm or trap, shall ensure that ICCAT regional observers are:
- (a) allowed access to the vessel, farm and trap personnel and to the gear, cages and equipment;
 - (b) allowed access, upon request, 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 out in point 3 of this Annex:
 - (1) satellite navigation equipment,
 - (2) radar display viewing screens when in use,
 - (3) electronic means of communication;
 - (c) provided with accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - (d) 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.

COSTS ARISING FROM THE ICCAT REGIONAL OBSERVER PROGRAMME

- (49) All costs arising from the operation of ICCAT regional observers shall be borne by each farm operator or owner of purse seiners.

ANNEX IX
ICCAT Scheme of Joint International Inspection

ICCAT agreed at its Fourth Regular Meeting (Madrid, November 1975) and at its Annual Meeting in 2008 in Marrakesh that:

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

- (50) 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 ICCAT Commission:
- (a) fishing without a licence, permit or authorisation issued by the flag CPC;
 - (b) failure to maintain sufficient records of catch and catch-related data in accordance with the ICCAT 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 ICCAT;
 - (f) significant violation of catch limits or quotas in force pursuant to 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 the investigation of a violation;
 - (j) multiple violations which, taken together, constitute a serious disregard of measures in force pursuant to ICCAT;

- (k) assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorised inspector or observer;
 - (l) intentionally tampering with or disabling the VMS;
 - (m) such other violations as may be determined by the ICCAT, once those are included and circulated in a revised version of those procedures;
 - (n) fishing with the assistance of spotter planes;
 - (o) interference with the satellite monitoring system and/or operation of a vessel without the VMS;
 - (p) transfer activity without transfer declaration;
 - (q) transshipment at sea.
- (51) In the case of any boarding and inspection of a fishing vessel during which the authorised inspector observes an activity or condition that would constitute a serious violation, as defined in point 1, the authorities of the flag State of the inspection vessels shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations, the inspector shall also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.
- (52) The ICCAT inspector shall register, in the fishing vessel's logbook, the inspections undertaken and any infringements detected.
- (53) The flag Member State shall ensure that, following the inspection referred to in point 2, the fishing vessel concerned ceases all fishing activities. The flag Member State shall require the fishing vessel to proceed within 72 hours to a port designated by it, where an investigation shall be initiated.
- (54) If the vessel is not called to port, the flag Member State shall provide due justification in a timely manner to the European Commission which shall forward the information to the ICCAT Secretariat, who shall make it available on request to other Contracting Parties.

II. CONDUCT OF INSPECTIONS


- (55) Inspections shall be carried out by inspectors designated by the Contracting Parties. The names of the authorised government agencies and each inspector designated for that purpose by their respective governments shall be notified to the ICCAT Commission.
- (56) 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.
- (57) Each inspector shall carry an appropriate identity document issued by the authorities of the flag State, which shall be in the form shown in point 21 of this Annex.
- (58) Subject to the arrangements agreed under point 16, a vessel flagged to a Contracting Party and fishing for tuna or tuna-like fish in the Convention Area outside the waters within its national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in point 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 point 10, to board it and shall 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 the 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 are deemed necessary.
- (59) 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 shall be as small as possible to safely and securely accomplish the duties set out in this Annex.
- (60) Upon boarding the vessel, the inspector shall produce the identity documentation described in point 8. The inspector shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew, and shall minimise 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.

Each inspector shall limit his/her 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, an inspector may ask the master of the fishing vessel for any assistance that may be required. The inspector shall draw up a report of the inspection in a form approved by the ICCAT Commission. The inspector 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/she may think suitable and shall sign such observations.

- (61) 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 shall, where possible, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.
- (62) Resistance to an inspector or failure to comply with his/her 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.
- (63) The inspector shall carry out his/her duties under these arrangements in accordance with the rules set out in this Regulation, but they shall remain under the operational control of their national authorities and shall be responsible to them.
- (64) Contracting Parties 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 point shall not impose any obligation on a Contracting Party to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.
- (65) (a) Contracting Parties shall inform the ICCAT Commission by 15 February each year of their provisional plans for conducting inspection activities under the recommendation implemented by this regulation in that calendar year and the ICCAT Commission may make suggestions to Contracting Parties for the coordination of national operations in this field, including the number of inspectors and ships carrying inspectors.
- (b) The arrangements set out in the ICCAT Recommendation [18-02]¹³ and the plans for participation shall apply between Contracting Parties unless otherwise agreed between them, and such agreement shall be notified to the ICCAT Commission. However, the implementation of the scheme shall be suspended between any two Contracting Parties if either of them has notified the ICCAT Commission to that effect, pending completion of such an agreement.
- (66) (a) The fishing gear shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The inspector shall state the subarea for which the inspection took place, and a description of any violations found in the inspection report.
- (b) The inspector shall be entitled to inspect all fishing gear in use or on board.

¹³ <https://www.iccat.int/Documents/Recs/compendiopdf-e/2018-02-e.pdf>

- (67) The inspector 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 recommendations in force in relation to the flag State of the vessel concerned and shall record this fact in the inspection report.
- (68) The inspector may photograph the gear, equipment, documentation and any other element he/she consider necessary in such a way as to reveal those features which in his/her opinion are not in conformity with the regulation in force, in which case the subjects photographed shall be listed in the report and copies of the photographs shall be attached to the copy of the report to the flag State.
- (69) The inspector shall, as necessary, inspect all catch on board to determine compliance with ICCAT recommendations.
- (70) The model identity card for inspectors is as follows:

<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> <p>Photograph</p>		<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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Minimum standards for video recording procedures**Transfer operations**

- (71) The electronic storage device containing the original video record shall be provided to the ICCAT regional observer as soon as possible after the end of the transfer operation, who shall immediately initialise it to avoid any further manipulation.
- (72) The original recording shall be kept on board the catching vessel or by the farm or trap operator, where appropriate, during its entire period of authorisation.
- (73) Two identical copies of the video record shall be produced. One copy shall be transmitted to the ICCAT regional observer on board the purse seiner and one to the national observer on board the towing vessel, the latter of which shall accompany the transfer declaration and the associated catches to which it relates. That procedure shall only apply to national observers in the case of transfers between towing vessels.
- (74) At the beginning and/or the end of each video, the ICCAT transfer authorisation number shall be displayed.
- (75) The time and the date of the video shall be continuously displayed throughout each video record.
- (76) Before the start of the transfer, the video shall include the opening and closing of the net/door and footage showing whether the receiving and donor cages already contain bluefin tuna.
- (77) The video recording shall be continuous without any interruptions and cuts and cover the entire transfer operation.
- (78) The video record shall be of sufficient quality to estimate the number of bluefin tuna being transferred.
- (79) If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, ~~then a new transfer shall be requested by the control~~ the operator may request to the flag authorities of the vessel or trap to conduct a control transfer. Such voluntary control ~~The new~~ transfer shall include all the bluefin tuna in the receiving cage into another cage which must be empty. For those cases where the origin of the fish is a **fishing** trap, the bluefin tuna already transferred from the **fishing** trap to the receiving cage, could be sent back to the **fishing** trap, and the **fishing control** transfer is cancelled under the supervision of the ICCAT regional observer.

Caging operations

- (80) The electronic storage device containing the original video record shall be provided to the ICCAT regional observer as soon as possible after the end of the caging operation, who shall immediately initialise it to avoid any further manipulation.
- (81) The original recording shall be kept by the farm, where applicable, during their entire period of authorisation.
- (82) Two identical copies of the video record shall be produced. One copy shall be transmitted to the ICCAT regional observer deployed on the farm.
- (83) At the beginning and/or the end of each video, the ICCAT caging authorisation number shall be displayed.
- (84) The time and the date of the video shall be continuously displayed throughout each video record.
- (85) Before the start of the caging, the video shall include the opening and closing of the net/door and whether the receiving and donor cages already contain bluefin tuna.
- (86) The video recording shall be continuous without any interruptions and cuts and cover the entire caging operation.
- (87) The video record shall be of sufficient quality to estimate the number of bluefin tuna being transferred.
- (88) If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, then a new caging operation shall be requested by the control authorities. The new caging operation shall include all the bluefin tuna in the receiving farm cage into another farm cage which shall be empty.

ANNEX XI

Standards and procedures for stereoscopic cameras systems in the context of caging operations

A. Use of stereoscopic cameras systems

The use of stereoscopic cameras systems in the context of caging operations, as required by Article 50 of this Regulation shall be conducted in accordance with the following:

- (89) The sampling intensity of live fish shall not be below 20 % of the amount of fish being caged. When technically possible, the sampling of live fish shall be sequential, one in every five specimens being measured; such a sample shall be made up of fish measured at a distance between 2 and 8 metres from the camera.
- (90) The dimensions of the transfer gate connecting the donor cage and the receiving cage shall be set at a maximum width of 10 metres and a maximum height of 10 metres.
- (91) When the length measurements of the fish present a multi-modal distribution (two or more cohorts of distinct sizes), it shall be possible to use more than one conversion algorithm for the same caging operation; the most up- to-date algorithm(s) established by SCRS shall be used to convert fork lengths into total weights, according to the size category of the fish measured during the caging operation.
- (92) Validation of the stereoscopic length measurements shall be undertaken prior to each caging operation using a scale bar at a distance of between 2 and 8 metres.
- (93) When the results of the stereoscopic programme are communicated, the information shall indicate the margin of error inherent to the technical specifications of the stereoscopic camera system, which shall not exceed a range of +/- 5 %.
- (94) The report on the results of the stereoscopic programme shall include details on all the technical specifications above, including the sampling intensity, the way of sampling methodology, the distance from the camera, the dimensions of the transfer gate, and the algorithms (length-weight relationship). SCRS shall review those specifications and, if necessary, provide recommendations to modify them.
- (95) In cases where the stereoscopic camera footage is of insufficient quality to estimate the weight of bluefin tuna being caged, a new caging operation shall be ordered by the Member State authorities responsible for the catching vessel, trap or farm.

B. Presentation and use of the results of the programmes

- (96) Decisions regarding differences between the catch report and the results from the stereoscopic system programme shall be taken at the level of the JFO or total trap catches, for JFOs and trap catches destined to a farm facility involving a single CPC and/or Member State. The decision regarding differences between the catch report and the results from the stereoscopic system programme shall be taken at the level of the caging operations for JFOs involving more than one CPC and/or Member State, unless otherwise agreed by all the flag CPC and/or Member State authorities of the catching vessels involved in the JFO.
- (97) The Member State responsible for the farm shall provide a report to the Member State or CPC responsible for the catching vessel or trap and to the Commission, including the following documents:
- (a) technical stereoscopic system report including:
 - general information: species, site, cage, date, algorithm,
 - sizing statistical information: average weight and length, minimum weight and length, maximum weight and length, number of fish sampled, weight distribution, size distribution;
 - (b) detailed results of the programme, with the size and weight of every fish that was sampled;
 - (c) caging report including:
 - general information on the operation: number of the caging operation, name of the farm, cage number, BCD number, ITD number, name and flag of the catching vessel or trap, name and flag of the towing vessel, date of the stereoscopic system operation and footage file name,
 - algorithm used to convert length into weight,
 - comparison between the amounts declared in the BCD and the amounts found with the stereoscopic system, in number of fish, average weight and total weight (the formula used to calculate the difference shall be: $(\text{stereoscopic system} - \text{BCD}) / \text{stereoscopic system} * 100$),
 - margin of error of the system,
 - for those caging reports relating to JFOs/traps, the last caging report shall also include a summary of all information in previous caging reports.

- (98) When receiving the caging report, the Member State authorities of the catching vessel or trap shall take all the necessary measures according to the following situations:
- (a) the total weight declared by the catching vessel or trap in the BCD is within the range of the stereoscopic system results:
 - no release shall be ordered,
 - the BCD shall be modified both in number (using the number of fish resulting from the use of the control cameras or alternative techniques) and average weight, while the total weight shall not be modified;
 - (b) the total weight declared by the catching vessel or trap in the BCD is below the lowest figure of the range of the stereoscopic system results:
 - a release shall be ordered using the lowest figure in the range of the stereoscopic system results,
 - the release operations shall be carried out in accordance with the procedure laid down in Article 40(2) and Annex XII,
 - after the release operations took place, the BCD shall be modified both in number (using the number of fish resulting from the use of the control cameras, minus the number of fish released) and average weight, while the total weight shall not be modified;
 - (c) the total weight declared by the catching vessel or trap in the BCD exceeds the highest figure of the range of the stereoscopic system results:
 - no release shall be ordered,
 - the BCD shall be modified for the total weight (using the highest figure in the range of the stereoscopic system results), for the number of fish (using the results from the control cameras) and average weight accordingly.
- (99) For any relevant modification of the BCD, the values (number and weight) entered in Section 2 shall be consistent with those in Section 6 and the values in Sections 3, 4 and 6, shall be not higher those in Section 2.

- (100) In case of compensation of differences found in individual caging reports across all cagings from a JFO/trap, whether or not a release operation is required, all relevant BCDs shall be modified on the basis of the lowest range of the stereoscopic system results. The BCDs related to the quantities of bluefin tuna released shall also be modified to reflect the weight/number released. The BCDs related to bluefin tuna not released but for which the results from the stereoscopic systems or alternative techniques differ from those reported caught and transferred shall also be amended to reflect those differences.

The BCDs relating to the catches from where the release operation took place shall also be modified to reflect the weight/number released.

ANNEX XII
Release Protocol

- (101) The release of bluefin tuna from farming cages into the sea shall be recorded by video camera and observed by an ICCAT regional observer, who shall draft and submit a report together with the video records to the ICCAT Secretariat.
- (102) When a release order has been issued, the farm operator shall request the deployment of an ICCAT regional observer.
- (103) The release of bluefin tuna from transport cages or traps into the sea shall be observed by a national observer of the Member State responsible for the towing vessel or trap, who shall draft and submit a report to the responsible Member State control authorities.
- (104) Before a release operation takes place, Member State control authorities might order a control transfer using standard and/or stereoscopic cameras to estimate the number and weight of the fish that need to be released.
- (105) Member State authorities may implement any additional measures they consider necessary to guarantee that the release operations take place at the most appropriate time and place in order to increase the probability of the fish going back to the stock. The operator shall be responsible for the fish survival until the release operation has taken place. Those release operations shall take place within three weeks of the completion of the caging operations.
- (106) Following completion of harvesting operations, fish remaining in a farm and not covered by the BCD shall be released in accordance with the procedures laid down in Article 40(2) and this Annex.

ANNEX XIII
Treatment of dead fish

During fishing operations by purse seiners, the quantities of fish found dead in the seine shall be recorded in the fishing vessel logbook and shall be deducted from the Member State quota accordingly.

Recording/treating of dead fish during the first transfer:

- (107) The BCD shall be provided to the operator of the towing vessel with Section 2 (Total catch), Section 3 (Live fish trade) and Section 4 (Transfer including 'dead' fish) completed.

The total quantities reported in Sections 3 and 4 shall be equal to the quantities reported in Section 2. The BCD shall be accompanied by the original ICCAT Transfer Declaration (ITD) in accordance with the provisions of this Regulation. The quantities reported in the ITD (transferred live), shall be equal to the quantities reported in Section 3 in the associated BCD.

- (108) A split of the BCD with Section 8 (Trade information) shall be completed and given to the operator of the auxiliary vessel which transports the dead bluefin tuna to shore (or retained on the catching vessel if landed directly to shore). The dead fish and split BCD shall be accompanied by a copy of the ITD.
- (109) The quantities of dead fish shall be recorded in the BCD of the catching vessel which made the catch or, in the case of JFOs, in the BCD of the catching vessels or of a vessel flying another flag participating in the JFO.

ANNEX XIV

ICCAT Declaration on caging¹⁴

Vessel name	Flag	Registration Number Identifiable cage number	Date of catch	Place of catch Longitude Latitude	Bluefin Tuna Statistical Document validation eBCD number	Bluefin Tuna Statistical Document eBCD date	Date of caging	Quantity placed in cage (t)	Number of fish placed in cage for fattening	Size composition	Farming facility*

*Facility authorized to operate for fattening of Bluefin tuna caught in the Convention area.

¹⁴ This is the Declaration on caging laid down in ICCAT Recommendation 06-07.

Minimum Standards for the establishment of a Vessel Monitoring System in the ICCAT Convention Area¹⁵

- (110) Notwithstanding stricter requirements that may apply in specific ICCAT fisheries, each flag Member State shall implement a Vessel Monitoring System (hereinafter referred to as VMS) for its fishing vessels above 15 meters LOA authorised to fish in waters beyond jurisdiction of the flag Member State and:
- (a) Require its fishing vessels to be equipped with an autonomous, tamper-evident system that continuously, automatically, and independent of any intervention by the vessel, transmits messages to the fishing monitoring centre ('FMC') of the flag Member State to track the position, course, and speed of a fishing vessel by the flag MS of that vessel.
 - (b) Ensure that the satellite tracking device fitted on board the fishing vessel collects and transmits continuously to the FMC of the flag Member State the following data:
 - the vessel's identification;
 - the geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 meters, with a confidence interval of 99%; and
 - the date and time.
 - (c) Ensure that the FMC of the flag Member State receives an automatic notification if communication between the FMC and the satellite tracking device is interrupted.
 - (d) Ensure, in cooperation with the coastal State, that the position messages transmitted by its vessels while operating in waters under the jurisdiction of that coastal State are also transmitted automatically and in real time to the FMC of the coastal State that has authorised the activity. In implementing this provision, due consideration shall be given to minimizing the operational costs, technical difficulties, and administrative burden associated with transmission of these messages.
 - (e) In order to facilitate the transmission and receipt of position messages, as described in subparagraph 1(d), the FMC of the flag Member State or CPC, and the FMC of the coastal State shall exchange their contact information and notify each other without delay of any changes to this information. The FMC of the coastal State shall notify the flag Member State or CPC FMC of any interruption in the reception of consecutive position messages. The transmission of position messages between the FMC of the flag Member State or CPC, and that of the coastal State shall be carried out electronically using a secure communication system.

¹⁵ This is in the ICCAT Recommendation Concerning Minimum Standards for Vessel Monitoring Systems in the ICCAT Convention Area 18-10.

- (111) Each Member State shall take appropriate measures to ensure that the VMS messages are transmitted and received, as specified in paragraph 1, and use this information to continuously track the position of its vessels.
- (112) Each Member State shall ensure that the masters of fishing vessels flying its flag ensure that the satellite tracking devices are permanently and continuously operational and that the information identified in paragraph 1b) is collected and transmitted¹ at least once every hour for purse seine vessels and at least once every two hours for all other vessels. In addition, Member States shall require that their vessel operators ensure that:
- (a) the satellite tracking device is not tampered with in any way;
 - (b) VMS data are not altered in any way;
 - (c) the antennae connected to the satellite tracking device is not obstructed in any way;
 - (d) the satellite tracking device is hardwired into the fishing vessel and the power supply is not intentionally interrupted in any way; and
 - (e) the satellite tracking device is not removed from the vessel except for the purposes of repair or replacement.
- (113) In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month from the time of the event, unless the vessel has been removed from the list of authorised LSFVs, where applicable, or for vessels not required to be included on ICCAT's authorised vessel list, the authorisation to fish in areas beyond the jurisdiction of the flag CPC no longer applies. The vessel shall not be authorised to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip, the repair or the replacement shall take place as soon as the vessel enters a port; the fishing vessel shall not be authorised to commence a fishing trip without the satellite tracking device having been repaired or replaced.
- (114) Each Member State or CPC shall ensure that a fishing vessel with a defective satellite tracking device shall communicate to the FMC, at least daily, reports containing the information in paragraph 1b) by other means of communication (radio, web-based reporting, electronic mail, telefax or telex).
- (115) Member States or CPC may allow a vessel to power down its satellite tracking device only if the vessel will not be fishing for an extended period of time (e.g., in dry dock for repairs), and it notifies the competent authorities of its flag Member State or CPC in advance. The satellite tracking device must be re-activated, and collect and transmit at least one report, prior to the vessel leaving port.

ANNEX XVI

Correlation table between Regulation (EU) No 2016/1627 and this Regulation

Regulation (EU) No 2016/1627	This Regulation
Article 1	Article 1
Article 2	Article 1
Article 3	Article 5
Article 4	-
Article 5	Article 6
Article 6	Article 10
Article 7	Article 11
Article 8	Article 12
Article 9	Article 13
Article 10	Article 15
Article 11	Article 16 + Annex I
Article 12	Article 16 + Annex I
Article 13	Article 17
Article 14	Article 18
Article 15	Article 19
Article 16	Article 20
Article 17	Article 24
Article 18	Article 21
Article 19	Article 22
Article 20	Article 25

Article 21	Article 4
Article 22	Article 26
Article 23	Article 27
Article 24	Article 29
Article 25	Article 30
Article 26	Article 31
Article 27	Article 35
Article 28	Article 36
Article 29	Article 28
Article 30	Article 32
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Article 34	Article 40
Article 35	Article 42
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Article 42	Article 46
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Article 50	Article 37
Article 51	Article 38
Article 52	Article 57
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Article 54	Article 58
Article 55	Article 59
Article 56	Article 61
Article 57	Article 62
Article 58	Article 63
Article 59	Article 67
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Annex I	Annex I
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Annex III	Annex V
Annex IV	Annex VI
Annex V	Annex III
Annex VI	Annex IV
Annex VII	Annex VIII
Annex VIII	Annex IX
Annex IX	Annex X
Annex X	Annex XI
Annex XI	Annex XII
Annex XII	Annex XIII
