



Brussels, 24.4.2015  
COM(2015) 180 final

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the  
Mediterranean repealing Regulation (EC) No 302/2009**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

The proposal aims at transposing into Union law measures of the multiannual Bluefin Tuna (BFT) recovery plan in the Eastern Atlantic and the Mediterranean adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT)<sup>1</sup> at its annual meetings between 2012 and 2014. ICCAT is the Regional Fisheries Management Organisation (RFMO) responsible for the management of tuna and tuna-like species in the Atlantic Ocean and adjoining seas to which the Union is a Contracting Party. The multiannual recovery plan for BFT was established in 2006<sup>2</sup> and entered into force in 2007.

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

Certain ICCAT BFT measures were transposed through Regulation (EU) No 544/2014 of 15 May 2014<sup>3</sup> which amended Council Regulation (EC) No 302/2009 of 6 April 2009<sup>4</sup>. The purpose of that amendment was to transpose the measures on fishing seasons adopted by ICCAT in 2012 and 2013. With a view to ensure uniform and effective application throughout the European Union of all measures of the Recovery plan adopted between 2012 and 2014, the current proposal will incorporate them into a Regulation concerning a multiannual recovery plan for BFT in the eastern Atlantic and the Mediterranean. This Regulation will repeal Council Regulation (EC) No 302/2009.

### **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

There was no need for consultation of interested parties or for an impact assessment.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **Summary of the proposed action**

The legislative initiative addresses the concern to ensure uniform and effective application of the most updated measures of the multiannual ICCAT BFT recovery plan throughout the European Union. The relevant conservation and management measures established through ICCAT Recommendations are not directly applicable to individual vessels or nationals of the Union. It is therefore necessary to transpose ICCAT BFT measures adopted in 2012, 2013 and 2014 into Union law. The proposal contains technical measures such as those on transfer and caging operations of live BFT, including also measures on the use of stereoscopic cameras to

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<sup>1</sup> <http://www.iccat.int/en/>

<sup>2</sup> Recommendation 06-05 by ICCAT to establish a multi-annual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean.

<sup>3</sup> Regulation (EU) No 544/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean (OJ L 163, 29.5.2012, p. 1).

<sup>4</sup> Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

estimate the quantities of BFT and releases, catch reporting requirements, and the implementation of the ICCAT Regional Observer Programme.

Article 15(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>5</sup> introduced a landing obligation which will apply as of 1 January 2015 to BFT. However, under Article 15(2) of that Regulation, the landing obligation is without prejudice to the Union's international obligations, such as those resulting from ICCAT recommendations. Under that same provision the Commission is empowered to adopt delegated acts for the purpose of implementing such international obligations into Union law, including, in particular, derogations from the landing obligation. Accordingly, the discard of BFT will be allowed in some situations laid down in Commission Delegated Regulation (EU) No 2015/98 of 18 November<sup>6</sup> and is not directly covered by this proposal.

### **Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

### **Subsidiarity principle**

The proposal falls under the exclusive competence of the Union (Article 3 (1)(d) TFEU). The subsidiarity principle does therefore not apply.

### **Proportionality principle**

The proposal will ensure the transposition of the relevant ICCAT measures into Union law without exceeding what is necessary to achieve the objective pursued.

### **Choice of instrument**

Proposed instrument: Regulation of the European Parliament and of the Council establishing a recovery plan as provided for in Article 9 of Regulation (EU) No 1380/2013.

In view of the number of new elements and changes, for reasons of clarity, simplification and legal certainty, Regulation (EC) No 302/2009 will be repealed by this Regulation.

## **4. BUDGETARY IMPLICATION**

This measure does not involve any additional Union expenditure.

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<sup>5</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354/22, 28.12.2013, p. 1).

<sup>6</sup> Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16/23, 23.01.2015, p. 1).

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean repealing Regulation (EC) No 302/2009**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee<sup>7</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The objective of the Common Fisheries Policy, as set out in Regulation (EU) No 1380/2013<sup>8</sup> is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.
- (2) The Union is Party to the International Convention for the Conservation of Atlantic Tunas ("the Convention")<sup>9</sup>.
- (3) At its 15<sup>th</sup> Special Meeting in 2006, the International Commission for the Conservation of Atlantic Tunas ("ICCAT"), established by the Convention, adopted Recommendation 06-05<sup>10</sup> to establish a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and in the Mediterranean ending in 2022 (the 'Recovery plan'). This Recommendation entered into force on 13 June 2007.
- (4) ICCAT Recommendation 06-05 was transposed into Union law by Council Regulation (EC) No 1559/2007<sup>11</sup> establishing a multi-annual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.
- (5) At its 16<sup>th</sup> Special Meeting in 2008, ICCAT adopted Recommendation 08-05<sup>12</sup> amending Recommendation 06-05.

In order to rebuild the stock, the Recovery plan established in 2006 and amended in 2008 set up a gradual reduction in the total allowable catch level from 2007 to 2011,

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<sup>7</sup> (reference to be inserted)

<sup>8</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354/22, 28.12.2013, p. 1).

<sup>9</sup> International Convention for the Conservation of Atlantic Tunas ("the Convention") (L 162, 18/06/1986, p. 34).

<sup>10</sup> Recommendation 06-05 by ICCAT to establish a multiannual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.

<sup>11</sup> Council Regulation (EC) No 1559/2007 of 17 December 2007 establishing a multi-annual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean (OJ L 340, 22.12.2007, p. 1).

<sup>12</sup> Recommendation 08-05 amending the Recommendation by ICCAT to establish a multiannual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.

restrictions on fishing within certain areas and time periods, a new minimum size for Bluefin tuna, measures concerning sport and recreational fishing activities, farming and fishing capacity measures and reinforced the ICCAT Scheme of Joint International Inspection.

- (6) ICCAT Recommendation 08-05 was transposed into Union law by Council Regulation (EC) No 302/2009<sup>13</sup> concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean repealing Regulation (EC) No 1559/2007.
- (7) At its 17<sup>th</sup> Special Meeting in 2010, ICCAT adopted Recommendation 10-04<sup>14</sup>, amending Recommendation 08-05. In order to rebuild the stock, Recommendation 10-04 established a further reduction of the total allowable catch, and the fishing capacity and reinforced the control measures, in particular those concerning transfer and caging operations. It also provided for additional advice by the Standing Committee on Research and Statistics (SCRS) in 2012 on the identification of spawning grounds and on the creation of sanctuaries.
- (8) In order to transpose the revised international conservation measures of Recommendation 10-04 into Union law, Regulation (EC) No 302/2009 was amended by Regulation (EU) No 500/2012 of the European Parliament and the Council<sup>15</sup>.
- (9) At its 18<sup>th</sup> Special Meeting in 2012, ICCAT adopted Recommendation 12-03<sup>16</sup> amending Recommendation 10-04. In order to strengthen the effectiveness of the Recovery plan it set up technical measures concerning the transfer and caging operations of live Bluefin tuna, new catch reporting requirements, the implementation of the ICCAT Regional Observer Programme and changes of the fishing seasons. Furthermore, it reinforced the role of the SCRS with regard to the Bluefin tuna stock assessment.
- (10) At its 23<sup>rd</sup> Regular Meeting in 2013, ICCAT adopted Recommendation 13-07<sup>17</sup> amending Recommendation 12-03 by introducing small changes on fishing seasons which do not affect the Union fleet. Furthermore, Recommendation 13-08<sup>18</sup> was adopted which complements the Recovery plan. It set up a common procedure for the use of stereoscopic camera systems to estimate the quantities of bluefin tuna at the point of caging and introduced a flexible starting date for the fishing season of baitboats and trolling boats in the Eastern Atlantic.
- (11) In order to transpose essential measures such as those on fishing seasons of Recommendations 12-03 and 13-08 into Union law, Regulation (EC) No 302/2009

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<sup>13</sup> Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

<sup>14</sup> Recommendation 10-04 amending the Recommendation by ICCAT to establish a multiannual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.

<sup>15</sup> Regulation (EU) No 500/2012 of the European Parliament and of the Council of 13 June 2012 amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean (OJ L 157, 16.6.2012, p. 1).

<sup>16</sup> Recommendation 12-03 amending the Recommendation by ICCAT to establish a multiannual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.

<sup>17</sup> Recommendation 13-07 amending the Recommendation 12-03 by ICCAT to establish a multiannual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.

<sup>18</sup> Recommendation 13-08 by ICCAT Complementing Recommendation 12-03 which Established a Multi- annual Recovery Plan for Eastern Atlantic and Mediterranean Bluefin Tuna.

was further amended by Regulation (EU) No 544/2014 of the European Parliament and the Council<sup>19</sup>.

- (12) At its 19<sup>th</sup> Special Meeting in 2014, ICCAT adopted Recommendation 14-04<sup>20</sup> amending Recommendation 13-07 and repealing Recommendation 13-08. Whilst some of the existing control provisions have been rationalised, the procedures for the use of stereoscopic camera at the point of caging were further specified and measures specific to release operations and the treatment of dead fish were introduced in the Recovery plan.
- (13) Recommendation 14-04 is binding on the Union.
- (14) All the amendments to the Recovery plan adopted by ICCAT in 2012, 2013 and 2014, which have not been subject to transposition yet, should be integrated into Union law. As this transposition concerns a plan whose objectives and measures were defined by ICCAT, this Regulation does not cover all the content of multiannual plans as set out under Articles 9 and 10 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>21</sup>.
- (15) It is necessary to transpose into Union law future binding amendments of the Recovery plan. In order to swiftly incorporate into Union law such amendments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the European Commission (the "Commission"). It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (16) In order to ensure uniform conditions for the implementation of provisions of this Regulation as regards transfer operations, caging operations and recording and reporting of trap and vessel activities, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>22</sup> laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.
- (17) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to transfer operations, caging operations and recording and reporting of trap and vessel activities, imperative grounds of urgency so require.
- (18) For reasons of clarity, simplification and legal certainty, Regulation (EC) No 302/2009 should be repealed by this Regulation.

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<sup>19</sup> Regulation (EU) No 544/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean, (OJ L 163, 29.5.2012, p. 1).

<sup>20</sup> Recommendation 14-04 amending the Recommendation 13-07 by ICCAT to establish a multiannual recovery plan for Bluefin tuna in the Eastern Atlantic and the Mediterranean.

<sup>21</sup> Regulation (EU) No 1380/2013 of the European Parliament and the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354/22, 28.12.2013, p. 1).

<sup>22</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 1).

- (19) Certain provisions of Regulation (EC) No 302/2009 have become obsolete, in particular since they are now covered by other Union acts, and should be deleted. Other provisions should be updated in order to reflect changes in legislation, in particular those resulting from the adoption of Regulation (EU) No 1380/2013.
- (20) In particular, Council Regulation (EC) No 1224/2009<sup>23</sup> establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the Common Fisheries Policy and Commission Implementing Regulation (EU) No 404/2011<sup>24</sup> lays down detailed rules for the implementation of Council Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008<sup>25</sup> establishes a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. Those acts now cover some matters of Regulation (EC) No 302/2009 and in particular Article 33 on enforcement measures and Annex VIII on VMS transmission. It is therefore not necessary to include those provisions in this Regulation.
- (21) In accordance with Article 49(2) of Commission Implementing Regulation (EU) No 404/2011, the conversion factors adopted by the SCRS apply to calculate the equivalent round weight of the processed Bluefin tuna, including for the purpose of this Regulation.
- (22) Moreover, in accordance with Article 95 of Council Regulation (EC) No 1224/2009 Commission Implementing Decision 2014/156/EU<sup>26</sup> has been adopted. Among others, that Implementing Decision establishes target benchmarks and objectives for the control of the Bluefin tuna fishery in the eastern Atlantic and the Mediterranean.
- (23) Paragraph 2.c of ICCAT Recommendation 06-07<sup>27</sup> sets up a sampling program for the estimation of the number-at-size in the context of Bluefin tuna farming activities. That provision was transposed by Article 10 of Regulation (EC) No 302/2009. It is not necessary that this Regulation specifically provides for the sampling programme, as the needs of that sampling program are now fully covered by the programmes set up by paragraph 83 of Recommendation 14-04, which is to be transposed by this Regulation. That paragraph foresees the use of stereoscopic camera systems or alternative techniques providing the equivalent precision and covers all caging operations in order to refine the number and weight of fish.
- (24) Article 15(1) of Regulation (EU) No 1380/2013 introduced a landing obligation which applies as of 1 January 2015 to Bluefin tuna. However, under Article 15(2) of that Regulation, the landing obligation is without prejudice to the Union's international obligations, such as those resulting from ICCAT Recommendations. Under that same

<sup>23</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1.).

<sup>24</sup> Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, (OJ L 112, 30.4.2011, p. 1.).

<sup>25</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulation (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

<sup>26</sup> Commission Implementing Decision 2014/156/EU of 19 March 2014 establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea (OJ L 85, 21.3.2014, p. 1).

<sup>27</sup> Recommendation 06-07 by ICCAT on Bluefin tuna farming.

provision the Commission is empowered to adopt delegated acts, for the purpose of implementing such international obligations into Union law, including, in particular, derogations from the landing obligation. Accordingly, the discard of bluefin tuna will be allowed in some situations laid down in Commission Delegated Regulation (EU) No 2015/98 of 18 November 2014<sup>28</sup>. This Regulation does therefore not need to cover such discard obligations,

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### *Subject matter and scope*

1. This Regulation lays down the general rules for the application by the Union of the Recovery plan as defined in Article 3(1).
2. This Regulation applies to Bluefin tuna in the eastern Atlantic and the Mediterranean.

#### *Article 2*

##### *Objective*

The objective of this Regulation, in line with the Recovery plan as defined in Article 3(1) is to achieve a biomass corresponding to the maximum sustainable yield by 2022 with at least 60 % probability.

#### *Article 3*

##### *Definitions*

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

- (1) "Recovery plan" means the multiannual recovery plan for Bluefin tuna (*Thunnus thynnus*), which applies since 2007 until 2022 and was recommended by the International Commission for the Conservation of the Atlantic Tunas (ICCAT);
- (2) "fishing vessel" means any powered vessel used or intended for use 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;
- (3) "catching vessel" means a vessel used for the purposes of the commercial capture of Bluefin tuna resources;

<sup>28</sup>

Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16/23, 23.01.2015).



- (4) “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;
- (5) “auxiliary vessel” means any vessel used to transport dead Bluefin tuna (not processed) from a transport/farming cage, a purse seine net or a trap to a designated port and / or to a processing vessel;
- (6) “towing vessel” means any vessel used for towing cages;
- (7) “support vessel” means any other fishing vessel referred to under (2);
- (8) “fishing actively” means, for any catching vessel and trap, the fact that it targets Bluefin tuna during a given fishing season;
- (9) “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 other purse seine vessels in accordance with an allocation key;
- 10. “transfer operations” means:
  - (i) any transfer of live Bluefin tuna from the catching vessel's net to the transport cage;
  - (ii) any transfer of live Bluefin tuna from the transport cage to another transport cage;
  - (iii) any transfer of the cage with Bluefin tuna from a towing vessel to another towing vessel;
  - (iv) any transfer of live Bluefin tuna from one farm to another;
  - (v) any transfer of live Bluefin tuna from the trap to the transport cage.
- (11) “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.
- (12) “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.
- (13) “caging” means the transfer of live Bluefin tuna from the transport cage or trap to the farming cages;
- (14) “farming” means caging of Bluefin tuna in farms and subsequent feeding aiming to fatten and increase their total biomass;
- (15) “farm” means installation used for the farming of Bluefin tuna caught by traps and/or purse seiners;
- (16) “farming capacity” means the capacity of a farm to hold fish for fattening and farming purposes in tonnes”;
- (17) “harvesting” means the killing of Bluefin tuna in farms or traps;
- (18) “transshipment” means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel. Unloading of dead Bluefin tuna from the purse seiner net or the towing vessel to an auxiliary vessel shall not be considered as a transshipment.
- (19) “sport fishery” means non-commercial fisheries whose members adhere to a national sport organization or are issued with a national sport license;

- (20) “recreational fishery” means non-commercial fisheries whose members do not adhere to a national sport organisation or are not issued with a national sport license;
- (21) "stereoscopic camera" means a camera with two or more lenses, with a separate image sensor or film frame for each lens, enabling to capture three-dimensional images;
- (22) “control cameras” means stereoscopic cameras and/or conventional video cameras for the purpose of the controls foreseen in this Regulation.
- (23) “BCD” or “electronic BCD” is a Bluefin Catch Document for Bluefin tuna. As appropriate, the reference to BCD shall be replaced by eBCD.
- (24) "responsible Member State" and "Member State responsible" mean the flag Member State or the Member State in whose jurisdiction the trap or farm is located or, if the farm or trap is located on the high seas, the Member State where the trap or farm operator is established;
- (25) "Task II" means Task II as defined by ICCAT in the "Field manual for statistics and sampling Atlantic tunas and tuna-like fish";<sup>29</sup>
- (26) "CPC" means Contracting Parties to the Convention and Cooperating Non-Contracting Parties, Entities or Fishing Entities;
- (27) "SCRS" means the Standing Committee on Research and Statistics of the ICCAT;
- (28) "Convention Area" means the geographical area covered by ICCAT measures as set up in Article 1 of the Convention.

#### *Article 4*

##### *Length of vessels*

All lengths of vessels referred to in this Regulation shall be understood as length overall.

## **CHAPTER II**

### **MANAGEMENT MEASURES**

#### *Article 5*

##### *Conditions associated to management measures*

1. Each Member State shall take the necessary measures to ensure that the fishing activities of its catching vessels and its traps are commensurate with the fishing opportunities on Bluefin tuna available to that Member State in the eastern Atlantic and Mediterranean.
2. No carry-over of any under-harvests shall be made under the Recovery plan.
3. Chartering of Union fishing vessels for Bluefin tuna fishing in the eastern Atlantic and the Mediterranean shall be prohibited.

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<sup>29</sup>

Third edition, ICCAT, 1990.

## *Article 6*

### *Submission of fishing capacity management plans, fishing plans and farming management plans*

1. By 31 January each year, each Member State shall transmit to the Commission:
  - (a) a fishing plan for the catching vessels and traps fishing Bluefin tuna in the eastern Atlantic and Mediterranean Sea;
  - (b) a fishing capacity management plan ensuring that the Member State's fishing capacity is commensurate with its allocated quota;
2. The Commission shall compile the plans referred to in paragraph 1 and integrate them into the Union fishing and capacity management plan to be transmitted to the ICCAT Secretariat by 15 February of each year for discussion and approval by ICCAT.
3. By 15 April each year, each Member State that intends to modify the ICCAT plan for farming capacity in force shall transmit a farming management plan to the Commission, which shall transmit it to the ICCAT Secretariat.

## *Article 7*

### *Fishing plans*

1. The annual fishing plan submitted by each Member State shall identify the quotas allocated to each gear group referred to in Articles 10 and 11 and specify in particular:
  - (a) the catching vessels over 24 metres included in the vessel list referred to in Article 19(1)(a), the individual quota allocated to them and the measures in place to ensure the respect of the individual quotas and by-catch allowances;
  - (b) for the catching vessels less than 24 metres and for traps, at least the quota allocated to producer organisations or groups of vessels fishing with similar gear type.
2. Any subsequent modification to the annual fishing plan or the individual quotas allocated for catching vessels over 24 metres and included in the list referred to in Article 19(1)(a) shall be transmitted by the relevant Member State to the Commission at least three days before the exercise of the activity corresponding to that modification. The Commission shall transmit such modification to the ICCAT Secretariat at least 48 hours before the exercise of the activity corresponding to that modification.

## *Article 8*

### *Fishing capacity management plans*

1. The annual fishing capacity management plan submitted by each Member State shall comply with the conditions set out in this Article.
2. The maximum number of traps registered in a Member State and of fishing vessels flying the flag of a Member State, that may fish for, retain on board, tranship, transport, or land Bluefin tuna, shall be determined in accordance with the Treaty and in line with Article 16 of Regulation (EU) No 1380/2013.

3. The maximum number of fishing vessels flying the flag of a Member State engaged in the eastern Atlantic and Mediterranean Bluefin tuna fishery shall be limited to the number, and the total corresponding gross tonnage, of fishing vessels flying the flag of that Member State that fished for, retained on board, transhipped, transported or landed Bluefin tuna during the period from 1 January 2007 to 1 July 2008. That limit shall apply by gear type for catching vessels.
4. For vessels authorised to fish for Bluefin tuna under the derogation referred to in Article 13(2) additional conditions to determine the maximum number of fishing vessels are set out in Annex I.
5. The maximum number of traps of a Member State engaged in the eastern Atlantic and Mediterranean Bluefin tuna fishery shall be limited to the number of traps authorised by that Member State by 1 July 2008.
6. By derogation to the provisions set up in paragraphs 3 and 5 for the years 2015, 2016 and 2017, when a Member State can demonstrate that its fishing capacity might not allow the use of its full quota, that Member State may decide to include in its annual fishing plans referred to in Article 7, a higher number of traps and vessels.
7. By way of derogation from paragraph 3 and 6, for the years 2015, 2016, and 2017, each Member State shall limit the numbers of its purse seiners not authorised to fish for Bluefin tuna under the derogation referred to in Article 13(2)b to the numbers of purse seiners it authorised in 2013 or 2014.
8. When setting up its Fishing capacity management plans, calculation of the fishing capacity of each Member State shall be based on the best catch rates per vessel and gear estimated in 2009 by the SCRS<sup>30</sup> and agreed by ICCAT in the 2010 Inter-session meeting of the ICCAT Compliance Committee<sup>31</sup>. Following any revisions of those catch rates by the SCRS, Member States shall always apply the most recent catch rates agreed by the ICCAT.

## *Article 9*

### *Farming management plans*

1. The farming management plan submitted by each Member State shall comply with the conditions set out in this Article.
2. The maximum tuna farming and fattening capacity for each Member State and the maximum input of wild caught Bluefin tuna that each Member State may allocate shall be determined in accordance with the Treaty and in line with Article 16 of Regulation (EU) No 1380/2013.
3. The maximum tuna farming and fattening capacity of a Member State shall be limited to the tuna farming and fattening capacity of the farms of that Member State that were registered in the ICCAT record of farming facilities or authorized and declared to ICCAT on 1 July 2008.
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 by the farms of that Member State in the years 2005, 2006, 2007 or 2008.

<sup>30</sup> 2009 SCRS Report, English version, p. 128.

<sup>31</sup> Report of the Inter-session meeting of the Compliance Committee, Madrid, Spain - February 24 to 26, 2010, point 5 and Appendix 3 to Annex 4.2.

5. Within the maximum input quantity of wild caught Bluefin tuna referred to in paragraph 4, each Member State shall allocate maximum annual inputs to its farms.

## **CHAPTER III**

### **TECHNICAL MEASURES**

#### **SECTION 1**

#### **FISHING SEASONS**

##### *Article 10*

##### *Longliners, purse seiners, pelagic trawlers, traps and sport and recreational fisheries*

1. Bluefin tuna fishing by large-scale pelagic long line catching vessels over 24 metres shall be permitted in the eastern Atlantic and Mediterranean during the period from 1 January to 31 May, with the exception of the area delimited by West of 10°W and North of 42°N as well as of the Norwegian Exclusive Economic Zone, where such fishing shall be permitted from 1 August to 31 January.
2. Purse seine fishing for Bluefin tuna shall be permitted in the eastern Atlantic and Mediterranean during the period from 26 May to 24 June with the exception of the Norwegian Exclusive Economic Zone where such fishing shall be permitted from 25 June to 31 October.
3. Bluefin tuna fishing by pelagic trawlers shall be permitted in the eastern Atlantic during the period from 16 June to 14 October.
4. Bluefin tuna recreational and sport fishing shall be permitted in the eastern Atlantic and Mediterranean from 16 June to 14 October.
5. Fishing for Bluefin tuna by gears other than those referred to in paragraphs 1 to 4 and Article 11, including traps shall be permitted throughout the year.

##### *Article 11*

##### *Baitboats and trolling boats*

1. Bluefin tuna fishing by baitboats and trolling boats shall be permitted in the eastern Atlantic and the Mediterranean during the period from 1 July to 31 October.
2. Provided that the protection of the spawning grounds is not affected and that the total duration of the fishing season for those fisheries does not exceed four months, each Member State may decide on a different starting date for baitboats and trolling boats flying their flag and operating in the eastern Atlantic.
3. Each Member State shall specify in its fishing plan referred to in Article 7 whether the starting dates for those fisheries have been modified, as well as the coordinates of the areas concerned.

#### **SECTION 2**

#### **MINIMUM SIZE, INCIDENTAL CATCH, BY-CATCH**

## *Article 12*

### *The landing obligation*

The provisions of this Section shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any derogation in line with Article 15(2) of that Regulation.

## *Article 13*

### *Minimum size*

1. The minimum size for Bluefin tuna caught in the eastern Atlantic and in the Mediterranean shall be 30 kg or 115 cm fork length.
2. By way of derogation from paragraph 1, a minimum size for Bluefin tuna of 8 kg or 75cm fork length shall apply to the following fisheries:
  - (a) Bluefin tuna caught in the eastern Atlantic by baitboats and trolling boats;
  - (b) Bluefin tuna caught in the Adriatic Sea for farming purposes;
  - (c) Bluefin tuna caught in the Mediterranean Sea by the coastal and artisanal fishery for fresh fish by baitboats, longliners and handliners.
3. The specific conditions applying to the derogation referred to in paragraph 2 are set out in Annex I.
4. Member States concerned shall issue specific authorisations to the vessels to fish under the derogation referred to in paragraph 2. The vessels concerned shall be indicated in the list of catching vessels referred to in Article 19(1)a. For this purpose, the provisions laid down in Article 19 and 20 shall apply.

## *Article 14*

### *Incidental catches*

1. Incidental catches of maximum 5 % of Bluefin tuna weighing between 8 and 30kg or with a fork length between 75 and 115 cm shall be allowed for all catching vessels and traps fishing actively for Bluefin tuna.
2. The percentage of 5% referred to in paragraph 1 shall be calculated on the basis of the total catches of Bluefin tuna in number of fish retained on board the 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 vessels or trap.
4. Incidental catches of Bluefin tuna shall be subject to Articles 23, 28, 29 and 30.

## *Article 15*

### *By-catch*

1. Each Member State shall allocate a specific quota for the purpose of by-catch of Bluefin tuna and shall inform the Commission when transmitting its fishing plan.
2. Union vessels not fishing actively for Bluefin tuna shall avoid that by-catches of Bluefin tuna exceed, at any time following a fishing operation, 5% of the total catch

on board by weight or number of pieces. The calculation of that percentage by number of pieces shall only apply to tuna and tuna-like species managed by ICCAT.

3. Each Member State shall deduct all dead fish within the by-catches referred to in paragraph 2 from its quota. 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 the Treaty and in line with Article 16 of Regulation (EU) No 1380/2013.
4. If the quota allocated to the Member State of the fishing vessel or trap concerned has already been consumed, the catching of any Bluefin tuna shall be avoided. Dead Bluefin tuna must be landed and shall be subject to confiscation and the appropriate follow-up action. In accordance with Article 27, each Member State shall report information on such quantities on an annual basis to the Commission who shall forward it to the ICCAT Secretariat.
5. The procedures referred to in Articles 25, 28, 29, 30 and 54 shall apply to by-catch.

### **SECTION 3**

#### **USE OF AIRCRAFTS**

##### *Article 16*

##### *Use of aerial means*

The use of any aerial means, including aircrafts, helicopters or any types of unmanned aerial vehicles for searching for Bluefin tuna shall be prohibited.

## **CHAPTER IV**

### **SPORT AND RECREATIONAL FISHERIES**

##### *Article 17*

##### *Specific quota for recreational and sport fisheries*

Each Member State shall regulate recreational and sport fisheries by allocating a specific quota for the purpose of those fisheries and shall inform the Commission thereof when transmitting its fishing plan.

##### *Article 18*

##### *Recreational and sport fishery*

1. Each Member State with a Bluefin tuna quota shall regulate recreational and sport fisheries by issuing fishing authorisations to vessels for the purpose of recreational and sport fishing.
2. For recreational and sport fisheries it shall not be allowed to catch more than one Bluefin tuna per vessel per day.
3. Any Bluefin tuna landed shall be done so whole, or gilled and/or gutted.

4. The marketing of Bluefin tuna caught during recreational and sport fishing shall be prohibited.
5. Each Member State shall record catch data including weight and length of each Bluefin tuna from recreational and sport fishing and communicate the data for the preceding year to the Commission by 30 June each year. The Commission shall forward that information to the SCRS.
6. Each Member State shall count dead catches of recreational and sport fisheries against the quota it allocated in accordance with Article 7(1) and Article 17.

## **CHAPTER V**

### **CONTROL MEASURES**

#### **SECTION 1**

#### **RECORDS OF VESSELS AND TRAPS**

##### *Article 19*

##### *Records of vessels*

1. Each Member State shall submit electronically each year to the Commission one month before the start of the fishing seasons referred to in Articles 10 and 11, when applicable and otherwise one month before the start of the period of authorisation.
  - (a) a list of all catching vessels flying its flag authorised to fish actively for Bluefin tuna in the eastern Atlantic and Mediterranean by issue of a special fishing authorisation;
  - (b) a list of all other fishing vessels, other than catching vessels, flying its flag authorised to operate for Bluefin tuna in the eastern Atlantic and Mediterranean.
2. Both lists shall be set up in accordance with the format set in the Guidelines by ICCAT for submitting data and information required.
3. During a calendar year, a fishing vessel may be included in both of the lists referred to in paragraph 1 as long as it is not included in both lists at the same time.
4. The lists set out in paragraph 1 shall contain the vessel's name and Union fleet register number (CFR) as defined in Annex I to Commission Regulation (EC) No 26/2004<sup>32</sup>.
5. No retroactive submission shall be accepted. Subsequent changes to the lists referred to in paragraph 1 during a calendar year shall only be accepted if the notified fishing vessel is prevented from participating 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:
  - (a) full details of the fishing vessel(s) intended to replace a vessel included in the lists referred to in paragraph 1; and

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<sup>32</sup> Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).



- (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
6. The Commission shall send the information referred to in paragraphs 1 and 2 to the ICCAT Secretariat so that the vessels can be entered into the ICCAT record of catching vessels authorised to fish actively for Bluefin tuna or in the ICCAT record of all other fishing vessels (catching vessels excluded) authorised to operate for Bluefin tuna.
7. Article 8a(2), (6), (7) and (8) of Council Regulation (EC) No 1936/2001<sup>33</sup> shall apply with the necessary modifications.

## *Article 20*

### *Fishing authorisations for vessels*

1. Without prejudice to Article 15, Union fishing vessels not entered into the ICCAT records referred to in Article 19(1) shall not be authorised to fish for, retain on board, tranship, transport, transfer, process or land Bluefin tuna in the eastern Atlantic and Mediterranean.
2. The flag Member State shall withdraw the fishing authorisation for Bluefin tuna and shall require the vessel to proceed immediately to a port designated by it when the individual quota is deemed to be exhausted.

## *Article 21*

### *Records of traps authorised to fish for Bluefin tuna*

1. By 15 February each year, each Member State shall send to the Commission electronically a list of its traps authorised, by issue of a special fishing authorisation to fish for Bluefin tuna in the eastern Atlantic and Mediterranean. The list shall include the name of the traps and the register number and shall be set up in accordance with the format set in the Guidelines by ICCAT for submitting data and information required.
2. The Commission shall send the list to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for Bluefin tuna.
3. Union traps that are not entered into the ICCAT record shall not be authorised to fish for, retain, transfer, cage or land Bluefin tuna in the eastern Atlantic and Mediterranean.
4. Article 8a(2), (4), (6), (7) and (8) of Regulation (EC) No 1936/2001 shall apply with the necessary modifications.

## *Article 22*

### *Joint fishing operations*

1. Any joint fishing operation for Bluefin tuna shall only be authorised with the consent of the flag Member State(s) concerned. To be authorised, each purse seine vessel shall be equipped to fish Bluefin tuna and have an individual quota. Joint fishing operations with other CPCs shall not be permitted.

<sup>33</sup>

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

2. Each Member State shall take the necessary measures to obtain the following information from its fishing vessels applying for an authorisation to take part in a joint fishing operation:
  - (a) the duration;
  - (b) the identity of the operators involved;
  - (c) the individual vessels' quotas;
  - (d) the allocation key between the fishing vessels for the catches involved; and
  - (e) the information on the farms of destination.
3. At least 15 days before the start of the operation, each Member State shall send the information referred to in paragraph 2 to the Commission in the format set out in Annex VI. The Commission shall forward that information to the ICCAT Secretariat and to the flag State of other fishing vessels participating in the joint fishing operation at least 10 days before the start of the operation.
4. In the presence of force majeure, the deadline set out in paragraph 3 shall not apply for the information requested under paragraph 2(e). In that case, Member States may submit to the Commission an update of that information as soon as possible, together with a description of the events constituting the force majeure. The Commission shall forward that information to the ICCAT Secretariat.

## **SECTION 2**

### **CATCHES**

#### *Article 23*

##### *Recording requirements*

1. In addition to complying with Articles 14, 15, 23 and 24 of Regulation (EC) No 1224/2009, the master of a Union catching vessel shall, if applicable, enter into the logbook the information listed in Part A of Annex II.
2. Masters of towing vessels, auxiliary vessels and processing vessels shall record their activities in accordance with the requirements set out in Parts B, C and D of Annex II.

#### *Article 24*

##### *Catch reports sent by masters and trap operators*

1. Masters of catching vessels fishing actively for Bluefin tuna shall send to the authorities of the flag Member State daily information from logbooks, including the ICCAT register number, the vessel name, the beginning and end of the period of authorisation, date, time, location (latitude and longitude) and the weight and number of Bluefin tuna caught in the Convention area. They shall send that information electronically in the format set out in Annex V during the whole period in which the vessel is authorised to fish Bluefin tuna.
2. Masters of purse seiners shall produce daily reports as referred to in paragraph 1 on a fishing operation by fishing operation basis, including operations where the catch was zero.

3. The reports referred to in paragraphs 1 and 2 shall be transmitted by the operator to its flag Member State authorities on a daily basis for purse seiners and vessels over 24 metres by the latest at 9.00 GMT for the preceding day and for other catching vessels by the latest Monday midnight for the preceding week ending Sunday midnight GMT.
4. Trap operators fishing actively for Bluefin tuna shall send a daily catch report including the ICCAT register number, date, time, catches (weight and number of fish), including zero catches. They shall send that information within 48 hours electronically in the format set out in Annex V to their Member State authorities during the whole period they are authorised to fish Bluefin tuna.
5. The Commission may adopt implementing acts laying down detailed rules for the recording and reporting of vessels and trap activities pursuant to paragraphs 1 to 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 59 (3).

#### *Article 25*

##### *Weekly and monthly catch reports sent by the Member States*

1. Each Member State shall, upon receipt of the catch reports referred to in Article 24, promptly forward them electronically to the Commission and shall provide promptly to the Commission weekly catch reports for all catching vessels and traps in accordance with the format set out in Annex V. The Commission shall forward that information on a weekly basis to the ICCAT Secretariat in accordance with the format set in the Guidelines for Submitting Data and Information Required by ICCAT.
2. Each Member State shall inform the Commission, before the 15th day of each month of the quantities of Bluefin tuna caught in the eastern Atlantic and Mediterranean which have been landed, transhipped, trapped or caged during the preceding 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 26*

##### *Information on quota exhaustion*

1. In addition to the provisions of Article 34 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group referred to in Articles 10 and 11 of this Regulation is deemed to have reached 80%.
2. In addition to the provisions of Article 35 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group referred to in Article 10 and 11 of this Regulation or to a joined fishing operation or to a purse seine vessel is deemed to be exhausted.
3. The information referred to in paragraph 2 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 joined fishing operation, or the vessels with an individual quota including a clear indication of the date and the time of the closure.

## *Article 27*

### *Yearly reporting of catches by the Member States*

1. By 15 March each year, each Member State shall notify to the Commission detailed information on Bluefin tuna catches in the eastern Atlantic and the Mediterranean in the precedent fishing 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 when the catch was zero throughout the period of authorisation(s);
  - d) the total number of days each catching vessel fished in the eastern Atlantic and Mediterranean throughout the period of authorisation(s); and
  - e) the total catch outside their period of authorisation (by-catch) including when the catch was zero.
2. For vessels not authorised to fish actively for Bluefin tuna in the eastern Atlantic and Mediterranean but which caught Bluefin tuna as by-catch, the information to be submitted to the Commission at the same date indicated in paragraph 1 shall include:
  - a) the name and ICCAT number or national registry number of the vessel, if not registered with ICCAT; and
  - b) the total catches of Bluefin tuna.
3. Each Member State shall notify to the Commission any information on vessels not covered by paragraphs 1 and 2 but known or presumed to have fished for Bluefin tuna in the eastern Atlantic and in the Mediterranean.
4. The Commission shall transmit to the ICCAT Secretariat the information received under paragraphs 1, 2 and 3.

## **SECTION 3**

### **LANDINGS AND TRANSHIPMENTS**

## *Article 28*

### *Designated ports*

1. Each Member State shall designate ports or places close to the shore (designated ports) where landing or transshipping operations of Bluefin tuna are permitted.
2. For a port to be determined as designated port, the port Member State shall specify permitted landing and transshipping times and places.
3. By 15 February of each year, each Member State shall transmit a list of designated ports to the Commission which shall transmit this information to the ICCAT Secretariat.
4. It shall be prohibited to land or tranship from fishing vessels any quantity of Bluefin tuna fished in the eastern Atlantic and Mediterranean at any place other than ports or places close to the shore designated by CPCs and by Member States in accordance with paragraphs 1 and 2.

## *Article 29*

### *Landings*

1. Article 17 of Regulation (EC) No 1224/2009 shall apply to masters of Union fishing vessels over 12 metres' length included in the ICCAT list of vessels referred to in Article 19. The prior arrival notification under Article 17 of that Regulation shall be sent to the competent authority of the Member State (including the flag Member State) or CPC whose ports or landing facility they wish to use.
2. In addition, Masters of Union fishing vessels under 12 metres' length overall included in the ICCAT list referred to in Article 19 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 of the following:
  - (a) estimated time of arrival;
  - (b) estimated quantity of Bluefin tuna retained on board; and
  - (c) information on the geographical area where the catches were taken.
3. Where Member States apply Article 80(3) of Regulation (EU) No 404/2011 to the notification under paragraphs 1 and 2, the estimated quantities of Bluefin tuna retained on board may be notified at the agreed time of notification 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 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 quota, fleet size and fishing effort. Full details of this control system adopted by each Member State shall be detailed in the annual inspection plan referred to in Article 51. This control system shall also apply to harvest operations.
6. The authorities of the port Member State shall send a record of the landing to the authorities of the flag State of the fishing vessel, within 48 hours of the end of the landing.
7. In addition to Article 23(1) of Regulation (EC) No 1224/2009, after each trip, masters of a Union catching vessel, independently of the length of that vessel shall submit a landing declaration:
  - a) to the competent authorities of the flag Member State
  - b) and, if the landing has taken place in a port of another Member State or CPC, to the competent authorities of the port Member State or CPC concerned
8. All landed catches shall be weighed.

## *Article 30*

### *Transshipment*

1. By way of derogation from Article 20 of Regulation (EC) No 1224/2009, transshipment at sea of Bluefin tuna in the eastern Atlantic and Mediterranean shall be prohibited in all circumstances.
2. Fishing vessels shall only tranship Bluefin tuna catches in designated ports under the conditions set out in Article 28.

3. The port Member State shall ensure full inspection coverage during all transshipping times and at all transshipping places.
4. Prior to entry into any port, the masters or representatives of the receiving fishing vessels shall, at least 48 hours before the estimated time of arrival, provide the competent authorities of the Member State or CPC whose port they want to use with the following:
  - (a) estimated date, time and port of arrival;
  - (b) estimated quantity of Bluefin tuna retained on board, and information on the geographic area where it was taken;
  - (c) the name of the transshipping fishing vessel and its number in the ICCAT record of catching vessels authorised to fish actively for Bluefin tuna or in the ICCAT record of other fishing vessels authorised to operate for Bluefin tuna in the eastern Atlantic and Mediterranean;
  - (d) the name of the receiving fishing vessel, its number in the ICCAT record of catching vessels authorised to fish actively for Bluefin tuna or in the ICCAT record of other fishing vessels authorised to operate for Bluefin tuna in the eastern Atlantic and Mediterranean; and
  - (e) the tonnage and the geographic area of the catch of Bluefin tuna to be transhipped.
5. Fishing vessels shall not be allowed to tranship unless they have obtained prior authorisation from their flag State.
6. Masters of transshipping fishing vessels shall, before the transshipment starts, inform their flag State of the following:
  - (a) the quantities of Bluefin tuna to be transhipped;
  - (b) the date and port of the transshipment;
  - (c) the name, registration number and flag of the receiving fishing vessel and its number in the ICCAT record of catching vessels authorised to fish actively for Bluefin tuna or in the ICCAT record of other fishing vessels authorised to operate for Bluefin tuna; and
  - (d) the geographical area of the catch of Bluefin tuna.
7. All transshipments shall be inspected by the Member State authorities at the designated port. The competent authority of the Member State shall:
  - (a) inspect the receiving fishing vessel on arrival and check the cargo and documentation related to the transshipment operation;
  - (b) send a record of the transshipment to the flag State authority of the transshipping fishing vessel, within 5 days after the transshipment has ended.
8. By derogation from Article 21 and 22 of Regulation (EC) No 1224/2009 Masters of a Union fishing vessel shall, independently of its length, complete and send the ICCAT transshipment declaration to the competent authorities of the Member State whose flag the fishing vessel is flying. The declaration shall be transmitted no later than 48 hours after the date of transshipment in port in accordance with the format set out in Annex III.

## SECTION 4

### TRANSFER OPERATIONS

#### *Article 31*

##### *Transfer authorisation*

1. Before any transfer operation, the master of a catching vessel or the operator of the farm or trap where the transfer in question originates shall send to the competent authorities of their Member State a prior notification of transfer indicating:
  - (a) the name of the catching vessel, towing vessel, farm or trap and the ICCAT register number;
  - (b) the estimated time of transfer;
  - (c) the estimate of the quantity of Bluefin tuna to be transferred;
  - (d) information on the position (latitude/longitude) where the transfer will take place as well as the identifiable cage numbers;
  - (e) the name of the receiving towing vessel, the number of cages towed and, where appropriate, the ICCAT register number;
  - (f) the port, farm or cage of destination of the Bluefin tuna.
2. For this purpose, a unique cage number shall be assigned to each cage. Numbers shall be issued with a unique numbering system that includes at least the 3 alpha-code letters corresponding to the flag of the towing vessels followed by three numbers.
3. Fishing vessels, farms or traps shall not be allowed to transfer unless they have obtained prior authorisation from their State. The authorities of the responsible Member State shall decide for each transfer operation whether to grant authorisation. For that purpose, a unique identification number shall, for each transfer operation, be assigned and communicated to the master of the fishing vessel, the trap operator or the farm operator, as appropriate. Where authorisation is granted, that number shall comprise the three-letter code of the Member State, the four numbers indicating the year, and the three letters 'AUT', (authorisation), followed by sequential numbers. Where authorisation is refused, the number shall comprise the three-letter code of the Member State, the four numbers indicating the year, and the three letters 'NEG' (non-authorisation), followed by sequential numbers.
4. In the event that fish dies during the transfer operation, the responsible Member States and operators involved in the transfer shall proceed in accordance with the provisions set up in Annex XII.
5. The transfer authorisation shall be granted or refused by the Member State responsible for the catching vessel, towing vessel, farm or trap, as appropriate, within 48 hours following the submission of the prior notification of transfer.
6. The authorisation for transfer by the responsible Member State shall not prejudice the authorisation of the caging operation.

#### *Article 32*

##### *Refusal of transfer authorisation*

1. The Member State responsible for the vessel, trap or farm shall not authorise the transfer if, on receipt of the prior notification of transfer, it considers that
  - (a) the catching vessel or the trap that is declared to have caught the fish does not have sufficient quota;
  - (b) the quantity of fish has not been duly reported by the catching vessel or the trap operator or has not been authorised to be caged, or has not been taken into account for the consumption of the quota that may be applicable;
  - (c) the catching vessel or trap that is declared to have caught the fish is not authorised to fish for Bluefin tuna; or
  - (d) the towing vessel declared to be the one to receive the transfer of fish is not registered in the ICCAT record of all other fishing vessels (catching vessels excluded) authorised to operate for Bluefin tuna, referred to in Article 19(1)(b), or is not equipped with a Vessel Monitoring System (VMS).
2. If the transfer is not authorised:
  - (a) the Member State responsible for the catching vessel or trap shall issue a release order to the master of the catching vessel or to the operator of the trap or farm as appropriate and inform them that the transfer is not authorised and that the fish have to be released into the sea;
  - (b) the master of the catching vessel, the farm operator or the trap operator, as appropriate, shall release the fish;
  - (c) the release of Bluefin tuna shall be carried out in accordance with the procedures set out in Annex XI.

### *Article 33*

#### *Monitoring by video camera*

1. For transfer operations, the master of the catching vessel, towing vessel, farm operator or trap operator that transfers Bluefin tuna shall ensure that the transfer operations are monitored by video camera in the water in order to verify the number of fish being transferred. The minimum standards and procedures for video recording shall be in accordance with Annex IX.
2. Each Member State responsible for the vessel, trap or farm shall ensure that the video records referred to in paragraph 1 are made available to the ICCAT inspectors and regional observers.
3. Each Member State responsible for the vessel, trap or farm shall ensure that the video records referred to in paragraph 1 are made available to Union inspectors and national observers.
4. Each Member State responsible for the vessel, trap or farm shall take the necessary measures to avoid any replacement, editing or manipulation of the original video record.

### *Article 34*

#### *Verification by ICCAT regional observers and Launching and conduct of investigation*



1. ICCAT regional observers on board the catching vessel or present at a trap, as referred to in the ICCAT Regional Observer Programme set out in Art 49 and Annex VII, shall record and report on the transfer operations carried out, observe and estimate catches transferred and verify entries made in the prior transfer authorisation referred to in Article 31 and in the ICCAT transfer declaration referred to in Article 36.
2. In cases where there is more than 10% difference by number between the estimates of catch made by the ICCAT regional observer, relevant control authorities and/or the master of the catching vessel, or representative of the trap, or when the video record is of insufficient quality or clarity to make such estimations, the Member State responsible for the catching vessel, farm or trap shall launch an investigation which shall be concluded prior to the time of caging at the farm or in any case within 96 hours after being launched. Pending the results of that investigation, caging shall not be authorised and the catch section of the Bluefin tuna catch document (BCD) shall not be validated.
3. However, when the video record is of insufficient quality or clarity to estimate the number, the operator may request to the flag state authorities of the vessel, trap or farm to conduct a new transfer operation and to provide the corresponding video record to the ICCAT regional observer.
4. Without prejudice to the verifications conducted by an inspector, ICCAT regional observers shall sign the ICCAT transfer declaration only when their observations are in accordance with the ICCAT conservation and management measures and when the information contained in the transfer declaration is consistent with their observations including a compliant video record as required under Article 33(1). They shall sign that declaration with clearly written name and ICCAT number.
5. ICCAT regional observers shall also verify that the ICCAT transfer declaration is transmitted to the master of the towing vessel or to the farm or trap representative.

#### *Article 35*

##### *Measures to estimate the number and weight of Bluefin tuna to be caged*

Member States shall take the necessary measures and actions to further explore methodologies to improve the estimate of both the number and weight of Bluefin tuna at the point of capture and caging. Each Member State shall report on the measures taken by 22 August of each year to the Commission who shall submit those reports to the SCRS.

#### *Article 36*

##### *Transfer declaration*

1. Masters of catching or towing vessels, trap operators or farm operators shall, at the end of the transfer operation, complete and transmit to the competent authorities of their Member State the ICCAT transfer declaration, in accordance with the format set out in Annex IV.
2. Transfer declaration forms shall be numbered by the competent authorities of the Member State responsible for the vessels, farm or traps from which the transfers originate. The numbering system shall include the three-letter Member State code, followed by the four numbers indicating 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 the fish. A copy of the declaration shall be kept by the master of the catching vessel, the trap operator, the master of the towing vessel or the farm operator.
4. Masters of vessels carrying out transfer operations (including towing vessels) shall report their activities in accordance with the requirements set out in Annex II.

#### *Article 37*

##### *Implementing acts*

The Commission may adopt implementing acts laying down detailed rules for transfer operations under Articles 31 to 36. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 59(3).

## **SECTION 5 CAGING OPERATIONS**

#### *Article 38*

##### *Caging authorisation*

1. Prior to the start of each caging operation the anchoring of transport cages within 0.5 nautical mile of farming facilities shall be prohibited.
2. Before any caging operation, the competent authority of the Member State responsible for the farm shall inform the Member State or CPC responsible for the catching vessel or trap of the quantities caught by that vessel or trap and request a caging authorisation.
3. The caging operation shall not begin without the prior authorisation by
  - (a) the CPC or Member State responsible for the catching vessel or trap, or
  - (b) the CPC or Member State responsible for the farm if this has been agreed among the Member States(s) or with the flag CPC involved.
4. The caging authorisation shall be granted or refused by the Member State or CPC responsible for the catching vessel, trap or farm, if applicable within one working day following the request and the submission of the information referred to in paragraph 2. If no response is received within one working day, the CPC or Member State responsible for the farm may authorise the caging.
5. Bluefin tuna shall be caged before 15 August unless the Member State or CPC responsible for the farm receiving the fish provides duly justified reasons. Such reasons shall be submitted with the caging report.

#### *Article 39*

##### *Refusal of caging authorisation*

1. The Member State responsible for the catching vessel, trap or farm if applicable shall refuse the caging authorisation if it considers, on receipt of the information referred to in Article 38(2), that:
  - (a) the catching vessel or trap that is declared to have caught the fish did not have sufficient quota for the Bluefin tuna that were put into the cage;
  - (b) the quantity of fish has not been duly reported by the catching vessel or trap or has not been taken into account for the calculation of the quota applicable;
  - (c) the catching vessel or trap that is declared to have caught the fish is not authorised to fish for Bluefin tuna.
2. If the caging is not authorised, the Member State or CPC responsible for the catching vessel shall request to the Member State or CPC responsible for the farm, to seize the catches and to release the fish by issuing a release order.
3. Upon receipt of the release order, the farm operator shall proceed with the releases in accordance with the provisions set up in Annex XI.

#### *Article 40*

##### *Bluefin tuna catch documentation*

Member States responsible for farms shall prohibit any placing of Bluefin tuna in cages for the purpose of farming that is not accompanied by the documentation required by ICCAT in accordance with Regulation (EU) No 640/2010 of the European Parliament and of the Council<sup>34</sup>. The documentation must be accurate, complete and confirmed and validated by the CPC or Member State authorities of the catching vessels or traps.

#### *Article 41*

##### *Inspections*

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

#### *Article 42*

##### *Monitoring by video camera*

1. Each Member State responsible for the farm shall ensure that caging operations are monitored by video camera in the water. A video record shall be produced for each caging operation in accordance with the provisions of Annex IX.
2. Each Member State responsible for the farm shall ensure that the video records referred to in paragraph 1 are made available to the ICCAT inspectors and regional observers.
3. Each Member State responsible for the farm shall ensure that the video records referred to in paragraph 1 are made available to Union inspectors and national observers.
4. Each Member State responsible for the farm shall take the necessary measures to avoid any replacement, editing or manipulation of the original video record.

<sup>34</sup>

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 43*

#### *Launching and conduct of investigations*

1. Where there is a difference of more than 10 % in the number of Bluefin tuna between the estimates made by the ICCAT regional observer, the relevant Member State control authorities or the farm operator, the Member State responsible for the farm shall, in cooperation with the Member State responsible for the catching vessel or trap, launch an investigation.
2. Pending the results of that investigation, harvesting shall not take place and the farming section of the BCD shall not be validated.
3. The Member States responsible for the farm and for the catching vessel or trap which undertake the investigations may use other information at their disposal including the results of the programmes referred to under Article 44 to conclude the investigation.

### *Article 44*

#### *Measures and programmes to estimate the number and weight of Bluefin tuna to be caged*

1. Member States shall take the necessary measures and actions as referred to in Article 35.
2. A programme using stereoscopic camera systems or alternative techniques that provide the equivalent precision shall cover 100% of the caging operations in order to refine the number and weight of the fish in each caging operation.
3. That programme shall be implemented in accordance with the procedures set out in Annex X.
4. The results of that programme shall be communicated by the Member State responsible for the farm to the Member State responsible for the vessel or trap and to the Commission in accordance with Annex X.B. The Commission shall transmit it to the ICCAT Secretariat for transmission to the ICCAT regional observer.
5. When the results of the programme indicate that the quantities of Bluefin tuna being caged differ from the quantities reported caught and transferred, the Member State responsible for the farm shall, in cooperation with the Member State responsible of the catching vessel or trap, launch an investigation. If the investigation is not concluded within 10 working days from the communication of the results referred to in paragraph 4 or if the outcome of the investigation indicates that the number or average weight of Bluefin tuna is in excess of that reported caught and transferred, the flag CPC or Member State authorities of the catching vessel or trap shall issue a release order for the excess which must be released in accordance with the procedures laid down in Annex XI.
6. In accordance with the procedures set out in Annex X.B.3 and following the release, if applicable, the quantities derived from the programme shall be used to
  - a) determine the final catch figures to be deducted from the national quota
  - b) fill those figures in the caging declarations and relevant sections of the BCD.
7. Each Member State responsible for the farm shall report on the results of those programmes by 30 August of each year to the Commission who shall submit those reports to the SCRS.

8. The transfer of live Bluefin tuna from one farming cage to another farming cage shall not take place without the authorization and the presence of the farm State control authorities.
9. A difference superior or equal to 10% between the quantities of Bluefin tuna reported caught by the vessel/trap and the quantities established by the control cameras, as referred to in paragraph 5 and Article 43 shall constitute a potential non-compliance of the vessel/trap concerned and MS shall take the necessary measures to ensure the appropriate follow-up.

#### *Article 45*

##### *Caging report*

1. Within one week of the completion of the caging operation, the Member State responsible for the farm shall submit a caging report containing the elements set up in Annex X.B. to the Member State or CPC whose vessels or traps have caught the Bluefin tuna, and to the Commission. The report shall also contain the information included in the caging declaration as set out in Article 4b of and Annex Ia to Council Regulation (EC) No 1936/2001. The Commission shall forward the report to the ICCAT Secretariat.
2. For the purposes of paragraph 1, a caging operation shall not be deemed to be completed until any investigation launched and, if applicable, any release operation ordered, is concluded.

#### *Article 46*

##### *Implementing acts*

The Commission may adopt implementing acts laying down detailed rules for caging operations pursuant to Article 38 to 45. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(2).

On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 59(3).

## **SECTION 6**

### **MONITORING AND SURVEILLANCE**

#### *Article 47*

##### *Vessel monitoring system*

1. The obligations under Article 9(2) of Regulation (EC) No 1224/2009 concerning the vessel monitoring device shall apply to all tug and towing vessels included in the ICCAT record of vessels referred to in Article 19(6) irrespective of their length.
2. Fishing vessels over 15 m length that are included in the ICCAT record of catching vessels referred to in Article 19(1)(a) or the ICCAT record of other vessels referred to in Article 19 (1)(b) of this Regulation shall begin to transmit VMS data to ICCAT at least 15 days before the opening of the fishing season and shall continue to transmit that data for at least 15 days after the closure of the fishing season, 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 transmission of VMS data from catching vessels that are authorised to fish actively for Bluefin tuna shall not be interrupted when vessels are in port unless a system of hailing in and out of port is in operation.
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 electronically those messages 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 when they operate in the eastern Atlantic and Mediterranean;
  - (b) in the event of technical malfunction of the VMS, alternative messages from the fishing vessels flying their flag received under Article 24(1) of (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 Article 24(3) of the Regulation (EU) No 404/2011.
6. Each Member State shall take the necessary measures to ensure that all messages made available to its inspection vessels are treated in a confidential manner and are limited to inspection at sea operations.

#### *Article 48*

##### *National Observer Programme*

1. In respect of vessels active in the Bluefin tuna fishery, Member States shall ensure at least the following percentage levels of national observer coverage:
  - (a) 20% of its pelagic trawlers (over 15m),
  - (b) 20% of its long line vessels (over 15m),
  - (c) 20% of its bait boats (over 15m),
  - (d) 100% of towing vessels,
  - (e) 100% of harvesting operations from traps.
2. Member States shall issue National observers with an official identification document.
3. The national observer tasks shall be, in particular, to:
  - (a) monitor compliance by fishing vessels and traps with this Regulation;
  - (b) record, and report upon, the fishing activity which shall include the following:
    - (i) amount of catch (including by-catch), that also includes species disposition, such as retained on board or discarded dead or alive;
    - (ii) area of catch by latitude and longitude;

- (iii) measure of effort (such as the number of sets, number of hooks), as defined in the ICCAT Field Manual for different gears;
  - (iv) date of catch.
- (c) observe and estimate catches and verify entries made in the logbook;
- (d) sight and record vessels which may be fishing contrary to ICCAT conservation measures.
- 4. In addition, national observers shall carry out scientific work, such as collecting Task II data as defined by ICCAT, when required by ICCAT, based on the instructions from the SCRS.
- 5. Regarding the implementation of paragraphs 1 to 4, each Member State shall also:
  - (a) ensure representative temporal and spatial presence of national observers on its vessels and traps 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) ensure robust data collection protocols;
  - (c) ensure that national observers are properly trained and approved before deployment;
  - (d) ensure, to the extent practicable, minimal disruption to the operations of fishing vessels and traps fishing in the Convention Area.
- 6. Data and information collected under each Member State observer programme shall be provided to the Commission by 15 July each year. The Commission shall forward that data and information to the SCRS and the ICCAT Secretariat, as appropriate.

#### *Article 49*

##### *ICCAT Regional Observer Programme*

- 1. The ICCAT Regional Observer Programme as set out in paragraphs 2 to 6 of this Article and as further specified in Annex VII shall apply in the Union.
- 2. Member States shall ensure that an ICCAT regional observer is present on:
  - (a) 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 caging operations of Bluefin tuna in farms;
  - (e) during all harvesting of Bluefin tuna from farms.
- 3. Purse seine vessels without an ICCAT regional observer shall not be authorised to fish or to operate in the Bluefin tuna fishery.
- 4. Member States responsible for farms shall ensure an ICCAT regional observer presence during all caging operations and all harvesting of fish from those farms.
- 5. ICCAT regional observers shall be tasked, in particular, to:

- (a) observe and monitor compliance of fishing and farming operations with Article 42 of Regulation (EC) No 1005/2008, Article 90 of Regulation (EC) No 1224/2009 and with the provisions of this Regulation;
  - (b) sign the ICCAT transfer declarations referred to in Article 36 of this Regulation, caging reports referred to in Article 45 of this Regulation and BCDs when they agree that the information contained therein is consistent with their observations,
  - (c) carry out scientific work, for example collecting samples, as required by ICCAT, based on the instructions from the SCRS.
6. The flag Member State shall ensure that masters, crew, farm, trap and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe ICCAT regional observers in the performance of their duties.

## SECTION 7

### INSPECTIONS AND CROSS-CHECKS

#### *Article 50*

#### *ICCAT Scheme of Joint International Inspection*

1. The ICCAT Scheme of Joint International Inspection set out in Annex VIII shall apply in the Union.
2. Member States whose fishing vessels are authorised to fish Bluefin tuna in the eastern Atlantic and Mediterranean shall assign inspectors and carry out inspections at sea under the ICCAT scheme.
3. If, at any time, more than 15 fishing vessels flagged to a Member State are engaged in Bluefin tuna fishing activities in the Convention area, that Member State shall 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. The Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. It may draw up, in concert 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 51*

##### *Transmission of inspection plans*

1. By 31 January each year, Member States shall transmit their inspection plans to the Commission. The inspection 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 Eastern Atlantic and Mediterranean Bluefin tuna established under Article 95 of Regulation (EC) No 1224/2009.
  - b) the National Control action programme for Eastern Atlantic and Mediterranean Bluefin tuna established under Article 46 of Regulation (EC) No 1224/2009.
2. The Commission shall compile the national inspection plans and integrate them into the Union inspection plan. The inspection plan shall be transmitted by the Commission to the ICCAT Secretariat, for endorsement by ICCAT, together with the plans referred to in Article 6(1).

#### *Article 52*

##### *Inspections in case of infringements*

1. The flag Member State shall take the action under paragraph 2 where a vessel flying its flag has:
  - (a) failed in its reporting requirement referred to in Article 23 and 24 or
  - (b) committed an infringement of the provisions set up by this Regulation, by Articles from 89 to 93 of Council Regulation (EC) No 1224/2009, by Chapter IX of Council Regulation (EC) No 1005/2008.
2. The flag Member State shall ensure that a physical inspection takes place under its authority in its ports or by another person designated by the flag Member State when the vessel is not in one of its ports.

#### *Article 53*

##### *Cross-check*

1. Each Member State shall verify, including by using inspection reports, observer reports and VMS data, the submission of logbooks and relevant information recorded in the logbooks of its fishing vessels in the transfer or transshipment documents and in the Bluefin tuna 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 cagings between the quantities by species recorded in the fishing vessels logbook or quantities by species recorded in the transfer or transshipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as an invoice and/or sales notes in line with Article 109 of Regulation EC (No) 1224/2009.

## **SECTION 8**

### **MARKETING**

#### *Article 54*

##### *Market measures*

1. Without prejudice to the Regulation (EC) No 1224/2009, Regulation (EC) No 1005/2008 and Regulation (EU) No 1379/2013 of the European Parliament and the Council<sup>35</sup>, Union trade, landing, imports, exports, placing in cages for fattening or farming, re-exports and transshipments of eastern Atlantic and Mediterranean Bluefin tuna that are not accompanied by accurate, complete and validated documentation set up by this Regulation, Regulation (EU) No 640/2010 and Article 4b of Council Regulation (EC) No 1936/2001, shall be prohibited.
2. Union trade, imports, landings, placing in cages for fattening or farming, processing, exports, re-exports and the transshipment of eastern Atlantic and Mediterranean Bluefin tuna shall be prohibited if:
  - a) the Bluefin tuna was caught by fishing vessels or traps whose State does not have a quota, catch limit or allocation of fishing effort for eastern Atlantic and Mediterranean Bluefin tuna, under the terms of ICCAT management and conservation measures, or
  - 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 the Regulation (EC) No 1224/2009, Regulation (EC) No 1005/2008 and Regulation (EU) No 1379/2013, Union trade, imports, landings, processing and exports from fattening or farming farms that do not comply with the Regulations referred to in paragraph 1 shall be prohibited.

## **CHAPTER VI**

### **FINAL PROVISIONS**

#### *Article 55*

##### *Evaluation*

Member States shall submit each year by 15 September to the Commission a detailed report on their implementation of this Regulation. Based on the information received by Member States, the Commission shall submit each year by 15 October to the ICCAT Secretariat a detailed report on the implementation of the ICCAT Recommendation 14-04.

#### *Article 56*

##### *Financing*

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Regulation (EU) No 1379/2013 of the European Parliament and 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).

The multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean shall be deemed to be a multiannual plan within the meaning of Article 9 of Regulation (EU) No 1380/2013.

#### *Article 57*

##### *Procedure for amendments*

1. As far as is necessary, in order to incorporate into Union law amendments to the existing provisions of the Bluefin tuna recovery plan which become binding to the Union, the Commission may amend non-essential provisions of this Regulation by means of delegated acts in accordance with Article 58.

#### *Article 58*

##### *Exercise of the delegation for amendments*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 57 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Article 57 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 57 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

#### *Article 59*

##### *Implementation*

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 47 of Regulation (EC) 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.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

*Article 60*

*Repeal*

1. Regulation (EC) No 302/2009 is hereby repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XIII.

*Article 61*

*Entry into force*

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

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*