EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

Brussels, 22 December 2020
(OR. en)

2020/0139(COD) **PE-CONS 50/20**

PECHE 373
CODEC 1162

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EC) No 520/2007

REGULATION (EU) 2020/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EC) No 520/2007

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure[2],

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1 Opinion of 2 December 2020 (not yet published in the Official Journal).

2 Position of the European Parliament of 15 December 2020 (not yet published in the Official Journal) and decision of the Council of ….

Whereas:

(1) The objective of the Common Fisheries Policy, as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council[1], is to ensure an exploitation of marine biological resources that provides sustainable economic, environmental and social conditions.

(2) By means of Council Decision 98/392/EC[2], the Union approved the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement for the Implementation of that Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks[3], which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to conserve fish stocks.

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

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

3 Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).

(3) By means of Council Decision 2006/539/EC[1], the Union approved the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica ('the Convention').

(4) The Inter-American Tropical Tuna Commission (IATTC) has the authority to adopt decisions ('Resolutions') to ensure the long-term conservation and sustainable use of the fishery resources in the Convention area. Resolutions are binding for the Contracting Parties. Resolutions are essentially addressed to the Contracting Parties to the Convention, but also contain obligations for private operators (e.g. masters of vessels). Resolutions enter into force 45 days following their adoption and, in respect of the Union, they must be implemented into Union law as soon as possible.

(5) By means of Council Decision 2005/938/EC[2], the Union approved the Agreement on the International Dolphin Conservation Programme ('the Agreement'), which established the International Dolphin Conservation Programme (IDCP).

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1 Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

2 Council Decision 2005/938/EC of 8 December 2005 on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme (OJ L 348, 30.12.2005, p. 26).

(6) Under Article XIV of the Agreement, the IATTC is to have an integral role in coordinating the implementation of the Agreement and in implementing the measures that will be adopted within the framework of the IATTC.

(7) Within the IDCP, the Meeting of the Parties is responsible for the adoption of measures designed to progressively reduce incidental dolphin mortality in the tuna purse seine fishery in the Agreement Area to levels approaching zero, through the setting of annual limits. Such measures become binding upon the Union.

(8) The most recent implementation of the Resolutions was carried out through Council Regulation (EC) No 520/2007[1].

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

(9) Taking into consideration that Resolutions are likely to be amended at the annual meetings of the IATTC, and in order to swiftly incorporate them into Union law, to reinforce the level playing field and further support the long-term sustainable management of the stocks, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following aspects: the technical specifications for shark lines, closure periods, fish-aggregating devices (FADs) reporting timelines, provisions concerning design and deployment of FADs, data collection deadlines, areas and mitigation measures for the protection of seabirds, scientific observer coverage, information related to the Regional Vessel Register, reference to table for provision of data for the logbooks and unloading records, the bigeye tuna statistical document, several reporting deadlines and the turtle mortality guidelines. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

[1] OJ L 123, 12.5.2016, p. 1.

(10) The delegation of powers provided for in this Regulation should be without prejudice to the implementation of future Resolutions into Union law through the ordinary legislative procedure.

(11) Since this Regulation implements all IATTC measures, Articles 3(3) and 4(3) and Title IV of Regulation (EC) No 520/2007 should be deleted.

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down management, conservation and control measures relating to fishing in the area covered under the Convention and with respect to stocks of tunas and tuna-like species, other species of fish taken by vessels fishing for tunas and tuna-like species and species belonging to the same ecosystem that are affected by fishing for, or dependent on or associated with, the fish stocks covered by the Convention.

Article 2

Scope

1. This Regulation applies to Union fishing vessels used or intended for use for the purposes of fishing in the area covered under the Convention.

2. Unless otherwise stated in this Regulation, it applies without prejudice to the existing Regulations in the fisheries sector, in particular Regulation (EU) 2017/2403 of the European Parliament and of the Council[1] and Council Regulations (EC) No 1005/2008[2], (EC) No 1224/2009[3] and (EC) No 1185/2003[4].

Article 3

Definitions

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

(1) 'the Convention' means the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica;

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1 Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

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

3 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union 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).

4 Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels (OJ L 167, 4.7.2003, p. 1).

(2) ‘the Convention area’ means the geographical area to which the Convention applies as described in Article III of the Convention;

(3) ‘IATTC species’ means stocks of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention area;

(4) ‘Union fishing vessel’ means any vessel flying the flag of a Member State, used or intended for use for the purposes of commercial exploitation of fishery resources, including support vessels, fish processing vessels, vessels engaged in transhipment and carrier vessels equipped for the transportation of fishery products, except container vessels;

(5) ‘Contracting Party’ means the contracting parties to the Convention;

(6) ‘purse seine’ means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the ground rope, enabling the net to be pursed and closed;

(7) ‘tropical tunas’ means bigeye tuna, yellowfin tuna and skipjack tuna;

(8) ‘data buoys’ means floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities, and which have been notified to the IATTC Secretariat;

(9) ‘fish-aggregating device’ or ‘FAD’ means anchored, drifting, floating or submerged objects deployed or tracked by vessels, including through the use of radio or satellite buoys, for the purpose of aggregating target tuna species for purse seine fishing operations;

(10) ‘interaction’ with data buoys includes, but is not limited to, encircling the buoy with fishing gear, tying up or attaching the vessel, fishing gear, or any part or portion of the vessel, to a data buoy, or cutting its anchor line;

(11) ‘operator’ means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;

(12) ‘SAC’ means the Scientific Advisory Committee established under Article XI of the Convention;

(13) ‘transhipment’ means the unloading of all or any fisheries products on board a vessel to another vessel;

(14) ‘Regional Vessel Register’ means the vessel register of the IATTC;

(15) ‘Resolution’ means the binding measures adopted by the IATTC under Article VII of the Convention;

(16) ‘IATTC transhipment declaration form’ means the document contained in Annex 2 to Resolution C-12-07;

(17) ‘observer’ means a person who is authorised and certified by a Member State or Contracting Party to observe, monitor and collect information on board fishing vessels;

(18) ‘longline’ means a fishing gear which comprises a main line carrying numerous hooks on branch lines (snoods) of variable length and spacing depending on target species;

(19) ‘shark lines’ means individual lines attached to the float line or to the floats directly, and used to target sharks, as depicted in Figure 1 of Resolution C-16-05;

(20) ‘large circle hook’ means a hook with the point turned perpendicularly back to the shank to form a generally circular or oval shape, and the point of the hook not offset more than 10 degrees;

(21) ‘the Agreement’ means the Agreement on the International Dolphin Conservation Programme (AIDCP);

(22) ‘sealed wells’ means any space on board a vessel, intended for the freezing, maintenance or storage of fish, access to which has been blocked to prevent its use for those purposes;

(23) ‘WCPFC’ means the Fisheries Commission for the Western and Central Pacific Ocean established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean[1];

(24) ‘overlap area’ means the area of overlapping competence between the IATTC and WCPFC geographical areas. That area is the part of the Pacific Ocean bounded by the following lines: the 50°S parallel from its intersection with meridian 150°W until the intersection with meridian 130°W, and the 4°S parallel from its intersection with meridian 150°W until the intersection with meridian 130°W.

CHAPTER II
CONSERVATION AND MANAGEMENT MEASURES

Article 4

Closure periods for purse seine vessels for tropical tunas

1. To implement the fishing closure for purse seine vessels, each Member State shall:

(a) inform the Commission by 15 June each year of which of the two closure periods from 29 July to 8 October, or from 9 November to 19 January, shall be applicable to their vessels. The Commission shall notify the IATTC Secretariat of the applicable period of closure by 15 July each year;

[1] Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

(b) inform all interested parties in its tuna industry of the closure;

(c) inform the Commission by 15 June each year that these steps have been taken;

(d) ensure that for the entire duration of the closure all purse seine vessels that fly its flag do not fish in the Convention area.

2. Where a Union fishing vessel is unable to proceed to sea outside the applicable closure period referred to in point (a) of paragraph 1, due to a *force majeure* event consisting of disabling the fishing vessel in the course of fishing operations by mechanical or structural failure, fire or explosion, during a period of at least 75 consecutive days, the Member State may send to the Commission an exemption request for the closure period, together with the evidence necessary to demonstrate that the vessel did not proceed to sea due to *force majeure*. The request shall be sent to the Commission at the latest two weeks after the cessation of the cause of the *force majeure*. The Commission shall assess and, where applicable, forward the request to the IATTC Secretariat for consideration by the IATTC at the latest one month after the cessation of the cause of the *force majeure*.

3. Where the Commission notifies the Member State of the approval by the IATTC of the request referred to in paragraph 2:

(a) in the event that the vessel has not observed a closure period in the same year where the cause of the *force majeure* occurred, the vessel shall observe a reduced closure period of 40 consecutive days in one of the two closure periods of that year instead of the full closure set out in point (a) of paragraph 1 and the Commission shall immediately notify the IATTC Secretariat of the chosen period of closure; or

(b) in the event that the vessel has already observed a closure period in the same year during which the cause of the *force majeure* occurred, it shall observe a reduced closure period of 40 consecutive days the following year in one of the two closure periods for that year, to be notified to the Commission no later than 15 July of that year.

4. Any vessel that benefits from the exemption provided for in paragraph 3 shall carry an authorised observer on-board.

5. In addition to the closure referred to in paragraph 1, the fishery for tropical tunas within the area of 96º and 110ºW and between 4°N and 3°S shall be closed from 9 October to 8 November of each year.

Article 5

Prohibition of fishing on data buoys

1. Masters of vessels shall ensure that their vessels do not interact with data buoys in the Convention area.

2. It shall be prohibited to deploy fishing gear within one nautical mile of an anchored data buoy in the Convention area.

3. It shall be prohibited to take on board a data buoy, unless a Member State, a Contracting Party or the owner responsible for that buoy specifically authorises or requests to do so.

4. If fishing gear becomes entangled with a data buoy, the entangled fishing gear shall be removed with as little damage to the data buoy as possible.

5. Scientific research programmes formally notified to the IATTC may operate Union fishing vessels within one nautical mile of a data buoy, provided that those vessels do not interact with the data buoy or deploy fishing gear, as set out in paragraphs 1 and 2.

Article 6

Fish-aggregating devices (FADs)

1. FADs shall be activated exclusively on board Union purse seine vessels.

2. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or its operator.

3. Union fishing vessels shall report daily information on all active FADs to the Commission at intervals submitted with a time delay of at least 60 days, but with a time interval of not more than 90 days between each report. The Commission shall immediately forward that information to the IATTC Secretariat.

4. The operators of Union fishing vessels shall collect and report any interaction with FADs to Member States. For each interaction they shall record the following information:

   (a) position of the FAD;

   (b) date and hour of deployment of the FAD;

   (c) IATTC FAD identification (i.e. FAD marking or beacon identification; type of buoy; or any information allowing identification of the owner);

(d) FAD type (such as anchored FAD, drifting natural FAD, drifting artificial FAD);

(e) FAD design characteristics (dimension and material of the floating part and of the underwater hanging structure);

(f) type of activity (set, deployment, hauling, retrieving, loss, intervention on electronic equipment, etc.);

(g) if the activity is a set, the results of the set in terms of catch and bycatch; and

(h) characteristics of any attached buoy or positioning equipment (positioning system, whether equipped with sonar, etc.).

5. The data collected for the previous calendar year shall be submitted by Member States to the Commission no later than 75 days prior to each regular meeting of the SAC. The Commission shall forward that information to the IATTC Secretariat no later than 60 days before the meeting of the SAC.

6. The identification and the design and deployment of FADs by Union fishing vessels shall comply, respectively, with Annexes I and II to Resolution C-19-01.

Article 7

Transhipments in port

All transhipments in the Convention area of IATTC species shall take place in port.

CHAPTER III
PROTECTION OF MARINE SPECIES

SECTION 1
ELASMOBRANCH SPECIES

Article 8

Oceanic whitetip sharks

1. It shall be prohibited to retain onboard, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*).

2. Whitetip sharks shall be, to the extent practicable, promptly released unharmed when brought alongside the vessel.

3. Member States, shall record, *inter alia* through the observer programmes, the number of discards and releases of whitetip sharks, indicating the status (dead or alive), including those released under paragraph 2.

Article 9

Mobulid rays

1. It shall be prohibited to retain onboard, tranship, land, store, sell or offer for sale any part or whole carcass of Mobulid rays (which includes *Manta* rays and *Mobula* rays) caught in the Convention area.

2. If Mobulid rays are unintentionally caught and frozen as part of a purse seine vessel operation, the vessel shall surrender the whole Mobulid ray to the responsible authorities at the point of landing. Mobulid rays surrendered in that manner shall not be sold or bartered but may be donated for purposes of domestic human consumption.

3. Mobulid rays that are caught unintentionally shall be promptly released unharmed, to the extent practicable, as soon as they are seen in the net, on the hook, or on the deck. Release shall be carried out in a manner that will result in the least possible harm to the Mobulid rays captured without compromising the safety of any persons, following the guidelines detailed in Annex 1 to IATTC Resolution C-15-04.

4. Member States shall record, *inter alia* through the observer programmes, the number of discards and releases of Mobulid rays, indicating the status (dead or alive), including those surrendered under paragraph 2.

Article 10

Silky sharks

1. It shall be prohibited to retain on board, tranship, land, store, sell or offer for sale any part or whole, carcasses of silky sharks (*Carcharhinus falciformis*) caught by purse seine vessels in the Convention area.

2. If silky sharks are unintentionally caught and frozen as part of a purse seine vessel operation, and if the governmental authorities are present at the point of landing, the whole silky shark shall be surrendered to them. If the governmental authorities are unavailable, the whole silky shark surrendered shall not be sold or bartered but may be donated for purposes of domestic human consumption. Silky sharks surrendered in this manner shall be reported to the IATTC Secretariat.

3. Longline vessels that catch sharks incidentally shall limit bycatch of silky sharks to a maximum of 20 % of the total catch by fishing trip in weight.

4. Union fishing vessels shall not fish in silky shark pupping areas identified by the IATTC.

Article 11

Whale sharks

1. Union fishing vessels shall not set a purse seine net on a school of tunas associated with a live whale shark (*Rhincodon typus*), if the animal is sighted prior to the commencement of the set.

2. In the event that a whale shark is not deliberately encircled in the purseseine net, the master of the vessel shall:

   (a) ensure that all reasonable steps are taken to ensure its safe release; and

   (b) report the incident to the Member State, including the number of individuals concerned, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the animal(s) on release (including whether any were released alive but subsequently died).

3. Whale sharks shall not be towed out of a purse seine net.

Article 12

Safe release of sharks by purse seine vessels

1. Union fishing vessels shall promptly release sharks (whether alive or dead) caught that are not retained unharmed, to the extent practicable, as soon as they are seen in the net or on the deck, without compromising the safety of any persons.

2. If a shark is alive when caught by purse seine vessels and is not retained, the shark shall be released by using the following procedures, or equally effective means:

   (a) sharks are released out of the net by directly releasing them from the brailer into the ocean;

   (b) sharks that cannot be released without compromising the safety of persons before being landed on deck are returned to the water as soon as possible, either utilising a ramp from the deck connecting to an opening on the side of the vessel, or through escape hatches; and

   (c) if ramps or escape hatches are not available, the sharks are lowered with a sling or cargo net, using a crane or similar equipment, if available.

   The use of gaffs, hooks or similar instruments shall be prohibited for the handling of sharks. No shark may be lifted by the head, tail, gill slits, or spiracles, or by using bind wire against or inserted through the body, and no holes may be punched through the bodies of sharks (e.g. to pass a cable through for lifting the shark).

Article 13

Prohibition of use of shark lines by longline vessels

Union longline fishing vessels shall not use shark lines.

Article 14

Data collection on shark species

1. Masters of Union fishing vessels shall collect and submit catch data for silky and hammerhead sharks to the Member States, who shall send and submit those data to the Commission by 31 March each year. The Commission shall forward the data to the IATTC Secretariat.

2. Observers on Union fishing vessels shall record the number and status (dead or alive) of silky sharks and hammerhead sharks caught and released.

SECTION 2
OTHER SPECIES

Article 15

Seabirds

1. Longline vessels that use hydraulic, mechanical or electrical systems and that fish for species covered by the Convention in the area north of 23°N and south of 30°S, and the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S shall apply at least two of the mitigation measures contained in the table in the Annex to this Regulation including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.

2. Notwithstanding paragraph 1, side-setting with bird curtains and weighted branch lines shall only be applied in the area north of 23°N until research establishes the utility of this measure in waters south of 30°S. The use of side-setting with a bird curtain and weighted branch lines from column A shall be counted as two mitigation measures.

3. If the *tori* line is selected from both Column A and Column B, that shall equate to simultaneously using two (i.e. paired) *tori* lines.

Article 16

Sea turtles

1. Union fishing vessels shall promptly release, in a manner that causes the least harm to the extent practicable, all sea turtles, without compromising the safety of any persons. At least one member of a Union fishing vessel's crew shall be trained in techniques for handling and release of sea turtles to improve survival after release.

2. Member States shall continue to participate in and promote research to identify techniques to further reduce sea turtle bycatch in all gear types used in the eastern Pacific Ocean.

3. The master of a purse seine vessel shall:

   (a) avoid encirclement of sea turtles to the extent practicable and carry on board, and employ when appropriate, safe-handling tools for the release of sea turtles and take all reasonable steps, in the event that a sea turtle is sighted in a purse seine net, to ensure its safe release;

   (b) take the actions necessary to monitor FADs for the entanglement of sea turtles, and ensure the release of all sea turtles entangled in FADs;

   (c) record all observed interactions involving sea turtles during purse seine fishing operations and report such information to the national authorities.

4. Masters of longline vessels shall:

(a) carry on-board and, when sea turtle interactions occur, employ the necessary equipment (e.g. de-hookers, line cutters, and scoop nets) for the prompt release of sea turtles incidentally caught;

(b) when the majority of hooks fish at depths shallower than 100 metres, employ one of the following two mitigation measures: large circle hooks or the use only of finfish for bait;

(c) report any interactions to the national authorities.

5. Member States shall support research and development of modified FAD designs to reduce sea turtle entanglement as well as take measures to encourage the use of designs found to be successful at such reduction.

Article 17

Protection of dolphins

Only Union fishing vessels operating under the conditions laid down in the Agreement which have been allocated a Dolphin Mortality Limit (DML) shall be authorised to encircle schools or groups of dolphins with purse seines when fishing for yellowfin tunas in Convention area.

CHAPTER IV
SCIENTIFIC OBSERVERS

Article 18

Scientific observers on longline vessels

1. Member States shall ensure that longline vessels flying their flag carry a scientific observer on board to cover at least 5 % of the fishing effort made by their vessels greater than 20 metres in length overall.

2. Scientific observers shall record the catches of targeted fish species, species composition and any other available biological information as well as any interactions with non-target species such as sea turtles, seabirds and sharks.

3. Scientific observers on board Union fishing vessels shall submit to the Member State authorities a report on these observations at the latest 15 days after the end of each fishing trip. That report shall be sent to the Commission in accordance with Article 25(5).

Article 19

Scientific observers' safety at sea

1. This Article shall be without prejudice to obligations of observers and responsibilities of the master of the vessel set out in the Annex II to the Agreement.

2. The master of the vessel shall:

(a) take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;

(b) endeavour to ensure that observers alternate vessels between their assignments;

(c) ensure that the vessel on which an observer is placed provide suitable food and lodging for the observer during the observer's deployment at the same level as the officers, where possible;

(d) ensure that all necessary cooperation is extended to observers in order for them to carry out their duties safely, including providing access, as required, to the retained catch, and catch which is intended to be discarded.

3. Member States shall take measures to ensure the safety of observers and crew members in accordance with IATTC Resolution C-11-08 on improving observer safety at sea, as well as relevant Union and international labour standards, in particular Council Directive 89/391/EEC[1], Council Directive (EU) 2017/159[2], the Work in Fishing Convention, 2007 of the International Labour Organisation (No.188) and the Violence and Harassment Convention, 2019 of the International Labour Organisation (No.190).

4. Member States shall ensure that observers fulfil the qualification criteria set out in the Annex II to the Agreement.

5. In the event that an observer dies, is missing or presumed fallen overboard, the master of the vessel shall:

(a) ensure that the Union fishing vessel immediately ceases all fishing operations;

(b) ensure that the Union fishing vessel immediately commences a search and rescue operation if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless instructed by the flag Member State to continue searching;

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1 Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

2 Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche) (OJ L 25, 31.1.2017, p. 12).

(c) immediately notify the flag Member State and the observer provider;

(d) immediately alert other vessels in the vicinity by using all available means of communication;

(e) cooperate fully in any search and rescue operation and, after such search and rescue operation has been terminated, order the vessel to the nearest port for further investigation, as agreed by the flag Member State and the observer provider;

(f) provide the report on the incident to the observer provider and the authorities of the flag Member State; and

(g) cooperate fully in any official investigations into the incident, and preserve any potential evidence and the personal effects and quarters of the deceased or missing observer.

6. In the event that an observer dies, the master of the vessel shall ensure that, to the extent practicable, the body is well preserved for the purposes of an autopsy and investigation.

7. In the event that an observer suffers from a serious illness or injury that threatens his or her life or long-term health or safety, the master of the vessel shall:

(a) ensure that the Union fishing vessel immediately ceases fishing operations;

(b) immediately notify the flag Member State and the observer provider;

(c) take all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel, and where appropriate seeks external medical advice;

(d) where directed by the observer provider, if not already directed by the flag Member State, facilitate the disembarkation and transport of the observer to a medical facility equipped to provide the required care as directed by the flag Member State or the observer provider, as soon as practicable; and

(e) cooperate fully in any official investigations into the cause of the illness or injury.

8. Without prejudice to the obligations applicable to the master of the vessel, for the purposes of paragraphs 5 to 7, the flag Member State shall ensure that the appropriate Maritime Rescue Coordination Centre, observer provider, and the IATTC Secretariat are immediately notified and provided a report on actions undertaken.

9. In the event that there are reasonable grounds to believe an observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider requests that the flag Member State remove the observer from the Union fishing vessel, the master of that vessel shall:

(a) immediately take action to preserve the safety of the observer and mitigate and resolve the situation on board;

(b) immediately notify the flag Member State and the observer provider of the situation, including the status and location of the observer;

(c) facilitate the safe disembarkation of the observer in a manner and place, as agreed by the flag Member State and the observer provider, that allows access to any needed medical treatment; and

(d) cooperate fully in any official investigations into the incident.

10. In the event that there are reasonable grounds to believe that an observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered but neither the observer nor the observer provider requests that the observer be removed from the fishing vessel, the master of that vessel shall:

(a) immediately take action to preserve the safety of the observer and mitigate and resolve the situation on board;

(b) immediately notify the flag Member State and the observer provider of the situation; and

(c) cooperate fully in any official investigations into the incident.

11. Where, after disembarkation from a fishing vessel of an observer, an observer provider identifies, such as during the course of debriefing the observer, a possible incident involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag Member State and the IATTC Secretariat.

12. Upon receipt of the notification referred to in point (b) of paragraph 10, the flag Member State shall:

(a) investigate the incident based on the information provided by the observer provider, prepare an incident report on this basis and take any appropriate action in response to the results of the investigation;

(b) cooperate fully in any official investigation conducted by the observer provider, including providing the incident report of its investigation to the observer provider and appropriate authorities; and

(c) notify the observer provider and the IATTC of the results of its investigation and any actions taken.

13. National observer providers shall:

(a) immediately notify the flag Member State in the event that an observer dies, is missing or presumed fallen overboard in the course of observer duties;

(b) cooperate fully in any search and rescue operation;

(c) cooperate fully in any official investigations into any incident involving an observer;

(d) facilitate the disembarkation and replacement of an observer in a situation involving the serious illness or injury of that observer as soon as possible;

(e) facilitate the disembarkation of an observer in any situation involving the assault, intimidation, threats to, or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible; and

(f) provide the flag Member State with a copy of the observer report on alleged incidents involving assault or harassment of the observer upon request.

14. Relevant observer providers and Member States shall cooperate with each other's investigations, including providing their incident reports for any incidents referred to in paragraphs 5 to 11 to facilitate any investigations as appropriate.

CHAPTER V
VESSEL REQUIREMENTS

Article 20

Regional Vessel Register

1. Member States shall provide the Commission with the following information with respect to each vessel under its jurisdiction to be included in the Regional Vessel Register:

(a) name of Union fishing vessel, registration number, previous names (if known), and port of registry;

(b) a photograph of the vessel showing its registration number;

(c) previous flag (if known and if any);

(d) International Radio Call Sign (if any);

(e) name and address of owner or owners;

(f) date and place of building;

(g) length, beam, and moulded depth;

(h) freezer type and freezer capacity, in cubic metres;

(i) number and capacity of fish holds, in cubic metres and, in the case of purse seine vessels, capacity breakdown by fish hold if possible;

(j) name and address of operator(s) and manager(s) (if any);

(k) type of vessel;

(l) type of fishing method or methods;

(m) gross tonnage;

(n) power of main engine or engines;

(o) the main target species; and

(p) International Maritime Organization (IMO) number.

2. Each Member State shall promptly notify the Commission of any modifications to the information concerning elements listed in paragraph 1. The Commission shall forward that information to the IATTC Secretariat without delay.

3. Each Member State shall also promptly notify the Commission of:

(a) any additions to the record;

(b) any deletions from the record by reason of:

(i) the voluntary relinquishment or non-renewal of the fishing authorisation by the owner or operator of the vessel;

(ii) the withdrawal of the fishing authorisation issued to the vessel;

(iii) the fact that the vessel is no longer entitled to fly its flag;

(iv) the scrapping, decommissioning or loss of the vessel; and

(c) any other deletion not listed in point (b).

4. Member States shall notify the Commission by 30 May each year of the Union fishing vessels on the Regional Vessel Register flying their flag that were actively fishing in the Convention area for species covered by the Convention from 1 January to 31 December of the previous year. The Commission shall forward that information to the IATTC Secretariat without delay.

5. The Commission shall request Member States to provide complete data for the vessels flying their flag in accordance with paragraph 1 if those Member States do not provide all the required information.

Article 21

Sealed wells

1. A well that is sealed shall be physically sealed in a tamper-proof manner, and in such a way that it does not communicate with any other space on the vessel and that its use for any other storage is prevented.

2. Member States shall take the necessary measures to inspect and verify the wells sealed for the first time.

3. Any vessel with one or more of its wells sealed to reduce the well volume recorded on the Regional Vessel Register shall be required to carry an observer from the AIDCP on board.

4. It shall be possible to open a sealed well only in the event of an emergency. If a sealed well is opened at sea, the observer shall be present both when the well is opened and when it is resealed.

5. All refrigeration equipment in the sealed well shall be rendered inoperative.

6. The master of the vessel shall notify observers of any sealed wells on-board. Observers shall report to the IATTC Secretariat any instances of sealed wells being used for storing fish.

CHAPTER VI
DATA AND STATISTICAL DOCUMENT

Article 22

Provision of data

1. Member States shall ensure that all pertinent catch information is provided to the Commission on an annual basis, for all of their vessels fishing for species under the purview of the Convention.

2. Member States shall provide the data, by species and fishing gear, where practical, via vessel logbooks and unloading records, and otherwise in aggregated form as in the table set out in IATTC Resolution C-03-05, with Level 3 catch and effort data as a minimum requirement, and, whenever possible, Levels 1 and 2 catch and effort data and length-frequency data.

3. The aggregated data table referred to in paragraph 2 for each year shall be provided to the Commission by 31 May of the following year. The Commission shall forward that information to the IATTC Secretariat by 30 June.

Article 23

Bigeye tuna statistical document

1. All bigeye tunas imported into the territory of the Union shall be accompanied by the bigeye tuna statistical document or the IATTC bigeye tuna re-export certificate, as appropriate, established by the IATTC[1]. Bigeye tuna caught by purse seiners and bait boats and destined principally for further processing by tuna canneries shall not be subject to that statistical document requirement.

2. The IATTC bigeye tuna statistical document shall be validated by the authorities of the flag Member State of the vessel that harvested the tuna. The IATTC bigeye tuna re-export certificate shall be validated by the authorities of the Member State that re-exported the tuna.

3. The Member States that import bigeye tuna shall report to the Commission the trade data collected by their authorities each year by 1 April for the period of 1 July to 31 December of the preceding year and by 1 October for the period of 1 January to 30 June of the current year. The Commission shall forward that information to the IATTC Secretariat without delay.

4. Member States that export bigeye tuna shall examine the trade data upon receiving the import data referred to in paragraph 3 and shall report the results to the Commission. The Commission shall forward that information to the IATTC Secretariat without delay.

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[1] Annexes 1 and 2 to Resolution C-03-01 for, respectively, the bigeye tuna statistical document and the bigeye tuna re-export certificate

5. Member States shall validate statistical documents involving a transhipment at port undertaken by longline vessels flying their flag where the transhipment was conducted in accordance with this Regulation and on the basis of the information obtained through the IATTC observer programme.

6. Member States that validate a statistical document involving transhipments undertaken by a longline vessel flying their flag shall ensure that the information is consistent with the catches reported by each longline vessel.

7. All tunas and tuna-like species and sharks landed in, or imported into, the Union, either unprocessed or after having been processed on board, and which are transhipped, shall be accompanied by the IATTC transhipment declaration form until the first sale has taken place.

CHAPTER VII
FINAL PROVISIONS

Article 24

Overlap area

1. Union fishing vessels listed exclusively in the IATTC register shall apply the conservation and management measures of the IATTC when fishing in the overlap area.

2. In the case of vessels listed in the vessel registers of both the WCPFC and the IATTC, prior to fishing in the overlap area, flag Member States shall notify the Commission under which of the two conservation and management measures adopted by those organisations the vessels flying their flag shall operate when fishing in the overlap area. The notification shall be valid for a period of not less than three years.

Article 25

Reporting

1. Member States shall submit to the Commission, by 15 June of each year for the preceding year, a national report on their compliance scheme and actions taken to implement IATTC measures, including any controls they have imposed on their fleets and any monitoring, control and compliance measures they have established to ensure compliance with such controls.

2. Member States shall report annually by 15 April for the preceding year data for catches, effort by gear type, landing and trade of sharks by species, data regarding whitetip sharks referred to in Article 8(3), mobulid rays referred to in Article 9(4) and silky sharks referred to in Article 10. The Commission shall forward those data to the IATTC Secretariat by 1 May.

3. Member States shall report annually by 15 June for the preceding year on the implementation of Article 15 and interactions with seabirds during fishing activities managed under the Convention, including by-catches of seabirds, details of seabird species, and all relevant information available from observers and other monitoring programmes. The Commission shall forward that information to the IATTC Secretariat by 30 June.

4. Member States shall report annually by 15 June for the preceding year on the implementation of Article 16 and the Guidelines of the Food and Agriculture Organisation of the United Nations to Reduce Sea Turtle Mortality in Fishing Operations (2009)[1] for turtles, including information collected on interaction with turtles during fishing activities managed under the Convention. The Commission shall forward that information to the IATTC Secretariat by 30 June.

5. Member States shall submit a scientific observer report for longline vessels referred to in Article 18(3) by 15 March for the preceding year. The Commission shall forward that information to the IATTC Secretariat by 30 March.

[1] http://www.fao.org/docrep/012/i0725e/i0725e.pdf

Article 26

Alleged non-compliance reported by the IATTC

1. If the Commission receives from the IATTC Secretariat any information indicating a suspected non-compliance with the Convention or Resolutions by a Member State or by Union fishing vessels, the Commission shall transmit that information to the Member State concerned without delay.

2. The Member State shall launch an investigation in relation to the allegations of non-compliance and shall provide the Commission with the findings of such investigation and any actions taken to address any non-compliance concerns at least 75 days in advance of the annual meeting of the Committee for the Review of Implementation of Measures ('Compliance Committee').

3. The Commission shall forward that information to the IATTC Secretariat at least 60 days in advance of the Compliance Committee meeting.

Article 27

Confidentiality

In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States, masters of vessels and observers shall ensure confidential treatment of electronic reports and messages transmitted to and received from the IATTC Secretariat pursuant to Article 10(2), Article 19(5) and (8) and Article 21(6) of this Regulation.

Article 28

Empowerment for amendments

1. The Commission is empowered to adopt delegated acts amending this Regulation, in accordance with Article 29, to adapt it to measures adopted by the IATTC that bind the Union and its Member States concerning:

(a) the transhipment declaration form referred to in point (16) of Article 3;

(b) the reference to depiction of shark lines in point (19) of Article 3;

(c) closure periods referred to in point (a) of Article 4(1) and in Article 4(5);

(d) FADs reporting timelines provided for in Article 6(3);

(e) information to be collected when fishing with FADs listed by Article 6(4);

(f) provisions concerning design and deployment of FAD provided for in Article 6(6);

(g) the data collection deadline referred to in Article 14(1);

(h) areas and mitigation measures for the protection of seabirds of Article 15(1) and (2);

(i) scientific observer coverage of 5 % referred to in Article 18(1);

(j) information related to the Regional Vessel Register listed in Article 20(1);

(k) the reference to table for provision of data for the logbooks and unloading records provided for in Article 22(2);

(l) the reference to the bigeye tuna statistical document in Article 23(1);

(m) reporting deadlines provided for in Article 25;

(n) the reference to turtle mortality guidelines in Article 25(4);

(o) the Annex to this Regulation.

2. Amendments in accordance with paragraph 1 shall be strictly limited to the implementation of amendments or new Resolutions into Union law.

Article 29

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 28 shall be conferred on the Commission for a period of five years from… [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 28 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 30

Amendments to Regulation (EC) No 520/2007

Articles 3(3) and 4(3), and Title IV of Regulation (EC) No 520/2007 are deleted.

Article 31

Entry into force

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

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

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX

Table 1: Mitigation measures

Column A	Column B
Side-setting with bird curtains and weighted branch lines	*Tori* line
Night setting with minimum deck lighting	Weighted branch lllllines lines
Tori line	Blue-dyed bait
Weighted branch lines	Deep-setting line shooter
	Underwater setting chute
	Management of offal discharge