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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean - Third revised Presidency compromise

Delegations will find herewith a Presidency compromise on the above-mentioned proposal.

Changes compared to the Commission proposal (doc. 8333/22 + ADD1) are marked in ***bold, italics*** for the new text and in ~~***bold italic***~~ ~~*strikethrough*~~ for the deletions.

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2017/2107 laying down management, conservation and control
measures applicable in the Convention area of the International Commission for the
Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) ~~2022~~ 2023/2053 establishing
a multiannual management plan for bluefin tuna in the eastern Atlantic and the
Mediterranean**

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 Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Since the adoption of Regulation (EU) 2017/2107 of the European Parliament and of the Council², the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted at its 2017, 2018, 2019 ~~and~~ 2021 *and 2022* annual meetings a number of legally binding measures for the conservation of fishery resources under its purview. Moreover, the EU has not yet implemented legally binding measures adopted at the ICCAT's 2006 annual meeting concerning the farming activities of the Bluefin tuna.
- (2) Regulation (EU) 2017/2107 *and Regulation (EU) ~~2022~~ 2023/2053* should therefore be amended in order to implement into Union law ICCAT measures for tropical tunas, *Mediterranean albacore, North and South Atlantic shortfin mako, by-catch of turtles*, North and Southern albacore, sailfish, blue and white marlin, billfish data reporting, shortfin mako shark, as well as observer programme, responsibilities for scientific observers, and an updated list of ICCAT species, *and provisions related to Illegal, Unreported and Unregulated (IUU) fishing, as well as for the bluefin tuna management with the provisions related to definitions, quota transfers, retention prohibition, sport and recreational fisheries, farms record, reporting, transfer authorisations, caging identifiers, caging*

¹ OJ C [...], [...], p. [...].

² Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulation (EC) No 1936/2001, (EC) 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p.1).

authorisations, caging operations and their video monitoring, control of caging, harvesting control activities in the farms after caging.

- ~~(3) *Regulation (EU) XX/2022³ should be amended to implement into Union law concerning Farm Member State annual carryover declaration and certain caging obligations.*~~
- (3) *Union legislation should merely implement the ICCAT recommendations in order to place Union and third country fishermen on an equal footing and to ensure that the rules can be accepted by all.*
- (4) *The delegated acts and implementing acts provided for in this Regulation should be without prejudice to the implementation of future ICCAT recommendations into Union law through the ordinary legislative procedure.*
- (5) *Certain provisions of ICCAT Recommendations are likely to be amended at forthcoming ICCAT annual meetings due to the introduction of new technical and management measures for fisheries governed under the ICCAT Convention. Therefore, in order to swiftly implement into Union law future amendments to ICCAT Recommendations before the start of the fishing season, 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: tropical tuna capacity limitations and its annual capacity fishing plan reporting; annual carryover for bigeye tuna, North and Southern Atlantic Albacore tuna and North and South Atlantic swordfish; management plans in respect of **fish-aggregating devices (FADs); number of instrumental buoys; FAD's requirements; information to be submitted for FADs by vessels; prohibition of FAD periods; restrictions on the number of vessels fishing for North Atlantic Albacore; North Atlantic swordfish management plan;** conditions to authorise catch and retain shortfin mako sharks; **requirements to maximise the sea turtle survival; minimum percentage of observer coverage and percentage coverage measurement** ~~the conditions to authorise catch and retain shortfin mako sharks, as well as~~ **for bluefin tuna management, reporting time limits, time periods for fishing seasons, content of carry over declarations, and provisions for caring, derogations for designation of fishing areas, fishing vessels and gear, and derogation for fishing bluefin tuna for farming purposes, conditions for assigning Regional Observer for farms and Member States duties and content of the annual caging reporting; and amending the list of ICCAT species. 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 (5). 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.***
- ~~(5)~~ (6) *Number of support vessels ~~operating in support of purse seiners~~ should not increase from the numbers recorded in June 2020 as set out in ICCAT Recommendation 21-01. Such retroactive application does not affect the principle of legal certainty and the protection of legitimate expectations.*

³ Proposal not yet adopted by co-legislators – COM (2019) 619 Final of 28.11.2019. – (2022) 171 final, 21.04.2022

(6) (7) Regulations (EU) 2017/2107 and ~~XX/2022/2023~~ 2023/2053 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) 2017/2107

Regulation (EU) 2017/2107 is hereby amended as follows:

(1) Article 4 is amended as follows:

a) the following sentence in point (20) is added:

“, and deploying, servicing and retrieving a fish-aggregating device.”

b) point (24) is replaced by the following:

“(24) ‘fish-aggregating device’ (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, **human-made** or natural, which is deployed and/or tracked, and used to aggregate fish for subsequent capture. FADs can either be anchored (aFADs) or drifting (dFADs). ***FADs are those FOBs that are human-made and intentionally deployed and/or tracked. Logs are those FOBs that are accidentally lost from anthropic and natural sources;***”

c) point (30) is added:

“(30) ‘FAD set’ means setting a fishing gear around a tuna school associated with a FAD;”

d) point (31) is added:

“(31) ‘Floating object’ (FOB) means any natural or artificial floating (i.e. surface or subsurface) object with no capability of moving on its own;”

e) point (32) is added:

“(32) ‘Operational buoy’ means any instrumented buoy, previously activated, switched on and deployed at sea, which transmits position and any other available information such as echo-sounder estimates;”

f) point (33) is added:

“(33) ‘Billfish’ means species of the *Istiophoridae* family managed by ICCAT.”

g) point (34) is added:

“(34) ‘Shallow-set longlines’ means longlines in which, when deployed, the majority of hooks is at a depth of less than 100 meters.”

h) point (35) is added:

“(35) ‘Circle hook’ means a hook with the point turned perpendicularly back to the shank to form a generally circular or oval shape⁴.”;

(2) Article 5a is added as follows:

“Article 5a

Capacity limitation for tropical tunas

1. By 31 January each year, Member States shall produce an annual capacity/fishing plan.
2. The Member States shall ensure that their overall longline and purse seine fleet capacity is managed in accordance with the annual capacity/fishing plans, in particular to limit the catch of tropical tuna catches, consistent with the catch limits established under Union law.
3. Member States shall not increase their number of support vessels ~~operating in support of purse seiners~~ from the numbers recorded in June 2020.
4. Member States shall report to the Commission the dates when their entire catch limit of tropical tuna species has been utilised. The Commission shall promptly circulate this information to the ICCAT Secretariat.
5. For Union purse seine vessels and large longline vessels (LOA 20 m or greater), Member States shall report tropical tuna catches on a monthly basis to the Commission, increasing to weekly when 80% of their catch limits have been caught.”

⁴ ~~Member States should adopt the use of Circle hooks should have with an offset of no more than 10 degrees.~~

6. Member States shall report quarterly to the Commission the amount of tropical tunas by species caught by their vessels within 15 calendar days of the end of the period during which the catches were made, namely by 15 April, 15 July and 15 October of each year and by 15 January of the following year, unless such information is sent on a monthly basis to the Commission. Those quarterly reports shall be sent using the aggregated catch data report format. The Commission shall send that information to the ICCAT Secretariat by 30 April, 30 July and 30 October of each year and by 30 January of the following year.”

(3) *The following Article 5b is inserted between Articles 5a and 6.*

*“Article 5b
Recreational fishery for Mediterranean albacore*

1. ~~It shall be prohibited to~~ Where national legislation allows recreational and sport fisheries, natural or legal persons shall be prohibited to catch, retain on board, tranship or land more than three Mediterranean albacore specimens per vessel per day for sport and recreational fisheries;

2. It shall be prohibited to market Mediterranean albacore caught in sport and recreational fisheries;

3. Member States shall provide to the Commission and to the ICCAT Secretariat the list of all recreational fishery vessels authorized to catch Mediterranean albacore, at least 15 days before the exercise of the activities. Vessels not introduced on this list shall not be authorized to catch Mediterranean albacore.”;

(4) Article 6a is added as follows:

“Article 6a

Prohibition on discards of tropical tunas caught by Union purse seiners

1. Union purse seiners that are authorised to fish for tropical tuna, shall retain on board, land or tranship to port all tropical tunas caught, except in the cases described in paragraph 3.

2. ~~No~~ Tropical tunas (*bigeye, skipjack or yellowfin tuna*) caught by a Union purse seiner ~~may~~ *be shall not be* discarded during the set once the net is completely closed and when more than half of the net has been retrieved. If there is a technical problem with the closing or retrieval

procedure of the net such that this rule cannot be applied, the **Masters, or** the crew **on their behalf** shall make every effort to release the tunas into the water as quickly as possible.

3. By way of derogation from paragraph 1, tropical tuna may be discarded in the following cases:

a) when the vessel master determines that the tropical tunas caught are meshed or crushed in the purse seine net; or are damaged due to depredation; or have died and decomposed in the net due to a gear failure that has prevented the normal activities of retrieval of the net, fishing and releasing the fish alive;

b) when the vessel master determines that the tropical tunas (*bigeye, skipjack or yellowfin tuna*) have been caught during the last set of a trip and there is not enough storage capacity to store, the tunas (*bigeye, skipjack or yellowfin tuna*) caught during this set. These fish may only be discarded if: ~~*it is possible to release the tuna alive and provided that no other fishing operation is conducted, until such time as the tunas on board the vessel are landed or transhipped.*~~

- the master or the crew attempt to release the tuna alive (bigeye, skipjack or yellowfin tuna) as quickly as possible; and

- no other fishing operation is conducted following the discarding, until such time as the tunas (bigeye, skipjack and yellowfin tuna) on board the vessel are landed or transhipped.

4. The master of the fishing vessel shall report all discards observed to their flag Member States. Member States shall send the discard reports to the Commission as part of task I and II data.”

(4) Article 7 is amended as follows:

a) paragraph 2 is replaced by the following:

“2. Large-scale fishing vessels not entered into the ICCAT record of authorised tropical tuna vessels, including support vessels, shall not be allowed to fish, retain on board, tranship, transport, transfer, process or land tropical tunas from the ICCAT Convention area or to carry out any kind of support to those activities, including deploying and

retrieving FADs and/or buoys. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.”

b) paragraph 3 is added:

“3. Union fishing vessels not authorised to fish for tropical tunas pursuant to Article 6 of this Regulation, may be allowed bycatch of tropical tunas in accordance with a maximum on board bycatch limit established for such vessels. Member States shall report to the Commission, as part of the annual report, on the maximum bycatch limit allowed for their vessels and information about how they ensure compliance with the limit.”

(5) Article 8 is replaced by the following:

“Member States shall, by 30 June of each year, submit to the Commission the list of authorised vessels flying their flag which have fished for tropical tunas in the ICCAT Convention area or have offered any kind of support to the fishing activity (support vessels) in the previous calendar year. For purse seiners, this list shall also include the support vessels that have supported the fishing activity, irrespective of their flag. The Commission shall, by 31 July of each year, notify the ICCAT Secretariat of the lists received from the Member States.”

(6) Article 8a is added as follows:

“Article 8a

Underage and overage of bigeye tuna

1. Any unused portion or excess of a Member State annual quota/catch limit may be added to/shall be deducted from, according to the case, the respective quota/catch limit during or before the adjustment year following ICCAT recommendations in force for big eye tuna.

2. The maximum underage that a Member State may carry-over in any given year cannot exceed the amount permitted in the particular year by ICCAT.”

(7) Article 9 is amended as follows:

a) paragraph 4 is replaced by the following:

“4. Member States shall ensure that no more than 300 FADs per vessel with operational buoys are active at ~~any one~~ *the same* time .”

b) paragraph 5 is added:

“5. The number of FADs with operational buoys will be verified through the verification of telecommunication bills. Such verifications shall be conducted by the competent authorities of the Member State.”

c) paragraph 6 is added:

“6. Member States may authorise their purse seine vessels to set on floating objects provided that the fishing vessel has either an observer or a functioning electronic monitoring system on board which is capable of verifying set type, species composition, and providing information on fishing activities to the ICCAT Standing Committee on Research and Statistics.”

(8) Article 10 (2) and (3) are replaced by the following:

“2. When using or designing FADs, Member States shall ~~ensure~~:

a) *ensure* that all FADs deployed are non-entangling in line with the guidelines under Annex 5 of the Recommendation 19-02;

b) *endeavour* that all FADs are constructed from biodegradable materials, including non-plastics, with the exception of materials used in the construction of FAD tracking buoys;

3. Member States shall report on an annual basis on the steps undertaken to comply with paragraph 2 in their FADs Management Plans.”

(9) Article 11 is amended as follows:

a) point 2(e) is replaced by the following:

“(e) Log description or FAD identifier (i.e., FAD Marking and buoy ID or any information allowing to identify the owner);”

b) point 2(g) is added:

“(g) Buoy ID.”

c) point 3(c) is replaced by the following:

“(c) FAD identifier (i.e., FAD Marking and buoy ID).”

d) paragraph 4 is replaced by the following:

“4. Union fishing vessels shall keep a list of deployed FADs, updated on a monthly basis and per 1°x1° statistical rectangles, containing at least the information set out in Annex III.”

(10) Article 12 is amended as follows:

a) point (b) is replaced by the following:

“(b) the number and type of beacons/buoys (e.g. radio, sonar only, sonar with echosounder) deployed on a monthly basis per 1°x1° statistical rectangles;”

b) point (c) is replaced by the following:

“(c) the average numbers of beacons/buoys activated and deactivated on a monthly basis that have been followed by each vessel;”

c) point (d) is replaced by the following:

“(d) average numbers of lost FADs with active buoys on a monthly basis;”

d) points (f) and (g) are added:

“(f) purse seiner and baitboat catches, effort and number of sets (for purse seines) by fishing mode (floating-object associated schools and free school fisheries) in line with Task II data requirements (i.e. per 1°x1° statistical rectangles and per month);

(g) when the activities of purse seiners are carried out in association with baitboats, report catches and effort of purse seiners associated to baitboats in line with Task I data and Task II data requirements.”

(11) Article 14 is replaced by the following:

“Article 14

Observer coverage and prohibition of FAD deployment in relation with the protection of juveniles.

1. Member States shall ensure ~~its~~ vessels ***flying their flag*** do not deploy drifting FADs during a period of 15 days prior to the start of the closure periods established by ICCAT ~~under~~ ***Union law***.

2. Member States ~~whose vessels target~~ ***shall ensure that vessels flying their flag that are authorised to fish for*** tropical tuna ~~shall~~ ***establish a minimum observer coverage as follows:***

- a) for their longline vessels 20 meters length overall or greater, ensure a minimum of 10% observer coverage of fishing effort by 2022, through the presence of a human observer on board in accordance with Annex IV and/or an electronic monitoring system;
- b) for their purse seiners, ensure 100% observer coverage of fishing effort, through the presence of an observer on board in accordance with Annex IV or through an approved electronic monitoring system;
- c) report the information collected by the observers or the electronic monitoring system from the previous year by 30 April to the ICCAT Secretariat and to ICCAT Standing Committee on Research and Statistics taking into account confidentiality requirements.”

(12) Article 16 is replaced by the following:

“Article 16

Identification of IUU fishing

“If the ICCAT Executive Secretary notifies the Commission of a possible violation by Union fishing vessels of Article 7(2) or Article 14(1) or Article 14(2), the Commission shall without delay inform the flag Member State concerned. That Member State shall immediately investigate the situation and, if the vessel is fishing in association with objects that could affect fish aggregation, including FADs, during the period of closure, shall request the vessel to stop fishing and, if necessary, leave the area without delay. The flag Member State concerned shall without delay report to the Commission the results of its investigation and the corresponding measures taken. The Commission shall forward that information to the coastal State and to the ICCAT Executive Secretary.”

- (13) The title of Chapter II is replaced by the following:

“CHAPTER II

Northern and Southern Atlantic albacore”

- (14) Article 17a is added:

“Article 17a

Specific authorisations for large-scale catching vessels targeting North and Southern Atlantic albacore

1. Member States shall issue fishing authorisations, in accordance with the provisions laid down in Regulation (EU) 2017/2403,⁵ to large-scale catching vessels flying their flag to fish North and Southern Atlantic albacore in the ICCAT Convention area.

2. Large-scale fishing vessels not entered into the ICCAT record of authorised vessels targeting North and Southern Atlantic albacore shall not be allowed to fish, retain on board, tranship, transport, transfer, process or land North and Southern Atlantic albacore from the ICCAT Convention area. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.

3 Union fishing vessels not authorised to fish for North and Southern Atlantic albacore pursuant to paragraph 1, may be allowed bycatch of North and Southern Atlantic albacore in accordance with a maximum on board bycatch limit for such vessels. Member States shall report to the Commission, as part of the annual report, on the maximum bycatch limit it allows for their vessels.”

- (15) Article 17b is added:

“Article 17b

Underage or overage North Atlantic albacore and Southern Atlantic albacore

⁵ 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).

1. Any unused portion or excess of a Member State annual quota/catch limit may be added to/shall be deducted from, according to the case, the respective quota/catch limit during or before the adjustment year following ICCAT recommendations in force for North Atlantic albacore and Southern Atlantic albacore.
2. The maximum underage that a Member State may carry-over in any given year shall not exceed the amount permitted in the particular year by ICCAT.”

(16) Article 17c is added:

“Article 17c

Southern Atlantic albacore record of catches

Member States whose vessels catch Southern Atlantic albacore, shall report their accurate and validated Southern Atlantic albacore catch to the ICCAT Secretariat as part of Task I data and Task II data referred to in Article 50.”

(17) Article 18a is added:

“Article 18a

Specific authorisations for large-scale catching vessels targeting North and South Atlantic swordfish

1. Member States shall issue fishing authorisations, in accordance with the provisions laid down in Regulation (EU) 2017/2403 to large-scale catching vessels flying their flag to fish North and South Atlantic swordfish in the ICCAT Convention area.
2. Large-scale fishing vessels not entered into the ICCAT record of authorised vessels targeting North and South Atlantic swordfish shall not be allowed to fish, retain on board, tranship, transport, transfer, process or land North and South Atlantic swordfish from the ICCAT Convention area. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.

3. Union fishing vessels not authorised to fish for North and South Atlantic swordfish pursuant to paragraph 1, may be allowed bycatch of North and South Atlantic swordfish in accordance with a maximum onboard bycatch limit for such vessels. Member States shall report to the Commission, as part of the annual report, on the maximum bycatch limit it allows for their vessels.”

(18) Article 18b is added:

“Article 18b

Underage catch of North and South Atlantic swordfish

1. Any unused portion of a Member State annual quota/catch limit may be added to the respective quota/catch limit during or before the adjustment year following ICCAT recommendations in force for North and South Atlantic swordfish.

2. The maximum underage of North and South Atlantic swordfish that a Member State may carryover in any given year shall not exceed the amount permitted in the particular year by ICCAT.”

(19) The title of Chapter IV is replaced by the following:

“CHAPTER IV

Sailfish, blue marlin, white marlin, and roundscale spearfish”

(20) Article 27 is replaced by the following:

“Article 27a

Release of blue marlin, white marline, roundscale spearfish caught alive

~~1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, when 80% of their quota is exhausted when their quota is approaching exhaustion (i.e. over 80% of member state adapted quota consumption), Member States shall take the appropriate measures to ensure that vessels flying their flag release all blue marlin (Makaira~~

~~*nigricans*), white marlin (*Tetrapturus albidus*), and roundscale spearfish (*Tetrapturus georgei*) that are alive by the time of boarding.~~

2. *To the extent possible*, Union pelagic longline vessels and Union purse seiners shall promptly release blue marlin and white marlin/roundscale spearfish that are alive at haul-back, giving due consideration to the safety of crew members, in a manner that causes the least harm and maximizes post-release survival.

3. Member States shall encourage implementation of the minimum standards for safe handling and live release procedures specified in Annex 1 to Recommendation 19-05 by producing guidelines for their fleet. ~~*The Union*~~ fishing vessels shall have readily available on deck and easily accessible by crew, a lifting device, bolt cutter, dehooker/disgorger and line-cutter for safe release of live marlins caught.

4. Member States shall ensure that captain and crew members of their fishing vessels are adequately trained, aware of and use proper mitigation, identification, handling and releasing techniques and keep on board all equipment necessary for the release of marlins in accordance with the *guidelines on* minimum standards for safe handling procedures ~~*as specified in Annex 1 to Recommendation 19-05 by producing guidelines for their fleet referred to in paragraph 3.*~~

5. Member States shall endeavour to minimise the post-release mortality of marlins/roundscale spearfish in their ICCAT fisheries.

6. Member States may authorise ~~their~~ pelagic longline and purse seiners *flying their flag* to fish and retain on board, tranship, or land blue marlin and white marlin/roundscale spearfish that are dead, within their landing limit.”

(21) In Article 29, paragraph 5 is added:

“5. *Member States shall take appropriate measures to ensure that* in recreational fisheries any released fish shall be released in a manner that causes the least harm.”

(22) Article 29bis is inserted:

“Article 29bis

Data collection for sailfish

Member States shall collect data on catches of sailfish, including live and dead discards, and report these data annually as part of their Task I and II data submission to support the stock assessment process.”

(23) Article 29ter is inserted:

“Article 29ter

Data collection and reporting

1. Member States shall implement data collection programmes that ensure the reporting of accurate billfish catch, effort, size and discard data to ICCAT in full accordance with the ICCAT requirements for the submission of Task I and Task II data.

2. Member States shall submit to the Commission their billfish implementation check sheets pursuant to Annex 1 to Recommendation 18-05, including information on the actions they have taken domestically to monitor catches and to conserve and manage billfish.

3. The failure to report Task I data, including dead discards, for blue marlin and white marlin/round-scale spearfish in accordance with ICCAT Recommendations 01-16 and 11-15 will result in a prohibition of retention of these species.”

~~(24) — Article 33 is replaced by the following:~~

~~*“Article 33*~~

~~***Shortfin mako sharks (Isurus oxyrinchus)***~~

~~1. Union fishing vessels shall promptly release North Atlantic shortfin mako sharks in a manner that causes the least harm, while giving due consideration to the safety of crew members.~~

~~2. Notwithstanding paragraph 1, Member States may authorise their vessels to fish and retain on board, transship or land North Atlantic shortfin mako, provided that:~~

~~(i) the shortfin mako is dead when brought along side for taking on board the vessel;~~

~~(ii) the retention of shortfin mako does not exceed the fishing vessel's average shortfin mako landings while an observer is on board and this is verified by mandatory logbooks and landing inspection conducted on the basis of risk assessment.~~

~~3. Moreover, for vessels whose length is greater than 12 m, Member States may only authorise their vessels to fish and retain on board, transship or land North Atlantic shortfin mako, if, in addition to the conditions provided in paragraph 2:~~

~~a) the vessel has either an observer or a functioning electronic monitoring system on board which can identify whether the fish is dead or alive;~~

~~b) the observer collects data on the number of individuals hooked, body length, sex, condition, maturity (whether the individual is pregnant and its litter size) and weight of products for each shortfin mako caught as well as fishing effort; and~~

~~c) when shortfin mako is not retained, the number of dead discards and live releases shall be recorded by the observer or estimated from the records of the electronic monitoring system.~~

~~4. The observer is also encouraged to collect biological samples such as muscular tissues (for stock identification), reproductive organ with embryo (for identification of pregnancy cycle and reproductive output) and vertebrae (for estimation of growth curve). The biological samples collected by the observer should be analysed by Member States concerned and the result should be submitted to the Standing Committee on Research and Statistics by the Commission.~~

~~5. Member States shall also report to the Commission the number of dead discards and live releases of North Atlantic shortfin mako estimated based on the total fishing effort of their relevant fleets using data collected through observer programs or other relevant data collection programs. Member States that do not authorise their vessels to fish and retain on board, transship or land North Atlantic shortfin mako in accordance with paragraphs 2 and 3 shall also record through their observer programs the number of dead discards and live releases of North Atlantic shortfin mako. The Commission shall report it to the Standing Committee on Research and Statistics.~~

(25) *Article 33 is replaced by the following:*

“Article 33

North Atlantic Shortfin mako sharks (*Isurus oxyrinchus*)

- 1. North Atlantic shortfin mako sharks caught in Union fishing vessels shall not be harmed and shall be promptly released into the sea to the extent practicable, while giving due consideration to the safety of crew members;***
- 2. Member States shall make sure that their vessels apply the minimum standards for safe handling and release procedures of North Atlantic shortfin mako shark as set out in Annex IX”;***

(26) *The following Article 33a is inserted between Articles 33 and 34:*

“Article 33a

South Atlantic Shortfin mako sharks (*Isurus oxyrinchus*)”

- 1. Member States shall make sure that their vessels apply the minimum standards for safe handling and release procedures of South Atlantic shortfin mako shark as set out in Annex IX.***
- 2. Member States shall report monthly to the Commission any of their permissible landings of South Atlantic shortfin mako. This report shall be sent to the Commission within 15 days of the end of the calendar month in which the catches were made. In addition, Member States shall report to the Commission every year their dead discards, live releases and total catches.***
- 3. No later than 30 June each year, Member States whose vessels have caught (landings and dead discards) South Atlantic shortfin mako sharks must communicate to the Commission the statistical methodology used to estimate dead discards and live releases. Member States with artisanal and small-scale fisheries shall also provide information about their data collection programs.***
- 4. As part of their annual Task 1 and 2 data submissions, Member States shall provide to the Commission all relevant data for South Atlantic shortfin mako, including estimates of dead discards and live releases using the methods approved by the SCRS.”;***

(27) *Article 36bis is added:*

“Article 36bis

Data collection for sharks

1. Member States shall implement data collection programmes that ensure the reporting of accurate sharks catch, effort, size and discard data to ICCAT in full accordance with the requirements for provision of Task I data and Task II data.
2. Member States shall submit to the Commission their shark implementation check sheet pursuant to Annex 1 to Recommendation 18-06, including information on the actions they have taken domestically to monitor catches and to conserve and manage sharks.”

(28) Article 41 is amended as follows:

(a) The following paragraph 2.a is inserted between paragraphs 2 and 3:

“2.a Member States shall require their vessels that fish with shallow-set longlines, while operating ICCAT fisheries, to:

use only large circle hooks; or

use only finfish bait; or

use other measures that have been reviewed and considered effective and approved by the ICCAT to be capable of reducing the interaction rate of sea turtles in shallow set longline fisheries.”;

(b) Paragraph 4 is replaced by the following:

“4. Member States shall:

ensure that interactions with sea turtles are reduced and eliminated to the extent practicable, where encounters with sea turtles have been documented and reported to the SCRS, through the use or continued use of at least one of the following bycatch mitigation measures:

alternative or new gear types and gear modifications;

time- area fishing restrictions and closures in instances where there is a higher risk of interaction with sea turtles;

effective static net gears’ marking allowing their detection by sea turtles such as the use of net colours, light passive reflectors, thicker twine diameter, corks or other materials within the net;

modifications in fishing behaviour and strategy (e.g., reduced soaking time, etc.).

require their purse seine vessels to avoid encircling sea turtles to the extent practicable, release encircled or entangled sea turtles, including on FADs, where feasible, and ensure that FADs deployed constructed according to Annex X to effectively eliminate entanglement risks of sea turtles;

take all reasonable steps to ensure the safe release of sea turtles in a manner that maximizes the likelihood of their survival by requiring that:

- i. their purse seine and longline vessels, and other types of vessels that use gear that may entangle sea turtles, carry on board de-hookers, line-cutters and basket lifts or dip nets, as appropriate for each gear type and consistent with the “Best practices for sea turtle handling and release” of the FAO Guidelines to reduce sea turtle mortality in fishing operations (20096) (‘the FAO guidelines’);*

the owners, operators, and crew of such vessels, as well as any on-board observers, use such equipment in line with the safe handling and release practices in the Annex XI, and consistent with the FAO Guidelines. In addition, owners, operators and crew should be encouraged to have training in the use of such equipment.

require their fishers on vessels targeting species covered by the Convention to bring aboard, if practicable, any captured sea turtle that is comatose or inactive as soon as possible and foster its recovery, including giving it resuscitation in accordance with the Annex XI before returning it to the water;

ensure that fishers are aware of and use proper mitigation and handling techniques, as described in the Annex XI.”

(c) The following paragraphs 5 and 6 are added:

“5. Member States shall endeavour to increase the scientific observer coverage of longline fishing vessels in ICCAT fisheries where encounters with sea turtles have been documented and reported to the SCRS, beyond the minimum level required in Rec. 16-14, to 10% by 1 January 2024. This increase may be achieved through human observers and/or Electronic Monitoring Systems (EMS) a). Notwithstanding, for vessels less than 15 meters, where an extraordinary safety concern may exist that precludes deployment of an onboard observer, a Member State may employ an alternative scientific monitoring approach that will collect data equivalent to that specified in this regulation in a manner that ensures comparable coverage. Alternative approaches implemented pursuant to this provision shall be subject to the approval of the ICCAT Commission at the annual meeting prior to implementation.

“5 6. Notwithstanding paragraph 2a and 4, in In the Mediterranean Sea:

Paragraph 2a shall not apply.

Paragraphs 2 4 and 3 5 shall not apply until 31 December 2025.”

(29) New Article 44bis is added:

Vessel monitoring system

“In addition to provisions of Article 9 of the Council Regulation (EC) No 1224/2009 of 20 November 2009⁷, each Member State ***shall*** ensure that the satellite tracking devices of fishing vessels flying ~~its~~ ***their*** flag, are permanently and continuously operational and that the information is collected and transmitted ***to the competent authorities of the Member State*** at least once every hour for purse seiners ***targeting ICCAT species***.

(30) Article 54 is amended as follows, paragraph 4 is replaced by the following:

“4. The notification referred to in paragraphs 2 and 3 shall reflect the format and layout established by the ICCAT Executive Secretary and shall include the following information:

- name of vessel, register number
- ICCAT Record Number (if any)
- IMO number
- previous name (if any)
- previous flag (if any)
- previous details of deletion from other registries (if any)
- international radio call sign
- type of vessels, length, gross registered tonnage (GRT) and carrying capacity
- name and address of owner(s) and operator(s)
- type of transshipment authorised (i.e., in port and/or at sea)
- time period authorised for transshipping.”

(31) New Article 58bis is added:

Article 58bis

⁷ 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).

Health and safety of observers in the ICCAT regional observer programmes

“1. Each Member State shall ensure that their vessels that carry on board an ICCAT regional observer are outfitted with appropriate safety equipment for the entirety of each voyage, including the following:

- a) a life raft of sufficient capacity for all persons on board and with a certificate of inspection that is valid throughout the observer’s deployment;
- b) life jackets or survival suits of sufficient number for all persons on board, and compliant with relevant international standards; and
- c) a properly registered Emergency Position Indicating Radio Beacon (EPIRB) and a Search and Rescue Transponder (SART) that will not expire until after the observer deployment ends.

2. Member States vessels carrying an ICCAT regional observer shall develop and implement an Emergency Action Plan (EAP) to be followed in the event an observer dies, is missing or presumed fallen overboard, suffers from a serious illness or injury that threatens his or her health, safety, or welfare, or has been assaulted, intimidated, threatened or harassed. Such EAPs must include, inter alia, the elements in Annex 1 to Recommendation 19-10.

3. Member States vessels carrying an ICCAT regional observer shall submit EAPs to the Commission for posting on the ICCAT web site. New or amended EAPs shall be provided to the Commission for posting when they become available.

4. Union vessels shall be eligible to carry an observer from an ICCAT regional observer programme only if they have submit an EAP. Furthermore, if the Commission identifies inconsistencies with the standards set out in Annex 1 to Recommendation 19-10 on the basis of the information in the EAP, the Commission may decide that the deployment of an observer on a vessel of the concerned flag Member State shall be delayed until the inconsistency has been sufficiently addressed.”

(32) Article 61 shall be amended as follows:

a) in paragraph 1, point (a) is replaced by the following:

“(a) a minimum of 5% observer coverage of fishing effort in each of pelagic longline, purse seine, baitboat, traps, gillnet and trawl fisheries , ***targeting ICCAT species*** ”

b) paragraph 2 is replaced by the following:

“2. The percentage coverage will be measured:

- a) for purse seine fisheries, in number of sets or trips;
- b) for pelagic longline fisheries, in fishing days, number of sets, or trips;
- c) for baitboat and trap fisheries, in fishing days;
- d) for gillnet fisheries, in fishing hours or days; and
- e) for trawl fisheries, in fishing hauls or days.”

(33) Article 63 is replaced by the following:

“Article 63

Responsibilities of scientific observers

1. Each Member State shall require, inter alia, observers to:

(a) record and report upon the fishing activity of the observed vessel, which shall include at least the following:

(i) data collection, that includes quantifying total target catch, discards and by-catch (including sharks, sea turtles, marine mammals, and seabirds), estimating or measuring size composition as practicable, disposition status (i.e., retained, discarded dead, released alive), the collection of biological samples for life history studies (e.g., gonads, otoliths, spines, scales);

(ii) collect and report on all tags found;

(iii) fishing operation information, including location of catch by latitude and longitude; fishing effort information (e.g., number of sets, number of hooks, etc.); date of each fishing operation, including, as appropriate, the start and stop times of the fishing activity; use of fish aggregating objects, including FADs; and

general condition of released animals related to survival rates (i.e. dead/alive, wounded, etc.).

(b) observe and record the use of mitigation measures to reduce incidental catches and other relevant information;

(c) to the extent possible, observe and report environmental conditions (e.g., sea state, climate and hydrologic parameters, etc.);

(d) observe and report on FADs, in accordance with the ICCAT regional observer programme adopted under the multi-annual conservation and management programme for tropical tuna; and

(e) perform any other scientific tasks as recommended by the Standing Committee on Research and Statistics and agreed by the Commission.

2. Each Member State shall ensure that observers:

(a) do not interfere with the electronic equipment of the vessel;

(b) are familiar with the emergency procedures aboard the vessel, including the location of life rafts, fire extinguishers and first aid kits;

(c) communicate as needed with the Master on relevant observer issues and tasks;

(d) do not hinder or interfere with the fishing activities and the normal operations of the vessel;

(e) participate in a debriefing session(s) with appropriate representatives of the scientific institute or the domestic authority responsible for implementing the observer program;

3. Masters of the vessels to which the observer is assigned shall:

(a) permit appropriate access to the vessel and its operations;

(b) allow the observer to carry out his/her responsibilities in an effective way, including by:

(i) providing appropriate access to the vessel's gear, documentation (including electronic and paper logbooks), and catch;

(ii) communicating at any time with appropriate representatives of the scientific institute or domestic authority;

(iii) ensuring appropriate access to electronics and other equipment pertinent to fishing, including but not limited to:

- Satellite navigation equipment;
- Electronic means of communication.

(iv) ensuring that no one on board the observed vessel tampers with or destroys observer equipment or documentation; obstructs, interferes with, or otherwise acts in a manner that could unnecessarily prevent the observer from performing his/her duties.

(c) provide accommodation to observers, including berthing, food and adequate sanitary and medical facilities, equal to those of officers;

(d) provide the observer adequate space on the bridge or pilot house to perform his/her tasks, as well as space on deck adequate for carrying out observer tasks;

4. Each Member State shall:

(a) require its vessels, when fishing for ICCAT species, to carry a scientific observer in accordance with the provisions of this regulation;

(b) oversee the safety of its observers;

(c) encourage, where feasible and appropriate, their scientific institute or domestic authority to enter into agreements with the scientific institutes or domestic authorities of other Member State or CPCs for the exchange of observer reports and observer data between them;

(d) provide in its annual report for use by the Commission and the Standing Committee on Research and Statistics, specific information on the implementation of ICCAT Recommendation 16-14, which shall include:

(i) details on the structure and design of their scientific observer programs, including, inter alia:

- the target level of observer coverage by fishery and gear type as well as how it is measured;
- data required to be collected;
- data collection and handling protocols in place;
- information on how vessels are selected for coverage to achieve the Member States' target level of observer coverage;
- observer training requirements; and
- observer qualification requirements;

(ii) the number of vessels monitored, the coverage level achieved by fishery and gear type, and details on how those coverage levels were calculated;

(e) following the initial submission of the information required under point (d)(i), report changes to the structure and/or design of its observer programs in its annual reports only when such changes occur. Member States shall continue to report the information required pursuant to point (d) (ii) to the Commission annually.

(f) each year, using the designated electronic formats that are developed by the Standing Committee on Research and Statistics, report to the Standing Committee on Research and Statistics information collected through domestic observer programs for use by the Commission, in particular for stock assessment and other scientific purposes, in line with procedures in place for other data reporting requirements and consistent with domestic confidentiality requirements.

(g) ensure implementation of robust data collection protocols by its observers, when carrying out their tasks referred to in paragraph 1, including, as necessary and appropriate, the use of photography.”

(34) In Article 66, paragraphs 4 and 5 are added:

“4. Each Member State shall inspect annually at least 5% of landing and transshipment operations conducted by third country fishing vessels in their designated ports.

5. Flag Member States shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with ~~their domestic laws~~ *Regulation (EU) 2017/2403 on the sustainable management of external fishing fleet.*”

(35) Article 66bis is added:

“Article 66bis

Sighting of vessels

1. Member states shall collect as much information as feasible, through inspection and surveillance operations conducted by their competent authorities in the ICCAT Convention area, when an Union fishing vessel, third country fishing vessel or a vessel without nationality is sighted in fishing or fishing related activities (e.g., transshipment) that are presumed to be engaged in Illegal, Unreported and Unregulated (IUU) fishing.
2. Member states shall collect information on vessel sightings in accordance with the sighting information sheet set out in the annex to ICCAT Recommendation 19-09.
3. When a vessel is sighted pursuant to paragraph 1, the sighting Member state shall without undue delay notify and provide any recorded images of the vessel to the appropriate authorities of the flag Member State or CPC or flag non-CPC of the sighted vessel, and:
 - a) if the sighted vessel is flagged to a Member State, the flag Member state shall, without undue delay, take appropriate action with respect to the vessel in question. Both the sighting Member State and the flag Member state of the sighted vessel shall provide information on the sighting to the Commission and the European Fisheries Control Agency (EFCA), including details of any follow-up actions taken;
 - b) if the sighted vessel is flagged to another CPC, a non-CPC, is of indeterminate flag, or is without nationality, the sighting Member State shall, without undue delay, provide to the Commission and the EFCA all appropriate information related to the sighting. The Commission, as appropriate, shall transmit the sighting information to the ICCAT Secretariat.

(36) *The following Article 69a is inserted between Articles 69 and 70.*

“Article 69a
IUU vessels

Member States shall ensure that IUU listed vessels are not authorized to land, tranship re-fuel, re-supply, or engage in other commercial transactions.”

(37) In Article 71(1), the date “20 August” is replaced by “1 August”.

(38) Article 73 is amended as follows:

(a) in point (a) “Annex I” is inserted instead of the reference to Annex II,

(b) the following points are added:

“(j) capacity limitations for tropical tunas under Article 5a related to annual capacity fishing plan reporting referred to paragraph 2, as well as number of support vessels referred to in paragraph 3;

(k) management plans in respect of FADs under Article 9 concerning number of instrumental buoys referred to in paragraph 4;

(l) requirements for FADs under Article 10(1) ;

(m) information to be submitted on FAD deployment by vessels under Article 11(1), information and reporting information referred to in paragraph 2, and collection and reporting for loss of FAD referred to in paragraph 3;

(n) periods for prohibition of FAD deployment under Article 14(1), and minimum observer coverage under Article 14(2);

(o) restrictions on the number of vessels fishing North Atlantic Albacore under Article 17;

(p) annual carryover under Article 8a for bigeye tuna;

(q) annual carryover under Article 17b of North Atlantic albacore and Southern Atlantic albacore;

(r) annual carryover under Article 18b of North and South Atlantic swordfish;

(s) North Atlantic swordfish management plan under Article 18;

(t) conditions to authorise catch and retain shortfin mako sharks under Article 33(2) *and* 33a (2);

(u) requirements to maximise sea turtle survival under Article 41;

(v) minimum percent of observer coverage under Article 61(1)(a) and percentage coverage measurement under Article 61(2).”

- (39) Annex I to Regulation (EU) 2017/2107 is replaced by the text in the Annex to this Regulation.

Article 2

Amendments to Regulation (EU) ~~2022~~ 2023/2053 of the European Parliament and of the Council establishing a multiannual management plan for Bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulation (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627

Regulation (EU) ~~XXX/2022~~ 2023/2053 is hereby amended as follows:

- (1) *Article 5 is replaced by the following:*

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

- 1. ‘ICCAT’ means the International Commission for the Conservation of Atlantic Tunas;***
- 2. ‘The Convention’ means the International Convention for the Conservation of Atlantic Tunas;***
- 3. ‘Convention Area’ means the geographical area defined in Article 1 of the Convention;***
- 4. ‘CPC’ means a Contracting Party to the Convention and a cooperating non-contracting party, entity or fishing entity;***
- 5. ‘SCRS’ means the Standing Committee on Research and Statistics of the ICCAT;***
- 6. ‘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;***
- 7. ‘Farm CPC’ means the Member State under whose jurisdiction the bluefin tuna farm is located***

8. *'Flag CPC' means the Member State where the fishing vessel is flagged*
9. *'Trap CPC' means the Member States under whose jurisdiction the trap is located*
10. *'Fishing vessel' means any powered vessel used for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support vessels, towing vessels, vessels engaged in transshipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;*
11. *'Catching vessel' means a vessel used for the purposes of the commercial capture of bluefin tuna resources;*
12. *'Towing vessel' means any vessel used for towing live bluefin tuna cages;*
13. *'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;*
14. *'Auxiliary vessel' means any vessel used to transport dead bluefin tuna (not processed) from a transport/farming cage, a purse seine vessel or a trap to a designated port and/or to a processing vessel;*
15. *'Small scale coastal vessel' is a catching vessel with at least three of the five following characteristics:*
 - a. *Length overall <12m;*
 - b. *The vessel is fishing exclusively inside the waters under jurisdiction of the flag Member State;*
 - c. *Fishing trips have a duration of less than 24 hours;*
 - d. *The maximum crew number is established at four persons;*
 - or*
 - e. *The vessel is fishing using techniques which are selective and have a reduced environmental impact;*
16. *'Large scale pelagic longline vessel' means a pelagic longline vessel greater than 24 meters in length overall;*
17. *'Support vessel' means any other vessel authorised to operate in the bluefin tuna fishery to perform support tasks, which does not fall into any of the other categories mentioned in this article;*
18. *'Recreational fishery' means non-commercial fisheries activities exploiting marine biological resources for recreation, tourism or sport;*
19. *'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;

- 20. 'Joint fishing operation' means any operation between two or more purse seine vessels where the catch of one purse seine vessel is attributed to one or more purse seine vessels in accordance with a previously agreed allocation key;*
- 21. 'Gear group' means a group of fishing vessels using the same gear for which a group quota has been allocated.*
- 22. 'Fishing effort' means the product of the capacity and the activity of a fishing vessel to measure the intensity of the fishing operations. This measurement varies from gear to gear. For longline fisheries is measured in number of hooks or hooks-hours. For purse-seiners is measured in terms of boat days (fishing time plus searching time).*
- 23. 'Fishing actively' means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;*
- 24. 'BCD' means a bluefin tuna catch document;*
- 25. 'eBCD' means an electronic bluefin tuna catch document;*
- 26. 'Transshipment' means the unloading of all or any of the fisheries products on board a fishing vessels to another fishing vessel. However, unloading of dead bluefin tuna from the purse seiner net, the trap or the towing vessel to an auxiliary vessel shall not be considered as transshipment;*
- 27. 'Live bluefin tuna' means bluefin tuna that is kept alive for a certain period in a trap, or transferred alive to a farming installation, caged, farmed and finally harvested or released;*
- 28. 'Harvesting' means the killing of bluefin tuna in farms or traps;*
- 29. 'Trap' means fixed gear anchored to the bottom, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting or farming;*
- 30. 'Caging' means the relocation of live bluefin tuna in farms and subsequent feeding aiming to fatten and increase their total biomass;*
- 31. 'Control caging' means a repetition of the caging operation being implemented at the request of the control authorities, for the purpose of verifying the number and or the average weight of fish being caged;*
- 32. 'Farming' or 'Fattening' means caging of bluefin tuna in farms and subsequently feeding aiming to fatten and increase their total biomass;*

33. *'Farm'* means a marine area clearly defined by geographical coordinates, used for the fattening or farming of bluefin tuna caught by traps and/or purse seiners. A farm could have several farming locations, all of them defined by geographical coordinates with a clear definition of longitude and latitude for each one of the points of the polygon;
34. *'Input farming capacity'* means the maximum amount of wild bluefin tuna in tons that a farm is allowed to cage during a fishing season;
35. *'Transfer'* means any transfer of:
- a. live bluefin tuna from the catching vessel's net to the transport cage;
 - b. live bluefin tuna from the trap to the transport cage, independent of the presence of a towing vessel;
 - c. live bluefin tuna from the transport cage to another transport cage;
 - d. a cage containing live bluefin tuna from a towing vessel to another towing vessel;
 - e. live bluefin tuna between different cages in the same farm (intra-farm transfer);
 - f. live bluefin tuna from a farm cage to a transport cage;
36. *'Control transfer'* means the repetition of any transfer being implemented at the request of control authorities;
37. *'Inter farm transfer'* means the relocation of live bluefin tuna from one farm to another farm composed of two phases, a transfer from the donor farm cage to a transport cage and a caging from the transport cage to the receiving farm cage;
38. *'First transfer'* means a transfer of live bluefin tuna from a purse seine net or a trap to a transport cage;
39. *'Further transfer'* means any transfer operation that is conducted after the first transfer and before caging at the destination farm, such as splitting or merging of the contents of two transport cages, with the exception of voluntary or control transfers;
40. *'Voluntary transfer'* means the repetition of any transfer being voluntarily implemented by the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates;
41. *'Control camera'* means a stereoscopic camera and/or conventional video camera for the purpose of the controls provided for in this Regulation;
42. *'Stereoscopic camera'* means a camera with two or more lenses, with a separate image sensor or film frame for each lens, enabling

the taking of three-dimensional images for the purpose of measuring the length of the fish;

43. ‘Donor operator means the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates (except for voluntary and control transfers);

44. ‘Member State of the donor operator’ means the Member State that exercises its jurisdiction on the donor operator;

~~*(2) In Article 7, the following points (a) and (b) are inserted in paragraph (...):*~~

~~*“a) farm Member States shall complete and transmit an annual carry-over declaration to the Commission each year by 25 May.*~~

~~*Such declaration shall include:*~~

~~*—quantities (expressed in kg) and number of fish intended to be carried over,*~~

~~*—year of catch,*~~

~~*—average weight,*~~

~~*—flag CPC,*~~

~~*—references of the BCD corresponding to the catches carried over,*~~

~~*—name and ICCAT number of the farm,*~~

~~*—cage number, and*~~

~~*—information on harvested quantities (expressed in kg), when completed.*~~

~~*b) quantities carried over in accordance with the above paragraph shall be placed in separate cages or series of cages in the farm on the basis of the catch year.”*~~

(2) Article 8 is replaced by the following:

“Article 8

Carry-over of unused quotas

1. Automatic carry-over of any unused quota is not authorized.

2. A Member State may request to transfer a maximum percentage, established by ICCAT, of its annual quota from one year to the following year. The Member Estate shall include this request in its annual fishing/capacity plans, for its inclusion in the EU plan fishing/capacity

for endorsement by the ICCAT Commission.

(3) Article 9 is modified as follows:

The first paragraph is replaced by the following:

“1. The transfers of quotas between the Union and the other CPCs shall only be carried out upon prior authorisation by the Member States and/or CPCs concerned. The Commission shall notify the quantity to be transferred to the ICCAT Secretariat prior to the transfer of quotas.”

(4) In Article 14 the first paragraph is replaced by the following:

“Each Member State with a bluefin tuna quota shall establish an annual monitoring, control and inspection plan with the view to ensuring compliance with the provisions of this Regulation.”

(5) In Article 15

1. Paragraph (6) is replaced by the following:

“(6) Each Member State shall report statistics on the annual amount of caging (input of wild caught fish), harvesting, and export to the European Commission who will forward the data to the ICCAT Secretariat, until the ICCAT secretariat will have developed a data extraction functionality in the eBCD system and such a functionality becomes available.”

2. Paragraph (7) is replaced by the following:

“(7) Where appropriate, Member States shall submit revised farming management plans to the Commission by 15 May each year for transmission to the ICCAT Secretariat by 1 June each year.”

(6) Paragraph (4) of Article 17 is replaced by the following:

“(4) By way of derogation from paragraphs 1, 2 and 3, If weather conditions prevent fishing operations, Member States may decide that the fishing seasons referred in those paragraphs be expanded by an equivalent number of lost days up to 10 days.

(7) Paragraph (5) of Article 17 is replaced by the following:

“(5) Bluefin tuna fishing shall be permitted in the eastern Atlantic and the Mediterranean Sea by large scale pelagic longlines catching vessels over 24 m overall length 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.”

- (8) *The following Article 21a is inserted between Articles 21 and 22:*

“Article 21a

Prohibition of retention of bluefin tuna onboard support vessels

Support vessels may not retain on board or transport bluefin tuna.”

- (9) *The title of CHAPTER IV is replaced by the following:*

“SPORT AND RECREATIONAL FISHERIES”

- (10) *In Article 23:*

- 1. The title is replaced by the following:*

“Specific quota for sport and recreational fisheries”

- 2. The first sentence of Paragraph (1) is replaced by the following:*

(1) When Member States allocate, where appropriate, a specific quota to sport and recreational fisheries; that allocated quota should be set even if catch and release is compulsory for bluefin tuna caught in sport and recreational fisheries to account for possible dead fish. Each Member State shall regulate recreational and sport fisheries by issuing fishing authorizations to vessels for the purpose of sport and recreational fishing.

- (11) *In Article 24:*

- 1. The title is replaced by the following:*

“Specific conditions for sport and recreational fisheries”

- 2. Paragraph (1) is replaced by the following:*

“(1) Each Member State with a bluefin tuna quota allocated to sport and recreational fisheries shall regulate sport and recreational fisheries by issuing authorisations to vessels for the purpose of sport or recreational fishing. Upon request by ICCAT, Member States shall make available to the Commission the list of sport and recreational vessels which have been granted with a fishing authorisation to catch bluefin tuna. The list to be submitted electronically by the Commission to ICCAT shall contain the following information for each vessel:

- (a) Name of vessel;***
(b) Register number;

- (c) ICCAT Record Number (if any);*
- (d) Previous name (if any);*
- (e) Name and address of owner(s) and operator(s)."*

3. Paragraph (3) is replaced by the following:

"(3) The marketing of bluefin tuna caught in sport and recreational fisheries shall be prohibited."

4. Paragraph (4) is replaced by the following:

"(4) Each Member State shall record catch data including the weight of each bluefin tuna caught in sport and recreational 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 ICCAT Secretariat."

5. Paragraph (5) is replaced by the following:

"(5) Each Member State shall take the necessary measures to ensure, to the greatest extent possible, the release of bluefin tuna, especially juveniles, caught alive in sport and recreational fishing. Any Bluefin tuna landed shall be whole, gilled and/or gutted."

(12) In Article 26,

1. Paragraph (1) is replaced by the following:

"Each year, one month before the start of the period of authorisation, Member States shall submit information for the following vessels included in the list and record of vessels:

- (a) a list of all catching vessels fishing actively for bluefin tuna; and*
- (b) a list of other vessels engaged in bluefin tuna related activities, other than catching vessels.*

Each list shall include the following information:

- (a) name and registry number of the vessel;*
- (b) specification of the type of vessel differentiating at least between: catching vessels, towing vessels, auxiliary vessels, support vessels, processing vessels;*
- (c) length and gross registered tonnage (GRT) or, where possible, Gross Tonnage (GT);*
- (d) IMO number (where eligible if any);*
- (e) gear used (if any);*
- (f) previous flag (if any);*
- (g) previous name (if any);*
- (h) previous details of deletion for other registers (if any);*

- (i) *international radio call sign (if any);*
- (j) *name and address of owner(s) and operator(s); and*
- (k) *time period authorized for fishing, operating and/or transporting bluefin tuna for farming.”;*

2. Paragraph (5) is replaced by the following

“(5) Subsequent changes to the lists referred to in paragraphs 1 and 3, during a calendar year, shall only be accepted if a notified fishing vessel is prevented from participating in the fishery due to legitimate operational reasons or force majeure. In such circumstances, the Member State concerned shall immediately inform the Commission of that fact, and shall provide:

- (a) full details of the fishing vessel(s) intended to replace that vessel; and*
- (b) a comprehensive account of the reason justifying the replacement and any relevant supporting evidence or references.”*

(13) Article 27:

Paragraph (2) is amended as follows

“(2) Without prejudice to Article 20 21(6), Union fishing vessels not entered into the ICCAT records referred to in Article 25 26(1), shall be deemed not to be authorised to fish for, retain on board, tranship, transport, transfer, process or land bluefin tuna in the eastern Atlantic and the Mediterranean.”

(14) Article 28:

1. Paragraph (1) is replaced by the following:

“(1) Each Member State shall send to the Commission electronically, as part of their fishing plans, a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean (including the name of the traps, register number and geographical coordinates of the trap polygon) ~~the information set out in Annex XVII.~~ The Commission shall send that information to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for bluefin tuna.”

2. Paragraph (5) is inserted:

“(5) Member States shall notify the Commission, after the establishment of the ICCAT record of traps, of any addition to, any deletion from and/or any modification of the ICCAT record of traps at any time such changes occur. The Commission will notify such changes to the ICCAT Secretariat.”

(15) *The following Article 28a is inserted:*

“Article 28a

Record of farms

(1) Each Member State shall send to the Commission electronically, as part of their fishing plans, a list of farms authorised to operate for bluefin tuna in the eastern Atlantic and the Mediterranean including the following information:

- (a) the name of the farm;***
- (b) register number;***
- (c) names and addresses of owner(s) and operator(s);***
- (d) the input and total farming capacity allocated to each farm;***
- (e) the geographical coordinates of the areas authorized for farming activities; and***
- (f) the status of the farm (active or inactive).***

The Commission shall send that information to the ICCAT Secretariat so that those farms can be entered into the ICCAT record of farms authorised to operate for bluefin tuna.

~~(1)~~ (2) Tuna farms not entered into the ICCAT record of farms shall not to be deemed to be authorised to operate for bluefin tuna.

~~(2)~~ (3) No farming activities, including feeding for fattening purposes or harvesting of bluefin tuna, shall be authorised outside of the geographical coordinates approved for farming activities.

~~(3)~~ (4) Each Member State shall immediately notify the Commission of any addition to, any deletion from and/or any modification of the ICCAT record of farms at any time such changes occur. The Commission shall promptly forward that information to the ICCAT Secretariat.

~~(4)~~ (5) Member States shall take the necessary measures to ensure that no bluefin tuna is placed into a farm not listed in the ICCAT record of farms and that the farms do not receive bluefin tuna from vessels that are not included in the ICCAT Record of vessels. Member States shall take the necessary measures to prohibit any operation on farms not registered in the ICCAT record of farms.”

(16) *In Article 33, the following paragraph is added:*

“(4) The provisions in this article shall not affect the entry of a CPC fishing vessel to port, in accordance with international law, for reasons of force majeure or distress.”

(17) *In Article 34, Paragraph (2) is replaced by the following:*

“(2) Prior to entry into port, masters or their representatives, of Union fishing vessels as well as processing vessels and auxiliary vessels included in the list of vessels referred to in Article 25 shall, at least four hours before the estimated time of arrival at the port, notify the competent authority of their flag Member State or the CPC whose ports or landing facility they wish to use, at least the following information:

- (a) Estimated date and time of arrival;*
- (b) Estimated quantity of bluefin tuna retained on board;*
- (c) Information on the geographical area where the catches were taken.”*

(18) *In Article 35, Paragraph (5) is replaced by the following:*

“(5) The masters of fishing vessels shall complete and transmit to their flag CPC Member State Authorities the ICCAT transshipment declaration no later than 5 working days after the date of transshipment in port as per Recommendation 21- 15. The masters of the transshipping fishing vessels shall complete the ICCAT transshipment declaration in accordance with the format set out in Annex X. The transshipment declaration shall be linked with the eBCD to facilitate cross-checking of data contained thereof.”

(19) *Article 36 is replaced by the following:*

“Article 36

Bi-Weekly reports on quantities”

Each Member State shall send bi-weekly catch reports to the Commission. Those reports shall include the data required under Article 31 as regards traps, purse seiners and other catching vessels. The information shall be structured by gear type. The Commission shall promptly forward that information to the ICCAT Secretariat.”

(20) *In Article 38 ~~37~~:*

1. Paragraph (2) is replaced by the following:

“(2) By way of derogation to paragraph (1), for releases of tuna from farms, only the regional observer of Article 39 ~~38~~, and not the national observer, shall be present on the towing vessel.”

2. Paragraph (3) is replaced by the following:

“(3) The obligations, responsibilities and tasks applicable to the national observers are set out in Annex VIII.”

3. Paragraph (5) is replaced by the following:

“(5) For the purposes of this Article Member State shall ensure:

- (a) representative temporal and spatial coverage to ensure that the Commission receives adequate and appropriate data and information on catch, effort and other scientific and management aspects, taking into account characteristics of the fleets and fisheries;***
- (b) robust data collection protocols;***
- (c) observers are properly trained and approved before deployment;***
- (d) observers are provided, before the start of his/her deployment, with a list of contacts within the Member State’s competent authority where to report observations;***
- (e) to the extent practicable, minimal disruption to the operations of vessels and traps fishing in the Convention Area.***
- (f) the master of the fishing vessel or the trap operator allows the observer access to the electronic means of communication on board the fishing vessel or on the trap.”***

(21) In Article 39:

a) Paragraph (2), point (d) is replaced by the following:

“(d) during all transfers from one farm cage to transport cages, which then are towed to another farm;”

b) the following paragraph (2a) is inserted between paragraphs 2 and 3:

“(2a) By way of derogation from paragraph 1, harvesting from farms up to 1000 kg per day and up to a maximum of 50 tons per farm per year to supply the fresh bluefin tuna market may be authorized by the relevant Member State provided that an authorized inspector from the farm Member State is onsite for 100% of such harvests, and controls the entire operation. The authorized inspector shall also validate the harvested quantities in the eBCD system. In this case, the regional observer’s signature should not be required in the harvest section of the eBCD. This derogation shall be reviewed, as appropriate, by the PWG, possibly through its IMM Working Group, by 2023 at the latest.”

c) Paragraph (4) is replaced by the following:

“(4) Member States shall ensure that one ICCAT regional observer shall be assigned to each farm for the whole period of the caging and harvesting operations. In cases of force majeure, and following confirmation by the farming Member State of those circumstances that constitute force majeure or in cases where neighbouring farms, as authorized and controlled by the same farm Member State, operate jointly as one unit, an ICCAT regional observer may be shared by more than one farm to guarantee the continuity of farming operations, if it is ensured that the observer tasks are duly accomplished and following confirmation from the farm Member State.”

d) *The following Paragraph (4a) is inserted:*

“(4a) By way of derogation from paragraph 4, in case of transfer between two different farms under the competence of the same Member State, a single regional observer can be assigned to cover the entire process including the transfer of fish to a towing transport cage, the towing of the fish from the donor farm to the recipient farm and the caging of fish on the recipient farm. In this case, a regional observer should be deployed by the donor farm and the cost shall be shared by both the donor and receiving farms, unless otherwise determined by the farming companies.”

e) *Paragraph (6) is replaced by the following:*

“(6) Masters, crew, and farm, trap and vessel operators shall not obstruct, intimidate, interfere with, or unduly influence by any means regional observers in the performance of their duties”

f) *The following paragraph (7) is inserted:*

“(7) The ICCAT regional observers shall observe the obligations, responsibilities and tasks set out in Annex VIII.”

(22) *Article 40*

1. *Paragraph (1) is replaced by the following:*

“(1) Before the start of a transfer operation, including voluntary transfers, the master of the catching or towing vessel or its representatives or the operator of the farm or trap, where the transfer originates, shall send to flag Member State, or to the Member State responsible for the farm or trap, a prior transfer notification indicating:

- (a) the number and the estimated weight of bluefin tuna to be transferred;*
- (b) the name of the catching vessel, towing vessel(s), farm or trap, with their respective ICCAT record number;*
- (c) the date and the location of the catch;*
- (d) the date and estimated time of transfer;*
- (e) the estimated position (latitude/longitude) where the transfer will take place and the donor and receiving cage numbers;*
- (f) farm of destination;*
- (g) the name and ICCAT number; of the donor farm, in the case of a transfer from the farm cage to a transport cage;*
- (h) the numbers of the two farm cages and any transport cages involved, in the case of intra-farm transfers.”*

2. *Paragraph (2) is deleted.*

3. *Paragraph (3) is replaced by the following:*

“(3) All cages used in transfer operations and associated transport of live bluefin tuna shall be numbered in accordance with the unique numbering system referred to in Articles XX.”

4. *Paragraph (5) is replaced by the following:*

“(5) The Member State referred to in paragraph 1, shall authorise or refuse to authorise the transfer within 48 hours following the submission of the prior transfer notification. The transfer operation shall not begin without the prior positive authorisation number issued.”

5. *The following Paragraph (5a) is added:*

“(5a) Before the start of the bluefin tuna fishing campaign, Member States shall assign a unique and identifiable number to each cage associated to farms under its jurisdiction, including those cages used to transport the fish to the farm.

6. *The following Paragraph (5b) is added:*

(5b) The unique cage numbers shall be stamped or painted on two opposite sides of the ring of the cage and above the water line, in a colour contrasting with the background on which they are painted or stamped, and must be visible and legible at any time for control purposes. The height of the letters and numbers shall be at least 20 centimetres with a line thickness of at least 4 centimetres. Alternative methods to mark the unique number on the cage are allowed, providing they offer the same guarantee of visibility, legibility and inviolability.”

7. *The following Paragraph (7) is added:*

“(7) Voluntary and control transfers shall not be subject to a new transfer authorization.”

(23) In Article 41:

1. *The title is amended as follows:*

Article 41

Refusal of the transfer authorisation and consequent release of bluefin tuna

2. *In Paragraph (1), point (b) is replaced by the following:*

“(b) The number and weight of fish has not been duly reported by the catching vessel or trap, or was not authorised to be caged;”

In Paragraph (1), point (c) is replaced by the following:

“(c) The catching vessel or the trap declared to have caught the fish did not have a valid authorisation to fish for bluefin tuna issued in accordance with Article 26, or;”

In paragraph (1), the following point (e) is added:

“(e) the farm of destination is not reported as active in the ICCAT

Record of farms.”

3. In Paragraph (3) the last sentence is replaced as follows:

“The master or his ~~its~~ representative shall, from the time the technical failure was detected until it is remedied, communicate every hour to the control authorities of the flag Member State the updated geographical coordinates of the fishing vessel by appropriate telecommunication means.”

(24) Article 42:

1. Article 42 shall become Article 43.

2. Paragraph (1) is replaced by the following:

“(1) At the end of the transfer operation the masters of catching or towing vessels or the operator of the farm or trap shall complete and transmit to the authorities of the flag or trap Member State, to the ICCAT regional observer where its presence is mandatory and, where applicable, to the master of the towing vessel or the farm receiving the fish, the ICCAT transfer declaration in accordance with the format set out in Annex VI.”

3. Paragraph (3) is replaced by the following:

“(3) The original transfer declaration shall accompany the transfer of fish until the destination farm where it will be caged:

- (a) at first transfer, the original of the transfer declaration shall be duplicated by the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates when a single catch is transferred from the purse seine net or the trap to more than one transport cage;*
- (b) in the case of a further transfer, the master of the donor towing vessel shall update the transfer declaration by completing part 3 (further transfers), and provide the updated transfer declaration to the receiving towing vessel.”*

A copy of the ITD shall be kept onboard the donor catching or towing vessel(s), or by the donor trap or the donor farm, and be accessible at any time for control purposes during the duration of the fishing campaign.

4. Paragraph (5) is replaced by the following:

“(5) Information regarding dead fish during a transfer operation, or during the transport of fish to the destination farm, shall be recorded in accordance with the procedures set out in Annex XIII.”

(25) Article 43:

1. *Article 43 shall become Article 42.*
2. *Paragraph (1) is replaced by the following:*

“(1) The master of the catching or towing vessel or the operator of the farm or trap from which the transfer originates shall ensure that the transfer is monitored by video camera in the water, to determine the number of individuals of bluefin tuna being transferred, except for transfers of cages between two towing vessels, which do not involve the movement of live tuna between those cages. The video recording shall be carried out in accordance with the minimum standards and procedures set out in Annex X.

Each donor operator Member State competent authority shall take the necessary measures to ensure that identical copies of the relevant video records are provided without delay by the donor operator:

- (a) for the first transfer operation and the eventual voluntary transfer, to the ICCAT regional observer and to the receiving towing vessel and, at the end of the fishing trip, to the flag or trap Member State competent authority of the donor operator;*
- (b) for further transfers, to the national observer on board the donor towing vessel, to the master of the receiving towing vessel and, at the end of the towing trip, to the flag Member State competent authority of the donor towing vessel;*
- (c) for transfers between two different farms, to the ICCAT regional observer, to the receiving towing vessel and to donor farm Member State competent authority; and*
- (d) if a national or ICCAT inspection authority is present during the transfer operation, the inspector(s) shall also receive a copy of the relevant video record.”*

3. *The following Paragraph (1a) is inserted:*

“(1a) The video footage concerned shall accompany the fish up to the destination farm. A copy shall be kept onboard the donor vessel(s), by the trap(s) or by the farm(s), and remain accessible for control purposes at any time during the fishing campaign.”

4. *The following Paragraph (3) is added:*

“(3) The master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates and the Member State competent authorities shall retain the video footages related to transfers for at least 3 years, and keep them as long as necessary for control and enforcement purposes.”

- (26) *The following Article 43a is inserted:*

“Article 43a

Voluntary and control transfers

- (1) If the video footage of paragraph 42 does not meet the minimum*

standards referred to in Annex X, and in particular if its quality and clarity are not sufficient to determine the number of fish being transferred, the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates may conduct voluntary transfer(s).

(2) If no voluntary transfer(s) has been carried out, or if the voluntary transfer(s) still does not permit a determination of the number of fish being transferred, the Member State competent authority of the vessel, trap or farm from which a transfer operation originates shall order a control transfer, which shall be repeated until the quality of the video record allows the estimation of the number of bluefin tuna being transferred.

(3) The voluntary and/or control transfer(s) shall be carried out into another cage which must be empty. The number of fish obtained from the valid voluntary or control transfer shall be used to complete the logbook, the ICCAT Transfer Declaration (ITD) and the relevant sections of the eBCD.

(4) The separation of the transport cage from a purse seine, a trap, or a farm cage shall not occur before the ICCAT regional observer on board the purse seiner, or present on the farm or trap, has carried out its tasks.

(5) If after the voluntary transfer(s) the quality of the video still does not allow determination of the number of individuals being transferred, the Member State competent authority of the master of the catching or the towing vessel or its representative, or the representative of the farm or a trap, may allow the separation of the purse seine vessel, trap or farm from the transport cage(s). In such a case, the Member State competent authority the master of the catching or the towing vessel or its representative, or the representative of the farm or a trap shall order the door(s) of the transport cage(s) concerned, to be sealed in accordance with the procedure set out in Annex XVII, and require a control transfer(s) to be carried out at a determined time and place, in the presence of the flag, trap or farm competent authority.

(6) In the event that the flag, trap or farm Member State competent authorities cannot be present at the control transfer, the control transfer shall take place in the presence of an ICCAT regional observer. In this case, the responsibility for the regional observer deployment shall lie with the farm operator owning the bluefin tuna transported, who shall ensure that the regional observer is deployed to verify the control transfer.”

(27) In Article 44

- 1. The title of Article 44 shall be “Investigation by the Member State competent authority of the donor operator”.**
- 2. Paragraph (1) is deleted.**
- 3. Paragraph (2) is replaced by the following:**

“(2) the competent authorities of the Member State of the donor

operator shall investigate all cases where:

- (a) There is more than 10% difference between the number of fish reported in the ITD by the donor operator and the number of fish estimated by the ICCAT regional observer, or by the CPC national observer, as appropriate;*
- (b) When the ICCAT regional observer has not signed the ITD;*
- (c) The margin of error of 10% mentioned in point 2(a) shall be expressed as a percentage of the donor operator's figures;*
- (d) At the initiation of an investigation, the Member State competent authority of the donor operator shall inform the flag Member State or CPC competent authority of the towing vessel(s) concerned about the investigation, and ensure that, until the investigation is concluded, no transfer is permitted from or to the transport cage in question;*
- (e) Where applicable, the investigation shall include the analysis of all the relevant video footages. Such investigation shall be concluded prior to the time of caging at the farm and in any case within 96 hours of the investigation being initiated, except on in cases of force majeure. Pending the results of the investigation, caging shall not be authorised and the relevant section of the BCD shall not be validated."*

4. Deletion of paragraphs (3), (4) and (5).

5. A new Paragraph (3a) is inserted as follows:

"(3a) For all transfer operations where a video is required, a difference greater than 10%, between the number of bluefin tuna reported by the donor operator in the ITD and the number determined by the CPC competent authority of the master of the fishing vessel or its representative, or the representative of the farm of trap following an investigation, shall constitute a Potential Non-Compliance (PNC) of the fishing vessel, trap or farm concerned."

(28) The following Article 45a is inserted:

"Article 45a

Amendments to ITDs and eBCDs following inspections at sea or investigations

If following an inspection at sea or an investigation, the number of fish is found to be more than 10% different to that declared in the ITD and eBCD, the eBCD shall be amended by the CPC competent authority of the donor operator to reflect the result of the investigation."

(29) The following Article 45b is inserted:

"Article 45b

General provisions

- (1) Each farm Member State shall nominate a single competent authority responsible for coordinating the collection and verification of information on Member States' caging activities, for the control of farm activities conducted under its jurisdiction, and for reporting to and cooperating with the Member States and CPC competent authorities whose flag vessels or trap caught the caged tuna.*
- (2) All bluefin tuna fishery and farm activities shall be subject to the control described in the monitoring, control and inspection plan submitted under Article 15 of this Regulation.*
- (3) Member States involved in caging related activities shall exchange information and cooperate to ensure that the number and weight of bluefin tuna intended for caging are accurate, consistent with the catch amounts reported by the purse seine vessel or trap, and declared in the relevant sections of the eBCD.*
- (4) Farm Member States shall ensure that farm operators maintain at all times an accurate schematic plan of their farms, indicating the unique number of all cages and their individual position on the farm. The updated plan shall be made available at all times to the farm Member State competent authority for control purposes and to the ICCAT regional observer deployed on the farm. Any modification to the schematic plan is subject to prior notification to the farm Member State competent authority. The schematic farming plan shall be adapted any time the number and/or distribution of farm cages is modified.*
- (5) The farm Member State competent authority and the farm operator shall retain all the information, documentation and material related to caging activities conducted in farms under its jurisdiction for at least 3 years, and keep the information as long as necessary for enforcement purposes.”*

(30) The following Article 45 c is inserted:

“Article 45c

Unique identifying number

- (1) Before the start of the bluefin tuna fishing campaign, the farm CPC competent authority shall assign a unique and identifiable number to each cage associated to farms under its jurisdiction, including those cages used to transport the fish to the farm.*
- (2) Cage numbers shall be issued with a unique numbering system that includes at least the alpha-3 code corresponding to the farming Member State followed by three numbers. Unique cage numbers shall be permanent and not transferable from one cage to another.*
- (3) The unique cage numbers shall be stamped or painted on two opposite sides of the ring of the cage and above the water line, in a color contrasting with the background on which they are painted or stamped,*

and must be visible and legible at any time for control purposes. The height of the letters and numbers shall be at least 20 centimeters with a line thickness of at least 4 centimeters.

(4) Alternative methods to mark the unique number on the cage are allowed, providing they offer the same guarantee of visibility, legibility and inviolability.”

(31) The following Article 45d is inserted:

“Article 45d

Caging authorisation

(1) Each caging operation is subject to the procedure set out in paragraphs (2) to (4) of this Article.

(2) The farm Member State shall request a caging authorization issued by the farm Member State competent authority including the following information:

- (a) the number and weight of fish to be caged as referred to in the transfer declaration (ITD);*
- (b) the relevant transfer declarations (ITD);*
- (c) the eBCD(s) reference concerned, as confirmed and validated by the catching flag or trap Member State or CPC competent authority;*
- (d) all the reports of fish that die during transport, duly recorded in accordance with Annex XIII.*

(3) The farm Member State competent authority shall notify the information in paragraph (2) to the relevant catching flag or trap Member State or CPC(s) competent authority(ies), and shall ask for confirmation that the caging operation can be authorized.

(4) Within 3 working days, the catching flag or trap Member State or CPC(s) competent authority(ies) shall notify the farm Member State or CPC competent authority that the caging operation concerned can be authorized or must be refused. In the case of refusal, the flag or trap Member State competent authority shall specify the reason(s) for the refusal, and the refusal shall include the consequent release order;

(5) The farm Member State shall issue the caging authorization immediately after receipt of the confirmation by the catching flag or trap Member State or CPC competent authority concerned. The caging operation shall not be authorized by the farm Member State competent authority in the absence of this confirmation.

(6) No caging shall be authorized if the complete set of documentation required in paragraph (2) of this Article does not accompany the fish subject to the caging authorization.

(7) Pending the results of the investigation referred to in Article 43 conducted by the catching flag or trap Member State or CPC competent authority, the caging operation shall not be authorized and the relevant

catch and live trade sections of the eBCD shall not be validated.

(8) If the caging authorization has not been issued by the farm Member State or CPC competent authority within 1 month after the request for a caging authorization by the farm operator, the farm Member State competent authority shall order and proceed to release all the fish contained in the transport cage concerned, in accordance with Annex XII. The farm Member State competent authority shall accordingly inform without delay the catching flag or trap Member State or CPC competent authority concerned, and the ICCAT Secretariat of the release.”

(2) — In Article 46, the following points (a) and (b) are inserted in the paragraph (...):

~~“a) Member States shall not place bluefin tuna into a farm not authorised by the Member State or CPC or not listed in the ICCAT record of farming facilities.~~

~~b) Farm Member States shall ensure that bluefin tuna catches are placed in separate cages or series of cages and partitioned on the basis of flag Member State or CPC of origin. By derogation, if the bluefin tuna are caught in the context of a joint fishing operation (JFO) between different Member States, farm Member states shall ensure that bluefin tuna are placed in separate cages or series of cages and partitioned based on joint fishing operations.”~~

(32) Article 46 is replaced by the following:

“Article 46

Refusal of an authorisation

1. Paragraph (3) and Paragraph (4) are amended as follows:

The competent authority of the Member State responsible for the catching vessel or trap shall refuse to approve the caging if it considers that:

- (a) the catching vessel or trap which caught the fish had not a sufficient quota to cover the bluefin tuna to be caged;*
- (b) the quantity of fish to be caged has not been duly reported by the catching vessel or trap, or;*
- (c) the catching vessel or trap declared to have caught the fish does not have a valid authorisation to fish for bluefin tuna, issued in accordance with Article 26.*

If the Member State responsible for the catching vessel or trap refuses to

approve the caging, it shall:

- (d) inform the competent authority of the Member State or CPC responsible for the farm; and*
- (e) request that competent authority to proceed to the seizure of the catches and the release of the fish into the sea.*

(33) The following Article 46b is inserted:

“Article 46b

Caging operations

(1) At arrival of the towing vessel in the vicinity of the farm, the farm Member State competent authority shall ensure that the towing vessel concerned is maintained at a distance of minimum 1 nautical mile from any facility of the farm until the farm Member State competent authority is physically present; the position and activity of the relevant towing vessels shall be monitored at all times.

(2) Member States competent authorities shall not authorise the start of the caging operation without the presence of the farm Member State competent authority and the ICCAT regional observer and before the catch and live trade sections of the eBCD have been completed and validated by the catching flag or trap Member States or CPC competent authority(ies).

(3) The anchoring of transport cages as farm cages, without movement of fish to allow stereoscopic camera recording is prohibited.

(4) After transfer of the bluefin tuna from the towing cage to the farm cage, the farm Member State control authority shall ensure that farm cages containing bluefin tuna are sealed at all times. Unsealing will only be possible in the presence of the farm Member State competent authority and following its authorization. The farm Member State control authority shall establish protocols for the sealing of farm cages, ensuring the use of official seals and that these seals are placed in such a way that they prevent the opening of doors without the seals being broken.

(5) Farm Member States shall ensure that the bluefin tuna catches are placed in separate cages, or series of cages, and partitioned on the basis of flag Member State or CPC of origin and catch year. By derogation, if the bluefin tuna has been caught in the context of a JFO, the catches concerned shall be placed in separate cages or series of cages and partitioned on the basis of the JFOs and catch year.

(6) Fish shall be caged before the 22 August of each year, unless the competent authorities of the Member State or CPC responsible for the farm provide valid reasons including force majeure, which shall accompany the caging report when submitted. In any case, the fish shall not be caged after the 7 September of each year. The above deadlines do not apply in case of inter-farm transfers.”

(34) Paragraphs (2) and (3) of Article 47 are deleted.

(35) Articles 48, 53, 54 and 55 are deleted.

(36) Article 49 is replaced by the following:

“Article 49

Recording of the caging operation by control cameras and caging declaration

(1) Member States responsible for farms shall ensure that caging operations shall be monitored by their control authorities using both conventional and stereoscopic camera's. All video footages record shall be produced for each caging operation in accordance with the procedures set out in Annex X.

(2) If the quality of the control camera video footage used to determine the number and/or weight of the bluefin tuna caged does not comply with the minimum standards of Annex X, the farm Member State competent authority shall order a control caging until the determination of the number and/or weight is possible. The repetition of the caging operation shall not be subject to a new caging authorization.

(3) In the case of control caging, the farm Member State competent authority shall ensure that the donor farm cage is sealed and that the cage cannot be manipulated prior to the new caging operation. The receiving farm cage(s) used in the control caging shall be empty.

(4) At the completion of the caging operation, the farm Member State competent authority shall ensure that the ICCAT regional observer has immediate access to all stereoscopic and conventional camera video footage(s), and is allowed to make a copy if it intends to complete its task of analysing the footage at another time or place.

(5) Member States responsible for farms shall ensure that, for each caging operation, the farm operator submits a caging declaration within one week after the actual caging operation has taken place, using the form set out in Annex XIV.”

(37) Article 50 is replaced by the following:

“Article 50

Launching and conduct of investigations

(1) When, for a single catching operation, the number of bluefin tuna being caged as communicated by the farm Member State competent authority in accordance with Article 50(2), differs by more than 10% from those reported in the ITD or eBCD as caught and/or transferred,

the catching flag or trap Member State competent authority shall initiate an investigation to determine the accurate catch weight that shall be deducted from the national bluefin tuna quota. In support of this investigation, the catching flag or trap Member State competent authority shall request all the complementary information and the results of the relevant video footage analysis conducted by the flag and farm Member State competent authority(ies) that have been involved in the transport and the caging operation concerned. All competent authorities, including those whose vessels have been involved in the transport of the fish, shall cooperate actively, including through the exchange of all information and documentation at their disposal. The catching flag or trap Member State competent authority shall conclude the investigation within 1 month from the communication of the caging results by the competent authority of the farm Member State.[para 177] A difference greater than 10% between the number of bluefin tuna reported caught by the vessel or trap concerned and the number determined by the catching flag or trap Member State competent authority as result of the investigation shall constitute a Potential Non-Compliance (PNC) of the vessel or trap concerned

(2) The margin of error of 10% referred to in paragraph (1) shall be expressed as a percentage of the figures reported by the fishing vessel master or trap representative and shall be applicable at the level of individual caging operation.

(3) The catching flag or trap Member State shall determine the weight of bluefin tuna to be deducted from its national quota taking into account the quantities caged, calculated in accordance with the provisions of Annex XI, which ensures that weight at caging is calculated based on the length weight relationship for wild fish, and the reported mortalities, in accordance with the provisions of Annex XIII.

(4) However, for those cases where the investigation referred to in paragraph (1) concludes that bluefin tuna individuals were missing within the meaning of paragraph 2 of Annex XIII, the weight of the missing fish shall be deducted from the national quota in accordance with Annex XIII, by applying the average individual weight at caging communicated by the farm Member State competent authority, to the number of bluefin tuna in the catch as determined by the flag or trap Member State competent authority resulting from its analysis of the first transfer video footage in the context of the investigation.

(5) Notwithstanding paragraph (4), after the consultation of the Member State involved in the transport of fish up to the destination farm, the flag or trap Member State may decide not to deduct from the national quota the fish determined in the investigation as having been lost, when the losses have been duly documented as “force majeure” by the operator (i.e., pictures of the damaged cage, meteorological reports), the relevant information has been communicated to its Member State competent authority immediately after the event and the losses did not result in known mortalities.”

(38) *Article 51 is modified as follows:*

1. *The title is replaced by the following*

“Article 51

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

2. *Paragraph 1 is replaced by the following:*

“1. The farm Member State competent authority shall determine the number and weight of bluefin tuna being caged, by analysing the video footage of each caging operation provided by the farm operator. To carry out this analysis, the authorities shall follow the procedures set out in Annex XIV. When there is a difference of more than 10% between the number and/or the weight determined by the farm ~~EPC~~ Member State competent authority and the corresponding figures reported in the caging declaration, the farm Member State competent authority shall launch an investigation to identify the reasons for the discrepancy, and make the eventual adjustment to the number and/or weight of fish that has been caged. The margin of error of 10% referred to above shall be expressed as a percentage of the farm operator’s figures. After the completion of a caging operation or, in the case of a JFO or traps of a same ~~EU~~ Member State, of the last caging operation associated to that JFO or those traps, Member States responsible for the farm shall communicate the results of this programme to the Member State or CPC responsible for the catching vessels or trap in accordance with point 2 a) and b) of Annex XI.”

3. *The following Paragraph (3a) is inserted:*

“(3a) Each Member State responsible for farms shall submit the procedures and results related to the stereoscopic camera programme (or alternative methods) to the Commission by 30 September to be transmitted to the SCRS by 31 October every year.”

4. *The following Paragraph (3b) is inserted:*

“All bluefin tuna that die during a caging operation shall be reported by the farm operator, in accordance with the procedures set out in Annex XIII.”

(39) *Article 52 is replaced by the following:*

“Article 52

Releases associated to caging operations

The determination of the fish to be released shall be done in accordance with the provisions of Annex XI paragraph 4. If the weight of bluefin tuna being caged is in excess of what had been declared as caught

and/or transferred, the catching flag or trap CPC competent authority shall issue a release order and communicate it without delay to the farm CPC competent authority concerned. The release order shall follow the provisions of Annex 9 paragraph 4, taking into account the possible compensation at the JFO or trap level, in accordance with Annex 9 paragraph 5. The release operation shall be conducted in accordance with the protocol set out in Annex XII.”

(40) The following Section 7a is added:

**“SECTION 7a
HARVESTING**

Article 56a

Harvesting operations

(1) Processing vessels intending to operate in farms or traps shall send a prior notification to the farm or trap Member State at least 48 hours before arrival of the vessel to the farm/trap area. The prior notification shall at least include the date and estimated time of arrival and information as to whether the processing vessel already has bluefin tuna on board, and, if so, provide details on the cargo, including quantities in processed weight and live weight and details of the origin of the bluefin tuna on board (farm/trap and CPC)

(2) Any harvesting operation in farms or traps shall be subject to an authorisation by the farm or trap Member State. To this end, the farm or trap operator intending to harvest bluefin tuna shall submit to its Member State a request, which shall include at least the following information: - date or period of harvesting; - estimated quantities to be harvested in number of individuals and kg; - eBCD number associated with the bluefin tuna to be harvested; - details of auxiliary vessels involved in the operation; - destination of harvested tuna (processing vessel, export, local market, etc.).

(3) Except for individuals of bluefin tuna which are close to dying, no harvesting operation shall be authorized before the results of the quota uptake in accordance with Article 51 paragraphs (11) to (12) has been determined, and the associated releases have been conducted.

(4) Harvesting operations shall not take place without the presence of a CPC observer in the case of traps, or an ICCAT Regional observer in the case of harvesting on farms. For fish delivered to a processing vessel, the CPC or ICCAT regional observer may conduct its relevant tasks from the processing vessel.

(5) Farm or trap Member States shall verify and cross-check the results of all harvesting operations taking place in farms and traps under their authority, using all relevant information in its possession. Farm or trap

Member States shall inspect all harvesting operations of bluefin tuna destined for processing vessels and a percentage of the rest of harvesting operations based on risk analysis.

(6) When the destination of the bluefin tuna is a processing vessel, the master or representative of the processing vessel shall complete a processing declaration. When the harvested bluefin tuna is to be landed directly into port, the farm or trap operator shall complete a harvesting declaration. The processing and harvesting declarations shall be validated by the ICCAT regional or CPC observer present at the harvesting operation.

(7) When the destination of the bluefin tuna is a processing vessel, the master or representative of the processing vessel shall complete a processing declaration. When the harvested bluefin tuna is to be landed directly into port, the farm or trap operator shall complete a harvesting declaration. The processing and harvesting declarations shall be validated by the ICCAT regional or CPC observer present at the harvesting operation.

(8) The processing and harvesting declarations shall be sent by e-mail to the farm CPC competent authorities within 48 hours of the harvesting operation using the template provided in Annex XVIII.”

(41) The following Section 7b is added:

“SECTION 7b

CONTROL ACTIVITIES IN THE FARMS AFTER CAGING

Article 56b

Intra-farms transfers

(1) Intra-farm transfer shall not take place without the authorization and the presence of the farm CPC competent authority. Each transfer shall be recorded by control cameras to confirm the number of bluefin tuna individuals transferred. The video footage shall comply with the minimum standards as laid down in Annex X. The farm CPC competent authority shall monitor and control those transfers, including ensuring that each intra-farm transfer is recorded in the eBCD system.

(2) Notwithstanding the definition of caging in Article 5 (31), the relocation of bluefin tuna between two different locations on the same farm (intra-farm transfer) using a transport cage, shall not be considered caging for the purposes of the requirements set out in Section 7.

(3) During intra-farm transfers, regrouping fish of the same flag origin and the same JFO, may be authorised by the farm Member State competent authority, providing that traceability and the applicability of SCRS’s growth rates, are maintained.

(4) The farm Member State competent authority and the farm operator shall retain the video footages from intrafarm transfers undertaken in farms under their jurisdiction for a minimum of 3 years and keep the information as long as necessary for enforcement purposes.

Article 56c

Carry-over

(1) Prior to the beginning of the next purse seiner and trap fishing seasons, the farm Member State competent authority shall thoroughly assess the live bluefin tuna carried-over in the farms under their jurisdiction. To this end, the live bluefin tuna concerned shall be transferred to an empty cage and monitored using control camera(s), to determine the number and the weight of fish transferred.

(2) By way of derogation, the carry-over of bluefin tuna from years and cages where no harvest occurred shall be controlled annually by applying the random control procedure referred to Article 56e.

(3) The live bluefin tuna carried over shall be placed in separate cages or series of cages in the farm, on the basis of the catch year and JFO or same CPC trap of origin.

(4) The farm CPC competent authority shall ensure that the control camera video footage from the carry-over assessment transfers comply with the relevant requirements of Annex X, and the determination of the number and weight of carried-over fish is in accordance with Annex XI point 1 of this Regulation.

(5) Until the SCRS develops an algorithm to convert length into weight for fattened and/or farmed fish, the determination of the weight of the carried-over fish shall be estimated using the most updated growth rates tables produced by the SCRS.

(6) A difference by number of bluefin tuna individuals between the number resulting from the carry-over assessment and the expected number after harvest shall be duly investigated by the farm Member State competent authority and recorded in the eBCD system. In the case of excess number, the farm Member State competent authority shall order the release of the corresponding number of fish. The release operation shall be conducted in accordance with Annex XII. Compensation for differences between different cages on the farm shall not be allowed. A margin of error of up to 5% between the number of individuals resulting from the carry-over assessment and the expected number in the cage, may be allowed by the Member State competent authority.

(7) The farm Member State competent authority shall retain the video footage and all the relevant documentation from carry-over assessments undertaken in farms under their jurisdiction for a minimum of 3 years, and keep this information as long as necessary for enforcement purposes.

Article 56d

Carry-over declaration

(1) Farm Member States shall complete and attach to the revised farming management plan an annual carry-over declaration to the Commission within 10 days after the end of the assessment operation. Such declaration shall include at least the following information:

- (a) Flag Member State;*
- (b) Name and ICCAT number of the farm;*
- (c) Year of catch;*
- (d) References of the eBCD corresponding to the catches carried over;*
- (e) Cage numbers;*
- (f) Quantities (expressed in kg) and number of fish carried over;*
- (g) Average weight;*
- (h) Information of each of the carry-over assessment operations: date and cage numbers;*
- (i) Information on previous intra-farm transfers, when applicable*

The Commission shall forward that information to the ICCAT Secretariat within the 15 days after the end of the assessment operation

(2) The stereoscopic camera report, when applicable, shall be attached to the carry-over declaration.

Article 56e

Random Controls

(1) The farm Member State competent authority shall carry out random controls in farms under their jurisdiction. The minimum random controls referred to in paragraph (2) shall take place in farms between the time of completion of the caging operations and the first caging of the following year. Such controls shall involve the compulsory transfers of all fish from farm cage(s) to other farm cage(s) in order that the number of bluefin tuna individuals can be counted by way of control video record(s).

(2) Each farm CPC shall set a minimum number of random controls to be performed on each farm under its sovereignty. The number of random controls shall cover at least 10% of the number of cages in each farm after completion of caging operations, always involving at least one control per farm and rounded up where needed. The selection of cages to be controlled shall be based on risk analysis. The planning for random controls to be carried out shall be reflected in the Member State control

plan referred to under Article 10.

(3) Although not required, the farm(s) concerned may be informed by the farm Member State competent authority with a maximum prior notice of two calendar days that random control(s) shall take place. The selected cage(s) shall only be communicated by the farm Member State competent authority to the farm operator upon arrival at the farm concerned.

(4) Where prior notice is given, farm operators shall ensure that all means are in place in order that random controls can be carried out by the farm Member State competent authority at any time, and in any cage on the farm. If prior notice is not provided, farm operators must still take all appropriate steps to facilitate the random control operations.

(5) The farm Member State competent authority shall strive to reduce the timeframe between the ordering of the random controls and when the control operations is carried out. The farm CPC competent authority shall ensure that all necessary measures are taken to ensure that the operator does not have the possibility to manipulate the cages concerned until the random control takes place.

(6) Following the random control, any difference between the number of bluefin tuna determined by the random controls and the number expected to be present in the cage shall be duly investigated and recorded in the eBCD system. In the case of excess number, the farm Member State competent authority shall order the release of the corresponding number(s). The release operation shall be conducted in accordance with Annex XII. Compensation for differences between different cages on the farm shall not be allowed. A margin of error of 5% between the number of individuals resulting from the control transfer and the expected number in the cage, may be allowed by the Member State competent authority.

(7) The farm Member State competent authority shall retain all video footage from random controls undertaken in farms under their jurisdiction for a minimum of 3 years, and keep this information as long as necessary for enforcement purposes.

(8) The results of the random controls shall be communicated by the Commission to the ICCAT Secretariat before the start of the new purse seine fishing season applicable to each Member State in accordance with Article 16, for transmission to the Compliance Committee

Article 56f

Inter-farm transfers

(1) The transfer of live bluefin between two different farms shall not take place without the prior written authorisation by the Member State competent authorities of both farms.

(2) The transfer from the donor farm cage to the transport cage shall comply with the requirements of Section 6 of this Regulation including a

video record to confirm the number of bluefin tuna individuals transferred, the completion of an ITD and the verification of the operation by an ICCAT Regional Observer. Notwithstanding the above, in cases where the entire farm cage is to be moved to the receiving farm, it shall not be necessary to video record the operation and the cage shall be transported sealed to the destination farm.

(3) The caging of the bluefin tuna at the farm of destination shall be subject to the requirements for caging operations laid down in Article 45, including a video record to confirm the number and weight of the bluefin tuna caged and the verification of the operation by an ICCAT Regional Observer. The determination of the weight for caged fish from another farm, shall not apply until the SCRS has developed an algorithm to convert length into weight for fattened and/or farmed fish.”

(42) In Article 57 :

1. Paragraph (1) is replaced as follows:

“(1) By way of derogation from Article 9(5) of Regulation (EC) No 1224/2009, flag Member States shall implement VMS for all their fishing vessels with a length overall equal to or greater than 12 metres and for all their towing vessels, irrespective of their length. All vessels shall transmit messages at least once every two hours, except for towing vessels and purse seine vessels who shall transmit at least every hour.”

2. Paragraph (2) is replaced by the following:

“(2) Fishing vessels referred to in point (b) of Article 25(1) shall begin to transmit VMS data to ICCAT at least 5 days before their period of authorisation and shall continue at least 5 days after their period of authorisation, unless a request is sent in advance to the Commission for the vessel to be removed from the ICCAT record of vessels.”

3. In Paragraph (5), point (a) is replaced by the following:

“(a) VMS messages from the fishing vessels flying their flag are forwarded to the Commission as described in paragraph 1.”

4. In Paragraph (5), a point (b) is added:

“(b) In the event of technical malfunctioning of the VMS, the towing vessel concerned shall be replaced by another towing vessel with a fully functioning VMS. If no other towing vessel is available, a new operative VMS system shall be installed on board or used if already installed, as soon as feasible and not later than 72 hours, except in case of force majeure, that should be communicated to the ICCAT Secretariat. In the meantime, the master or his representative shall, starting from the time that the event was detected and/or informed, communicate to the control authorities of the flag CPC every 1 hour the up-to-date geographical coordinates of the towing vessel by appropriate telecommunication means.”

(43) *The title of Article 59 is replaced as follows:*

“Inspections in the event of suspected infringements”

(44) *Article 61 is replaced by the following:*

“Without prejudice to Articles 89 to 91 of Regulation (EC) No 1224/2009, and in particular the duty of the Member States to take appropriate enforcement measures with respect to a fishing vessel, the Member State responsible for the farm(s) for bluefin tuna shall take appropriate enforcement measure with respect to a farm, where it has been established, in accordance with its law that this farm does not comply with the provisions of Articles 45 to 55. The measures may include, depending on the gravity of the offense and in accordance with the pertinent provisions of national law, suspension the authorization or withdrawal from the ICCAT Record of Bluefin Tuna Farming Facilities established in accordance with paragraph 61 of Recommendation 21-0859 and/or fines.”

(45) *In Article (66)(1), points (a), (b) and (c) are replaced as follows:*

1. *“(a) annual carryover under Article 8 for bluefin tuna;”*
2. *“(b) Deadlines for reporting information as laid down in Article 15(7), Article 16(1), Article 24(4), Article 26(1), Article 29(1), Article 32(2) and (3), Article 35(5) and (6), Article 36, Article 41(3), Article 44(2), Article 51(7), Article 52(12), Article 55, point (b) of Article 57(5) and Article 58(6);”*
3. *“(c) Time periods for fishing seasons as provided in Article 17(1), (2), (3) and (4).”*

(46) *In Article 66(1) the following points are added:*

- (a) Content of carry-over declaration of Article 7(1)(a) and provisions for caging of Article 7(2)(b);”*
- (b) The derogations of Article 17(2) to designate fishing areas, fishing vessels and gear, and of Article 17(3) for fishing bluefin tuna for farming purposes;*
- (c) Conditions for assigning Regional Observer to farms of Article 39(4);*
- (d) The Member States duties and the content of the annual caging report of Article 55;*

Article 3
Entry into force

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEXES

The following annexes accompany Regulation of the European Parliament and the Council amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

'ANNEX I

<i>Family</i>	<i>Latin name</i>	<i>English name</i>
<i>Scombridae</i>	<i>Acanthocybium solandri</i>	Wahoo
	<i>Alothunnus fallai</i>	Slender tuna
	<i>Auxis rochei</i>	Bullet tuna
	<i>Auxis thazard</i>	Frigate tuna
	<i>Euthynnus alletteratus</i>	Little tunny/Atlantic black skipjack
	<i>Gasterochisma melampus</i>	Butterfly kingfish
	<i>Katsuwonus pelamis</i>	Skipjack
	<i>Orcynopsis unicolor</i>	Plain bonito
	<i>Sarda sarda</i>	Atlantic bonito
	<i>Scomberomorus brasiliensis</i>	Serra Spanish mackerel
	<i>Scomberomorus cavalla</i>	King mackerel
	<i>Scomberomorus maculatus</i>	Spotted Atlantic Spanish mackerel

	<i>Scomberomorus regalis</i>	Cero
	<i>Scomberomorus tritor</i>	West African Spanish mackerel
	<i>Thunnus alalunga</i>	Albacore
	<i>Thunnus albacares</i>	Yellowfin tuna
	<i>Thunnus atlanticus</i>	Blackfin tuna
	<i>Thunnus maccoyii</i>	Southern bluefin tuna
	<i>Thunnus obesus</i>	Bigeye tuna
	<i>Thunnus thynnus</i>	Bluefin tuna
<i>Istiophoridae</i>	<i>Istiophorus albicans</i>	Atlantic sailfish
	<i>Makaira indica</i>	Black marlin
	<i>Makaira nigricans</i>	Atlantic blue marlin
	<i>Tetrapturus albidus</i>	Atlantic white marlin
	<i>Tetrapturus belone</i>	Mediterranean Spearfish
	<i>Tetrapturus georgii</i>	Roundscale Spearfish
	<i>Tetrapturus pfluegeri</i>	Longbill Spearfish
<i>Xiphiidae</i>	<i>Xiphias gladius</i>	Swordfish
<i>Alopiidae</i>	<i>Alopias superciliosus</i>	Bigeye thresher shark
	<i>Alopias vulpinus</i>	Thresher
<i>Carcharhinidae</i>	<i>Carcharhinus falciformis</i>	Silky shark
	<i>Carcharhinus</i>	Galapagos shark

	<i>galapagensis</i>	
	<i>Carcharhinus longimanus</i>	Oceanic whitetip shark
	<i>Prionace glauca</i>	Blue shark
<i>Lamnidae</i>	<i>Carcharodon carcharias</i>	Great white shark
	<i>Isurus oxyrinchus</i>	Shortfin mako shark
	<i>Isurus paucus</i>	Longfin mako
	<i>Lamna nasus</i>	Porbeagle shark
<i>Sphyrnidae</i>	<i>Sphyrna lewini</i>	Scalloped hammerhead
	<i>Sphyrna mokarran</i>	Great hammerhead
	<i>Sphyrna zygaena</i>	Smooth hammerhead
<i>Rhincodontidae</i>	<i>Rhincodon typus</i>	Whale shark
<i>Pseudocarchariidae</i>	<i>Pseudocarcharias kamoharui</i>	Crocodile shark
<i>Cetorhinidae</i>	<i>Cetorhinus maximus</i>	Basking shark
<i>Dasyatidae</i>	<i>Pteroplatytrygon violacea</i>	Pelagic stingray
<i>Mobulidae</i>	<i>Manta alfredi</i>	NA ⁸
	<i>Manta birostris</i>	Giant manta
	<i>Mobula hypostoma</i>	Lesser devil ray

⁸ Common name not available.

<i>Mobula japonica</i>	NA ¹
<i>Mobula mobular</i>	Devil fish
<i>Mobula tarapacana</i>	Chilean devil ray
<i>Mobula thurstoni</i>	Smoothtail mobula'

Annex IX

Minimum standards for safe handling and live release procedures

The following provides minimum standards for safe handling practices of North and South Atlantic shortfin mako sharks and includes specific recommendations for both longline and purse seine fisheries.

These minimum standards are appropriate for live shortfin mako sharks when released whether under no-retention policies, or when released voluntarily. These basic guidelines do not replace any stricter safety rules that may have been established by the national authorities of individual Member States.

Safety first: These minimum standards shall be considered in light of safety and practicability for crew. Crew safety shall always come first. At a minimum, crew shall wear suitable gloves and avoid working around the mouths of sharks.

Training: Training materials are available to Member States in the three ICCAT official languages.

Method of release: To the greatest extent practicable, all sharks being released shall remain in the water at all times unless it is necessary to lift sharks for species identification. This includes cutting the line to free the shark while it is still in the water, using bolt cutters or dehooking devices to remove the hook if possible, or cutting the line as close to the hook as possible (and so leaving as little trailing line as possible).

Be prepared: Tools shall be prepared in advance (e.g., canvas or net slings, stretchers for carrying or lifting, large mesh net or grid to cover hatches/hoppers in purse seine fisheries, long handled cutters and de-hookers in longline fisheries, etc., listed at the end of this document).

General recommendations for all fisheries

- (1) If operationally safe to do so, the vessel shall be stopped or have its speed substantially reduced.*
- (2) When the shark is entangled (in netting, fishing line, etc.), if safe to do so, carefully cut the net/line free from the animal and release to the sea as quickly as possible with no entanglements attached.*

- (3) *Where feasible, and while keeping the shark in the water, try to measure the length of the shark.*
- (4) *To prevent bites, place an object, such as a fish or big stick/wooden pole, in the jaw.*
- (5) *If, for whatever reason, a shark must be brought on the deck then minimise the time it takes to return it to the water to increase survival and reduce risks to the crew.*

Longline fisheries specific safe-handling practices

Bring the shark as close to the vessel as possible without putting too much tension on the branchline to avoid that a released hook or branchline break could shoot hook, weights and other parts toward the vessels and crew at high speed.

- (6) *Secure the far side of the longline mainline to the boat to avoid that any remaining gear in the water pulls on the line and the animal.*
- (7) *If hooked, and the hook is visible in the body or mouth, use a dehooking device or long-handled bolt cutter to remove the hook barb, and then remove the hook.*
- (8) *If it is not possible to remove the hook or the hook cannot be seen, cut the line of the trace (or snood, leader) as close to the hook as possible (ideally leaving as little line and/or leader material as possible and no weights attached to the animal).*

Purse seine fisheries specific safe-handling practices

If in purse seine net: Scan the net as far ahead as possible to spot the sharks early to react quickly. Avoid lifting them up in the net towards the power block. Reduce vessel speed to slacken the tension of the net and allow the entangled animal to be removed from the net. If necessary, use clippers to cut the net.

- (9) *If in brail or on deck: Use a purpose-built large-mesh cargo net or canvas sling or similar device. If the vessel layout allows, these sharks could also be released by emptying the brail directly on a hopper and release ramp held up at an angle that connects to an opening on the top deck railing, without need to be lifted or handled by the crew.*
- (1) *To the greatest extent practicable, lift sharks from the water using the branchline, especially if hooked unless it is necessary to lift sharks for species identification.*
- (2) *Sharks shall not be lifted using thin wires or cables, or by the tail alone.*
- (3) *Sharks shall not be struck against any surface to remove the animal from the line.*
- (4) *Attempt to dislodge a hook that is deeply ingested and not visible.*
- (5) *Try to remove a hook by pulling sharply on the branchline.*
- (6) *Cut the tail or any other body part.*
- (7) *Cut or punch holes through the shark.*

- (8) *Gaff or kick a shark, or insert hands into the gill slits.*
- (9) *Expose the shark to the sun for extended periods.*
- (10) *Wrap your fingers, hands or arms in the line when bringing a shark or ray to the boat (may result in serious injury).*

Useful tools for safe handling and release

- (1) *Gloves (shark skin is rough; ensures safe handling of shark and protects crew's hands from bites)*
- (2) *Towel or cloth (a towel or cloth soaked in seawater can be placed on the eyes of the shark; used to calm sharks down)*
- (3) *Dehooking devices (e.g., pig tail dehooker, bolt or plier cutters)*
- (4) *Shark harness or stretcher (if needed)*
- (5) *Tail rope (to secure a hooked shark if it needs to be removed from the water)*
- (6) *Saltwater hose (If anticipated that it may require more than 5 minutes to release a shark, then place a hose into its mouth so seawater is moderately flowing into it. Make sure deck pump has been running several minutes before placing it in a sharks mouth)*
- (7) *Measuring device (e.g., mark a pole, leader and float, or a measuring tape)*
- (8) *Data sheet for recording all catch*
- (9) *Tagging gear (if applicable)*

Annex X

Guidelines for reducing the ecological impact of FADs in ICCAT fisheries

- (1) *1. The surface structure of the FAD shall not be covered or only covered with material implying minimum risk of entangling by-catch species.*
- (2) *2. The sub-surface components shall be exclusively composed of non-entangling material (e.g. ropes or canvas).*
- (3) *3. When designing FADs the use of biodegradable materials shall be prioritised.*

Annex XI

Safe Handling and Release Practices for Sea Turtles

Purse seine safe handling and release

- (1) *Whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the sea turtle before it becomes entangled in the net.*
- (2) *No sea turtle shall be hauled from the water by a fishing line attached to, or entangled upon, the body of a sea turtle.*
- (3) *If a sea turtle is entangled during net roll, the net roll shall be stopped as soon as the turtle comes out of the water; the turtle shall be disentangled without injuring it before resuming the net roll.*
- (4) *If, in spite of the measures taken a sea turtle is accidentally brought on board the vessel and is alive and active, or dead, the sea turtle shall be released as quickly as practicable.*
- (5) *If a sea turtle is brought aboard the vessel and is comatose or inactive, resuscitation shall be attempted*

Longline safe handling and release

- (1) *When practicable, and when the operator or crew on board are trained, comatose sea turtles shall be brought on board immediately.*

- (2) *Upon sighting a sea turtle, the vessel and line reel speed shall be slowed and the vessel direction adjusted to move toward the sea turtle, minimizing tension on the line.*
- (3) *No sea turtle shall be hauled from the water by a fishing line attached to or entangled upon the body of a sea turtle.*
- (4) *If a sea turtle is too large or hooked in such a manner as to preclude safe boarding without causing further damage/injury to the sea turtle, line clippers shall be used to clip the line and remove as much line as possible prior to releasing the sea turtle.*
- (5) *If a sea turtle is observed to be hooked or entangled by longline gear during hauling operations, the vessel operator shall immediately cease hauling operations until the sea turtle has been removed from the longline gear or brought on board the vessel.*
- (6) *If hooked externally or hook is fully visible, hooks shall be removed from sea turtles as quickly and carefully as possible. If a hook cannot be removed from a sea turtle (e.g., ingested or in roof of mouth), the line shall be cut as close to the hook as possible.*
- (7) *Live sea turtles be returned to the sea after handling in the following manner:*
 - (a) *70putting the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped, and releasing the sea turtle away from deployed gear; and*
 - (b) *observing that the sea turtle is safely away from the vessel before engaging the propeller and continuing operations.*
- (8) *If the sea turtle brought aboard the vessel is comatose or inactive, resuscitation shall be attempted (paragraph 3).*

Resuscitation for a sea turtle on board

- (1) *When handling a sea turtle, attempts shall be made to hold the animal by the shell, avoiding the head and neck region, and flippers.*
- (2) *Strive to remove and/or disentangle any foreign items from the sea turtle, such as any plastic items, netting, or embedded hooks, etc.*
- (3) *Placing the sea turtle on its bottom shell (plastron) so that the sea turtle is right side up, safely isolated and immobilized on a cushioned surface, such as an automobile tire without a rim, a boat cushion, or coil of rope. The primary purpose of the cushioned surface is to elevate the sea turtle from the deck to assist in restraining it. Elevate its hindquarters at least 6 inches (15 cm) for a period of 4 up to 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger sea turtles. Periodically, rock the sea turtle gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches (8 cm) then alternate to the other side. Gently touch the eye and pinch the tail (reflex test) periodically to see if there is a response.*
- (4) *Sea turtles being resuscitated shall be shaded and kept damp or moist but under no circumstance be placed into a container holding water. A water-soaked towel placed over*

the head, carapace, and flippers is the most effective method in keeping a sea turtle moist.

- (5) *Sea turtles that revive and become active shall be released over the stern of the boat only when fishing gear is not in use (i.e., not actively being set or hauled), when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.*
- (6) *Sea turtles that fail to respond to the reflex test or fail to move within 4 hours (up to 24, if possible) shall be returned to the water in the same manner as that for actively moving sea turtles.”*

The following annexes accompany Regulation (EU) 2023/2053 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean

Annex VIII

Observer Programmes

National Observer Programme

- 1. The national observer tasks shall be, in general, to monitor the compliance of fishing vessels and traps with this Recommendation;**
- 2. When deployed on board a catching vessel, the national observer shall record and report upon the fishing activity, which shall include, inter alia, the following:**
 - i. their own estimation of the number and weight of bluefin tuna catches (including by-catch);**
 - ii. disposition of the catch, such as retained on board, discarded dead or released alive;**
 - iii. area of catch by latitude and longitude;**
 - iv. measure of effort (e.g., number of sets, number of hooks, etc.), as defined in the ICCAT Manual for different gears;**
 - v. date of catch;**
 - vi. verify consistency of entries made in the logbook with its own catch estimation.**
- 3. When deployed on a towing vessel:**
 - a) in the event of a further transfer involving movement of fish between two transport cages:**
 - i. without delay, analyze the video footage of the further transfer concerned, to estimate the number of individuals that have been transferred;**
 - ii. communicate immediately to the flag Member State competent authority of the donor towing vessel his/her observations, including the number of individuals estimated by the national observer and the corresponding number reported on the ITD by the master of the donor towing vessel; and**
 - iii. include the results of its analysis in its observer report to the flag Member State competent authority of the donor towing vessel.**

b) record and report in its observer report all bluefin tuna observed dead during the transport trip;

c) sight and record vessels that may be fishing contrary to ICCAT conservation measures; and

d) communicate the observer report to the flag Member State competent authority of the donor towing vessel without delay at the end of the towing trip.

4. When deployed on a bluefin tuna trap:

a) verify the harvesting authorisation issued by the trap Member State competent authority;

b) validate the information in the processing and/or harvesting declarations made by the master or representative of the processing vessel or the trap operator.

5. In addition, the national observer shall carry out scientific work, such as collecting all the necessary data required by the Commission, based on recommendations of the SCRS.

ICCAT Regional Observer Programme

- Each Member State shall require its farms, traps and purse seine vessels to deploy an ICCAT regional observer, as referred to in Article 39.

- The ICCAT Secretariat shall appoint the ICCAT regional observers before 1 April or as soon as practical each year, and shall place them on farms, traps and on board the purse seine vessels flying the flag of Member States that implement the ICCAT Regional Observer Programme. An ICCAT regional observer card shall be issued for each observer.

- The ICCAT Secretariat shall issue a contract listing the rights and duties of the ICCAT regional observer and the master of the vessel, farm, or trap operator. This contract shall be signed by both parties involved.

- The ICCAT Secretariat shall establish an ICCAT Observer Programme Manual.

Qualification of the ICCAT regional observers

- The ICCAT regional observers shall have the following qualifications to accomplish their tasks:

• sufficient experience to identify species and fishing gear;

• satisfactory knowledge of the ICCAT conservation and management measures and based on ICCAT training guidelines;

- *the ability to observe and record accurately;*
- *the ability to analyze video record footage;*
- *to the extent possible, a satisfactory knowledge of the language of the flag, the vessel, the farm or the trap observed.*

Obligations of the ICCAT regional observers

- The ICCAT regional observers shall:

- a) have completed the technical training required by the guidelines established by ICCAT;*
- b) be nationals of one of the CPCs and, to the extent possible, not of the farm CPC, trap CPC or flag CPC of the purse seine vessel;*
- c) be capable of performing the duties set forth in point 7 below;*
- d) be included in the list of observers maintained by the ICCAT Secretariat;*
- e) not have current financial or beneficial interests in the bluefin tuna fishery.*

- The ICCAT regional observers shall treat as confidential all information with respect to the fishing and transfer operations conducted by the purse seine vessels, the farms and the traps, and accept this requirement in writing as a condition to be appointed as an ICCAT regional observer.

- The ICCAT regional observers shall comply with requirements established in the laws and regulations of the flag or farm CPC which exercises jurisdiction over the vessel, farm or trap to which the ICCAT regional observer is assigned.

- The ICCAT regional observers shall respect the hierarchy and general rules of behavior which apply to all vessel, farm and trap personnel, provided such rules do not interfere with the duties of the ICCAT regional observer under this program, and with the obligations of vessel, farm and trap personnel set forth in this Annex.

Tasks of the ICCAT regional observer

- The ICCAT regional observer tasks shall be, in particular, to:

General tasks

- i. observe and monitor compliance of the bluefin tuna fishing and farming operations with the relevant ICCAT conservation and management measures;*
- ii. carry out such scientific work, such as collecting samples or Task 2 data, as required by the Commission, based on the recommendations of the SCRS;*

iii. sight and record vessels which may be fishing in contravention to ICCAT conservation and management measures;

iv. verify and record the name of the fishing vessel concerned and its ICCAT number;

v. exercise any other functions as defined by the Commission;

As regards purse seine vessels or trap catching activity

vi. observe and report upon the fishing activities carried out;

vii. observe and estimate catches and verify entries made in the logbook;

As regards first transfers from a purse seine vessel or trap to transport cage(s)

viii. record and report upon the transfer activities carried out;

ix. verify the position of the vessel when engaged in a transfer;

x. review and analyze all the video footages related to the transfer operation concerned, where applicable;

xi. estimate the number of fish transferred and record the result in the ITD;

xii. issue a daily report of the transfer activities of purse seine vessels;

xiii. record and report upon the result of such analysis;

xiv. verify entries made in the prior transfer authorization referred to in Article 40, in the ITD referred to in Article 42, and in the eBCD;

xv. verify that the ITD referred to in Article 42 is transmitted to the master of the towing vessel or to the representative of the farm or trap;

xvi. in relation to control transfers, verify the seals identification number and ensure that the seals are placed in such a way to prevent the opening of the doors without the seals being broken;

As regards caging operations

xvii. Review the camera video footages at caging to estimate the number of fish caged, in due time to allow the farm operator to complete the related caging declaration;

As regards verification of data

xviii. verify and certify the data contained in the ITDs, the caging declarations and the eBCD, including through the analysis of video records;

xix. issue a daily report of the purse seine vessels', farms' and traps' transfer activities;

xx. sign the ITDs, the caging declarations and the eBCD, with clearly written name and ICCAT number, when the relevant operation is in accordance with the ICCAT conservation and management measures and the information contained within these

documents is consistent with his/her observations. In case of disagreement, the ICCAT regional observer shall indicate his/her presence on the relevant ITD and caging declarations and/or the eBCD concerned, and the reasons of disagreement, quoting specifically the rule(s) or procedure(s) that in his/her view has(ve) not been respected;

As regards releases

xxi. as regards releases before caging, observe and report on the release operation from the purse seine net or the transport cage, in accordance with the release protocol in Annex XII;

xxii. as regards releases after caging, observe and report on the prior segregation of fish and the subsequent release operation, in accordance with the release protocol in Annex XII, including verifying that the quality of the video footage of the prior segregation satisfies the minimum standards of Annex X and estimating the number of fish released;

xxiii. in both cases, verify the release order issued by the competent authority and validate the information in the release declaration made by the donor or farm operator;

As regards harvesting operation in farms

xxiv. verify the harvesting authorisation issued by the farm CPC competent authority;

xxv. validate the information in the processing and harvesting declarations made by master or representative of the processing vessel or by the farm operator;

As regards reporting

xxvi. register and verify the presence of any type of tag, including natural marks, and notify any sign of recent tag removals. For all individuals tagged with electronic tags, conduct full biological sampling (otoliths, spine and genetic sample) following guidelines by the SCRS;

xxvii. establish general reports compiling the information collected in accordance with this paragraph and provide the master and farm operator the opportunity to include therein any relevant information;

xxviii. submit the aforementioned general report to the provider responsible for the ROP, for subsequent transmission to the ICCAT Secretariat within 20 days from the end of the period of observation;

xxix. in cases where the ICCAT regional observer observes a potential non-compliance with an ICCAT Recommendation, he/she shall submit this information without delay to the provider responsible for the ROP who shall forward it without delay to the flag, trap or farm Member State competent authority concerned, and to the ICCAT Secretariat. For this purpose, the provider responsible for the ROP shall set up a system through which this information can be securely communicated;

xxx. obtain, as far as possible, evidence (i.e. photos, videos) of potential non-compliance detected and attach them to his/her report.

Obligations of the flag, trap and farm Member States

- The flag, farm and trap Member States shall ensure that, notably, the ICCAT regional observer:

a) is allowed access to the purse seine vessel, farm and trap personnel and to the gear, cages equipment, and stereoscopic camera and conventional video camera footage;

b) upon request and in order to carry out their duties set forth in this Programme, is allowed access to the following equipment, if present on the vessels to which they are assigned:

i. Satellite navigation equipment;

ii. Radar display screens when in use;

iii. Electronic means of communication.

c) is provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;

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

- The flag, trap and farm Member States shall ensure that masters, crew, farm, trap and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an ICCAT regional observer in the performance of his/her duties.

- The ICCAT Secretariat, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag, trap or farm Member States, copies of all raw data, summaries, and reports pertaining to the trip. The ICCAT Secretariat shall submit the ICCAT regional observer reports to the Compliance Committee and to the SCRS.

- The flag, farm or trap Member States competent authority where the ICCAT regional observer is providing his/her services, may request that the observer be replaced if they have evidence that the ICCAT regional observer does not meet its obligations or adequately carry out the tasks set out in this Regulation. Any such cases shall be reported to Panel 2.

Fees and organization

- The costs of implementing this program shall be financed by the farm and trap operators and the purse seine vessel owners. The fee shall be calculated on the basis of the total costs of the program, and paid into a special account of the ICCAT Secretariat. The ICCAT Secretariat shall manage the account for implementing the program;

No ICCAT regional observer shall be assigned to a vessel, trap or farm for which the fees, as required under this Annex, have not been paid.

ANNEX XVII

Procedure for sealing operations of transport cages

Prior to their deployment on a purse seine vessel, a trap, or a towing vessel, the provider responsible for the ROP and national competent authorities shall provide a minimum of 25 ICCAT seals to each ICCAT regional and national observers under their responsibility and maintain a record of the seals provided and used.

The donor operator shall be responsible for sealing the cages. For this purpose, a minimum of three seals, placed in such a way that they prevent the opening of doors without breaking the seals, shall be put on each cage door.

The sealing operation shall be video recorded by the donor operator and shall allow the identification of the seals and verification that the seals have been properly placed. The video shall comply with paragraph 1 a), b), c) of Annex X. The video footage concerned shall accompany the fish up to the destination farm. A copy shall be kept onboard the donor vessel(s) or the trap(s) and remain accessible for control purposes at any time during the fishing campaign. A copy of the video footage shall be made available to the ICCAT regional observer on board the purse seine or on the trap, or to the national observer on the receiving towing vessel, for transmission to the CPC competent authority or regional observer present at the subsequent control transfer.

The video footage of the subsequent control transfer shall include the unsealing operation, which shall be undertaken in such a way as to allow the identification of the seals and verification that the seals have not been tampered with.

'ANNEX XVIII

Template for a processing declaration and harvesting declaration

<i>Processing / Harvesting (please circle either)</i>
<i>Date of harvesting(d/m/y): / /</i>
<i>Farm / Trap (please circle either)</i>
<i>Cage(s) number(s):</i>
<i>Number of individuals harvested:</i>
<i>Live weight in kg of the harvested bluefin tuna:</i>
<i>Processed weight in kg of the harvested bluefin tuna:</i>
<i>eBCD number(s) associated with the bluefin tuna harvested:</i>
<i>Details of auxiliary vessels involved in the operation:</i> <i>Name:</i> <i>Flag:</i> <i>ICCAT Registration No.:</i>
<i>Destination of the harvested tuna (export, local market, or other) (please circle)</i> <i>In case of other, please specify:</i>
<i>Validation by the ICCAT regional observer or CPC observer, as appropriate:</i> <i>Observer Name:</i> <i>ICCAT No.:</i> <i>Signature:</i>
