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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 - Outcome of the European Parliament's first reading (Strasbourg, 5 to 8 February 2024)

I. INTRODUCTION

A number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on Fisheries (PECH) Pierre KARLESKIND (RE, FR) presented on behalf of PECH a compromise amendment (amendment number 89) to the abovementioned proposal for a Regulation, for which Clara AGUILERA (S&D, ES) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

II. VOTE

When it voted on 6 February 2024, the plenary adopted the compromise amendment (amendment number 89) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto[1].

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

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[1] The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics.*** The symbol "▌" indicates deleted text.

P9_TA(2024)0061

Amendments to the Regulation on management, conservation and control measures applicable in the ICCAT Convention Area and the Regulation on a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean

European Parliament legislative resolution of 6 February 2024 on the 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) …/2022 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean (COM(2022)0171 – C9-0151/2022 – 2022/0111(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0171),

– having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0151/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 15 June 2022[1],

– having regard to the provisional agreement approved by the responsible committee under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 27 November 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries (A9-0301/2023),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

[1] OJ C 365, 23.9.2022, p. 55.

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2022)0111

Position of the European Parliament adopted at first reading on 6 February 2024 with a view to the adoption of Regulation (EU) 2024/… 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

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

[1] OJ C *365*, *23.9.2022*, p. *55*.

[2] ***Position of the European Parliament of 6 February 2024.***

Whereas:

(1) *The* ***International Commission for the Conservation of Atlantic Tunas*** *(ICCAT) conservation and enforcement recommendations were last implemented into Union law through* ***Regulations (EU) 2017/2107[3], (EU) 2023/2053[4] and (EU) 2023/2833[5] of the European Parliament and of the Council.*** Since the adoption of Regulation (EU) 2017/2107▌, ▌ICCAT adopted at its 2017, 2018, 2019, ***2021 and 2022*** annual meetings a number of legally binding measures for the conservation of fishery resources under its purview. ▌ ***Those measures concern matters covered, inter alia, by Regulations (EU) 2017/2107 and (EU) 2023/2053.***

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[3] ***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) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).***

[4] ***Regulation (EU) 2023/2053 of the European Parliament and of the Council of 13 September 2023 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (OJ L 238, 27.9.2023, p. 1).***

[5] ***Regulation (EU) 2023/2833 of the European Parliament and of the Council of 13 December 2023 establishing a catch documentation programme for bluefin tuna (Thunnus thynnus) and repealing Regulation (EU) No 640/2010 (OJ L, 2023/2833, 20.12.2023 , ELI: http://data.europa.eu/eli/reg/2023/2833/oj).***

(2) Regulation (EU) 2017/2107 should therefore be amended in order to implement into Union law ICCAT measures for tropical tunas, ***Mediterranean albacore,*** North and ***South Atlantic*** albacore, ***North and South Atlantic swordfish, North and South Atlantic shortfin mako sharks,*** blue ***marlin,*** white marlin***, roundscale spearfish, and provisions related to data collection for sailfish,*** data ***collection and*** reporting ***for billfish, blue marlin, white marlin and roundscale spearfish, by-catch of turtles, the vessel monitoring system, ICCAT regional observers, responsibilities of scientific observers and illegal, unreported and unregulated (IUU) fishing, as well as an updated list of ICCAT species, updated safe handling and release practices for sea turtles, the introduction of minimum standards for safe handling and live release procedures for North and South Atlantic shortfin mako sharks, and guidelines for reducing the ecological impact of fish-aggregating devices (FADs).***

(3) ***Regulation (EU) 2023/2053*** should be amended in order to implement into Union law ICCAT measures for ***bluefin tuna management with provisions related to definitions, quota transfers, retention prohibition, recreational fisheries, vessel lists, lists of traps and farms, ICCAT record of farms, reporting, transfers, transfer authorisations, caging identifiers, caging authorisations, caging operations and their video monitoring, control of caging, harvesting operations, harvesting control activities in the farms after caging, and enforcement, as well as national observer programmes and ICCAT regional observer programme, rules on treatment of dead or lost fish, the procedure for sealing operations of transport cages, and the template for processing declaration and harvesting declaration.***

▌

(4) Union legal acts should merely implement the ICCAT recommendations into Union law in order to place Union and third country fishers on an equal footing and to ensure that the rules can be accepted by all.

(5) ***The delegated acts provided for in this Regulation are without prejudice to the implementation of future ICCAT recommendations into Union law through the ordinary legislative procedure.***

(6) 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 ***related to*** annual ***fishing*** and ***capacity management*** plan reporting, ***the number of support vessels engaged in tropical tuna fisheries***, the annual carry-over for bigeye tuna, North and South Atlantic Albacore and North and South Atlantic swordfish, ▌ requirements for ***fish-aggregating devices (FADs)***, ▌ restrictions on the number of ***Union catching*** vessels ***targeting*** North Atlantic Albacore, ▌ requirements to maximise sea turtle survival, ▌ the percentage ▌ measurement ***of scientific observer*** coverage ***and references to ICCAT recommendations,***

– ***as regards bluefin tuna management: annual carry-over, reporting time limits, time periods for fishing seasons, content of carry-over declarations and provisions for caging, derogations for designation of fishing areas, fishing vessels and gear, and derogation for fishing bluefin tuna for farming purposes and conditions for assigning regional observers for farms***, and

– the list of ICCAT species, ***safe handling and release practices for sea turtles, minimum standards for safe handling and live release procedures for North and South Atlantic shortfin mako sharks, guidelines for reducing the ecological impact of FADs, observer programmes, requirements regarding treatment of dead or lost fish, the procedure for sealing operations of transport cages, the processing declaration and the harvesting declaration***.

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[6]. 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.

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

(7) ***The n***umber***, recorded in June 2023,*** of support vessels▌ should not increase ▌ as set out in ICCAT Recommendation 2***2***-01. Such retroactive application does not affect the principle of legal certainty and the protection of legitimate expectations.

(8) Regulations (EU) 2017/2107 and ***(EU) 2023/2053*** should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2017/2107

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

(1) Article 4 is amended as follows:

(a) ***the following*** point ▌ is ***inserted:***

‘***(2a)*** “billfish” means species of the *Istiophoridae* family managed by ICCAT;’;

(b) ▌ point (20) is ***replaced by the following***:

‘(20***) “support vessel” means a vessel other than a craft carried on board that is not equipped with operational fishing gear and that facilitates, assists or prepares fishing activities, including by supplying a catching vessel*** and deploying, servicing and retrieving a fish-aggregating device;’;

(c) ***the following*** point ***is inserted***:

‘***(23a)*** “floating object” ***or “***FOB***”*** means any natural or artificial floating (i.e. surface or subsurface) object with no capability of moving on its own***; fish-aggregating devices (FADs) are FOBs that are human-made and intentionally deployed and/or tracked; logs are FOBs that are accidently lost from anthropic and natural sources;’;***

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

‘(24) “fish-aggregating device” ***or “***FAD***”*** means a permanent, semi-permanent or temporary object, structure or device of any material, ***human-made*** or natural, which is deployed or tracked, and used to aggregate fish for subsequent capture; FADs can either be anchored (aFADs) or drifting (dFADs)***;’;***

(e) the following point is inserted:

‘(***24a***) “FAD set” means setting fishing gear around a tuna school associated with a FAD;’;

(f) the following point is inserted:

‘(27a) “shallow-set longlines” means longlines in which, when deployed, the majority of hooks are at a depth of less than 100 metres;’;

(g) the following points are added:

‘(30) “circle hook” means a hook with the point turned perpendicularly back to the shank to form a generally circular or oval shape; circle hooks should have an offset of no more than 10 degrees;

(31) “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.’;

(2) ***the following article is inserted***:

‘Article 5a

Capacity limitation for tropical ***tuna***

1. By 31 January ***of*** each year, Member States shall ***establish*** annual fishing ***and*** capacity ***management*** plans ***for tropical tuna***.

2. The Member States shall ensure that their overall longline and purse seine fleet capacity is managed in accordance with the annual fishing ***and*** capacity ***management*** plans ***referred to in paragraph 1***, in particular to limit ***catches*** of tropical tuna, consistent with the catch limits established under Union law.

3. Member States shall not increase their number of support vessels from the numbers recorded in June 2023.

4. Member States shall report to the Commission the dates ***on which*** their entire catch limit of tropical tuna species has been utilised. The Commission shall promptly ***send that*** information to the ICCAT Secretariat.

5. For Union purse seiners and large longline vessels (▌20 ***metres in length overall*** 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.

6. Every 3 months, Member States shall report to the Commission information on the quantity of tropical tunas by species caught by the vessels flying their flag 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. That information, whether sent every 3 months or on a monthly basis, 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 a***rticle is ***inserted***:

‘Article 6a

Prohibition on discards of tropical tunas caught by Union purse seiners

1. Union purse seiners that are authorised to fish tropical tuna, shall retain on board, land or tranship at port all tropical tunas caught ▌.

2. ▌ Tropical tuna caught by a Union purse seiner ***shall not*** be discarded during the set once the net is completely closed and 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 ***that prohibition*** cannot be applied, the ***masters, or the crew members 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 tunas may be discarded in the following cases:

   (a) ***where*** the ▌ master determines that the tropical tunas caught are meshed or crushed in the purse seine**,**▌ 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) ***where*** the ▌ master determines that the tropical tunas have been caught during the last set of a trip and there is not enough storage capacity to store the tunas caught during this set***; those*** fish may only be discarded ***provided that:***

(i) the master or the crew members attempt to release the tunas alive as quickly as possible; and

(ii) no other fishing operation is conducted following the discarding, until such time as the tunas on board the vessel are landed or transhipped.

4. The master***s*** of the fishing vessel***s*** shall report all discards observed to ***the*** flag Member States ***of the vessels***. Member States shall send the discard reports to the Commission as part of ***T***ask I and II data.';

(4) in Article 7, 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 ***or*** buoys. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.

3. Union fishing vessels not authorised to fish ▌ tropical tunas pursuant to Article 6 ▌, may be allowed ***to retain on board, tranship, transport, process or land*** by-catch of tropical tunas in accordance with a maximum on-board by-catch limit established for such vessels. Member States shall report to the Commission, as part of the annual report, the maximum by-catch limit allowed for ***the*** vessels ***flying their flag*** and information about how they ensure compliance with ***that*** limit.';

(5) Article 8 is replaced by the following:

‘***Article 8***

List of vessels fishing tropical tunas in a given year

Member States shall, by 30 June of each year, submit to the Commission the list of authorised vessels flying their flag which have fished 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, ***that*** 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.

▌

Article 8a

Underage or overage of bigeye tuna

1. Any unused ▌ or excess ***portion*** of a Member State***’s*** annual quota ***or*** catch limit ***for bigeye tuna*** may be added to ***or*** shall be deducted from, ***as appropriate,*** the ***relevant*** quota ***or*** catch limit during or before the adjustment year ***in accordance with the*** ICCAT recommendations in force for bigeye tuna.

2. The maximum underage ***of bigeye tuna*** that a Member State may carry-over in any given year ***shall not*** exceed the amount permitted in ***that*** particular year by ICCAT.’;

(***6***) in Article 9, 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 ***the same*** time.

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

▌

6. Member States may authorise purse seiners ***flying their flag*** to set on ***FOBs***, provided that the fishing vessel has either an observer or a functioning electronic monitoring system on board which is capable of verifying ***the*** set type ***and*** species composition and ***which provides*** information on fishing activities to the ICCAT Standing Committee on Research and Statistics.’;

(*7*) ***in*** Article 10***, paragraphs 2*** and ***3*** are replaced by the following:

‘2. When using or designing FADs, Member States shall ▌ :

(a) ***ensure*** that all FADs deployed are non-entangling, in ***accordance*** with the guidelines ***set out in*** Annex ***X*** ▌ ;

(b) ***endeavour to ensure*** that all FADs are constructed from biodegradable materials, ***such as*** non-plastics, with the exception of materials used in the construction of FAD tracking buoys.

3. ***Every year, in their FADs management plans***, Member States shall report ***to the Commission*** ▌ on the steps undertaken to comply with paragraph 2▌ .’;

(8) Article 11 is amended as follows:

(a) ***in paragraph*** 2***, point*** (e) is replaced by the following:

‘(e) ***l***og description or FAD identifier (i.e. FAD ***m***arking and buoy ID or any information allowing ***identification*** of the owner);’;

(b) ***in paragraph*** 2***, the following point*** is added:

‘(g) ***b***uoy ID.’;

(c) ***in paragraph*** 3, ***point*** (c) is replaced by the following:

‘(c) FAD identifier (i.e. FAD ***m***arking and buoy ID).’;

(d) paragraph 4 is replaced by the following:

‘4. Union fishing vessels shall keep a list of deployed FADs ***containing at least the information set out in Annex III and shall update the list on a monthly basis in accordance with Task II data requirement*****s**.’;

(9) Article 12 is amended as follows:

(a) point***s*** (b) ***to (d) are*** replaced by the following:

‘(b) the number and type of beacons/buoys (e.g. radio, sonar only, sonar with echo-sounder) deployed on a monthly basis ***in accordance with Task II data requirements***;

▌

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

▌

(d) average ***number*** of lost FADs with active buoys**,** on a monthly basis;’;

(b) ***the following*** points ▌ are added:

‘(f) purse seiner and baitboat catches, effort and number of sets (for purse seines) by fishing mode (***FOB*** associated schools and free school fisheries) in ***accordance*** with Task II data requirements▌ ;

(g) when the activities of purse seiners are carried out in association with baitboats, ***reports on*** catches and effort of purse seiners associated to baitboats ***in accordance*** with Task I ***and*** II data requirements.’;

(10) 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 ***that vessels flying their flag*** do not deploy drifting FADs ***for*** a period of 15 days prior to the start of the closure periods established under Union ***l***aw.

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

(a) for their longline vessels 20 met***res in*** length overall or greater,▌ a minimum of 10 % observer coverage of fishing effort by 2022, through the presence of ***an*** ▌ observer on board in accordance with Annex IV ***or through an approved*** electronic monitoring system;

(b) for their purse seiners, ▌ a 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***.***

Member States shall report the information collected by the observers or the ***approved*** 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 ***the*** confidentiality requirements ***referred to in Article 72***.';

(***11***) Article 16 is replaced by the following:

'Article 16
Identification of IUU fishing

If the ICCAT Executive Secretary notifies the Commission of a possible ***infringement*** by Union fishing vessels of Article 7(2) or Article 14(1) or▌ (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, to 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.';

(12) the title of ***Title II,*** Chapter II, is replaced by the following:

‘CHAPTER II

Albacore

Section 1

North and South Atlantic albacore’;

(13) ***the following articles are inserted***:

‘Article 17a

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

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

2. Large-scale fishing vessels not entered into the ICCAT record of authorised vessels targeting North and South Atlantic albacore shall not be allowed to fish, retain on board, tranship, transport, transfer, process or land North and South 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 North and South Atlantic albacore pursuant to paragraph 1, may be allowed ***to retain on board, tranship, transport, process or land*** by-catch of North and South Atlantic albacore in accordance with a maximum on-board by-catch limit for such vessels. Member States shall report to the Commission, as part of the annual report, the maximum by-catch limit they allow for vessels flying their flag.

Article 17b

Underage or overage ***of*** North and South Atlantic albacore

1. Any unused or excess ***portion*** of a Member State***'s*** annual quota ***or*** catch limit ***for North and South Atlantic albacore*** may be added to ***or*** shall be deducted from***, as appropriate***, the ***relevant*** quota ***or*** catch limit during or before the adjustment year ***in accordance with the*** ICCAT recommendations in force for North and South Atlantic albacore.

2. The maximum underage ***of North and South Atlantic albacore*** that a Member State may carry-over in any given year shall not exceed the amount permitted in ***that*** particular year by ICCAT.

Article 17c

South Atlantic albacore record of catches

The flag Member States ***of the*** vessels that ***fish South*** Atlantic albacore shall report their accurate and validated ***South*** Atlantic albacore catch to the ICCAT Secretariat as part of Task I ***and*** II data referred to in Article 50.

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* ***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).';***

(14) in Title II, Chapter II, the following section is inserted:

'Section 2

Mediterranean albacore

Article 17d

Recreational fisheries for Mediterranean albacore

1. Without prejudice to any prohibition of recreational fisheries under national or Union law, natural or legal persons engaged in recreational fisheries shall not catch, retain on board, tranship or land more than three Mediterranean albacore specimens per vessel per day.

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

3. Member States shall provide to the Commission and to the ICCAT Secretariat the list of all fishing vessels engaged in recreational fisheries, authorised to fish Mediterranean albacore, at least 15 days before the exercise of the activities. Vessels not included on that list shall not be authorised to fish Mediterranean albacore.';

(***15***) ***the following articles are inserted***:

'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 North and South Atlantic swordfish pursuant to paragraph 1 may be allowed to retain on board, tranship, transport, process or land by-catch of North and South Atlantic swordfish in accordance with a maximum on-board by-catch limit for such vessels. Member States shall report to the Commission, as part of the annual report, the maximum by-catch limit they allow for vessels flying their flag.

Article 18b

Underage ***of*** North and South Atlantic swordfish

1. Any unused portion of a Member State***'s*** annual quota ***or*** catch limit ***for North and South Atlantic swordfish*** may be added to the ***relevant*** quota ***or*** catch limit during or before the adjustment year ***in accordance with the*** 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 carry-over in any given year shall not exceed the amount permitted in ***that*** particular year by ICCAT.';

(***16***) the title of ***Title II,*** Chapter IV, is replaced by the following:

‘CHAPTER IV

Billfish, sailfish, blue marlin, white marlin and roundscale spearfish’;

(***17***) Article***s*** 27 ***to 29 are*** replaced by the following:

‘Article ***27***

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

▌

1. ***To the extent possible,*** Union pelagic longline vessels and Union purse seiners shall promptly release ***all*** blue marlin ***(Makaira nigricans),*** white marlin ***(Tetrapturus albidus) and*** roundscale spearfish ***(Tetrapturus georgei)*** that are alive at haul-back, giving due consideration to the safety of the crew members, in a manner that causes the least harm and maximi***s***es post-release survival.

2. Member States shall encourage ***the*** implementation of the minimum standards for safe handling and live release procedures specified in Annex 1 to ***ICCAT*** Recommendation 19-05 by producing guidelines for their fleet. ***For the safe release of live blue marlins, white marlins and roundscale spearfish caught, Union*** fishing vessels shall have ***the following*** readily available on deck and easily accessible by the crew ***members:*** a lifting device, bolt cutter, dehooker ***or*** disgorger, and ***a*** line-cutter ▌.

3. Member States shall ensure that ***masters*** 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 ***blue marlins, white*** marlins ***and roundscale spearfish*** in accordance with the ***guidelines on*** minimum standards for safe handling ***and live release*** procedures ***referred to in paragraph 2.***

4. Member States shall endeavour to minimise the post-release mortality of ***blue marlins, white*** marlins ***and roundscale spearfish*** in their ICCAT fisheries.

5. Member States may authorise ▌ pelagic longline ***vessels*** and purse seiners ***flying their flag*** to fish and retain on board, tranship or land blue marlins, white marlin***s*** ***and*** roundscale spearfish that are dead, within their ***catch*** limit.

Article 28

Landing of blue marlin, white marlin and roundscale spearfish beyond the fishing opportunities

When a Member State has exhausted its quota, that Member State shall ensure that the landings of blue marlins, white marlins and roundscale spearfish that are dead when brought alongside the vessel are not sold or entered into commerce. Such landings shall not count against that Member State's catch limits as set out on the basis of the Union landing limit laid down in paragraph 2 of ICCAT Recommendation 19-05, provided that such prohibition is clearly explained in the annual report referred to in Article 71 of this Regulation.

Article 29

Recreational fisheries of blue marlin, white marlin and roundscale spearfish

1. The flag Member States of the vessels engaged in recreational fisheries of blue marlin, white marlin and roundscale spearfish shall maintain a 5 % scientific observer coverage of blue marlin, white marlin and roundscale spearfish tournament landings.

2. In recreational fisheries of blue marlin a minimum conservation size of 251 cm in lower jaw fork length shall apply.

3. In recreational fisheries of white marlin and roundscale spearfish a minimum conservation size of 168 cm in lower jaw fork length shall apply.

4. It shall be prohibited to sell or to offer for sale any part or whole carcass of blue marlin, white marlin or roundscale spearfish caught in recreational fisheries.

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.

Article 29***a***

Data collection for sailfish

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

Article 29***b***

Data collection and reporting ***for billfish, blue marlin, white marlin and round-scale spearfish***

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

2. Member States ***shall*** submit to the Commission their billfish check sheets ***set out in*** Annex 1 to ***ICCAT*** 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, ▌ white marlin ***and*** round-scale spearfish in accordance with ICCAT ***Resolution*** 01-06 and ***ICCAT Recommendation*** 11-15 ***shall*** result in a prohibition of retention of those species.';

(18) Article 33 is replaced by the following:

'Article 33

North Atlantic shortfin mako sharks (*Isurus oxyrinchus*)

1. North Atlantic shortfin mako sharks caught by 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 ensure that vessels flying their flag apply the minimum standards for safe handling and release procedures for North Atlantic shortfin mako shark as set out in Annex IX.

Article 33a

South Atlantic shortfin mako sharks (Isurus oxyrinchus)

1. Member States shall make sure that vessels flying their flag apply the minimum standards for safe handling and release procedures for South Atlantic shortfin mako shark as set out in Annex IX.

2. Member States shall report every month to the Commission all permissible landings of vessels flying their flag of South Atlantic shortfin mako sharks. Those reports shall be submitted 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 the dead discards, live releases and total catches of the vessels flying their flag.

3. By 30 June of each year, the flag Member States of vessels that have caught (landings and dead discards) South Atlantic shortfin mako sharks shall 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 programmes.

4. As part of their annual Task I and II data submissions, Member States shall provide to the Commission all relevant data for South Atlantic shortfin mako sharks, including estimates of dead discards and live releases using the methods approved by the ICCAT Standing Committee on Research and Statistics.

5. Fishing vessels that retain South Atlantic shortfin mako sharks shall not tranship, in part or whole, South Atlantic shortfin mako sharks caught in association with ICCAT fisheries.';

(*19*) ***the following article is inserted:***

‘Article 36***a***

Data collection for sharks

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

2. Member States shall submit to the Commission their shark implementation check sheets ***set out in*** Annex 1 to ***ICCAT*** Recommendation 18-06, including information on the actions they have taken domestically to monitor catches and to conserve and manage sharks.’;

(20) Article 41 is amended as follows:

(a) the following paragraph is inserted:

‘2a. Member States shall require the vessels flying their flag that fish with shallow-set longlines to:

(a) use only large circle hooks;

(b) use only finfish bait; or

(c) use other measures that have been reviewed and considered effective and approved by 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:

(a) 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 ICCAT Standing Committee on Research and Statistics, through the use or continued use of at least one of the following by-catch mitigation measures:

(i) alternative or new gear types and gear modifications;

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

(iii) effective marking of static net gear, 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;

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

(b) require purse seiners flying their flag to:

(i) avoid encircling sea turtles to the extent practicable;

(ii) release encircled or entangled sea turtles, including on FADs, where feasible; and

(iii) ensure that FADs deployed are constructed according to Annex X to effectively eliminate entanglement risks of sea turtles;

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

(i) purse seiners, longline vessels and other types of vessels flying their flag 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 (2009) ('the FAO guidelines');

(ii) the owners, operators and crew members of the vessels referred to in point (i), as well as any on-board observers, use the equipment referred to in that point in accordance with the safe handling and release practices for sea turtles set out in Annex VI, and consistent with the FAO guidelines;

(iii) the owners, operators and crew members of the vessels referred to in point (i) be encouraged to have training in the use of the equipment referred to in that point;

(d) require their fishers on vessels targeting species covered by the ICCAT 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 Section C of Annex VI before returning it to the water;

(e) ensure that fishers are aware of and use proper mitigation and handling techniques, as described in Annex VI.

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 ICCAT Standing Committee on Research and Statistics, beyond the minimum level of 5 %, to 10 % by 1 January 2024. That increase may be achieved through human observers or electronic monitoring systems, or both.

Notwithstanding the first subparagraph, for vessels of less than 15 metres in length overall, where an extraordinary safety concern could exist that precludes deployment of an on-board observer, a Member State may employ an alternative scientific monitoring approach to collect data equivalent to those specified in this Regulation in a manner that ensures comparable coverage. Alternative approaches implemented pursuant to this subparagraph shall be subject to the approval of ICCAT at the annual meeting prior to their implementation.

6. In the Mediterranean Sea:

(a) paragraph 2a shall not apply;

(b) paragraphs 4 and 5 shall apply from 1 January 2026.';

(*21*) ***the following article is inserted***:

‘Article 44***a***

Vessel monitoring system

Where fishing vessels have installed tracking devices in accordance with Article 9 of Council Regulation (EC) No 1224/2009 ▌, ▌ Member ***States shall*** ensure that the ▌ tracking devices of fishing vessels flying ***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 and at least once every 2 hours for all other vessels targeting ICCAT species***.

In the event of technical failure or non-operation of the tracking device fitted on board a Union fishing vessel, the device shall be repaired or replaced as soon as possible and in any case within 1 month of the event, unless the vessel is no longer operating in the ICCAT Convention area. Union fishing vessels shall not start a fishing trip without the tracking device having been repaired or replaced.’;

(*22*) ***in*** Article 54 ▌, 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 ***r***ecord ***n***umber (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***s*** and address***es*** of owner***s*** and operator***s,***
- type of transhipment authorised (i.e. in port, ▌at sea),
- time period authorised for transhipping.’;

(***23***) ***the following article is inserted***:

'Article 58***a***

Health and safety of observers in the ICCAT regional observer ***programme for transhipment at sea***

1. ***Member States*** shall ensure that ***each*** vessel ***flying their flag*** that ***carries*** on board an ICCAT regional observer ***is*** 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. ***Each Union fishing vessel*** 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 ▌ health, safety, or welfare ***of the observer***, or has been assaulted, intimidated, threatened or harassed. Such ***an EAP shall*** include, inter alia, the elements ***set out*** in Annex 1 to ***ICCAT*** Recommendation 19-10.

3. ***Each Union fishing vessel*** carrying an ICCAT regional observer shall submit EAP to the Commission***, to be transmitted to ICCAT*** for posting on the ICCAT ***website***. ***A n***ew or amended EAP shall be provided to the Commission ***to be transmitted to ICCAT*** for posting ***on the ICCAT website*** when ***it becomes*** available.

4. ***A*** Union ***fishing vessel*** shall be eligible to carry ▌ an ICCAT regional observer ▌ only ***if it has submitted*** an EAP. Furthermore, if the Commission identifies inconsistencies with the standards set out in Annex 1 to ***ICCAT*** 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.';

(***24***) Article 61 ***is*** 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 ***of the observer*** coverage ***referred to in paragraph 1, points (a) and (b), shall*** be ***calculated as follows:***

(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.‘;

(***25***) Article 63 is replaced by the following:

‘Article 63
Responsibilities of scientific observers

1. Each Member State shall require ▌ observers ***to carry out, in particular, the following tasks*** ▌ :

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

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

(ii) ***information*** 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▌), 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 ***or*** alive, wounded▌);

(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 ▌);

(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 ***ICCAT*** Standing Committee on Research and Statistics and agreed by the Commission.

2. ***Member States*** 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 ***m***aster 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 debriefing sessions with appropriate representatives of the scientific institute or the domestic authority responsible for implementing the observer program**.**

3. ***The master*** of the vessel to which the observer is assigned shall:

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

(b) allow the observer to carry out ***the observer tasks*** 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 ▌:

- ***s***atellite navigation equipment,

- ***e***lectronic 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 ***observer tasks***;

(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 ***observer*** tasks, as well as space on deck adequate for carrying out observer tasks.

4. Each Member State shall:

(a) require ***vessels flying its flag***, when fishing for ICCAT species, to carry a scientific observer in accordance with 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***s*** 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 ***ICCAT*** 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*** design of its observer programs in its annual reports only when such changes occur***; and*** 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 ***ICCAT*** Standing Committee on Research and Statistics, report to that committee information collected through domestic observer program***me***s 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***s*** 1 ***and 2***, including, as necessary and appropriate, the use of photography.';

(***26***) ***i***n Article 66, ***the following*** paragraphs ▌ are added:

'4. Each Member State shall inspect annually at least 5 % of landing and transhipment operations conducted by third country fishing vessels in ***its*** 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 ***Regulation (EU) 2017/2403.*'*;***

(*27*) ***in Title III, Chapter VII, the following article is inserted***:

‘Article 66***a***
Sighting of vessels

1. Member ***S***tates shall collect as much information as feasible, through inspection and surveillance operations conducted by their competent authorities in the ICCAT Convention area, when ***a*** Union fishing vessel, a third country fishing vessel or a vessel without nationality is sighted in fishing or fishing-related activities (e.g. transhipment) that are presumed to be engaged in ***IUU*** fishing.

2. Member ***S***tates 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 ***Member State concerned (“***sighting Member ***S***tate***”)*** 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 ***concerned; b***oth the sighting Member State and the flag Member ***S***tate 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 action taken;

(b) if the sighted vessel is flagged to another CPC, a non-CPC, or is of indeterminate flag or without nationality, the sighting Member State shall, without undue delay, provide to the Commission and the EFCA all appropriate information related to the sighting***; t***he Commission ***shall, as appropriate,*** transmit the sighting information to the ICCAT Secretariat.'***;***

(28) the following Article 69a is inserted:

'Article 69a
IUU vessels

Member States shall ensure that vessels included on the ICCAT IUU list are not authorised to land, tranship, re-fuel, re-supply or engage in other commercial transactions.';

(***29***) ***i***n Article 71(1), the date '20 August' is replaced by '1 August'***;***

(***30***) Article 73***(1)*** is amended as follows:

(a) ▌ point (a) ***is replaced by the following:***

'(a) Annexes I to X;

(***aa***) ***the*** capacity limitations for tropical tunas under Article 5a related to annual ***fishing*** and ***capacity management*** plan reporting referred to paragraph 2 ***of that Article***, as well as the number of support vessels referred to in paragraph 3 ***of that Article';***

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

'(b) the time limits laid down in Article 7(1), Article 8, Article 9(1), Article 14(1), Article 18, Article 20(2), (3) and (4), Article 22(2), Article 23(1) and (2), Article 26(1) and (3), Article 40(1), Article 42(1), Article 44(3), Article 47(2), Article 48(1) and (2), Article 50(1) and (2), Article 56(3), Article 57(1), (2) and (3), Article 59(1) and (2), Article 64, Article 65(2), Article 66(1) and (2), Article 67(1) and (2), Article 69(2), Article 70(2), (3) and (5), and Article 71(1);

(***ba***) ***the*** annual carry-over for bigeye tuna under Article 8a;

▌

(***bb***) ***the*** requirements for FADs under Article 10(1) ***and (2)***;

(bc) the references to ICCAT recommendations referred to in Article 10(2), Article 28, Article 27(3), Article 29b(2) and (3), Article 36a(2), Article 58a(2) and (4), Article 63(4), point (d), and Article 66a(2);';

▌

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

'(c) ▌ ***the*** minimum observer coverage under Article 14(2);

(***ca***) ***the*** restrictions on the number of ***Union catching*** vessels ***targeting*** North Atlantic ***a***lbacore under Article 17;

(***cb***) ***the*** annual carry-over of North ***and South*** Atlantic albacore under Article 17b;

(***cc***) North Atlantic swordfish management plans under Article 18;

(***cd)*** ***the*** annual carry-over of North and South Atlantic swordfish under Article 18b;***';***

▌

(d) the following points are added:

'(***j***) ***the*** requirements to maximise sea turtle survival under Article 41;

(***k***) ▌ ***the*** percentage coverage calculation under Article 61(2).***';***

(***31***) Annex I ▌ is replaced by the text ***set out*** in Annex ***I*** to this Regulation;

(32) Annex VI is replaced by the text set out in Annex II to this Regulation;

(33) the text set out in Annex III to this Regulation is added as Annexes IX and X.

Article 2

Amendments to Regulation (EU) *2023/2053* ▌

Regulation (EU) ***2023/2053*** is ▌ amended as follows:

(1) Article 5 is replaced by the following:

'Article 5
Definitions

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

(1) "ICCAT" means the International Commission for the Conservation of Atlantic Tunas;

(2) "SCRS" means the Standing Committee on Research and Statistics of the ICCAT;

(3) "the Convention" means the International Convention for the Conservation of Atlantic Tunas;

(4) "Convention Area" means the geographical area, as set out in Article I of the Convention;

(5) "CPC" means a Contracting Party to the Convention and a cooperating non-contracting party, entity or fishing entity;

(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 Member State" or "Member State responsible for the farm" means the Member State under whose jurisdiction the farm is located;

(8) "flag Member State" means the Member State where the fishing vessel is flagged;

(9) "trap Member State" or "Member State responsible for the trap" 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, processing vessels, support vessels, towing vessels, vessels engaged in transhipment, 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) "support vessel" means any fishing vessel, other than a catching vessel, processing vessel, towing vessel, vessel engaged in transhipment, transport vessel equipped for the transportation of tuna products or auxiliary vessel, authorised to operate in the bluefin tuna fishery to perform support tasks;

(15) "auxiliary vessel" means any vessel used to transport dead bluefin tuna (not processed) from a transport or farming cage, a purse seine vessel or a trap to a designated port or to a processing vessel;

(16) "small-scale coastal vessel" is a catching vessel with at least three of the five following characteristics:

(a) length overall of less than 12 metres;

(b) the vessel fishes exclusively inside the waters under jurisdiction of the flag Member State;

(c) the duration of fishing trips is less than 24 hours;

(d) the maximum number of crew members is established at four persons;

(e) the vessel fishes using techniques which are selective and have a reduced environmental impact;

(17) "large-scale pelagic longline vessel" means a pelagic longline vessel greater than 24 metres in length overall;

(18) "recreational fisheries" means non-commercial fishing 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; that measurement varies from gear to gear: for longline fisheries it is measured in number of hooks or hooks-hours; for purse seine vessels it is measured in terms of boat days (fishing time and 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) "transhipment" means the unloading of all or any of the fisheries products on board a fishing vessel to another fishing vessel; however, unloading of dead bluefin tuna from the purse seine, the trap or the towing vessel to an auxiliary vessel is not considered as transhipment;

(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 their 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 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, in one or more locations all of which are clearly defined by geographical coordinates with a clear definition of longitude and latitude for each one of the points of the polygon, used for the fattening or farming of bluefin tuna caught by traps or purse seine vessels;

(34) "input farming capacity" means the maximum amount of wild bluefin tuna in tonnes 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, independently 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 or a trap to a transport cage;

(39) "further transfer" means any transfer that is conducted after the first transfer and before caging at the farm of destination, 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 donor operator;

(41) "control camera" means a stereoscopic camera or conventional video camera for the purpose of the controls pursuant to 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, or the master's representative, of the catching or towing vessel, or the operator, or the operator's representative, of the farm or trap, from which, except in the case of voluntary and control transfers, a transfer operation originates;

(44) "Member State of the donor operator" means the Member State that exercises its jurisdiction over the donor operator.';

▌

(2) in Article 7, paragraph 1 is replaced by the following:

'1. The carry-over of non-harvested live bluefin tuna from previous years' catches within a farm may be permitted only if a reinforced system of control is developed and reported by the Member State to the Commission. That system shall be an integral part of the Member State's annual monitoring, control and inspection plan referred to in Article 14 and shall include at least the measures established pursuant to Articles 56c, 56d and 61.';

(3) Article 8 is replaced by the following:

'Article 8

Carry-over of unused quotas

1. Automatic carry-over of unused quota shall not be permitted

2. A Member State may request to transfer a maximum percentage of 5 % of its annual quota from one year to the following year. The Member State concerned shall include that request in its annual fishing and capacity management plans to be included in the Union fishing and capacity management plan for endorsement by ICCAT.';

(4) in Article 9, paragraph 1 is replaced by the following:

'1. Transfers of quotas between the Union and the other CPCs shall only be carried out with the prior authorisation of the Member States and CPCs concerned. The Commission shall notify the ICCAT Secretariat of the quantity of quotas concerned prior to the transfer of quotas.';

(5) Article 14 is replaced by the following:

'Article 14

Annual monitoring, control and inspection plan

Each Member State with a bluefin tuna quota shall establish an annual monitoring, control and inspection plan with the view to ensuring compliance with this Regulation. Each Member State shall submit its respective plan to the Commission. Each Member State shall establish its plan in accordance with:

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

(b) the national control action programme for bluefin tuna established under Article 46 of Regulation (EC) No 1224/2009 until 31 December 2025, and, after that date, in accordance with the national control programme established under Article 93a of that Regulation.';

(6) Article 15 is amended as follows:

(a) paragraph 3 is replaced by the following:

'3. Member States shall limit their tuna farming capacity to the total farming capacity registered in the ICCAT record of farms authorised to operate for bluefin tuna ("ICCAT record of bluefin tuna farming facilities") or authorised and declared to ICCAT in 2018.';

(b) paragraphs 6 and 7 are replaced by the following:

'6. Member States shall report statistics on the annual amount of caging (input of wild caught fish), harvesting and export to the Commission, who shall transmit the data to the ICCAT Secretariat, until such time as the ICCAT Secretariat has developed data extraction functionality in the eBCD system and such a functionality becomes available.

7. Where appropriate, Member States shall submit revised farming management plans to the Commission by 15 May of each year for transmission to the ICCAT Secretariat by 1 June of each year.';

(7) in Article 16(1), point (c) is replaced by the following:

'(c) the annual monitoring, control and inspection plan established in accordance with Article 14; and';

(8) in Article 17, paragraphs 4 and 5 are 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.

5. Bluefin tuna fishing shall be permitted in the eastern Atlantic and the Mediterranean Sea by large-scale pelagic longline catching vessels during the period from 1 January to 31 May of each year with the exception of the area delimited by West of l0°W and North of 42°N.';

(9) the following article is inserted:

'Article 21a
Prohibition of retention of bluefin tuna on board support vessels

Support vessels shall not retain on board or transport bluefin tuna.';

(10) in Article 23, paragraph 1 is replaced by the following:

'1. Member States may allocate, where appropriate, a specific quota to recreational fisheries. Possible dead bluefin tuna shall be taken into account in such allocation, including in the framework of catch and release fishing. Member States shall inform the Commission of the quota allocated to recreational fisheries when submitting their fishing plans.';

(11) Article 24 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Member States with a bluefin tuna quota allocated to recreational fisheries shall regulate those fisheries by issuing fishing authorisations to vessels for the purpose of recreational fisheries. Upon request by ICCAT, Member States shall make available to the Commission the list of those vessels which have been granted a fishing authorisation for bluefin tuna. The Commission shall transmit that list electronically to ICCAT. The list 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) names and addresses of owners and operators.';

(b) paragraph 4 is replaced by the following:

'4. Each Member State shall record catch data, including the weight of each bluefin tuna caught in recreational fisheries, and shall communicate the data for the preceding year to the Commission by 30 June of each year. The Commission shall transmit that information to the ICCAT Secretariat.';

(12) Article 26 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Each year, 1 month before the start of the period of fishing authorisation, Member States shall submit to the Commission the following vessel lists:

(a) a list of all catching vessels fishing actively for bluefin tuna; and

(b) a list of all other vessels engaged in bluefin tuna-related activities, other than catching vessels.

Each vessel 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 and processing vessels;

(c) length and gross registered tonnage (GRT) or, where possible, gross tonnage (GT);

(d) IMO number (where applicable);

(e) gear used (if any);

(f) previous flag (if any);

(g) previous name (if any);

(h) any previous details of deletion from other registers;

(i) international radio call sign (if any);

(j) name and addresses of owners and operators; and

(k) time period authorised for fishing, operating and transporting bluefin tuna for farming.

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

(b) paragraph 5 is replaced by the following:

'5. Subsequent changes to the lists referred to in paragraph 1 and to the information 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 without delay inform the Commission of that fact, and shall provide:

(a) full details of the fishing vessel or vessels 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 28 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. As part of its fishing plan, each Member State shall submit to the Commission electronically a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. That list shall include the name and register number of the traps and the geographical coordinates of the trap polygon. The Commission shall transmit 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.';

(b) the following paragraph is added:

'5. Member States shall immediately notify the Commission of any addition to, any removal from and any modification of their list of traps authorised to fish for bluefin tuna. The Commission shall transmit such changes to the ICCAT Secretariat without delay.';

(14) the following article is inserted:

'Article 28a
Lists and record of farms

1. As part of its fishing plan, each Member State shall submit to the Commission electronically, a list of farms authorised to operate for bluefin tuna in the eastern Atlantic and the Mediterranean. That list shall include the following information:

(a) the name of the farm;

(b) register number;

(c) names and addresses of owners and operators;

(d) the input and total farming capacity allocated to each farm;

(e) the geographical coordinates of the areas authorised for farming activities; and

(f) the status of the farm (active or inactive).

The Commission shall transmit that information to the ICCAT Secretariat so that those farms can be entered into the ICCAT record of bluefin tuna farming facilities.

2. Farms not entered into the ICCAT record of bluefin tuna farming facilities shall not be deemed to be authorised to operate for bluefin tuna in the eastern Atlantic and the Mediterranean.

3. No farming activities, including feeding for fattening purposes or harvesting, shall be authorised outside of the geographical coordinates approved for farming activities.

4. Member States shall immediately notify the Commission of any addition to, any removal from and any modification of their lists of farms. The Commission shall transmit such changes to the ICCAT Secretariat without delay.

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 bluefin tuna farming facilities and that those farms do not receive bluefin tuna from vessels that are not entered into the ICCAT record of vessels. Member States shall take the necessary measures to prohibit any operations in farms not registered in the ICCAT record of bluefin tuna farming facilities.';

(15) in Article 33, the following paragraph is added:

'4. This Article shall apply without prejudice to the right of access to port under international law concerning fishing vessels in distress or in the event of force majeure.';

(16) Article 34 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. Prior to entry into port, masters, or their representatives, of Union fishing vessels, including processing vessels and auxiliary vessels, included in the list of vessels referred to in Article 26, 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, of 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.';

(b) paragraph 5 is replaced by the following:

'5. All landings in the Union shall be controlled by the relevant control authorities of the port Member State and a percentage shall be inspected based on a risk assessment system involving quotas, fleet size and fishing effort. Full details of such control system adopted by each Member State shall be set out in the annual monitoring, control and inspection plan referred to in Article 14.';

(17) in Article 35, paragraph 5 is replaced by the following:

'5. The masters, or their representatives, of Union fishing vessels engaged in transhipment operations shall complete and transmit to the competent authorities of their flag Member States the ICCAT transhipment declaration no later than 5 working days after the date of transhipment in port. The masters, or their representatives, of the transhipping fishing vessels shall complete the ICCAT transhipment declaration in accordance with the format set out in Annex V. The ICCAT transhipment declaration shall be linked with the eBCD to facilitate cross-checking of data contained therein.';

(18) Article 36 is replaced by the following:

'Article 36
Catch reports submitted by Member States

Each Member State shall submit catch reports to the Commission every 2 weeks. Those reports shall include the data required under Article 32 as regards traps and catching vessels. The information shall be structured by gear type. The Commission shall transmit that information to the ICCAT Secretariat without delay.';

(19) Article 38 is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

'2. By way of derogation from paragraph 1, for releases of tuna from farms, only the ICCAT regional observers as referred to in Article 39 shall be present on the towing vessels.

3. The obligations, responsibilities and tasks of the national observers are set out in Annex VIII.';

(b) paragraph 5 is replaced by the following:

'5. For the purposes of this Article Member States shall ensure:

(a) representative temporal and spatial coverage to ensure that the Commission receives adequate and appropriate data and information on catch, fishing effort and other scientific and management aspects, taking into account characteristics of the fleets and fisheries;

(b) robust data collection protocols;

(c) that observers are properly trained and approved before deployment;

(d) that observers are provided, before the start of their 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) that masters of fishing vessels and the trap operators allow observers access to the electronic means of communication on board the fishing vessels or on the traps.';

(20) Article 39 is amended as follows:

(a) in 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 is inserted:

'2a By way of derogation from paragraph 1, harvesting from farms up to 1000 kg per day and up to a maximum of 50 tonnes per farm per year to supply the fresh bluefin tuna market may be authorised by the relevant Member State provided that an authorised national inspector from the farm Member State is on site for 100 % of such harvests and controls the entire operation. That authorised national inspector shall also validate the harvested quantities in the eBCD system. In such cases, the ICCAT regional observer's signature shall not be required in the harvesting information section of the eBCD.';

(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 the event of force majeure, and following confirmation by the farm Member State of those circumstances that constitute force majeure or where neighbouring farms, as authorised 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 tasks of ICCAT regional observer are duly accomplished and following confirmation from the farm Member State.

4a. By way of derogation from paragraph 4, in the case of a transfer between two different farms under the jurisdiction of the same Member State, one ICCAT 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 farm of destination and the caging of fish in the farm of destination. In that case, an ICCAT regional observer shall be deployed by the donor farm and the cost shall be shared by the donor farm and farm of destination, unless otherwise determined by the operators of those farms.';

(d) paragraph 6 is replaced by the following:

'6. Masters, crew members, and operators of farms, traps and vessels shall not obstruct, intimidate, interfere with, or unduly influence by any means ICCAT regional observers in the performance of their duties.

7. The obligations, responsibilities and tasks of the ICCAT regional observers are set out in Annex VIII.';

(21) Article 40 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Before the start of a transfer operation, including a voluntary transfer, the donor operator shall send to the flag, farm or trap Member State a prior transfer notification indicating:

(a) the number and the estimated weight of the bluefin tuna individuals to be transferred;

(b) the name and ICCAT number of the catching vessel, towing vessels, farm or trap;

(c) the date and the location of the catch;

(d) the date and estimated time of transfer;

(e) the estimated position (latitude and longitude) where the transfer will take place and the donor and receiving cage numbers;

(f) the name and ICCAT number of the 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 cage numbers of the two farm cages and any transport cages involved, in the case of intra-farm transfers.';

(b) paragraph 2 is deleted;

(c) paragraph 3 is replaced by the following:

'3. A unique identifying number as referred to in Article 45c shall be assigned to all cages used in transfer operations and associated transport of live bluefin tuna.';

(d) paragraph 5 is replaced by the following:

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

(e) the following paragraph is added:

‘7. Voluntary and control transfers shall not be subject to a new transfer authorisation.’;

(22) Article 41 is amended as follows:

(a) the title is replaced by the following:

‘Refusal of the transfer authorisation and consequent release of bluefin tuna’;

(b) in paragraph 1, points (b) to (e) are replaced by the following:

‘(b) the number and weight of bluefin tuna individuals have not been duly reported by the catching vessel or trap, or caging of the bluefin tuna individuals was not authorised;

(c) the catching vessel or the trap declared to have caught the fish did not have a valid fishing authorisation for bluefin tuna issued in accordance with Article 27 or 28;

(d) the towing vessel declared to receive the transfer of fish is not registered in the ICCAT record of other fishing vessels referred to in Article 26, or is not equipped with a fully-functioning VMS or equivalent tracking device; or

(e) the farm of destination is not reported as active in the ICCAT record of bluefin tuna farming facilities.';

(c) paragraph 3 is replaced by the following:

'3. In the event of a technical failure of its VMS during the transport to the farm, the towing vessel shall be replaced by another towing vessel with a fully-functioning VMS, or a new operative VMS shall be installed or used, as soon as feasible and not later than 72 hours after that technical failure. That period of 72 hours may be exceptionally extended in the event of force majeure or legitimate operational constraints. The technical failure shall be immediately communicated to the Commission, which shall inform the ICCAT Secretariat. The master or the master's 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.';

(23) Article 42 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. At the end of the transfer operation the donor operator shall complete and transmit the ICCAT transfer declaration ("ITD") in accordance with the format set out in Annex VI to:

(a) the competent authorities of the flag or trap Member State;

(b) the ICCAT regional observer where the presence of that observer is mandatory; and

(c) where applicable, the master of the towing vessel or the operator of the farm of destination.';

(b) paragraph 3 is replaced by the following:

'3. The original ITD shall accompany the transfer to the farm of destination where bluefin tuna individuals are to be caged.

At first transfer, the original ITD shall be duplicated by the donor operator when a single catch is transferred from the purse seine or the trap to more than one transport cage.

In the event of a further transfer, the master of the donor towing vessel shall update the ITD by completing section 3 (Further transfers) thereof and provide the updated ITD to the receiving towing vessel.

A copy of the ITD shall be kept on board the donor catching or towing vessels, or by the operator of the donor trap or donor farm, and be accessible at any time for control purposes during the duration of the fishing season.';

(c) paragraph 5 is replaced by the following:

'5. Information regarding fish that are observed to be dead during a transfer or during the transport of fish to the farm of destination, shall be recorded in accordance with Annex XIII.';

(24) Article 43 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The donor operator shall ensure that the transfer is monitored by video camera in the water in order to determine the number of bluefin tuna individuals being transferred, except for transfers of cages between two towing vessels, which do not involve the movement of live bluefin tuna individuals between those cages. The video recording shall be carried out in accordance with the minimum standards for video recording procedures set out in Annex X.

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

(a) for the first transfer and any voluntary transfer, to the ICCAT regional observer, to the master of the receiving towing vessel and, at the end of the fishing trip, to the competent authority of the flag or trap Member State 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 competent authority of the flag Member State of the donor towing vessel;

(c) for transfers between two different farms, to the ICCAT regional observer, to the master of the receiving towing vessel and to the competent authority of the farm Member State of the donor operator; and

(d) if a national or ICCAT inspector is present during the transfer operation, to that inspector.

1a. The video record concerned shall accompany the fish to the farm of destination. A copy shall be kept at the traps, in the farms or on board the donor vessels, and shall be accessible for control purposes at any time during the fishing season.';

(b) the following paragraph is added:

'3. The donor operator and the competent authorities of the Member States concerned shall retain the video records related to transfers for at least 3 years and keep them as long as necessary for control and enforcement purposes.';

(25) the following article is inserted:

'Article 43a
Voluntary and control transfers

1. If the video record referred to in Article 43 does not meet the minimum standards for video recording procedures set out in Annex X, and in particular if its quality and clarity are not sufficient to determine the number of bluefin tuna individuals being transferred, the donor operator may conduct voluntary transfers.

2. If no voluntary transfer has been carried out, or if, despite the voluntary transfer, it is still not possible to determine the number of bluefin tuna individuals being transferred, the competent authority of the flag, trap or farm Member State of the donor operator shall order a control transfer, which shall be repeated until the quality of the video record enables the number of bluefin tuna individuals being transferred to be determined.

3. The voluntary and control transfers shall be carried out into an empty cage. The number of bluefin tuna individuals being transferred, as determined during the valid voluntary or control transfer, shall be used to complete the logbook, the ITD and the relevant sections of the eBCD.

4. The separation of the transport cage from the purse seine vessel, trap or farm cage shall not occur until the ICCAT regional observer on board the purse seine vessel, or present in the farm or on the trap, has carried out the relevant tasks.

5. If the video record quality of voluntary transfers still does not enable the determination of the number of individuals being transferred, the competent authority of the Member State of the donor operator may allow the separation of the transport cages from the purse seine vessel, trap or farm . In such a case, the competent authority of the Member State of the donor operator shall order the doors of the transport cages concerned to be sealed in accordance with the procedure set out in Annex XVa, and require control transfers to be carried out at a determined time and place, in the presence of the competent authority of the flag, trap or farm Member State concerned.

6. In the event that the competent authorities of the flag, trap or farm Member State cannot be present at the control transfer, the control transfer shall take place in the presence of an ICCAT regional observer. In that case, the farm operator owning the bluefin tuna individuals being transferred shall be responsible for the deployment of the ICCAT regional observer for the purpose of the verification of the control transfer.';

(26) Article 44 is replaced by the following:

'Article 44

Investigation by the competent authority of the Member State of the donor operator

1. The competent authorities of the Member State of the donor operator shall investigate all cases where:

(a) there is a difference greater than 10 % between the number of bluefin tuna individuals reported in the ITD by the donor operator and the number of bluefin tuna individuals determined by the ICCAT regional observer, or by the national observer, as appropriate;

(b) the ICCAT regional observer has not signed the ITD.

The margin of error of 10 % referred to in the first subparagraph, point (a), shall be expressed as a percentage of the donor operator's figures.

At the initiation of an investigation, the competent authority of the Member State of the donor operator shall inform the competent authority of the flag Member State or CPC of the towing vessels concerned about the investigation and ensure that no transfer is permitted from or to the transport cage concerned until the investigation is concluded.

Where applicable, the investigation shall include the analysis of all the relevant video records. Except in the event of force majeure, such an investigation shall be concluded prior to the time of caging at the farm and in any case within 96 hours of the initiation of the investigation. Pending the results of the investigation, caging shall not be authorised and the relevant section of the eBCD shall not be validated.

2. For all transfer operations where a video recording is required, a difference greater than 10 % in the number of bluefin tuna individuals being transferred reported by the donor operator in the ITD and the number determined by the competent authority of the Member State or CPC of the donor operator shall constitute potential non-compliance of the fishing vessel, trap or farm concerned.';

(27) in Chapter V, Section 6, the following article 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 difference in the number of bluefin tuna individuals being transferred is found to be greater than 10 % to that declared in the ITD and eBCD, the eBCD shall be amended by the competent authority of the Member State of the donor operator to reflect the result of that inspection or investigation.';

(28) in Chapter V, Section 7, the following articles are 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 caging operations conducted within its jurisdiction, for the control of activities in farms under its jurisdiction, and for reporting to and cooperating with the competent authorities of the flag and trap Member States and CPCs of the vessels or traps that caught the caged tuna.

2. All bluefin tuna fishery and farm activities shall be subject to the control set out in the annual monitoring, control and inspection plan submitted under Article 14.

3. Member States involved in caging related activities shall exchange information and cooperate to ensure that the number and weight of bluefin tuna individuals intended for caging are accurate, consistent with the catch amounts reported by the master of the purse seine vessel or the trap operator 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 identifying numbers referred to in Article 45c, of all cages and their individual position in the farm. That plan shall be made available at all times to the competent authority of the farm Member State for control purposes and to the ICCAT regional observer deployed in the farm. Any update of the schematic plan shall be subject to prior notification to the competent authority of the farm Member State. The schematic plan shall be updated each time the number or distribution of farm cages is modified.

5. The competent authority of the farm Member State shall retain all the information, documentation and material related to caging operations conducted in farms under its jurisdiction for at least 3 years and keep the information as long as necessary for enforcement purposes. This obligation shall apply mutatis mutandis to farm operators as regards caging operations conducted on their farms.

Article 45c

Unique identifying number

1. *Before the start of the bluefin tuna fishing campaign, the competent authority of the farm Member State shall assign a unique identifying number ("cage 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 in accordance with a unique numbering system that includes at least the alpha-3 code corresponding to the farm Member State followed by three numbers. Cage numbers shall be permanent and not transferable from one cage to another.*

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

4. *By way of derogation from paragraph 3, alternative methods to mark the cage number on the cage shall be allowed, provided that they offer the same guarantee of visibility, legibility and inviolability.*

Article 45d

Caging authorisation

1. Each caging operation shall be subject to the procedure set out in paragraphs 2 to 4.

2. The farm operator shall request a caging authorisation to be issued by the competent authority of the farm Member State. The caging authorisation shall include the following information:

(a) the number and weight of the bluefin tuna individuals to be caged as referred to in the ITD;

(b) the relevant ITD;

(c) the number of the eBCDs concerned, as confirmed and validated by the competent authority of the catching flag or trap Member State or CPC;

(d) all reports of fish that die during transport, duly recorded in accordance with Annex XIII.

3. The competent authority of the farm Member State shall notify the information referred to in paragraph 2 to the relevant competent authorities of the catching flag or trap Member States or CPCs and shall ask for confirmation that the caging operation may be authorised.

4. Within 3 working days, the competent authorities of the catching flag or trap Member States shall notify the competent authority of the farm Member State or CPC that the caging operation concerned may be authorised or shall be refused. In the case of refusal, the competent authority of the catching flag or trap Member State shall specify the reasons for that refusal. The refusal shall include the consequent release order.

5. The farm Member State shall issue the caging authorisation immediately after receipt of the confirmation by the competent authority of the catching flag or trap Member State or CPC concerned. In the absence of that confirmation, the competent authority of the farm Member State shall not authorise the caging operation.

6. Caging operations shall not be authorised if the complete set of information required under paragraph 2 does not accompany the fish subject to the caging authorisation.

7. Pending the results of the investigation referred to in Article 44 conducted by the competent authority of the catching flag or trap Member State or CPC, the caging operation shall not be authorised and the relevant sections on catch information and trade information for live fish trade of the eBCD shall not be validated.

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

▌

(29) Article 46 is replaced by the following:

'Article 46
Refusal of a caging authorisation

1. 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 did not have 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 fishing authorisation for bluefin tuna, issued in accordance with Article 27 or 28.

2. If the Member State responsible for the catching vessel or trap refuses to approve the caging, it shall:

(a) inform the competent authority of the farm Member State or CPC; and

(b) request the competent authority of the farm Member State or CPC to proceed with the seizure of the catches and the release of the fish into the sea.

Article 46a
Caging

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

2. The competent authority of the farm Member State shall not authorise the start of the caging without the presence of that authority and the ICCAT regional observer or before the relevant sections on catch information and trade information for live fish trade of the eBCD have been completed and validated by the competent authorities of the catching flag or trap Member States or CPCs.

3. The anchoring of transport cages in the farm as farm cages, without relocation of the fish to allow stereoscopic camera recording shall be prohibited.

4. After transfer of the bluefin tuna individuals from the towing cage to the farm cage, the control authority of the farm Member State shall ensure that the farm cages containing the bluefin tuna individuals are sealed at all times. Unsealing shall only be possible in the presence of the competent authority of the farm Member State and following its authorisation. The control authority of the farm Member State shall establish protocols for the sealing of farm cages, which shall ensure the use of official seals and that those seals are placed in such a way to 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. However, if the bluefin tuna has been caught in the context of a joint fishing operation, the catches concerned shall be placed in separate cages or series of cages and partitioned on the basis of the joint fishing operation and catch year.

6. Fish shall be caged before 22 August of each year, unless the competent authorities of the Member State 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 7 September of each year. The above deadlines do not apply in case of inter-farm transfers.';

(30) Article 47 is replaced by the following:

'Article 47
Bluefin tuna catch documentation

It shall be prohibited for farm Member States to authorise the cage of bluefin tuna that are not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of Regulation (EU) 2023/2833*. The documentation shall be accurate and complete, and shall be validated by the flag Member State or CPC of the catching vessels or the catching trap Member State or CPC.

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* ***Regulation (EU) 2023/2833 of the European Parliament and of the Council of 13 December 2023 establishing a catch documentation programme for bluefin tuna (Thunnus thynnus) and repealing Regulation (EU) No 640/2010 (OJ L, 2023/2833, 20.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2833/oj).';***

(31) Article 48 is deleted;

(32) Articles 49 to 52 are replaced by the following:

'Article 49

Recording of caging operations by control cameras and caging declaration

1. Farm Member States shall ensure that caging operations shall be monitored by their control authorities using both conventional and stereoscopic cameras. Video records shall be produced for each caging operation in accordance with the minimum standards for video recording procedures set out in Annex X.

2. If the quality of the control camera video recording used to determine the number and weight of the bluefin tuna individuals caged does not comply with the minimum standards for video recording procedures set out in Annex X, the competent authority of the farm Member State shall order a control caging until the determination of the number and weight of the bluefin tuna individuals is possible. The repetition of the caging operation shall not be subject to a new caging authorisation.

3. In case of a control caging, the competent authority of the farm Member State 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 cages used in the control caging shall be empty.

4. On completion of the caging operation, the competent authority of the farm Member State shall ensure that the ICCAT regional observer has immediate access to all control camera video records and is allowed to make a copy where needed to complete the task of analysing those video records at another time or place.

5. Farm Member States shall ensure that, for each caging operation, the farm operator submits an ICCAT declaration on caging within 1 week after the actual caging operation has taken place, using the template set out in Annex XIV.

Article 50

Launching and conduct of investigations

1. Where, for a single catching operation, there is a difference greater than 10 % between the number of the bluefin tuna individuals being caged as communicated by the competent authority of the farm Member State in accordance with Article 51(3), from the number reported in the eBCD or ITD as caught and/or transferred, the competent authority of the catching flag or trap Member State shall launch an investigation to determine the accurate catch weight to be deducted from the national bluefin tuna quota.

2. In support of the investigation referred to in the paragraph 1 the competent authority of the catching flag or trap Member State shall request all the complementary information and the results of the relevant video record analysis conducted by the competent authorities of the flag and farm Member State that have been involved in the transport and the caging operation concerned.

3. The competent authorities of the Member States, including the flag Member States of the vessels that have been involved in the transport of the fish, shall cooperate actively, including through the exchange of all information and documentation at their disposal.

4. The competent authority of the catching flag or trap Member State shall conclude the investigation within 1 month from the communication of the caging results by the competent authority of the farm Member State.

5. A difference greater than 10 % between the number of bluefin tuna individuals reported caught by the vessel or trap concerned and the number determined by the competent authority of the catching flag or trap Member State as result of the investigation shall constitute potential non-compliance of the vessel or trap concerned.

6. The margin of error of 10 % referred to in paragraphs 1 and 5 shall be expressed as a percentage of the figures reported by the master of the fishing vessel or the master's representative, or the trap operator or the trap operator's representative, and shall be applicable at the level of individual caging operation.

7. The catching flag or trap Member State shall determine the weight of bluefin tuna to be deducted from its national bluefin tuna quota, taking into account the quantities caged, calculated in accordance with 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 Annex XIII.

8. However, where the investigation referred to in paragraph 1 of this Article concludes that bluefin tuna individuals are lost fish as defined in Annex XIII, the weight of the lost fish shall be deducted from the quota of the Member State in accordance with Annex XIII, by applying the average individual weight at caging communicated by the competent authority of the farm Member State, to the number of bluefin tuna individuals in the catch as determined by the competent authority of the flag or trap Member State resulting from its analysis of the first transfer video record in the context of the investigation.

9. Notwithstanding paragraph 8, after consulting the competent authority of the flag Member State involved in the transport of fish to the farm of destination, the competent authority of the flag or trap Member State may decide not to deduct from the quota of the Member State the fish determined in the investigation as lost fish, where 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 competent authority of the Member State of the operator immediately after the event and the losses did not result in known mortalities.

Article 51

Measures and programmes to determine the number and weight of bluefin tuna individuals being caged

1. The competent authority of the farm Member State shall determine the number and weight of bluefin tuna individuals being caged, by analysing the video record of each caging operation provided by the farm operator. To carry out that analysis, the competent authorities of the farm Member State shall follow the procedures set out in Annex XI.

2. When there is a difference greater than 10 % between the number or the weight determined by competent authority of the farm Member State and the corresponding figures reported in the ICCAT declaration on caging, the competent authority of the farm Member State shall launch an investigation to identify the reasons for the discrepancy and, as appropriate, adjust the number and/or weight of bluefin tuna individuals that have been caged. That margin of error of 10 % shall be expressed as a percentage of the figures provided by the farm operator.

3. After the completion of a caging operation or, in case of a joint fishing operation or of traps of the same Member State, of the last caging operation associated with that joint fishing operation or with those traps, the farm Member State shall communicate the results of the stereoscopical programme referred to in Annex XI to the catching flag or trap Member State or CPC in accordance with Section B, point 2, of Annex XI.

4. The farm Member State shall also communicate the results of the stereoscopical programme referred to in paragraph 3 to the entity operating the ICCAT regional observer programme on behalf of ICCAT.

5. The stereoscopical programme referred to in paragraph 3 shall be conducted in accordance with the procedures set out in Annex XI. Alternative methods may only be used if they have been endorsed by ICCAT during its annual meeting.

6. Each farm Member State shall submit the procedures and results related to the stereoscopical programme or alternative methods referred to in paragraph 5 to the Commission by 30 September of each year in order to be transmitted to the SCRS by 31 October of each year.

7. All bluefin tuna that die during a caging operation shall be reported by the farm operator, in accordance with Annex XIII.

8. The catching flag or trap Member State shall issue a release order, in accordance with the procedures set out in Annex XII, for the quantities caged which exceed the quantities declared caught and transferred, if:

(a) the investigation referred to in Article 50(1) is not concluded within 10 working days from the communication of the results of the stereoscopical programme, for a single caging operation, or of all caging operations from a joint fishing operation; or

(b) the outcome of the investigation referred to in Article 50(1) indicates that the number and/or average weight of bluefin tuna is in excess of that declared caught and transferred.

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

9. The results of the stereoscopical programme shall be used to decide if releases are required and the caging declarations and relevant sections of the BCD shall be completed accordingly. When a release order has been issued, the farm operator shall request the presence of a national control authority and an ICCAT regional observer to monitor the release.

Article 52

Releases associated with caging operations

1. The determination of the fish to be released shall be done in accordance with Section B, point 3, of Annex XI.

2. If the weight of bluefin tuna being caged is in excess of that which had been declared as caught and/or transferred, the competent authority of the catching flag or trap Member State shall issue a release order and communicate it without delay to the competent authority of the farm Member State concerned. The release order shall be issued in accordance with Section B, point 3, of Annex XI, taking into account possible compensation at the joint fishing operation or trap level, in accordance with Section B, point 5, of Annex XI.

3. The release operation shall be conducted in accordance with the protocol set out in Annex XII.';

(33) Articles 53 to 55 are deleted;

(34) the following sections are added:

'Section 7a
Harvesting operations

Article 56a
Harvesting

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 or trap area. The prior notification shall include at least the date and estimated time of arrival and information as to whether the processing vessel has bluefin tuna on board, and, if so, shall provide details on the cargo, including quantities in processed weight and live weight and details of the origin (farm or trap and Member State or CPC) of the bluefin tuna on board.

2. Any harvesting operation in farms or traps shall be subject to an authorisation by the farm or trap Member State. To that end, the operator of the farm or trap intending to harvest bluefin tuna shall submit to its farm or trap Member State, as applicable, a request for authorisation, which shall include at least the following information:

- *date or period of harvesting,*
- *estimated quantities to be harvested in number of bluefin tuna individuals and in kg,*
- *eBCD number associated with the bluefin tuna individuals to be harvested,*
- *details of auxiliary vessels involved in the operation, and*
- *destination of harvested bluefin tuna (processing vessel, export, local market, etc.).*

3. Except for bluefin tuna individuals which are close to dying, no harvesting operation shall be authorised before the results of the quota uptake in accordance with Article 50(7) to (9) has been determined and the associated releases have been conducted.

4. Harvesting operations shall not take place without the presence of a national observer in the case of traps or an ICCAT regional observer in the case of harvesting in farms. For fish delivered to processing vessels, the national observer or ICCAT regional observer may perform their relevant tasks from the processing vessels.

5. The competent authorities of the farm or trap Member States shall verify and cross-check the results of all harvesting operations taking place in farms and traps under their jurisdiction, using all relevant information in their possession. The competent control authorities of the 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 of the processing vessel or its representative, shall complete a processing declaration. When the harvested bluefin tuna is to be landed directly into port, the operator of the farm or trap shall complete a harvesting declaration. The processing and harvesting declarations shall be validated by the national observer or ICCAT regional observer present at the harvesting operation.

7. The processing and harvesting declarations shall be transmitted by e-mail to the competent authorities of the farm Member State within 48 hours of the harvesting operation using the template set out in Annex XVb.

Section 7b
Control activities in the farms after caging

Article 56b
Intra-farms transfers

1. Intra-farm transfer shall not take place without the authorisation and the presence of the competent authority of the farm Member State. Each transfer shall be recorded by control cameras to confirm the number of bluefin tuna individuals transferred. The video recording shall comply with the minimum standards for video recording procedures set out in Annex X. The competent authority of the farm Member State shall monitor and control those transfers and shall ensure that each intra-farm transfer is recorded in the eBCD system.

2. Notwithstanding the definition of caging in Article 5, point 30, the relocation of bluefin tuna individuals between two different locations on the same farm (intra-farm transfer) using a transport cage, shall not be considered as caging for the purposes of Section 7.

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

4. The competent authority of the farm Member State and the farm operator shall retain the video records from intra-farm transfers undertaken in farms under its jurisdiction for a minimum of 3 years and keep the information for as long as necessary for enforcement purposes.

Article 56c
Carry-over

1. Prior to the beginning of the next purse seine vessel and trap fishing seasons, the competent authority of the farm Member State shall thoroughly assess the live bluefin tuna carried-over in the farms under its jurisdiction. To that end, the live bluefin tuna concerned shall be transferred to empty cages and monitored using control cameras in order to determine the number and the weight of bluefin tuna individuals transferred.

2. By way of derogation from paragraph 1, the carry-over of bluefin tuna from years and cages where no harvest occurred shall be controlled annually by applying the random control procedure set out in Article 56e.

3. The live bluefin tuna carried over shall be placed in separate cages or series of cages in the farm and partitioned on the basis of the joint fishing operation or same trap Member State or CPC of origin and catch year.

4. The competent authority of the farm Member State shall ensure that the control camera video record from the carry-over assessment transfers complies with the relevant minimum standards for video recording procedures set out in Annex X and that the determination of the number and weight of carried-over bluefin tuna individuals is in accordance with Section A of Annex XI.

5. Until the SCRS develops an algorithm to convert length into weight for fattened or farmed fish or both, the determination of the weight of the carried-over bluefin tuna individuals shall be conducted using the most updated growth rate 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 competent authority of the farm Member State and recorded in the eBCD system. In the case of an excess number, the competent authority of the farm Member State shall order the release of the corresponding number of bluefin tuna individuals. The release operation shall be conducted in accordance with Annex XII. Compensation for differences between different cages in the farm shall not be allowed. The competent authority of the farm Member State may allow a margin of error of up to 5 % between the number of bluefin tuna individuals resulting from the carry-over assessment and the number of individuals expected to be present in the cage.

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

Article 56d
Annual carry-over declaration

1. The competent authorities of the farm Member States shall complete and transmit, attached to the revised farming management plan, an annual carry-over declaration to the Commission within 10 days after the end of the carry-over assessment. 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 bluefin tuna individuals carried over;

(g) average weight;

(h) information of each of the carry-over assessment operations: date and cage numbers; and

(i) information on previous intra-farm transfers, where applicable.

The Commission shall forward the annual carry-over declaration to the ICCAT Secretariat within the 15 days after the end of the carry-over assessment operation.

2. The stereoscopical system report, where applicable, shall be attached to the annual carry-over declaration.

Article 56e

Random controls

1. The competent authority of the farm Member State shall carry out random controls in farms under its 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 transfer of all bluefin tuna individuals from farm cages to other farm cages in order that the number of bluefin tuna individuals can be counted by way of control video records.

2. Each farm Member State shall set a minimum number of random controls to be performed on each farm under its jurisdiction. The number of random controls shall cover at least 10 % of the number of cages in each farm after completion of the caging operations, 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's monitoring, control and inspection plan referred to in Article 14.

3. Although not mandatory, the competent authority of the farm Member State may give the farms concerned a maximum of 2 calendar days prior notice that a random control will take place. In such cases, the competent authority of the farm Member State shall only communicate the selected cages to the farm operator upon arrival at the farm concerned.

4. The farm operators shall take all appropriate steps to facilitate the random controls and, where prior notice is given, they shall ensure that all means are in place in order that random controls can be carried out by the competent authority of the farm Member State at any time, and in any cage in the farm.

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

6. Following the random control, any difference between the number of bluefin tuna individuals 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 an excess number, the competent authority of the farm Member State shall order the release of the corresponding number of bluefin tuna individuals. The release operation shall be conducted in accordance with Annex XII. Compensation for differences between different cages in the farm shall not be allowed. The competent authority of the farm Member State may allow a margin of error of 5 % between the number of bluefin tuna individuals resulting from the control transfer and the number of individuals expected to be present in the cage.

7. The competent authority of the farm Member State shall retain all video records from random controls undertaken in farms under its jurisdiction for a minimum of 3 years and shall keep that 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 vessel fishing season applicable to each Member State in accordance with Article 17, for transmission to the ICCAT Compliance Committee.

Article 56f

Inter-farm transfers

1. *The transfer of live bluefin tuna individuals between two different farms shall not take place without the prior written authorisation from the competent authorities of the farm Member States concerned.*

2. *The transfer from the donor farm cage to the transport cage shall comply with the requirements set out in Section 6 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.*

3. *Notwithstanding paragraph 2, in cases where an entire farm cage is to be moved to the farm of destination, it shall not be necessary to video record the operation and the cage shall be transported sealed to the farm of destination.*

4. *The caging of the bluefin tuna at the farm of destination shall be subject to the requirements for caging operations set out in Articles 46a and 49 and Article 51(1), (2) and (7), including a video recording to confirm the number and weight of the bluefin tuna individuals caged and the verification of the operation by an ICCAT regional observer. The determination of the weight for bluefin tuna individuals being caged from another farm shall not apply until the SCRS has developed an algorithm to convert length into weight for fattened or farmed fish or both.';*

(35) Article 57 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'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, and in accordance with Annex XV to this Regulation. All such vessels shall transmit messages at least once every two hours, except for towing vessels and purse seine vessels which shall transmit at least every hour.

2. Fishing vessels required to have VMS in accordance with paragraph 1 shall begin to transmit VMS data to the ICCAT Secretariat 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.';

(b) paragraph 5 is amended as follows:

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

'(a) VMS messages from the fishing vessels flying their flag are forwarded to the Commission as set out in paragraph 1.';

(ii) the following point is inserted:

'(ba) In the event of a technical malfunction 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 shall be installed on board or used if already installed, as soon as feasible and not later than 72 hours, except in the event of force majeure, that should be communicated to the ICCAT Secretariat; in the meantime, the master or the master's representative shall, starting from the time that the event was detected and/or communicated, communicate to the control authorities of the flag Member State every hour the up-to-date geographical coordinates of the towing vessel by appropriate telecommunication means.';

(36) in Article 59, the title is replaced by the following:

'Inspections in the event of suspected infringements';

(37) Article 61 is replaced by the following:

'Article 61
Enforcement

Without prejudice to Articles 89 to 91 of Regulation (EC) No 1224/2009 and in particular the duty of the Member States to take appropriate enforcement measures with respect to a fishing vessel, the farm Member State shall take appropriate enforcement measure with respect to a farm, where it has been established, in accordance with applicable national law that that farm does not comply with Articles 45b to 52 of this Regulation. The measures may include, depending on the gravity of the offence and in accordance with applicable national law, suspension of the authorisation or removal of the farm from the national list of farms and/or the imposition of financial penalties.';

(38) in Article 66, paragraph 1 is amended as follows:

(a) points (a) to (c) are replaced by the following:

'(a) annual carry-over under Article 8 for bluefin tuna;

(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 50(4), Article 57(5), point (b), and Article 58(6);

(c) time periods for fishing seasons as provided in Article 17(1) to (4);';

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

'(k) Annexes I to XVb;';

(c) the following points are added:

'(l) the content of the carry-over declaration laid down in Article 7(2), point (a), and provisions for caging laid down in Article 7(2), point (b);

(m) the derogations set out in Article 17(2) to designate fishing areas, fishing vessels and gear, and in Article 17(3) for fishing bluefin tuna for farming purposes;

(n) conditions for assigning ICCAT regional observers to farms under Article 39(4).';

(39) Annex VIII is replaced by the text set out in Annex IV to this Regulation;

(40) Annex XIII is replaced by the text set out in Annex V to this Regulation;

(41) the text set out in Annex VI to this Regulation is inserted as Annexes XVa and XVb.

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 ...,

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

ANNEX I

‘ANNEX I

ICCAT SPECIES

Family	Latin name	English name
Scombridae	*Acanthocybium solandri*	Wahoo
	Allothunnus fallai	Slender tuna
	Auxis rochei	Bullet tuna
	Auxis thazard	Frigate tuna
	Euthynnus alletteratus	Little tunny/Atlantic black skipjack
	Gasterochisma melampus	Butterfly kingfish
	Katsuwonus pelamis	Skipjack
	Orcynopsis unicolor	Plain bonito
	Sarda sarda	Atlantic bonito

Scomberomorus brasiliensis	Serra Spanish mackerel
Scomberomorus cavalla	King mackerel
Scomberomorus maculatus	Spotted Atlantic Spanish mackerel
Scomberomorus regalis	Cero
Scomberomorus tritor	West African Spanish mackerel
Thunnus alalunga	Albacore
Thunnus albacares	Yellowfin tuna
Thunnus atlanticus	Blackfin tuna
Thunnus maccoyii	Southern bluefin tuna
Thunnus obesus	Bigeye tuna
Thunnus thynnus	Bluefin tuna

Istiophoridae	*Istiophorus albicans*	Atlantic sailfish
	Makaira indica	Black marlin
	Makaira nigricans	Atlantic blue marlin
	Tetrapturus albidus	Atlantic white marlin
	Tetrapturus belone	Mediterranean ***s***pearfish
	Tetrapturus georgii	Roundscale ***s***pearfish
	Tetrapturus pfluegeri	Longbill ***s***pearfish
Xiphiidae	*Xiphias gladius*	Swordfish
Alopiidae	*Alopias superciliosus*	Bigeye thresher shark
	Alopias vulpinus	Thresher
Carcharhinidae	*Carcharhinus falciformis*	Silky shark
	Carcharhinus galapagensis	Galapagos shark
	Carcharhinus longimanus	Oceanic whitetip shark
	Prionace glauca	Blue shark

Lamnidae	*Carcharodon carcharias*	Great white shark
	Isurus oxyrinchus	Shortfin mako shark
	Isurus paucus	Longfin mako ***shark***
	Lamna nasus	Porbeagle shark
Sphyrnidae	*Sphyrna lewini*	Scalloped hammerhead
	Sphyrna mokarran	Great hammerhead
	Sphyrna zygaena	Smooth hammerhead
Rhincodontidae	*Rhincodon typus*	Whale shark
Pseudocarchariidae	*Pseudocarcharias kamoharai*	Crocodile shark
Cetorhinidae	*Cetorhinus maximus*	Basking shark
Dasyatidae	*Pteroplatytrygon violacea*	Pelagic stingray
Mobulidae	*Manta alfredi*	N/A[1]
	Manta birostris	Giant manta
	Mobula hypostoma	Lesser devil ray
	Mobula japonica	N/A**[1]**
	Mobula mobular	Devil fish
	Mobula tarapacana	Chilean devil ray
	Mobula thurstoni	Bentfin devil ray

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1 Common name not available.’

ANNEX II

'ANNEX VI

SAFE HANDLING AND RELEASE PRACTICES FOR SEA TURTLES

A. 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 in accordance with Section C.

B. Longline safe handling and release

1. When practicable, and if the operator or crew members 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, minimising 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 is hooked in such a manner as to preclude safe boarding without causing further damage or 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 a sea turtle is hooked externally or a hook is fully visible, the hook shall be removed from the sea turtle as quickly and carefully as possible. If a hook cannot be removed from the 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 shall be returned to the sea after handling in the following manner:

(a) putting 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 in accordance with Section C.

C. 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 the flippers.

2. It shall be strived to remove and/or disentangle any foreign items from the sea turtle, such as any plastic items, netting or embedded hooks, etc.

3. The sea turtle shall be placed 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 a 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 degree 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 shall under no circumstances be placed into a container holding water. A water-soaked towel placed over the head, carapace and flippers is the most effective method to keep 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 hours, if possible) shall be returned to the water in the same manner as that for actively moving sea turtles.'

ANNEX III

'ANNEX IX

MINIMUM STANDARDS FOR SAFE HANDLING AND LIVE RELEASE PROCEDURES FOR NORTH AND SOUTH ATLANTIC SHORTFIN MAKO SHARKS

This Annex sets out minimum standards for safe handling practices for 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 voluntarily. These minimum standards do not replace any stricter safety rules that may have been established under national law.

1. ***Safety first: These minimum standards shall be considered in light of the safety of and practicability for crew members. The safety of crew members shall always come first. As a minimum, crew members shall wear suitable gloves and avoid working near the mouths of sharks.***

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

3. ***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 (leaving as little trailing line as possible).***

4. 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 or hoppers in purse seine fisheries and long handled cutters and de-hookers in longline fisheries, listed under Section E).

A. General recommendations for all fisheries

1. If operationally safe to do so, stop the vessel 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 or line free from the shark and release it 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 or 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 its chance of survival and reduce risks to the crew members.

B. Longline fisheries specific safe handling practices

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

2. Secure the far side of the longline mainline to the boat so that no gear remaining in the water pulls on the line and the shark.

3. 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.

4. 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 shark).

C. Purse seine fisheries specific safe handling practices

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

2. 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, the sharks could also be released by emptying the brail directly onto 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 members.

D. Specific recommendations and safe handling practices for all fisheries

1. To the greatest extent practicable, do not lift sharks from the water using the branchline, especially if hooked, unless it is necessary to lift sharks for species identification.

2. Do not lift sharks using thin wires or cables, or by the tail alone.

3. ***Do not strike a shark against any surface, for example to remove the animal from the line.***

4. ***Do not attempt to dislodge any hook that is deeply ingested and not visible.***

5. ***Do not try to remove a hook by pulling sharply on the branchline.***

6. ***Do not cut the tail or any other body part.***

7. ***Do not cut or punch holes in the shark.***

8. ***Do not gaff or kick a shark, or insert hands into the gill slits.***

9. ***Do not expose the shark to the sun for extended periods.***

10. ***Do not wrap your fingers, hands or arms in the line when bringing a shark to the boat (could result in serious injury).***

E. Useful tools for safe handling and release:

(a) gloves (shark skin is rough; ensures safe handling of shark and protects crew members' hands from bites);

(b) towel or cloth (a towel or cloth soaked in seawater can be placed on the eyes of the shark to calm shark down);

(c) dehooking devices (e.g. pig tail dehooker, bolt or plier cutters);

(d) shark harness or stretcher (if needed);

(e) tail rope (to secure a hooked shark if it needs to be removed from the water);

(f) 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 flows into it at a moderate rate; make sure deck pump has been running several minutes before placing it in a sharks mouth);

(g) measuring device or method (e.g. mark a pole, leader and float, or a measuring tape);

(h) data sheet for recording all catch;

(i) tagging gear (if applicable).

ANNEX X

GUIDELINES FOR REDUCING THE ECOLOGICAL IMPACT OF FADS IN ICCAT FISHERIES

1. The surface structure of the FAD shall not be covered or shall be, if covered, covered only with material implying minimum risk of entangling by-catch species.

2. The sub-surface components of the FAD shall be composed exclusively of non-entangling material (e.g. no ropes or canvas).

3. When designing FADs, the use of biodegradable materials shall be prioritised.'

ANNEX IV

'ANNEX VIII

OBSERVER PROGRAMMES

I. National observer programme

1. The national observer tasks shall be, in general, to monitor the compliance of fishing vessels and traps with this Regulation.

2. When deployed on board a catching vessel, the national observer shall record and report on the fishing activity, including in particular, the following:

(a) the national observer's estimation of the number and weight of bluefin tuna individuals caught (including by-catch);

(b) disposition of the catch, such as retained on board, discarded dead or released alive;

(c) area of catch by latitude and longitude;

(d) measure of fishing effort (e.g. number of sets, number of hooks), as defined in the ICCAT Manual for different gear types;

(e) date of catch;

(f) verification of the consistency of entries made in the logbook with the national observer's own catch estimation.

3. When deployed on a towing vessel the national observers shall:

(a) in case of a further transfer involving movement of fish between two transport cages:

(i) without delay, analyse the video record of the further transfer, to estimate the number of bluefin tuna individuals being transferred;

(ii) immediately notify the competent authorities of the flag Member States of the donor towing vessels of the national observer's observations, including the number of bluefin tuna individuals estimated by the national observer and the corresponding number of bluefin tuna individuals reported on the ITDs by the master of the donor towing vessel; and

(iii) include the results of the analysis of the national observer in the observer reports to the competent authorities of the flag Member States of the donor towing vessels;

(b) record and report in the observer reports all bluefin tuna individuals observed during the transport trip to be dead;

(c) sight and record vessels that are suspected to be fishing contrary to ICCAT conservation measures; and

(d) notify the competent authorities of the flag Member States of the donor towing vessels without delay of the observer reports at the end of the towing trip.

4. When deployed on a trap the national observer shall:

(a) verify the harvesting authorisation issued by the competent authorities of the trap Member State;

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

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

II. ICCAT regional observer programme

1. Each Member State shall require operators of farms and traps, and masters of purse seine vessels, or the masters' representatives, under its jurisdiction to deploy an ICCAT regional observer, as set out in Article 39.

2. The ICCAT regional observers shall be appointed before 1 April, or as soon as practical, each year, and shall be placed in farms, on 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.

3. A contract listing the rights and duties between the ICCAT regional observer and the master of the fishing vessel or operator of the farm or trap shall be signed by both parties involved.

4. An ICCAT observer programme manual shall be established.

A. Qualifications of ICCAT regional observers

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

(a) sufficient experience to identify species and fishing gear;

(b) satisfactory knowledge of the ICCAT conservation and management measures, and of ICCAT training guidelines;

(c) the ability to observe and record accurately;

(d) the ability to analyse video records;

(e) to the extent possible, a satisfactory knowledge of the language of the flag, farm or trap Member State or CPC where they are conducting their tasks.

B. Obligations of ICCAT regional observers

1. ICCAT regional observers shall:

(a) have completed the technical training required by the guidelines established by ICCAT;

(b) be nationals of one of the Member States or CPCs and, to the extent possible, not nationals of the flag Member State or CPC of the purse seine vessel, of the farm Member State or CPC, or of the trap Member State or CPC observed;

(c) be capable of performing the tasks set out in Part II, Section C;

(d) be included in the list of ICCAT regional observers maintained by the ICCAT Secretariat;

(e) not have current financial or beneficial interests in bluefin tuna fishery.

2. 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 shall accept this requirement in writing as a condition to be appointed as an ICCAT regional observer.

3. ICCAT regional observers shall comply with the requirements established in the laws and regulations of the flag or farm Member State or CPC which exercises jurisdiction over the vessel, farm or trap to which the ICCAT regional observers are assigned.

4. ICCAT regional observers shall respect the hierarchy and general rules of behaviour which apply to all vessel, farm and trap personnel, provided that such rules do not interfere with the duties of the ICCAT regional observer under this programme, or with the obligations of vessel, farm and trap personnel set out in this Annex.

C. Tasks of the ICCAT regional observer

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

(a) as a general task:

(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 suspected to be fishing in contravention of ICCAT conservation and management measures, and verify and record the name of the fishing vessel concerned and its ICCAT number;

(iv) exercise any other tasks as determined by the Commission;

(b) as regards purse seine vessels or trap catching activity:

(i) observe and report on the fishing activities carried out;

(ii) observe and estimate catches and verify entries made in the logbook;

(c) as regards first transfers from a purse seine vessel or trap to transport cages:

(i) record and report on the transfer activities carried out;

(ii) verify the position of the vessel when engaged in a transfer;

(iii) review and analyse all the video records related to the transfer operation concerned, where applicable;

(iv) estimate the number of bluefin tuna individuals being transferred and record the result in the ITD;

(v) issue a daily report of the transfer activities of purse seine vessels;

(vi) record and report on the result of the analysis carried out;

(vii) verify entries made in the prior transfer notification referred to in Article 40, in the ITD referred to in Article 42 and in the eBCD;

(viii) verify that the ITD referred to in Article 42 is transmitted to the master of the towing vessel or to the operator of the farm or trap;

(ix) 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;

(d) as regards caging operations, review the camera video records at caging to determine the number of bluefin tuna individuals caged, in due time to allow the farm operator to complete the related caging declaration;

(e) as regards verification of data:

(i) verify and certify the data contained in the ITDs, the caging declarations and the eBCD, including through the analysis of video records;

(ii) issue a daily report on the transfer activities of the purse seine vessels, farms and traps;

(iii) where the relevant operation is in accordance with the ICCAT conservation and management measures and the information contained within those documents is consistent with the observations made by the ICCAT regional observer, sign the ITDs, the caging declarations and the eBCD, with the name and ICCAT number clearly written; or in case of disagreement, indicate his/her presence on the relevant ITD and caging declarations or the eBCD concerned, or both, and the reasons of disagreement, quoting specifically the rules or procedures that, in the view of the ICCAT regional observer, have not been respected;

(f) as regards releases:

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

(ii) 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 by verifying that the quality of the video record of the prior segregation satisfies the minimum standards for video recording procedures set out in Annex X and determining the number of bluefin tuna individuals released;

(iii) in both cases, verify the release order issued by the competent authority of the Member State or CPC concerned and validate the information in the release declaration made by the donor or farm operator;

(g) as regards harvesting operation in farms:

(i) verify the harvesting authorisation issued by the competent authority of the farm Member State or CPC;

(ii) validate the information in the processing and harvesting declarations made by the master of the processing vessel, or its representative, or by the farm operator;

(h) as regards reporting

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

(ii) establish general reports compiling the information collected under Section C and provide the master of the fishing vessel and farm operator the opportunity to add any relevant information to those reports;

(iii) submit the general reports referred to in point (h)(ii) to the entity operating the ICCAT regional observer programme, for transmission to the ICCAT Secretariat within 20 days from the end of the period of observation;

(iv) in cases where the ICCAT regional observer observes potential non-compliance with an ICCAT recommendation, submit that information without delay to the entity operating the ICCAT regional observer programme who shall transmit it without delay to the competent authority of the flag, trap or farm Member State concerned, and to the ICCAT Secretariat; for that purpose, the entity operating the ICCAT regional observer programme shall set up a system through which that information can be securely communicated;

(v) obtain, as far as possible, evidence (i.e. photos, video records) of potential non-compliance detected and attach them to the ICCAT regional observer report.

D. Obligations of the flag, trap and farm Member States

1. The flag, farm and trap Member States shall ensure that, in particular, the ICCAT regional observer:

(a) is allowed access to personnel on the purse seine vessel, farm and trap and to the gear, cages equipment and records of the control camera;

(b) on request and in order to carry out the duties set out in the ICCAT regional observer programme, is allowed access to the following equipment, if present on the vessels to which the observers is 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.

2. The flag, trap and farm Member States shall ensure that masters, crew members, and 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 ICCAT regional observer duties.

3. The flag, trap or farm Member States shall be provided, in a manner consistent with any applicable data confidentiality requirements, with copies of all raw data, summaries and reports pertaining to the fishing trip. The ICCAT regional observer reports shall be submitted to the Compliance Committee and to the SCRS.

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

E. Fees and organisation

1. The costs of implementing the ICCAT regional observer programme shall be financed by the operators of the farms and traps and owners of the purse seine vessels. The fee shall be calculated on the basis of the total costs of the programme and paid into a special account of the ICCAT Secretariat used for the implementation of the ICCAT regional observer programme.

2. 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 V

'ANNEX XIII

TREATMENT OF DEAD OR LOST FISH

A. Record of dead or lost bluefin tuna

1. The number of bluefin tuna individuals that die during any operation regulated under this Regulation shall be reported by the donor operator, in the case of a transfer operation and associated transport, or by the operator of the farm, in the case of a caging operation or farming activities, and shall be deducted from the relevant quota of the Member State concerned.

2. For the purposes of this Annex, "lost fish" means the missing bluefin tuna individuals that, after the potential differences detected during the investigation referred to in Article 50 of this Regulation, have not been justified as mortalities.

B. Treatment of fish that die during the catch and first transfer

1. The bluefin tuna individuals that die during the catch and first transfer from a purse seine vessel or trap shall be recorded in the purse seine vessel logbook or the trap daily catch report and reported on the ITD and in section 4 (Transfer information) of the eBCD.

2. The eBCD shall be provided to the master of the towing vessel with sections 2 (Catch information), 3 (Trade information) and 4 (Transfer information) including subsections regarding "dead fish" completed.

3. Section 2 (Catch information) of the eBCD shall include all bluefin tuna individuals caught. The total quantities reported in sections 3 (Trade information) and 4 (Transfer information) of the eBCD (including subsections regarding "dead fish") shall be equal to the quantities reported in section 2 (Catch information) thereof, after deductions of all the mortalities observed between the catch and completion of the transfer.

4. The eBCD shall be accompanied by the ITD in accordance with this Regulation.

5. A copy of the eBCD with section 8 (Trade information) completed shall be completed and transmitted to the master of the auxiliary vessel which transports the dead bluefin tuna to shore (or retained on the catching vessel or the trap if landed directly to shore). A copy of the ITD shall accompany those dead fish and that copy of the eBCD.

6. The quantities of dead fish shall be recorded in the eBCD of the catching vessel which made the catch or, in the case of joint fishing operations ("JFOs"), in the eBCD of either the participating catching vessels or of a vessel flying another flag participating in the JFO.

C. Treatment of fish that die or are lost during further transfers and transport operations

1. Masters of the towing vessels shall report, using the template provided for in Section F, all bluefin tuna individuals that die during transport. Individual lines shall be completed by the master of the towing vessel each time a dead or lost fish is detected.

2. In case of further transfers, the master of the donor towing vessel shall provide the original of the report to the master of the towing vessel receiving the bluefin tuna, keeping a copy on board for the duration of the campaign.

3. On the arrival of a transport cage at the destination farm, the master of the towing vessel shall deliver the complete set of reports of dead fish using the template provided for in Section F to the competent authority of the farm Member State or CPC responsible for the farm.

4. For the purpose of the quota uptake to be determined by the flag or trap Member State, the weight of fish that die or are lost during transport shall be evaluated as follows:

(a) for dead fish:

(i) in the case of landing, the effective weight at landing shall be applied;

(ii) in the case where the dead fish are discarded, the average weight of bluefin tuna individuals established at the time of caging shall be applied to the number of bluefin tuna individuals discarded;

(b) for fish otherwise considered as lost fish at the moment of the investigation referred to in Article 50, the average weight of bluefin tuna individuals established at the time of caging shall be applied to the number of bluefin tuna individuals considered as being lost fish, as determined by the competent authority of the flag or trap Member State resulting from its analysis of the first transfer video record in the context of that investigation.

D. Treatment of fish that die during caging operations

The fish that die during caging operations shall be reported by the operator of the farm on the caging declaration. The competent authority of the farm Member State shall ensure that the number and weight of the bluefin tuna individuals that die during caging operations is reported in the relevant subsection of section 6 (Farming information) of the eBCD.

E. Treatment of fish that die or are lost during farming activities

Dead or lost fish in farms or those that disappear from farms, including allegedly stolen or escaped fish, shall be reported by the operator of the farm to the competent authority of the farm Member State immediately after the dead or lost fish has been detected. The report of the operator of the farm shall be accompanied by the necessary supporting evidence (e.g. complaint filed about the stolen fish, damage report in case of damage to the cage). After receipt of such a report, the competent authority of the farm Member State shall apply the necessary changes or cancellation of the eBCD concerned (following the necessary developments in the eBCD system).

F. Reporting template

Reporting of fish that die during further transfers and towing operations		
Towing vessel	*Name*	
	ICCAT N° and flag	
	ITD N° and cage N°	
	Master's name	
Catching vessel(s) / trap	*Name of vessel(s) / trap*	
	ICCAT number and JFO N°	
	eBCDs number(s)	
Previous towing vessel (if any)	*Name*	
	ICCAT N° and flag	
	ITD N° and cage N°	
	*Total number of BFT reported dead**	
Farm of destination	*CPC / Name / ICCAT N°*	
Date	*N° of dead BFT*	*Master's signature*
TOTAL		

* *In case of further transfers, the master of the donor towing vessel shall deliver the original of the mortalities report to the master of the receiving towing vessel.'*

ANNEX VI

'ANNEX XVa

PROCEDURE FOR SEALING OPERATIONS OF TRANSPORT CAGES

1. ***Prior to their deployment on a purse seine vessel, a trap, or a towing vessel, the entity operating the ICCAT regional observer programme and the competent authorities of the Member State shall provide a minimum of 25 ICCAT seals to each ICCAT regional observer and national observer under their responsibility, respectively, and maintain a record of the seals provided and used.***

2. ***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 the doors without breaking the seals, shall be put on each cage door.***

3. ***The sealing operation shall be video recorded by the donor operator and shall allow the identification of the seals and the verification that the seals have been properly placed. The video recording shall comply with the minimum standards for video recording procedures set out in Annex X. The video record concerned shall accompany the fish to the farm of destination. A copy of the video record shall be kept on board the donor vessels or on the traps and be accessible for control purposes at any time during the fishing campaign. A copy of the video record shall be made available to the ICCAT regional observer on board the purse seine vessel or on the trap, or to the national observer on the receiving towing vessel, for transmission to the competent authority of the Member State or CPC, or ICCAT regional observer present at the subsequent control transfer.***

4. The video record 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 the verification that the seals have not been tampered with.

ANNEX XVb

TEMPLATE FOR A PROCESSING DECLARATION AND HARVESTING DECLARATION

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

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