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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council 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 - Articles 7, 10.2, 11, 46, 50.4 and 50.9

Delegations will find attached a revised 4 column table on Articles 7, 10.2, 11, 46 and 50.4 of the above mentioned proposal, which will be discussed at the Working Party on Fisheries Policy on 30 March 2023.

Changes to the initial Commission proposal have been marked in bold and strikethrough.

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

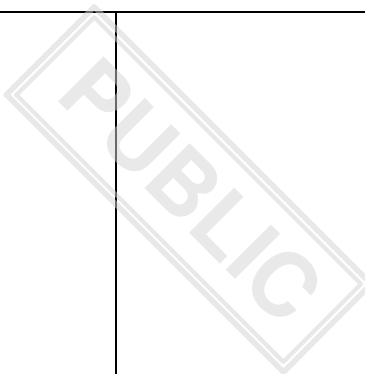
ART. 7, ART. 10.2, ART. 11, ART. 46, ART. 50.4 AND ART. 50.9

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

* Renumbering of the sub-paragraphs will be done at the lawyer linguist revision stage

Line	Ref.	Commission Proposal COM (2019) 619 (ST 14710/19)	EP first reading position (ST.8143/21) April 2021	COUNCIL revised mandate (ST.9167/21) 06/2021	Pre-agreed text
59-63	Art.7 Carry over of non-harvested live Bluefin tuna	(1) The carry-over of unused quotas and non-harvested live bluefin tuna shall not be permitted. (2) By way of derogation from paragraph 1, the carry-over of non-harvested live bluefin tuna may be permitted if a reinforced system of control is developed and reported by the Commission to the ICCAT Secretariat. That system shall be an integral part of the Member State inspection plan referred to in Article 13, and shall include at least the measures established in Articles 26 (3) and 52. (3) Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna carried over after bulk-harvests in farms under their jurisdiction. To this end, all carried-	(1) The carry-over of unused quotas and non-harvested live bluefin tuna shall not be permitted. (2) By way of derogation from paragraph 1, The carry-over of non-harvested live bluefin tuna from a previous years' catches within a farm may be permitted only if a reinforced system of control is developed and reported by the Commission to the ICCAT Secretariat Member State to the Commission. That system shall be an integral part of the Member State inspection plan referred to in Article 13, and shall include at least the measures established in Articles 26 (3) and 52 and 60. (3) Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna carried over after	(1) The carry-over of unused quotas and non-harvested live bluefin tuna shall not be permitted. (2) By way of derogation from paragraph 1, The carry-over of non-harvested live bluefin tuna from 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 to the ICCAT Secretariat. That system shall be an integral part of the Member State inspection plan referred to in Article 13, and shall include at least the measures established in Articles 26 (3) and 52 and 60. (3) Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna	(1) The carry-over of unused quotas and non-harvested live bluefin tuna shall not be permitted. 2) By way of derogation from paragraph 1 (2) 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 to the ICCAT Secretariat. That system shall be an integral part of the Member State inspection plan referred to in Article 13, and shall include at least the measures established in Articles 26 (3) and 52 and 60. If a carryover is permitted under paragraph 2, then the following points will apply:

	over live bluefin tuna of the catching year subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided they guarantee the same level of precision and accuracy, in accordance with Article 50. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna of years that were not subject to harvest shall be controlled annually using the same procedure of sampling based on risk assessment. (4) The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.	bulk-harvests in farms under their jurisdiction. To this that end, all carried-over live bluefin tuna of the catching year subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided they guarantee the same level of precision and accuracy, in accordance with Article 50. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna of years that were not subject to bulk harvest shall be controlled annually using the same procedure of sampling appropriate sample based on risk assessment. (4) The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.	carried over after bulk-harvests in farms under their jurisdiction. To that this that end, all carried-over live bluefin tuna of the catching year subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided they guarantee the same level of precision and accuracy, in accordance with Article 50. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna of years that were not subject to bulk-harvest shall be controlled annually by applying using the same procedure to appropriate samples of sampling based on risk assessment. (4) The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.	a) Member States responsible for farms shall complete and transmit an annual carry-over declaration to the Commission each year by 25 May. Such declaration shall include: – quantities (expressed in kg) and number of fish intended to be carried over, – year of catch, – average weight, – flag Member State or CPC, – references of the BCD corresponding to the catches carried over, – name and ICCAT number of the farm, – cage number, and – information on harvested quantities (expressed in kg), when completed. b) the quantities carried over in accordance with the above pursuant to paragraph 1 shall be placed in separate cages or series of cages in the farm on the basis of the catch year. (3) Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna
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				carried over after bulk-harvests in farms under their jurisdiction. To that this end, all carried-over live bluefin tuna of the catching year subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided they guarantee the same level of precision and accuracy, in accordance with Article 50. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna of years that were not subject to bulk-harvest shall be controlled annually by applying using the same procedure to appropriate samples of sampling based on risk assessment. (4) The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.
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Line	Ref.	Commission Proposal COM (2019) 619 (ST 14710/19)	EP first reading position (ST.8143/21) April 2021	COUNCIL revised mandate (ST.9167/21) 06/2021	Pre-agreed text
73	Art.10.2 Annual fishing plans	Member States may allocate sectorial quotas to small scale coastal vessels authorised to fish for bluefin tuna and shall include such allocation in their fishing plans. They shall also include the additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.	Member States may allocate sectorial quotas that have small scale coastal vessels authorised to fish for bluefin tuna shall endeavour to allocate a specific sectorial quota for those vessels and shall include such allocation in their fishing plans. They shall also include the additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.	Member States may allocate sectorial quotas that have small scale coastal vessels authorised to fish for bluefin tuna shall allocate a specific sectorial quota for those vessels and shall include such allocation in their fishing plans. They shall also include the additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.	Member States may allocate sectorial quotas that have small scale coastal vessels authorised to fish for bluefin tuna shall allocate a specific sectorial quota for those vessels and shall include such allocation in their fishing plans. They shall also include the additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.

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76	Art. 11 Allocati on of fishing opport unities	In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fisheries, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.	In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fisheries, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.	In distributing the national quotas, Member States shall comply with requirements of Art. 17 of CFP Regulation and take into account Art. 10.2.	In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fisheries, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

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198	Art.46	Member States responsible for farms shall prohibit the caging of bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of the Regulation (EU) No 640/2010 ¹ . The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps.	Member States responsible for farms shall prohibit the caging of bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of the Regulation (EU) No 640/2010. The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps.	Member States responsible for farms shall prohibit the caging of bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of the Regulation (EU) No 640/2010 ² . The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps.	Member States responsible for farms shall prohibit the caging of bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of the Regulation (EU) No 640/2010 ³ . The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps. Member States shall not place bluefin tuna in a farm not authorised by the Member State or CPC or not listed in the ICCAT record of farming facilities. Member States responsible for farms shall ensure that bluefin tuna catches are placed in separate cages or series of cages and partitioned on the basis of

- ¹ Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003 (OJ L 194, 24.7.2010, p. 1).
- ² Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003 (OJ L 194, 24.7.2010, p. 1).
- ³ Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003 (OJ L 194, 24.7.2010, p. 1).

					flag Member State or CPC of origin. By derogation, if the bluefin tuna are caught in the context of a joint fishing operation between different Member States, Member States responsible for farms shall ensure that bluefin tuna are placed in separate cages or series of cages and partitioned based on joint fishing operations and catch year.
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207	Art. 50.4 Re-launching of investigations	When the results of the programme indicate that the quantities of bluefin tuna caged differ from the quantities reported caught and/or transferred, the Member State responsible for the farm shall, in cooperation with the Member State or CPC responsible for the catching vessel or trap, launch an investigation.	When the results of the programme indicate that the quantities of bluefin tuna caged differ from the quantities reported caught and/or transferred, the Member State responsible for the catching vessel or trap shall, in cooperation with the Member State or CPC responsible for the farm , launch an investigation. Where the catching vessel or the trap is flagged in another CPC, the Member State responsible for the farm shall launch the investigation in cooperation with that flag CPC.	When the results of the programme indicate that the quantities of bluefin tuna caged differ from the quantities reported caught and/or transferred, the Member State responsible for the catching vessel or trap the farm shall, in cooperation with the Member State or CPC responsible for the farm catching vessel or trap, launch an investigation. Without prejudice to the primary responsibility of the flag CPC responsible for the catching vessel or trap to launch the investigation, in cases where the catching vessel or the trap is flagged in another CPC which does not launch an investigation within 5 working days from the communication foreseen in Art 50(3) and the results indicate a difference in quantity of more than 10% from the quantities caught and reported, the Member State responsible for the farm shall launch the investigation in cooperation to the extent possible with the flag CPC of the catching vessel or trap. In that case, the Member State responsible for the farm shall inform the Commission accordingly and the Commission shall notify the ICCAT Compliance Committee within 5 days	When, for a single catching operation , the results of the programme indicate that the quantities number of bluefin tuna individuals caged differs by more than 10% from the quantities reported caught and/or transferred, the Member State responsible for the farm shall, in cooperation with the Member State or CPC responsible for the catching vessel or trap, launch an investigation, the Member State responsible for the catching vessel or trap shall launch an investigation to determine the accurate catch weight that shall be deducted from the national bluefin tuna quota, in accordance with paragraph 4d. When the Member State or CPC responsible for the catching vessel or trap launches an investigation, the Member State responsible for the farm shall fully cooperate and provide all the complementary information requested including the results of the analysis of the video footage/s concerned and inform the Commission immediately.

				of being informed by the Member State. Where a flag CPC launches an investigation, the Member State responsible for the farm shall cooperate with it.	Member States competent authorities, including those whose vessels have been involved in the transport of the fish, shall cooperate actively, including through the exchange of all information and documentation at their disposal. 4b. The competent authority of the Member State responsible for the catching vessel or trap shall conclude the investigation within 1 month from the communication of the caging results by the competent authority of the Member State responsible for the farm. 4c. A difference greater than 10% between the number of bluefin tuna reported caught by the vessel or trap concerned and the number determined by the competent authority of the Member State responsible for the catching vessel or the trap as a result of the investigation shall constitute potential non-compliance of the vessel or trap concerned. 4d Where an investigation concludes that bluefin tuna individuals were missing, the weight of the missing fish shall be deducted from the
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					Member State quota, by applying the average individual weight at caging communicated by the competent authority of the Member State responsible for the farm, to the number of bluefin tuna in the catch as determined by the competent authority of the Member State responsible for the fishing vessel or trap resulting from its analysis of the first transfer video footage in the context of the investigation. 4e. Notwithstanding paragraph 4d, after the consultation of the competent authorities of the Member State or CPC responsible for the fishing vessel involved in the transport of fish to the destination farm, the flag or trap Member State competent authorities and the Commission may decide not to deduct from the national quota the fish determined in the investigation as having been lost, when the losses have been duly documented as force majeure by the operator, the relevant information has been communicated to the competent authority of the Member State responsible and the Commission immediately after the event and the losses did not result in known mortalities.
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211	<u>Art.50.9</u> Re-launching of investigations	A difference greater than or equal to 10% between the quantities of bluefin tuna reported caught by the vessel or trap and the quantities established by the control camera at the moment of caging shall constitute a potential non-compliance by the vessel or trap concerned. Member States shall take the necessary measures to ensure the appropriate follow-up.	A difference greater than or equal to 10 % between the quantities of bluefin tuna reported caught by the vessel or trap and the quantities established by the control camera at the moment of caging shall constitute a potential non-compliance by the vessel or trap concerned. Member States shall take the necessary measures to ensure the appropriate follow-up.	A difference greater than or equal to 10% between the quantities of bluefin tuna reported caught by the vessel or trap and the quantities established by the control camera at the moment of caging shall constitute a potential non-compliance by the vessel or trap concerned. Member States shall take the necessary measures to ensure the appropriate follow-up.	A difference greater than or equal to 10% between the quantities of bluefin tuna reported caught by the vessel or trap and the quantities established by the control camera at the moment of caging shall constitute a potential non-compliance by the vessel or trap concerned. Member States shall take the necessary measures to ensure the appropriate follow-up.