EUROPEAN
COMMISSION

Brussels, 28.11.2019
COM(2019) 619 final

2019/0272 (COD)

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

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

By Council Decision 98/392/EC[2] the Union approved the United Nations Convention on the Law of the Sea, which contains, *inter alia*, principles and rules with regard to the conservation and management of marine living biological resources. In the framework of its wider international obligations, the Union participates in efforts made in international waters to conserve fish stocks.

Pursuant to Council Decision 86/238/EEC[3], the Union has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas ('the Convention') since 14 November 1997.

The Convention provides for a framework of regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and the adjoining seas through the setting up of an International Commission for the Conservation of Atlantic Tunas (the 'ICCAT').

The ICCAT has the authority to adopt decisions (recommendations) for the conservation and management of the fisheries under its purview, which are binding for the Contracting Parties. Those recommendations are essentially addressed to the Contracting Parties to the Convention, but also contain obligations for operators (e.g. vessel masters). ICCAT recommendations enter into force six months following their adoption and, in respect to the Union, they must be implemented into Union law as soon as possible.

At its 21st special meeting in 2018, the ICCAT adopted Recommendation 18-02[4] establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean called as 'the Management plan'. The Management plan follows the advice from the Standing Committee on Research and Statistics ('SCRS') stating that the ICCAT should establish a multiannual management plan for the stock in 2018 since the current status of the stock no longer appears to require the emergency measures introduced under the recovery plan for bluefin tuna following Recommendation 17-17 amending the Recommendation 14-04[5].

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

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

[3] Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

[4] Recommendation by ICCAT [18-02] establishing a multi-annual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean Sea.

[5] Recommendation by ICCAT [14-04] amending the Recommendation 13-07 to establish a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.

The purpose of this proposal is to implement ICCAT Recommendation 18-02 into EU law to allow the Union to comply with its international obligations and to provide operators with legal certainty regarding rules and obligations.

The Management plan requires discarding and releasing bluefin tuna in certain circumstances. It obliges to discard quantities of bluefin tuna from fishing vessels, including recreational ones that exceed the allocated quota of the vessel, and/or the maximum level of permitted by-catches. Bluefin tuna caught on board vessels that are below the minimum conservation reference size will also have to be discarded, with the exception of a given limit of tolerance established by Member States in their annual fishing plans.

For the purpose of the Union's compliance with its international obligations under the ICCAT Convention, Delegated Regulation (EU) 2015/98[6] allows for derogations from the landing obligation for bluefin tuna, as provided in Article 15 of the Basic Regulation. Consequently, this Regulation will establish a Management plan for bluefin tuna, which does not cover discard and release obligations, as provisions of Delegated Regulation (EU) 2015/98 apply.

- **Consistency with existing policy provisions in the policy area**

Bluefin tuna in the eastern Atlantic and the Mediterranean has been regulated through:

– the recovery plan for bluefin tuna enshrined in Regulation (EU) 2016/1627[7],

– technical measures under Article 9(4) and Annex III of Regulation (EU) 2019/1241[8], and under Article 8 and point 6(1) of Annex II of Council Regulation (EC) No 1967/2006[9],

– Article 43 of Regulation (EU) 2017/2107[10],

– Articles 4(a), 4(b) and 4(c) of Council Regulation (EC) No 1936/2001[11], and

– Article 53 of Regulation (EU) 2019/833[12].

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6 Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).

7 Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

8 Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198 25.7.2019, p. 105).

9 Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1624/94 (OJ L 36, 8.2.2007, p. 6).

10 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 Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

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

Through the negotiations the EU position was in line with objectives of Articles 2(2), 28(1) and (2) and 29 and 33 of the Basic Regulation.

ICCAT Recommendation 18-02, being transposed by this Regulation, provide for a Management plan, that is more flexible than the existing rules for the recovery, while some measures are more precise or restrictive, such as the control in farms. The main differences could be summarised as follows:

(a) Open seasons: in this Regulation provides for 10 days longer open season for purse seiners than in the Regulation (EU) 2016/1627, unless Member States establish otherwise in their annual fishing plans.

(b) By-catch limit increases to 20% in this Regulation, in comparison to a 5% in Regulation (EU) 2016/1627.

(c) Fishing capacity: up to 20% more purse seiners (reference period 2018) are allowed to fish under this Regulation, in comparison with the Regulation (EU) 2016/1627 and a new sectorial quota for small-scale fisheries in Azores, Madeira and Canaries is recognised.

(d) Farming capacity: with this Regulation there could potentially be a 7% more fish in farms.

(e) Intra-farm transfers and random controls: The control system for bluefin tuna is reinforced, concerning live fish monitoring at farms. This is done through random controls based on risk analysis and estimation of carry-over by using stereoscopical cameras.

- **Consistency with other Union policies**

The Plan is consistent with other Union policies.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on Article 43(2) TFEU, as it sets out provisions necessary for the pursuit of the objectives of the Common Fisheries Policy.

- **Subsidiarity (for non-exclusive competence)**

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

- **Proportionality**

The proposal will ensure that Union law, with regard to the management of bluefin tuna fisheries, and ina particular all the rules and obligations of the management plan approved by the ICCAT is in line with its international obligations and that the Union complies with the decisions taken by the RFMOs to which the Union is a Contracting Party. The proposal transposes without exceeding what is necessary to achieve the objective pursued.

[12] Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141, 28.5.2019, p. 1).

- **Choice of the instrument**

The instrument chosen is a regulation of the European Parliament and of the Council.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not relevant

- **Stakeholder consultations**

Member States administrations have been consulted during the working party at the Council on the 25-26 October 2018, and the COREPER endorsed on the 31 October 2018 the position of the EU to be taken at the annual meeting of the ICCAT on 12-19 November 2018 when Recommendation 18-02 was adopted under the lead of the Union.

- **Collection and use of expertise**

This is a transposition of a recommendation adopted by ICCAT in accordance with the scientific advice provided by its Standing Committee on Research and Statistics.

- **Impact assessment**

Not relevant. This is a transposition of a recommendation directly applicable to Member States.

- **Regulatory fitness and simplification**

This proposal is not linked to REFIT.

- **Fundamental rights**

This proposal has no consequences on the protection of fundamental rights of the citizens.

4. BUDGETARY IMPLICATIONS

There are no budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not relevant.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

(f) Transposition of the base for establishment of fishing opportunities for 2019 and 2020

The allocation of fishing opportunities for bluefin tuna for 2018, 2019 and 2020 were agreed at the ICCAT 25th Regular Meeting. A table gathering that information was

inserted as paragraph 5 of ICCAT Recommendation 17-07[13]. However, several CPCs expressed dissatisfaction with their quota and requested to have access to and use ICCAT unallocated reserves (i.e. unallocated quotas). To this end, during the Inter-sessional meeting of ICCAT Panel 2 held in Madrid in March 2018, it was discussed the possible adjustment of bluefin tuna quota for 2019 and 2020 by use of the unallocated reserves. CPCs generally agreed that the adjustment of quotas should primarily address the needs of artisanal fleets from specific archipelagos in Greece (Ionian Islands), Spain (Canary Islands) and Portugal (Azores and Madeira). As the main outcome of that meeting, the EU's share for 2019 originally set at 17 536 tons was increased by 87 tons of reserve to be used in artisanal fisheries, giving a total EU quota of 17 623 tons for 2019. This quota is recognised in Recommendation 18-02, and implemented in Union law by way of Council Regulation (EU) 2019/124[14] fixing fishing opportunities between Member States.

(g) Implementing powers

ICCAT rules governing the fishery of live bluefin tuna (operations related to catching, transfer, transport, caging, farming, harvesting and carrying-over) is highly dynamic. There is a constant new development of technologies to control and manage the fishery (i.e. the use of stereoscopical cameras or alternative methods) that need to be uniformly applied by Member States. Similarly, operational procedures also need to be developed where necessary, to help Member States complying with ICCAT rules enshrined in this Regulation.

Implementing acts are therefore needed for Article 7 on 'carry-over' and sections 6 and 7 dealing with 'transfer operations' and 'caging operations'.

(h) Delegated powers

Article 65 of this Regulation establishes a detailed list of cases where delegated powers are requested in order to address frequent changes on the recommendations adopted by ICCAT. The main factors that could explain the list of situations where delegated powers are requested could be summarised as follows:

– the SCRS is developing a management strategy evaluation (MSE) process, with the aim to evaluate different fisheries management procedures that are robust to the main sources of uncertainty in the bluefin tuna stock. The MSE process is expected to deliver optional management procedures in the short term (i.e. 2020-2021). In this view, as the management plan for bluefin tuna has an interim management objective that should be revised by ICCAT as from 2020, delegated powers are introduced to swiftly transpose the plan into Union law;

– Regulation (EU) 2016/1627 for the recovery plan of eastern Atlantic bluefin tuna does not provide for delegated powers to amend the plan in line with annual decisions of ICCAT. This was the cause of a critical situation in 2018 when Recommendation 18-02 could not be transposed under delegated powers, and some Member States asked the Commission to implement via co-legislative act for the fishing season in June 2019. This Regulation introduces

[13] Recommendation by ICCAT 17-07 amending the Recommendation 14-04 on bluefin tuna in the Eastern Atlantic and the Mediterranean (in force since June 2018).

[14] Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 29, 31.1.2019., p. 1).

delegated powers to implement timely future changes to the bluefin tuna recovery plan, putting the EU fleet in a situation of even level playing field vis-a-vis third country fleets.

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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[15],

Acting in accordance with the ordinary legislative procedure[16],

Whereas:

(1) The objective of the Common Fisheries Policy as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council[17], is to ensure an exploitation of marine biological resources that provides sustainable economic, environmental and social conditions.

(2) By Council Decision 98/392/EC[18], the Union has approved the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union takes part in efforts made in international waters to conserve fish stocks.

(3) The Union is Party to the International Convention for the Conservation of Atlantic Tunas[19] ('the Convention').

(4) At its 21st special meeting in 2018, the International Commission for the Conservation of Atlantic Tunas ('ICCAT'), established by the Convention, adopted

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15 OJ C [for the time being there is no report, , p. .

16 Position of the European Parliament of [not adopted yet, not published yet] and decision of the Council of [not adopted nor published yet].

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

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

19 International Convention for the Conservation of Atlantic Tunas (OJ L 162, 18.6.1986, p. 34).

Recommendation 18-02 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean ('the Management Plan').The Management Plan follows the advice from the ICCAT's Standing Committee on Research and Statistics ('SCRS') stating that ICCAT should establish a multiannual management plan for the stock in 2018 since the current status of the stock no longer appears to require the emergency measures introduced under the recovery plan for bluefin tuna (established by Recommendation 17-17 amending Recommendation 14-04).

(5) Recommendation 18-02 repeals Recommendation 17-07 amending Recommendation 14-04 establishing a recovery plan for bluefin tuna that was implemented in Union law by Regulation 2016/1627[20].

(6) This Regulation should implement, in full or in part, where relevant, the following ICCAT Recommendations: 06-07[21], 18-10[22], 96-14[23], 13-13[24] and 16-15[25].

(7) The positions of the Union in regional fisheries management organisations are to be based on the best available scientific advice so as to ensure that fishery resources are managed in accordance with the objectives of the Common Fisheries Policy, in particular with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield ('MSY'), and with the objective of providing conditions for a economically viable and competitive fishing capture and processing industry and land-based fishing related activity. According to the 2018 Report[26] issued by SCRS, bluefin tuna catches at a fishing mortality rate $F_{0.1}$ are in line with a fishing mortality consistent with achieving Maximum Sustainable Yield ($F_{msy)}$. The stock biomass is considered to be at a level ensuring Maximum Sustainable Yield (MSY). $B_{0.1}$ fluctuating from being above that level for medium and low recruitment levels, whereas for the high level of recruitment it is below that level.

(8) The Management plan takes into account the specificities of the different types of gear and fishing techniques. When implementing the Management plan, the Union and Member States should endeavour to promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.

(9) To ensure compliance with the Common Fisheries Policy, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) fishing. In particular, Council Regulation (EC) No 1224/2009[27] establishes a Union system for control,

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20 Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

21 Recommendation by ICCAT on bluefin tuna farming.

22 Recommendation by ICCAT concerning minimum standard for vessels monitoring system in the ICCAT Convention Area.

23 Recommendation by ICCAT regarding compliance in the bluefin tuna and North Atlantic swordfish fisheries.

24 Recommendation by ICCAT concerning the establishment of an ICCAT Record of vessels 20 metres in length overall or greater authorized to operate in the Convention Area.

25 Recommendation by ICCAT on Transhipment.

26 Report of the Standing Committee on Research and Statistics (SCRS), Madrid 1-5 October 2018.

27 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations

inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the Common Fisheries Policy. Commission Implementing Regulation (EU) No 404/2011[28] lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008[29] establishes a Community system to prevent, deter and eliminate IUU fishing. Those Regulations already include provisions such as fishing licences and authorisations, certain rules on vessel monitoring systems that cover a number of the measures laid down in ICCAT Recommendation 18-02. It is therefore not necessary to include those provisions in this Regulation.

(10) Regulation (EU) No 1380/2013 establishes the concept of minimum conservation reference size. In order to ensure consistency, the ICCAT concept of minimum size should be implemented into Union law as minimum conservation reference size.

(11) According to ICCAT recommendation 18-02, bluefin tuna that have been caught and are below the minimum conservation reference size have to be discarded, and the same applies to catches of bluefin tuna exceeding the by-catch limits established in annual fishing plans. For the purpose of the Union's compliance with its international obligations under ICCAT, Article 4 of Commission Delegated Regulation (EU) 2015/98[30] provides for derogations from the landing obligation for bluefin tuna in accordance with Article 15(2) of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2015/98 implements certain provisions of ICCAT Recommendation 18-02 which lay down the obligation to discard bluefin tuna for vessels that exceed their allocated quota or their maximum level of permitted by-catches. The scope of that Delegated Regulation includes vessels engaged in recreational fishing. Consequently, this Regulation does not need to cover such discard and release obligations and will be without prejudice to the corresponding provisions of Delegated Regulation (EU) 2015/98.

(12) During the 2018 annual meeting, the Contracting Parties to the Convention acknowledged the need to reinforce controls for certain bluefin tuna operations. With that aim, it was agreed during the 2018 annual meeting that Contracting Parties to the Convention responsible for farms should ensure full traceability of caging operations, and should undertake random controls based on risk analysis.

(13) Regulation (EU) 640/2010 provides for an electronic catch document for bluefin tuna (‘eBCD’), implementing ICCAT Recommendation 09-11 amending Recommendation

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(EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

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

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

30 Commission Delegated Regulation (EU) 2015/98, of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).

08-12. Recommendations 17-09 and 11-20 on the application of the eBCD have recently being repealed by Recommendations 18-12 and 18-13. Therefore, Regulation (EU) 640/2010 has become obsolete and the Commission is planning to adopt a new regulation implementing the most recent ICCAT rules on eBCD. As a consequence this Regulation should not refer to Regulation (EU) 640/2010 but, in more general terms, to the catch documentation programme recommended by ICCAT.

(14) Taking into account that certain recommendations of ICCAT are being amended frequently by ICCAT Contracting Parties and are likely to be amended further in the future, in order to swiftly implement into Union law future ICCAT recommendations amending or supplementing the ICCAT Management plan, 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: deadlines for the target fishing mortality required to maintain the stock biomass at a level consistent with MSY; deadlines for reporting information, time periods for fishing seasons; minimum conservation reference sizes; percentages and parameters, the information to be submitted to the Commission; tasks for national observers and regional observers, reasons for refusing the authorisation to transfer fish; reasons for seizing the catches and ordering the release of fish. It is of particular importance that the Commission carries 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[31]. 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.

(15) The Commission representing the Union at ICCAT meetings agrees annually to a number of purely technical ICCAT recommendations, in particular concerning capacity limitations, logbook requirements, catch report forms, transhipment and transfer declarations, minimum information for fishing authorisations, minimum number of fishing vessels in relation of the ICCAT scheme of Joint International Inspection; specifications of the inspection and observer scheme, standards of video recording, release protocol, standards of treatment of deadfish, caging declarations, or standards of Vessels Monitoring Systems, that are implemented by Annexes I-XV of this Regulation. The Commission should have powers to adopt delegated act amending or supplementing Annexes I-XV in line with the amended or supplemented ICCAT recommendations. It is of particular importance that the Commission carries 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[32]. 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.

(16) ICCAT recommendations governing the bluefin tuna fishery (operations related to catching, transfer, transport, caging, farming, harvesting and carrying-over) are highly dynamic. There is a constant new development of technologies to control and manage

31 OJ L 123, 12.5.2016, p. 1.

32 OJ L 123, 12.5.2016, p. 1.

the fishery (e.g. stereoscopical cameras and alternative methods) that need to be uniformly applied by Member States. Similarly, operational procedures also need to be developed where necessary, to help Member States complying with ICCAT rules enshrined in this Regulation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards detailed rules for the carry-over of live bluefin tuna, transfer operations and caging operations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[33].

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

(18) As this Regulation will provide a new and comprehensive Management plan for bluefin tuna, the provisions concerning bluefin tuna laid down in Regulations (EU) 2017/2107[34] and (EU) 2019/833[35] should be deleted. As regards Article 43 of Regulation (EU) 2017/2107, the part corresponding to Mediterranean swordfish, has been included in Regulation (EU) 2019/1154[36]. Certain provisions of Regulation (EC) No 1936/2001[37] should also be deleted. Regulation (EU) 2017/2107, Regulation (EC) No 1936/2001 and (EU) 2019/833 should therefore be amended accordingly.

(19) ICCAT Recommendation 18-02 repealed Recommendation 17-07 since the status of the stock no longer required the emergency measures provided for in the recovery plan for bluefin tuna established by that recommendation. Regulation (EC) 2016/1627, which implemented that recovery plan, should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1
Subject matter

This Regulation lays down general rules for the uniform and effective implementation by the Union of the multiannual management plan for bluefin tuna (*Thunnus thynnus*) in the eastern

33 Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

34 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 Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

35 Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141 28.5.2019, p. 1).

36 Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council (OJ L 188, 12.7.2019, p. 1).

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

Atlantic Ocean and the Mediterranean Sea, as adopted by the International Commission for the Conservation of Atlantic Tunas ("ICCAT").

Article 2
Scope

This Regulation shall apply to:

(a) Union fishing vessels, and Union vessels engaged in recreational fisheries, which:

- catch bluefin tuna in the Convention Area; and
- tranship or carry on board, also outside the Convention Area, bluefin tuna caught in the Convention Area;

(b) Union farms;

(c) Third country fishing vessels, and third country vessels engaged in recreational fisheries that operate in Union waters and catch bluefin tuna in the Convention Area;

(d) Third country vessels which are inspected in Member State ports and which carry on board bluefin tuna caught in the Convention Area, or fishery products originating from bluefin tuna caught in Union waters that have not been previously landed or transhipped at ports.

Article 3
Objective

The objective of this Regulation is to maintain a biomass of bluefin tuna above levels capable of producing maximum sustainable yield.

Article 4
Relationship with other Union law

Unless otherwise stated in this Regulation, the provisions of this Regulation shall apply without prejudice to other Union acts governing the fisheries sector, in particular:

(1) Council Regulation (EC) No 1224/2009[38] establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy;

(2) Council Regulation (EC) No 1005/2008[39] establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing;

(3) Regulation (EU) 2017/2403[40] of the European Parliament and of the Council on the sustainable management of the external fishing fleets;

(4) Regulation (EU) 2017/2107[41] of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

[38] OJ L 343, 22.12.2009, p. 1.
[39] OJ L 286, 29.10.2008, p. 1.
[40] OJ L 347, 28.12.2017, p. 81.
[41] OJ L 315, 30.11.2017, p. 1.

Article 5
Definitions

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

(5) 'ICCAT' means the International Commission for the Conservation of Atlantic Tunas;

(6) 'the Convention' means the International Convention for the Conservation of Atlantic Tunas[42];

(7) 'Fishing vessel' means any powered vessel used for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support vessels, towing vessels, vessels engaged in transhipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;

(8) '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;

(9) 'SCRS' means the Standing Committee on Research and Statistics of the ICCAT;

(10) 'Recreational fishery' means non-commercial fisheries activities exploiting marine biological resources for recreation, tourism or sport;

(11) 'Towing vessel' means any vessel used for towing cages;

(12) '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;

(13) 'Auxiliary vessel' means any vessel used to transport dead bluefin tuna (not processed) from a transport/farming cage, a purse seine or a trap to a designated port and/or to a processing vessel;

(14) '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;

(15) '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;

(16) 'Caging' means the relocation of live bluefin tuna in farms and subsequent feeding aiming to fatten and increase their total biomass;

(17) 'Catching vessel' means a vessel used for the purposes of the commercial capture of bluefin tuna resources;

(18) 'Farm' means a marine area clearly defined by geographical coordinates, used for the fattening or farming of bluefin tuna caught by traps and/or purse seiners. A farm could have several farming locations, all of them defined by geographical coordinates with a clear definition of longitude and latitude for each one of the points of the polygon;

(19) 'Farming' or 'fattening' means caging of bluefin tuna in farms and subsequently feeding aiming to fatten and increase their total biomass;

[42] International Convention for the Conservation of Atlantic Tunas (OJ L 162, 18.6.1986, p. 34).

(20) ‘Harvesting’ means the killing of bluefin tuna in farms or traps;

(21) ‘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;

(22) ‘Small scale coastal vessel’ is a catching vessel with at least three of the five following characteristics:

(a) Length overall <12m;

(b) The vessel is fishing exclusively inside the waters under jurisdiction of the flag Member State;

(c) Fishing trips have a duration of less than 24 hours;

(d) The maximum crew number is established at four persons; or

(e) The vessel is fishing using techniques which are selective and have a reduced environmental impact;

(23) ‘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;

(24) ‘Fishing actively’ means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;

(25) ‘BCD means a bluefin tuna catch document;

(26) eBCD’ means an electronic bluefin tuna catch document;

(27) ‘Convention Area’ means the geographical area defined in Article 1 of the Convention;

(28) ‘Transhipment’ means the unloading of all or any of the fisheries products on board a fishing vessels to another fishing vessel. However, unloading of dead bluefin tuna from the purse seiner net, the trap or the towing vessel to an auxiliary vessel shall not be considered as transhipment;

(29) ‘Control transfer’ means any additional transfer being implemented at the request of the fishing/farming operators or the control authorities for the purpose of verifying the number of fish being transferred;

(30) ‘Control camera’ means a stereoscopic camera and/or conventional video camera for the purpose of the controls provided for in this Regulation;

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

(32) ‘Large scale pelagic longline vessel’ means a pelagic longline vessel greater than 24 meters in length overall;

(33) ‘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 transport cage to another transport cage;

(c) The cage with live bluefin tuna from a towing vessel to another towing vessel;

(d) Live bluefin tuna from one farm to another, or between different cages in the same farm;

(e) Live bluefin tuna from the trap to the transport cage independently of the presence of a towing vessel;

(34) '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;

(35) ‘gear group’ means a group of fishing vessels using the same gear for which a group quota has been allocated.

(36) ‘fishing effort’ means the product of the capacity and the activity of a fishing vessel to measure the intensity of the fishing operations. This measurement varies from gear to gear. For longline fisheries is measured in number of hooks or hooks-hours. For purse-seiners is measured in terms of boat days (fishing time plus searching time).

(37) ‘responsible Member State’ means the flag Member State or the Member State under whose jurisdiction the relevant farm or trap is located.

CHAPTER II
MANAGEMENT MEASURES

Article 6
Conditions associated with fisheries management measures

(1) Each Member State shall take the necessary measures to ensure that the fishing effort of its catching vessels and its traps is commensurate with the bluefin tuna fishing opportunities available to that Member State in the eastern Atlantic Ocean and the Mediterranean Sea. Measures adopted by Member States shall include establishing individual quotas for their catching vessels over 24 m included in the list of authorised vessels referred to in Article 25.

(2) Member States shall require catching vessels to proceed immediately to a port designated by it when the individual quota of the vessel is deemed to be exhausted, in accordance with Article 35 of Regulation (EC) No 1224/2009.

(3) Chartering operations shall not be permitted in the bluefin tuna fishery.

Article 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-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.

Article 8
Quota transfers

(1) The transfers of quotas between the Union and the other CPCs shall only be carried out upon prior authorisation by the Member States and/or CPCs concerned. The Commission shall notify the ICCAT Secretariat 48 hours prior to the transfer of quotas.

(2) The transfer of quotas within gear groups, by-catch quotas and individual fishing quotas of each Member State shall be allowed, provided that the Member State(s) concerned informs the Commission of such transfers in advance, so that the Commission can inform the ICCAT Secretariat prior to the transfer taking effect.

Article 9
Quota deductions in case of overfishing

(3) When Member States overfish the quotas allocated to them and this situation cannot be remedied by quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, Articles 37 and 105 of Regulation (EC) No 1224/2009 shall apply.

Article 10
Annual fishing plans

(1) Each Member State with a bluefin tuna quota shall establish an annual fishing plan. That plan shall include, at least, the following information:

(a) the quotas allocated to each gear group, including by-catch quotas;

(b) where applicable, the method used to allocate and manage quotas;

(c) the measures to ensure the respect of individual quotas;

(d) open fishing seasons for each gear category;

(e) information on designated ports;

(f) the rules on by-catch; and

(g) the number of vessels, other than bottom trawlers, greater than 24m and purse seiners that are authorised to operate for bluefin tuna in the eastern Atlantic Ocean and the Mediterranean Sea.

(2) 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.

(3) Portugal and Spain may allocate sectorial quotas for bait-boats operating in the Union waters of the archipelagos of Azores, Madeira and Canary Islands. The sectorial quota shall be included in their annual fishing plans and additional measures to monitor its consumption shall be clearly set out in their annual monitoring, control and inspection plans.

(4) When Member States allocate sectorial quotas in accordance with paragraph 2 or 3, the minimum quota requirement of 5 tonnes defined in Union act in force for the fishing opportunities allocations shall not apply.

(5) Any amendment to the annual fishing plan shall be transmitted by the Member State concerned to the Commission, at least three working days before the start of the fishing activity to which the amendment relates. The Commission shall forward the amendment to the ICCAT Secretariat, at least one working day before the start of the fishing activity to which the amendment relates.

Article 11
Allocation of fishing opportunities

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.

Article 12
Annual fishing capacity management plans

Each Member State with a bluefin tuna quota shall establish an annual fishing capacity management plan. In that plan, Member States shall adjust the number of fishing vessels in a way to ensure that the fishing capacity is commensurate with the fishing opportunities allocated to catching vessels for the relevant quota period. Member States shall adjust the fishing capacity using the parameters defined in Union act in force for the fishing opportunities allocations. The adjustment of fishing capacity for purse seiners shall be limited to a maximum variation of 20% compared to the baseline fishing capacity of 2018.

Article 13
Annual inspection plans

Each Member State with a bluefin tuna quota shall establish an annual inspection plan with the view to ensuring compliance with this Regulation. Member States shall submit their respective plans to the Commission. Those plan shall be set up in accordance with:

(a) the objectives, priorities and procedures as well as benchmarks for inspection activities set up in the specific control and inspection programme for 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.

Article 14

Annual farming management plans

(1) Each Member State with a bluefin tuna quota shall establish an annual farming management plan.

(2) In the annual farming management plan, each Member State shall ensure that the total input capacity and the total farming capacity are commensurate with the estimated amount of bluefin tuna available for farming.

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

(4) The maximum input of wild caught bluefin tuna into the farms of a Member State shall be limited to the level of the input quantities registered with ICCAT in the 'record of bluefin tuna farming facilities' by the farms of that Member State in the years 2005, 2006, 2007 or 2008.

(5) If a Member State needs to increase the maximum input of wild caught tuna in one or several of its tuna farms, that increase shall be commensurate with the fishing opportunities allocated to that Member State, including live bluefin tuna imports.

(6) Member States responsible for the farms shall ensure that scientists tasked by the SCRS with trials to identify growth rates during the fattening period have access to the farms and assistance to carry out their duties.

Article 15

Transmission of annual plans

(1) By 31 January of each year, each Member State with a bluefin tuna quota shall transmit to the Commission the following plans:

(a) the annual fishing plan for the catching vessels and traps fishing bluefin tuna in the eastern Atlantic and Mediterranean, established in accordance with Article 10;

(b) the annual fishing capacity management plan established in accordance with Article 12;

(c) the annual inspection plan established in accordance with Article 13; and

(d) the annual farming management plan established in accordance with Article 14.

(2) The Commission shall compile the plans referred to in paragraph 1 and use it for the establishment of a Union annual plan. The Commission shall transmit the Union plan to the ICCAT Secretariat by 15 February of each year for discussion and approval by the ICCAT.

(3) In case of the non-submission by a Member State to the Commission of any of the plans referred to in paragraph 1 within the deadline or if the Commission found a case of serious non-compliance with the provisions of the present of Regulation as established in final inspections reports, it may decide to not endorse the plans submitted and to transmit the Union plan to ICCAT Secretariat without the plans of Member State concerned.

CHAPTER III
TECHNICAL MEASURES

Article 16
Fishing seasons

(1) Purse seine fishing for bluefin tuna shall be permitted in the eastern Atlantic Ocean and Mediterranean Sea from 26 May until 1 July.

(2) By way of derogation from paragraph 1, Croatia may request in its annual fishing plans, as referred to in Article 10, that purse seiners flying its flag be allowed to fish for bluefin tuna for farming purposes in the Adriatic Sea (FAO fishing area 37.2.1) until 15 July.

(3) By way of derogation form paragraph 1, if a Member State provides evidence to the Commission that, due to winds reaching force 4 or more on the Beaufort scale, some of its purse seiner fishing for bluefin tuna in the eastern Atlantic and Mediterranean Sea were unable to utilise their normal fishing days during a year, that Member State may carry over a maximum of 10 days lost until 11 July of that year for the vessels concerned. The inactivity of the vessels concerned, and in the case of a joint fishing operation for all vessels involved, shall be duly justified with weather reports and VMS positions.

(4) Bluefin tuna fishing shall be permitted in the eastern Atlantic Ocean and Mediterranean Sea by large-scale pelagic longlines vessels during the period from 1 January to 31 May.

(5) Member States shall establish fishing seasons for their fleets, other than purse seiners and large scale pelagic longline vessels, in their annual fishing plans.

Article 17
Landing obligation

The provisions of this Chapter shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any applicable derogations thereto.

Article 18
Minimum conservation reference size

(1) It shall be prohibited to catch, retain on board, tranship, transfer, land, transport, store, sell, display or offer for sale Bluefin tuna including when caught as by-catch or in recreational fisheries, of bluefin tuna weighing less than 30 kg or with fork length of less than 115 cm.

(2) By way of derogation from paragraph 1, a minimum conservation reference size for bluefin tuna of 8 kg or 75 cm fork length shall apply to the following fisheries:

(a) Bluefin tuna caught in the eastern Atlantic Ocean by baitboats and trolling boats;

(b) Bluefin tuna caught in the Mediterranean Sea by the small scale costal fleet fishery for fresh fish by baitboats, longliners and handliners; and

(c) Bluefin tuna caught in the Adriatic Sea by vessels flying the flag of Croatia for farming purposes.

(3) Specific conditions applying to the derogation referred in paragraph 2 are set out in Annex I.

(4) Member States shall issue a fishing authorisation to vessels fishing under the derogations referred to in paragraph 2 and 3 of Annex I. The vessels concerned shall be indicated in the list of catching vessels referred to in Article 25.

(5) Fish below the minimum reference sizes set out in this Article that are discarded dead, shall be counted against the quota of the Member State.

Article 19

Incidental catches under the minimum reference size

(1) By way of derogation from Article 18(1), all catching vessels and traps fishing actively for bluefin tuna shall be allowed a maximum of 5 % of incidental catches of bluefin tuna weighing between 8 and 30 kg or, alternatively, with a fork length between 75 and 115 cm.

(2) The percentage of 5% referred to in paragraph 1 shall be calculated on the basis of the total catches of bluefin tuna retained on board a vessel, or inside the trap, at any time after each fishing operation.

(3) Incidental catches shall be deducted from the quota of the Member State responsible for the catching vessel or trap.

(4) Incidental catches of bluefin tuna under the minimum reference size shall be subject to Articles 30, 32, 33 and 34.

Article 20

By-catches

(1) Each Member State shall make provision for by-catch of bluefin tuna within its quota and shall inform the Commission thereof when transmitting its fishing plan.

(2) The level of authorised by-catches, which shall not exceed 20% of the total catches on board at the end of each fishing trip, and the methodology used to calculate those bycatches in relation to the total catch on board, shall be clearly defined in the annual fishing plan referred to in Article 10. The percentage of by-catches may be calculated in weight or in number of specimens. The calculation in number of specimens shall only apply to tuna and tuna-like species managed by the ICCAT. The level of authorised by-catches for the small-scale coastal vessels fleet may be calculated on an annual basis.

(3) All by-catches of dead bluefin tuna, retained on board or discarded, shall be deducted from the quota of the flag Member State, and recorded and reported to the Commission, in accordance with Articles 30 and 31.

(4) For Member States without a bluefin tuna quota, the by-catches concerned shall be deducted from the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) of the Treaty and Article 16 of Regulation (EU) No 1380/2013.

(5) If the total quota allocated to the Member State has been exhausted, the catching of any bluefin tuna shall not be permitted and the Member States shall take the necessary measures to ensure the release of the bluefin tuna caught as by catch. In that case, the processing and commercialisation of dead bluefin tuna shall be

prohibited and all catches shall be recorded. Member States shall report information on such quantities of such dead bluefin tuna bycatch an annual basis to the Commission, which shall transmit that information to the ICCAT Secretariat.

(6) Vessels not fishing actively for bluefin tuna shall clearly separate any quantity of bluefin tuna retained on board from other species, to allow control authorities to monitor the respect of this Article. Those by-catches may be marketed insofar as they are accompanied by the eBCD.

Article 21
Use of aerial means

It shall be prohibited to use any aerial means, including aircraft, helicopters or any types of unmanned aerial vehicles to search for bluefin tuna.

CHAPTER IV
RECREATIONAL FISHERIES

Article 22
Specific quota for recreational fisheries

(1) Each Member State with a bluefin tuna quota shall regulate recreational fisheries by allocating a specific quota for the purpose of those 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 transmitting their fishing plans.

(2) Catches of dead bluefin tuna shall be reported and counted against the quota of the Member State.

Article 23
Specific conditions for recreational fisheries

(1) Each Member States with a bluefin tuna quota shall regulate recreational fisheries by issuing fishing authorisations to vessels for the purpose of recreational fishing. Upon request by the Commission, Member States shall make available the list of recreational vessels which have been granted with a fishing authorisation. The list shall contain the following information:

(a) Name of vessel;

(b) Register number;

(c) ICCAT record number (if any);

(d) Any Previous name; and

(e) Name and address of owner(s) and operator(s).

(2) In recreational fisheries, it shall be prohibited to catch, retain on board, tranship or land more than one bluefin tuna per vessel per day.

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

(4) Each Member State shall record catch data including weight and length of each bluefin tuna caught during recreational fishing and communicate the data for the

preceding year to the Commission by 30 June each year. The Commission shall forward that information to the ICCAT Secretariat.

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

Article 24
Catch, tag and release

(1) By way of derogation from Article 22(1), Member States authorising 'catch and release' fishing in the north east Atlantic conducted exclusively by recreational vessels may allow a limited number of those vessels to target bluefin tuna with the purpose of 'catch, tag and release' fishing without the need to allocate them a specific quota. Such vessels shall operate in the context of a scientific project of a research institute integrated in a scientific research programme. The results of the project shall be communicated to the relevant authorities of the flag Member State.

(2) Vessels conducting scientific research under the ICCAT Research Programme for bluefin tuna shall not be deemed to conduct 'catch, tag and release' activities as referred to in paragraph 1.

(3) Member States authorising 'catch, tag and release' activities, shall:

(a) Submit description of those activities and the measures applicable thereto as an integral part of their fishing and inspection plans referred to in Articles 11 and 14;

(b) Closely monitor the activities of the vessels concerned to ensure their compliance with the provisions of this Regulation;

(c) Ensure that the tagging and releasing operations are performed by trained personnel to ensure high survival of the specimens; and

(d) Annually submit a report to the Commission on the scientific activities conducted, at least 50 days before the SCRS meeting of the following year. The Commission shall forward the report to the ICCAT 60 days before the SCRS meeting of the following year.

(4) Any bluefin tuna that dies during 'catch, tag and release' activities shall be reported and deducted from the quota of the flag Member State.

CHAPTER V
CONTROL MEASURES

SECTION 1
LISTS AND RECORDS OF VESSELS AND TRAPS

Article 25
Lists and Records of vessels

(1) Member States shall submit electronically each year to the Commission, one month before the start of the period of authorisation, the following vessels lists in the format set out in the last version of the ICCAT Guidelines[43] for submitting data and information:

(a) a list of all catching vessels authorised to fish actively for bluefin tuna; and

(b) a list of all other fishing vessels used for the purposes of commercial exploitation of bluefin tuna resources.

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

(2) During a calendar year, a fishing vessel may be included in both of the lists referred to in paragraph 1 provided that it is not included in both lists at the same time.

(3) The information on vessels referred to in paragraph 1(a) and (b) shall contain the vessel's name and Union fleet register number (CFR) as defined in Annex I to Commission Implementing Regulation (EU) No 2017/218[44].

(4) No retroactive submission shall be accepted by the Commission.

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

(a) full details of the fishing vessel(s) intended to replace that fishing vessel; and

(b) a comprehensive account of the reason justifying the replacement and any relevant supporting evidence or references.

(6) The Commission shall, if necessary, modify during the year the information on the vessels referred to in paragraph 1, by providing updated information to the ICCAT Secretariat in accordance with Article 7(6) of Regulation (EU) No 2017/2403.

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43 https://www.iccat.int/en/SubmitCOMP.html

44 Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

Article 26

Fishing authorisations for vessels

(1) Member States shall issue fishing authorisations to vessels included in one of the lists described in Article 25(1) and (5). Fishing authorisations shall contain as a minimum the information set out in Annex VII and shall be issued in the format laid down in that Annex. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules set out in this Regulation.

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

(3) The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to a vessel, and may require the vessel to proceed immediately to a port designated by it, when the individual quota assigned to the vessel is deemed to be exhausted.

Article 27

Lists and Records of traps authorised to fish for bluefin tuna

(1) Each Member State shall send to the Commission electronically, as part of their fishing plans, a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. The Commission shall send that information to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for bluefin tuna.

(2) Member States shall issue fishing authorisations for traps included in the list referred to in paragraph 1. Fishing authorisations shall contain as a minimum the information and the format set in Annex VII. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules set out in this Regulation.

(3) Union traps not entered into the ICCAT record of traps authorised to fish for bluefin tuna shall not be deemed to be authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. It shall be prohibited to retain on board, transfer, cage or land bluefin tuna caught by those traps.

(4) The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to traps when the quota assigned to them is deemed exhausted.

Article 28

Information on fishing activities

(1) By 15 July each year, each Member State shall notify the Commission detailed information on bluefin tuna catches in the eastern Atlantic and Mediterranean Sea in the preceding year. The Commission shall forward that information to the ICCAT by 31 July each year. This information shall include:

(a) The name and ICCAT number of each catching vessel;

(b) The period of authorisation(s) for each catching vessel;

(c) The total catches of each catching vessel including zero catches throughout the period of authorisation(s);

(d) The total number of days each catching vessel fished in the eastern Atlantic and Mediterranean Sea throughout the period of authorisation(s); and

(e) The total catch outside their period of authorisation (by-catch).

(2) Member States shall send the following information to the Commission for fishing vessels flying their flag which were not authorised to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea but which caught bluefin tuna as by-catch:

(a) The name and ICCAT number or, if not registered with ICCAT, the national registry number of the vessel; and

(b) The total catches of bluefin tuna.

(3) Member States shall notify to the Commission any information concerning any vessels not included in paragraphs 1 and 2 but known or presumed to have fished for bluefin tuna in the eastern Atlantic and Mediterranean Sea. The Commission shall transmit this information to the ICCAT Secretariat as soon as the information is available.

Article 29
Joint Fishing Operations

(1) Any joint fishing operation for bluefin tuna shall only be allowed if participating vessels are authorised by the flag Member State(s). To be authorised, each purse seiner must be equipped to fish for bluefin tuna, have an individual quota, and comply with the reporting obligations set out in Article 31.

(2) The quota allocated to a joint fishing operation shall be equal to the total of the quotas allocated to participating purse seiners.

(3) Union purse seiners shall not engage in joint fishing operations with purse seiners from other CPCs.

(4) The application form for the authorisation to participate in a joint fishing operation is set out in Annex IV. Each Member State shall take the necessary measures to obtain the following information from its purse seiners vessel(s) participating in a joint fishing operation:

(a) The requested period of authorisation of the joint fishing operation;

(b) The identity of the operators involved;

(c) The individual vessels' quotas;

(d) The allocation key between the vessels for the catches involved; and

(e) Information on the farms of destination.

(5) At least 10 days before the start of the joint fishing operation, each Member States shall send the information referred to in paragraph 4 to the Commission in the format set out in Annex IV. The Commission shall transmit that information to the ICCAT Secretariat and to the flag State of other fishing vessels participating in the joint fishing operation, at least 5 days before the start of the fishing operation.

(6) In case of force majeure, the deadlines set out in paragraph 5 shall not apply as regards the information on the farms of destination. In such cases, Member States shall submit to the Commission an update of that information as soon as possible,

together with a description of the events constituting force majeure. The Commission shall forward that information to the ICCAT Secretariat.

SECTION 2
CATCH RECORDING

Article 30
Recording requirements

(1) Master of Union catching vessels shall maintain a fishing logbook of their operations in accordance with Articles 14, 15, 23 and 24 of Regulation (EC) No 1224/2009 and Section A of Annex II to this Regulation.

(2) Masters of Union towing vessels, auxiliary vessels and processing vessels shall record their activities in accordance with the requirements set out in Sections B, C and D of Annex II.

Article 31
Catch reports sent by masters and trap operators

(1) Masters of Union catching vessels shall communicate to their flag Member States daily catch reports by electronic means during the whole period in which they are authorised to fish for bluefin tuna. Those reports shall not be obligatory for vessels in port, except if they are engaged in a joint fishing operation. The data in the reports shall be taken from logbooks and shall include date, time, location (latitude and longitude) and the weight and number of bluefin tuna caught in the Convention Area, including releases and discards of dead fish. Masters shall send the reports in the format set out in Annex III.

(2) Masters of purse seiners shall produce the daily reports referred to in paragraph 1 for each fishing operation, including operations where the catch was zero. The reports shall be transmitted by the master of the vessel or his authorised representatives to its flag Member State by 9.00 GMT for the preceding day.

(3) Trap operators or their authorised representatives fishing actively for bluefin tuna shall produce daily reports that have to be communicated to their flag Member States within every 48 hours by electronic means during the whole period in which they are authorised to fish bluefin tuna. Those reports shall include the ICCAT register number of the trap, date and time of the catch, weight and number of bluefin tuna caught, including zero catches, releases and discards of dead fish. They shall send that information in the format set out in Annex III.

(4) Masters of catching vessels other than purse seiners, shall transmit to their flag Member States the reports referred to in paragraph 1 by the latest Tuesday 12.00 GMT for the preceding week ending Sunday.

SECTION 3
LANDINGS AND TRANSHIPMENTS

Article 32
Designated ports

(1) Each Member State who has been allocated a bluefin tuna quota shall designate ports where landing or transhipping operations of bluefin tuna are authorised. The information on designated ports shall be included in the annual fishing plan referred to in Article 10. Member States shall inform the Commission without delay of any amendment to the information on designated ports. The Commission shall communicate that information to the ICCAT Secretariat without delay.

(2) For a port to be determined as a designated port, the port Member State shall ensure that the following conditions are met:

(a) Established landing and transhipment times;

(b) Established landing and transhipment places; and

(c) Established inspection and surveillance procedures ensuring inspection coverages during all landing and transhipment times and at all landing and transhipment places in accordance with Article 34.

(3) It shall be prohibited to land or tranship from catching vessels, as well as processing vessels and auxiliary vessels, any quantity of bluefin tuna fished in the eastern Atlantic and the Mediterranean Sea at any place other than ports designated by CPCs and Member States. Exceptionally, dead bluefin tuna, harvested from a trap/cage, may be transported to a processing vessel using an auxiliary vessel, insofar as it is conducted in the presence of the control authority.

Article 33
Prior notification of landings

(1) Article 17 of Regulation (EC) No 1224/2009 shall apply to masters of Union fishing vessels of 12 metres or more included in the list of vessels referred to in Article 25. The prior notification under Article 17 of Regulation (EC) No 1224/2009 shall be sent to the competent authority of Member State (including the flag Member State) or CPC whose ports or landing facility they wish to use.

(2) Prior to entry into port, masters or their representatives, of Union fishing vessels under 12 metres as well as processing vessels and auxiliary vessels included in the list of vessels referred to in Article 25 shall, at least four hours before the estimated time of arrival at the port, notify the competent authority of the Member State (including the flag Member State) or the CPC whose ports or landing facility they wish to use, at least the following information:

(a) Estimated time of arrival;

(b) Estimated quantity of bluefin tuna retained on board;

(c) Information on the geographical area where the catches were taken;

(d) The external identification number and the name of the fishing vessels.

(3) Where Member States are authorised under applicable Union legislation to apply a shorter notification period than the period of four hours before the estimated time of

arrival , the estimated quantities of bluefin tuna retained on board may be notified at the applicable time of notification prior to arrival. If the fishing grounds are less than four hours from the port, the estimated quantities of bluefin tuna retained on board may be modified at any time prior to arrival.

(4) Authorities of the port Member State shall keep a record of all prior notifications for the current year.

(5) All landings 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 inspection plan referred to in Article 13.

(6) Masters of a Union catching vessel, whatever the length overall of the vessel, shall submit, within 48 hours after the completion of the landing, a landing declaration to the competent authorities of the Member State or CPC where the landing takes place and to its flag Member State. The master of a catching vessel shall be responsible for, and certify, the completeness and accuracy of the declaration. The landing declaration shall indicate, as a minimum requirement, the quantities of bluefin tuna landed and the area where they were caught. All landed catches shall be weighed. The port Member State shall send a record of the landing to the authorities of the flag Member State or CPC, 48 hours after the completion of the landing.

Article 34
Transhipments

(1) Transhipment at sea by Union fishing vessels carrying on board bluefin tuna, or by third country vessels in Union waters, shall be prohibited in all circumstances.

(2) Without prejudice to the requirements set out in Article 52(2) and (3), Article 54 and Article 57 of Regulation (EU) 2017/2107, fishing vessels shall only tranship bluefin tuna catches in designated ports as referred to in Article 32 of this Regulation.

(3) The Master of the receiving fishing vessel, or its representative, shall provide the relevant authorities of the port State at least 72 hours before the estimated time of arrival at port, with the information listed in the transhipment declaration template set out in Annex V. Any transhipment shall require the prior authorisation from the flag Member State or flag CPC of the transhipping fishing vessel concerned. Furthermore, the master of the transhipping vessel shall, at the time of the transhipment, inform its flag Member State or CPC of the dates required in Annex V.

(4) The port Member State shall inspect the receiving vessel on arrival and check the quantities and documentation related to the transhipment operation.

(5) Masters of Union fishing vessels shall complete and transmit to their flag Member States the ICCAT transhipment declaration within 15 days after the completion of the transhipment. The masters of the transhipping fishing vessels shall complete the ICCAT transhipment declaration in accordance with Annex V. The transhipment declaration shall include the reference number of the eBCD to facilitate cross-checking of data contained thereof.

(6) The port State shall send a record of the transhipment to the flag Member State or CPC authority of the transhipping fishing vessel, within 5 days after the completion of the transhipment.

(7) All transhipments shall be inspected by the competent authorities of the designated port Member States.

SECTION 4
REPORTING OBLIGATIONS

Article 35
Monthly reports on quantities

Each Member State shall send to the Commission, before the 15th day of each month, the data concerning quantities of bluefin tunas caught, landed, transhipped, or caged during the preceding month by the fishing vessels or traps flying the flag of or registered in that Member State. The information provided shall be structured by gear type including by-catch, catches in sport and recreational fisheries and zero catches. The Commission shall promptly forward that information to the ICCAT Secretariat.

Article 36
Information on quota exhaustion

(1) In addition to complying with Article 34 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group is deemed to have reached 80%.

(2) In addition to complying with Article 35 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group or to a joint fishing operation or to a purse seiner is deemed to be exhausted. That information shall be accompanied by official documentation proving the fishing stop or the call back to port issued by the Member State for the fleet, the gear group, the joint fishing operation, or the vessels with an individual quota including a clear indication of the date and the time of the closure.

(3) The Commission shall inform the ICCAT Secretariat of the dates when the Union quota of bluefin tuna has been exhausted.

SECTION 5
OBSERVER PROGRAMMES

Article 37
National Observer Programme

(1) Each Member State shall ensure that the deployment of national observers, issued with an official identification document, on vessels and traps active in the bluefin tuna fishery covers at least:

(a) 20% of its active pelagic trawlers (over 15m);

(b) 20% of its active longline vessels (over 15 m);

(c) 20% of its active baitboats (over 15m);

(d) 100% of towing vessels;

(e) 100% of harvesting operations from traps.

Member States with less than five catching vessels belonging to the categories listed in points (a), (b) and (c) of the first subparagraph and authorised to fish actively for bluefin tuna shall ensure that the deployment of national observers covers at least 20% of the time the vessels are active in the bluefin tuna fishery.

(2) The national observer tasks shall be, in particular, the following:

(a) Monitor compliance with this Regulation by fishing vessels and traps;

(b) Record and report the fishing activity, including the following:

(a) Amount of catch (including by-catch), and catch disposition (retained on board or discarded dead or alive);

(b) Area of catch by latitude and longitude;

(c) Measure of effort (such as the number of sets, number of hooks), as defined in the ICCAT Field Manual for different gears;

(d) Date of catch.

(c) verify entries made in the logbook;

(d) sight and record vessels that may be fishing contrary to ICCAT conservation measures.

(3) In addition to the tasks referred to in paragraph 2, national observers shall carry out scientific work, including the collection of necessary data , based on the guidelines from the SCRS.

(4) Data and information collected under each Member State's observer programme shall be provided to Commission that shall send it to the SCRS or the ICCAT secretariat , as appropriate.

(5) For the purposes of paragraphs 1 to 3, each Member State shall ensure:

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

(b) robust data collection protocols;

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

(d) to the extent practicable, minimal disruption to the operations of vessels and traps fishing in the Convention Area.

Article 38

ICCAT Regional Observer Programme

(1) Member States shall ensure the effective implementation of the ICCAT regional observer programme as set out in this Article and in Annex VIII.

(2) Member States shall ensure that an ICCAT regional observer is present:

(a) on all purse seiners authorised to fish bluefin tuna;

(b) during all transfers of bluefin tuna from purse seiners;

(c) during all transfers of bluefin tuna from traps to transport cages;

(d) during all transfers from one farm to another;

(e) during all cagings of bluefin tuna in farms;

(f) during all harvesting of bluefin tuna from farms; and

(g) during the release of bluefin tuna from farming cages into the sea.

(3) Purse seine vessels without an ICCAT regional observer shall not be authorised to fish for bluefin tuna.

(4) Member States shall ensure that one ICCAT regional observer shall be assigned to each farm for the whole period of caging operations. In cases of force majeure, and following confirmation of those circumstances that constitute force majeure by the competent authorities of the Member State concerned, an ICCAT regional observer may be shared by two farms to guarantee the continuity of farming operations. However, the Member State responsible for the farms shall immediately request the deployment of an additional regional observer.

(5) The ICCAT regional observers tasks shall be, in particular to:

(a) Observe and monitor fishing and farming operations in compliance with the relevant ICCAT conservation and management measures, including trough access to stereoscopic camera footages at the time of caging that enables the measuring of length and estimating the corresponding weight;

(b) Sign the ICCAT transfer declarations and BCDs when the information contained therein is consistent with his/her own observations. Otherwise, the ICCAT regional observer shall indicate his/her presence on the transfer declarations and BCDs and the reasons of disagreement quoting specifically the rule(s) or procedure(s) that has not been respected;

(c) Carry out scientific work, including collecting samples, based on the guidelines from the SCRS.

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

SECTION 6
TRANSFER OPERATIONS

Article 39
Transfer authorisation

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

(a) the name of the catching vessel or farm or trap and ICCAT record number;

(b) estimated time of transfer;

(c) estimated quantity of bluefin tuna to be transferred;

(d) information on the position (latitude/longitude) where the transfer will take place and cage identification numbers;

(e) name of the towing vessel, number of cages towed and ICCAT record number where appropriate; and

(f) destination port, farm, or cage of the bluefin tuna.

(2) For the purpose of paragraph 1, Member States shall assign a unique number to each transport cage. If several transport cages need to be used when transferring a catch corresponding to one fishing operation, only one transfer declaration is required, but the numbers of each transport cage used shall be recorded in the transfer declaration, clearly indicating the bluefin tuna quantity transported in each cage.

(3) Cage numbers shall be issued with a unique numbering system that includes at least the alpha-3 code corresponding to the flag of the towing vessel followed by three numbers. Unique cage numbers shall be permanent and not transferable from one cage to another.

(4) The Member State referred to in paragraph 1 shall assign and communicate to the master of the fishing vessel, or operator of the trap or farm as appropriate, an authorisation number for each transfer operation. The authorisation number shall include the three letter Member State code, four numbers showing the year and three letters indicating either positive authorisation (AUT) or negative (NEG) followed by sequential numbers..

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

(6) The transfer authorisation shall not prejudge the confirmation of the caging operation.

Article 40

Refusal of the transfer authorisation and release of bluefin tuna

(1) The Member State responsible for the catching vessel, the towing vessel, farm or trap shall refuse to authorise the transfer if, on receipt of the prior notification of transfer, it considers that:

(a) The catching vessel or the trap declared to have caught the fish did not have a sufficient quota;

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

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

(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 25, or is not equipped with a fully functioning VMS or equivalent tracking device.

(2) If the transfer is not authorised, the Member State referred to in paragraph 1, as appropriate, shall immediately issue a release order to the master of the catching or of the towing vessel or to the operator of the trap or farm as appropriate, to inform them that the transfer is not authorised and require them to release of the fish into the sea in accordance with Annex XII.

(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. That period of 72 hours may be exceptionally extended in case 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 his representative shall, from the time the technical failure was detected until it is remedied, communicate every four hours to the control authorities of the flag Member State the updated geographical coordinates of the fishing vessel by appropriate telecommunication means.

Article 41
Transfer declaration

(1) The masters of catching or towing vessels or the operator of the farm or trap shall complete and transmit to responsible Member State the ICCAT transfer declaration at the end of the transfer operation in accordance with the format set out in Annex VI.

(2) The transfer declaration forms shall be numbered by the authorities of the Member State responsible for the fishing vessel, farm or trap form where the transfer originates. The number of the declaration form shall include the three letters Member State code, followed by four numbers showing the year and three sequential numbers followed by the three letters ITD (MS-20**/xxx/ITD).

(3) The original transfer declaration shall accompany the transfer. A copy of the declaration shall be kept by the master of the fishing vessel or the operator of the trap or farm.

(4) Masters of vessels carrying out transfer operations shall report their activities in accordance with Annex II.

(5) Information regarding dead fish shall be recorded in accordance with the procedures set out in Annex XIII.

Article 42
Monitoring by video-camera

(1) The master of the catching or towing vessel or the operator of the farm or trap shall ensure that the transfer is monitored by video camera in the water in order to verify the number of fish being transferred. The video recording shall be carried out in accordance with the minimum standards and procedures set out in Annex X.

(2) Member States shall provide copies of the video records to the Commission, which shall forward them to the SCRS upon request.

Article 43
Verification by ICCAT Regional observers and conduct of investigations

(1) ICCAT regional observers on board the catching vessel and trap, as referred to in Article 38 and Annex VIII, shall:

(a) record and report the transfer activities carried out;

(b) observe and estimate catches transferred; and

(c) verify entries made in the prior transfer authorisation, as referred to in Article 39, and in the ICCAT transfer declaration, as referred to in Article 41.

(2) In cases where there is more than a 10% difference by number between the estimates made by either the regional observer, relevant control authorities or the master of the catching or towing vessel, or the operator of the trap or farm, an investigation shall be initiated by the responsible Member State. Such investigation shall be concluded prior to the time of caging at the farm and in any case within 96 hours of the investigation being initiated, except on cases of force majeure. Pending the results of the investigation, caging shall not be authorised and the relevant section of the BCD shall not be validated.

(3) However, in cases when the video record is of insufficient quality or clarity to estimate the quantities transferred, the master of the vessel or operator of the farm or trap may request the authorities of the responsible Member State to be authorised to conduct a new transfer operation and to provide the corresponding video record to the regional observer. If that voluntary transfer control is not performed with satisfactory results, the responsible Member State shall initiate an investigation. If after that investigation, it is confirmed that the quality of the video does not permit to estimate the quantities involved in the transfer, the control authorities of the responsible Member State shall order a control transfer operation and provide the corresponding video record to the ICCAT regional observer. New transfers shall be conducted as control transfer(s) until the quality of the video record could allow estimating the quantities transferred.

(4) Without prejudice to the verifications conducted by inspectors, the ICCAT regional observer shall sign the transfer declaration only when his/her observations are in accordance with ICCAT conservation and management measures and the information contained in the transfer declaration is consistent with his/her observations and includes a compliant video record in accordance with paragraphs 1, 2 and 3. The ICCAT observer shall also verify that the ICCAT transfer declaration is transmitted to the master of the towing vessel or operator of the farm or trap representative where applicable. If the ICCAT observer is not in agreement with the transfer declaration, the ICCAT observer shall indicate his/her presence on the transfer declarations and BCDs and the reasons of disagreement quoting specially the rule(s) or procedure(s) that have not been respected.

(5) The master of the catching or towing vessels or the operators of the farm or trap shall complete and transmit to the responsible Member State, the ICCAT transfer declaration at the end of the transfer operation, in accordance with the format set out in Annex VI. Member States shall forward the transfer declaration to the Commission which shall send it to the ICCAT Secretariat without delay.

Article 44
Implementing acts

The Commission may adopt implementing acts laying down operational procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.

SECTION 7
CAGING OPERATIONS

Article 45
Caging authorisation and possible refusal of an authorisation

(1) Prior to the start of caging operations for each transport cage, the anchoring of transport cages within 0.5 nautical miles of farming facilities, shall be prohibited. To this end, geographical coordinates corresponding to the polygon where the farm is placed need to be available in the farming management plans referred to in Article 14.

(2) Before any caging operation, the Member State responsible for the farm shall request the approval of the caging by the Member State or CPC responsible for the catching vessel or trap which caught the bluefin tuna to be caged.

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

(a) the catching vessel or trap which caught the fish had not a sufficient quota for bluefin tuna;

(b) the quantity of fish has not been duly reported by the catching vessel or trap, or;

(c) the catching vessel or trap declared to have caught the fish does not have a valid authorisation to fish for bluefin tuna, issued in accordance with Article 26.

(4) 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 Member State or CPC responsible for the farm; and

(b) request that competent authority to proceed to the seizure of the catches and the release of the fish into the sea.

(5) The caging shall not begin without the approval, issued within one working day of the request, by the Member State or CPC responsible for the catching vessels or trap, or by the Member State responsible for the farm if agreed with the authorities of Member State or CPC responsible for the catching vessels or trap. If no response is received within one working day, from the authorities of the Member State or CPC responsible for the catching vessel or trap, the competent authorities of the Member State responsible for the farm may authorise the caging operation.

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

Article 46
Bluefin tuna catch documentation

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[45]. The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps.

Article 47
Inspections

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

Article 48
Monitoring by video-camera

Member States responsible for farms shall ensure that caging operations shall be monitored by their control authorities by video camera in the water. One video record shall be produced for each caging operation in accordance with the procedures in Annex X.

Article 49
Launching and conduct of investigations

Where there is a difference of more than 10% by number between the estimates made by either the ICCAT regional observer, relevant Member States control authorities and/or the farm operator, the Member State responsible of the farm shall initiate an investigation in cooperation with the Member State or CPC responsible for the catching vessel and/or trap. The Member State undertaking the investigations may use other information at their disposal, including the results of the caging programmes referred to under Article 50.

Article 50
Measures and programmes to estimate the number and weight of bluefin tuna to be caged

(1) Member States shall ensure that a programme using stereoscopic cameras systems or alternative methods that guarantee the same level of precision and accuracy covers 100% of all caging operations, in order to estimate the number and weight of the fish.

(2) That programme 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 the ICCAT during the Annual meeting.

(3) Member States responsible for the farm shall communicate the results of this programme to the Member State or CPC responsible for the catching vessels, and to the entity operating the regional observer program on behalf of ICCAT.

(4) 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.

(5) The Member State responsible for the catching vessel or trap shall issue a release order , in accordance with the procedures laid down in Annex XII, for the quantities caged which exceed the quantities declared caught and transferred, if:

[45] 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).

(a) the investigation referred to in paragraph 4 is not concluded within 10 working days from the communication of the results of the programme, for a single caging operation, or of all caging operations from a joint fishing operation; or

(b) the outcome of the investigation 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.

(6) The results of the 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.

(7) Member States shall submit the results of the programme to the Commission by 1 September of each year. The Commission shall transmit that information to the SCRS by 15 September of each year for evaluation.

(8) The transfer of live bluefin tuna from one farming cage to another farming cage shall not take place without the authorisation and the presence of control authorities of the Member State or CPC responsible for the farm. Each transfer shall be recorded to control the number of specimens. National control authorities shall monitor those transfers and ensure that each intra farm transfer is recorded in the e-BCD system.

(9) 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.

Article 51
Caging declaration

(1) Within one week from the completion of the caging operation, the Member State responsible for the farm shall submit a caging declaration according to Annex XIV to the Member State or CPC whose vessels or traps have caught the bluefin tuna, and to the Commission. The Commission shall transmit that information to the ICCAT Secretariat.

(2) For the purpose of paragraph 1, a caging operation shall not be deemed to be completed until any investigation launched and any release operation ordered is concluded.

Article 52
Intra-farm transfers and random controls

(1) Member States responsible for the farms shall put in place a traceability system, including the video-recording of internal transfers.

(2) The control authorities of the Member States responsible for the farms shall undertake random controls, on the basis of a risk analysis, on bluefin tuna kept in farm cages between the time of completion of caging operations in a year and the first caging in the following year.

(3) For the purpose of paragraph 2, each Member State responsible for farms shall establish a minimum percentage of fish to be controlled. That percentage shall be

set out in the annual inspection plan referred to in Article 13. Each Member State shall communicate to the Commission the results of the random controls carried out each year. The Commission shall transmit those results to the ICCAT Secretariat in April of the following year.

Article 53

Access to and requirements for video records

(1) Each Member State responsible for the farm shall ensure that the video records referred to in Articles 48 and 50 are made available upon request to the national inspectors, as well as regional and ICCAT inspectors and ICCAT and national observers.

(2) Each Member State responsible for farms shall take the necessary measures to avoid any replacement, edition or manipulation of the original video records.

Article 54

Caging report

Member States subject to the obligation of submitting caging declarations under Article 51, shall send to the Commission a caging report each year by 31 July for the previous year. The Commission shall send that information to the ICCAT Secretariat by 1 August each year. The report shall contain the following information:

(a) The total amount of bluefin tuna caged by farm, including loss in number and weight during the transportation to the cages by farm, carried out by fishing vessels and by traps;

(b) The list of vessels that fish for, provide or transport bluefin tuna for farming purposes (name of the vessel, flag, license number, gear type) and traps;

(c) The results of the sampling programme for the estimation of the numbers-at-size of the bluefin tuna caught, as well as the date, time and area of catch and the fishing method used, in order to improve statistics for stock assessment purposes;

The sampling programme requires that size sampling (length or weight) at cages must be done on one sample (= 100 specimens) for every 100t of live fish, or on a 10% sample of the total number of the caged fish. Size samples will be collected during harvesting at the farm and on the dead fish during transport, following the ICCAT Guidelines for submitting data and information. For fish farmed more than one year, other additional sampling methodologies shall be established. The sampling shall be conducted during any harvesting, covering all cages;

(d) The quantities of bluefin tuna placed in cage and estimate of the growth and mortality while in captivity and of the amounts sold in tonnes. This information shall provided by farm;

(e) The quantities of bluefin tuna caged during the previous year; and

(f) The quantities, broken down by their origin, marketed during the previous year.

Article 55

Implementing acts

The Commission may adopt implementing acts laying down procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67.

SECTION 8

MONITORING AND SURVEILLANCE

Article 56

Vessel Monitoring System

(1) By way of derogation from Article 9 (5) of Regulation (EC) No 1224/2009, flag Member States shall implement a Vessel Monitoring System (VMS) for their fishing vessels with a length overall equal to or greater than 12 meters in accordance with Annex XV.

(2) Fishing vessels over 15 meters length overall that are included in the list of vessels referred to in point (a) of Article 25(1) or in the list of vessels referred to in point (b) of Article 25(1) shall begin to transmit VMS data to ICCAT at least 5 days before their period of authorisation and shall continue at least 5 days after their period of authorisation, unless a request is sent in advance to the Commission for the vessel to be removed from the ICCAT record of vessels.

(3) For control purposes, the master or his representative shall ensure that the transmission of VMS data from catching vessels that are authorised to fish actively for bluefin tuna is not interrupted when vessels are in port.

(4) Member States shall ensure that their fisheries monitoring centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag. The Commission shall send those messages electronically to the ICCAT Secretariat.

(5) Member States shall ensure that:

(a) VMS messages from the fishing vessels flying their flag are forwarded to the Commission at least every two hours;

(b) In the event of technical malfunctioning of the VMS, alternative messages from the fishing vessels flying their flag received pursuant to Article 25(1) of Implementing Regulation (EU) No 404/2011 are forwarded to the Commission within 24 hours of receipt by their fisheries monitoring centres;

(c) Messages forwarded to the Commission are sequentially numbered (with a unique identifier) in order to avoid duplication;

(d) Messages forwarded to the Commission are in accordance with Article 24(3) of Implementing Regulation (EU) No 404/2011.

(6) Each Member State shall ensure that all messages made available to its inspection vessels are treated in a confidential manner and are limited to inspection at sea operations.

SECTION 9
Inspection and Enforcement

Article 57
ICCAT Scheme of Joint International Inspection

(1) Joint international inspection activities shall be carried out in accordance with the ICCAT Scheme of Joint International Inspection (the ICCAT 'scheme') for international control outside the waters under national jurisdiction, as set out in Annex IX to this Regulation.

(2) Member States whose fishing vessels are authorised to operate for bluefin tuna shall assign inspectors and carry out inspections at sea under the ICCAT scheme.

(3) When at any time, more than 15 fishing vessels flagged to a Member State are engaged in bluefin tuna activities in the Convention Area, the concerned Member State shall, on the basis of risk assessment, deploy an inspection vessel for the purpose of inspection and control at sea in the Convention Area throughout the period that those vessels are there. That obligation shall be deemed to have been complied with where Member States cooperate to deploy an inspection vessel or where a Union inspection vessel is deployed in the Convention Area.

(4) The Commission or a body designated by it may assign Union inspectors to the ICCAT scheme.

(5) For the purpose of paragraph 3, the Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. The Commission may draw up, in coordination with the Member States concerned, joint inspection programmes to enable the Union to fulfil its obligation under the ICCAT scheme. Member States whose fishing vessels are engaged in the fishery of bluefin tuna shall adopt the necessary measures to facilitate the implementation of those programmes particularly as regards the human and material resources required and the periods and geographical areas when those resources are to be deployed.

(6) Member States shall inform the Commission by 1 April of each year of the names of the inspectors and the inspection vessels they intend to assign to the ICCAT scheme during the year. Using that information, the Commission shall draw up, in collaboration with the Member States, a plan for the Union participation in the ICCAT scheme each year, which it shall send to the ICCAT Secretariat and the Member States.

Article 58
Inspections in case of infringements

The flag Member State shall ensure that a physical inspection of a fishing vessel flying its flag takes place under its authority in its ports, or by an inspector designated by it when the fishing vessel is not in one of its ports, if the fishing vessel:

(a) failed to comply with the recording and reporting requirements set out in Articles 30 and 31; or

(b) committed a breach of the provisions of this Regulation or a serious infringement referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90 of Regulation (EC) No 1224/2009.

Article 59
Cross-checks

(1) Each Member State shall verify information and timely submission of inspection and observer reports, VMS data, and where appropriate e-BCDs, logbooks of their fishing vessels, transfers/transhipment documents and catch documents, in accordance with Article 109 of Regulation (EC) No 1224/2009.

(2) Each Member State shall carry out cross-checks on all landings, all transhipments or caging between the quantities by species recorded in the fishing vessel logbook or quantities by species recorded in the transhipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoice and/or sales notes.

SECTION 10
Enforcement

Article 60
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 Member State responsible for the farm(s) for bluefin tuna shall take appropriate enforcement measure with respect to a farm, where it has been established, in accordance with its law that this farm does not comply with the provisions of Articles 45 to 55. The measures may include, depending on the gravity of the offense and in accordance with the pertinent provisions of national law, suspension or withdrawal of the record of bluefin tuna farm, and the imposition of fines.

CHAPTER 6
Marketing

Article 61
Marketing measures

(1) Without prejudice to Regulations (EC) No 1224/2009, (EC) No 1005/2008 and Regulation (EU) No 1379/2013[46]. Union trade, landing, import, export, placing in cages for fattening or farming, re-export and transhipment of bluefin tuna that are not accompanied by the accurate, complete and validated documentation set out in this Regulation, Article 4b of Regulation (EC) No 1936/2001 and Union legislation implementing ICCAT rules on the catch documentation programme shall be prohibited.

(2) Union trade, import, landing, placing in cages for fattening or farming, processing, export, re-export and transhipment of bluefin tuna shall be prohibited if:

[46] Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

(a) the bluefin tuna was caught by fishing vessels or traps whose flag State does not have a quota, catch limit or allocation of fishing effort for bluefin tuna under the terms of ICCAT conservation and management measures, or;

(b) the bluefin tuna was caught by a fishing vessel or a trap whose individual quota or whose State's fishing opportunities were exhausted at the time of the catch.

(3) Without prejudice to Regulations (EC) No 1224/2009, (EC) No 1005/2008 and (EU) No 1379/2013, Union trade, imports, landings, processing and exports of bluefin tuna from fattening or farming farms that do not comply with the Regulations referred to in paragraph 1 shall be prohibited.

CHAPTER 7
Final provisions

Article 62
Evaluation

Upon request from the Commission, Member States shall submit without delay a detailed report on their implementation of this Regulation to the Commission. Based on the information received from Member States, the Commission shall submit to the ICCAT Secretariat by the date decided by the ICCAT, a detailed report on the implementation of ICCAT Recommendation 18-02.

Article 63
Financing

For the purposes of Regulation (EU) No 508/2014 of the European Parliament and of the Council [47], this _Regulation shall be deemed to be a multiannual plan within the meaning of Article 9 of Regulation (EU) No 1380/2013.

Article 64
Confidentiality

Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.

Article 65
Procedure for amendments

(1) The Commission is empowered to adopt delegated acts in accordance with Article 66 concerning amendments to this Regulation in order to adapt it to measures adopted by ICCAT that bind the Union and its Member States as regards:

(a) The target of fishing mortality to maintain the stock biomass at MSY as referred to in Article 3;

[47] Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

(b) Deadlines for reporting information as laid down in Article 23(4), Article 25(1), Article 28(1), Article 31(2) and (3), Article 34(5) and (6), Article 35, Article 40(3), Article 43(2), Article 50(7), Article 51(1), Article 54, Article 56(5)(b) and Article 57(6);

(c) Time periods for fishing seasons as provided in Article 16(1) and (4);

(d) The minimum conservation reference size set in Article 18(1) and (2) and Article 19(1);

(e) The percentages and reference parameters laid down in Article 12, Article 14(3) and (4), Article 19(1), Article 20(2), Article 37(1), Article 43(2), Article 49 and Article 50(9);

(f) The information to be submitted to the Commission referred to in Article 10(1), Article 23(1), Article 24(3), Article 28(1), Article 29(4), Article 33(2), Article 39(1) and Article 54;

(g) Tasks for national observers and ICCAT regional observers as provided in Article 37(2) and Article 38(5), respectively;

(h) Reasons to refuse the authorisation to transfer laid down in Article 40(1);

(i) Reasons to seize the catches and order the release of fish of Article 45(4);

(j) The number of vessels in Article 57(3);

(k) Annexes I to XV.

(2) Any amendments adopted in accordance with paragraph 1 shall be strictly limited to the implementation of amendments and/or supplements to the respective ICCAT recommendations into Union law.

Article 66
Exercise of delegation

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

(2) The power to adopt delegated acts referred to in Article 65 shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation.

(3) The delegation of power referred to in Article 65 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

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

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

(6) A delegated act adopted pursuant to Article 65 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council

within a period of two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 67
Committee procedure

(1) The Commission shall be assisted by the Committee for Fisheries and Aquaculture established under Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 68
Amendments to Regulation(EC) No 1936/2001

Regulation (EC) No 1936/2001 is amended as follows:

(a) Article 3(g) to (j), Articles 4a, 4b, and 4c and Annex Ia are deleted.

(b) in Annexes I and II, the word "Bluefin tuna: *Thunnus thynnus*" is deleted.

Article 69
Amendments to Regulation (EU) 2017/2107

In Regulation (EU) 2017/2107, Article 43 is deleted.

Article 70
Amendments to Regulation (EU) 2019/833

In Regulation (EU) 2019/833 Article 53 is deleted.

Article 71
Repeal

(1) Regulation (EC) No 2016/1627 is hereby repealed.

(2) References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XVI.

Article 72
Entry into force

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

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

Done at Brussels,

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