



EUROPEAN PARLIAMENT

2009 - 2014

Session document

A7-0119/2010

15.4.2010

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003 (COM(2009)0406 – C7-0124/2009 – 2009/0116(COD))

Committee on Fisheries

Rapporteur: Raül Romeva i Rueda

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed in the draft act.)

Amendments to a text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the draft act has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003 (COM(2009)0406 – C7-0124/2009 – 2009/0116(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0406),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0124/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled "Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures" (COM(2009)0665),
 - having regard to Article 294(3) and Article 43(2) of the Treaty on the Functioning of the EU,
 - having regard to the opinion of the European Economic and Social Committee,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0119/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

Proposal for a
COUNCIL REGULATION

Amendment

Proposal for a
***REGULATION OF THE EUROPEAN
PARLIAMENT AND THE COUNCIL***

of
establishing a catch documentation
programme for bluefin tuna *Thunnus*
thynnus and amending Regulation (EC) No
1984/2003

of
establishing a catch documentation
programme for bluefin tuna *Thunnus*
thynnus and amending Regulation (EC) No
1984/2003

Amendment 2

Proposal for a regulation Citation 1

Text proposed by the Commission

Having regard to the Treaty *establishing
the European Community, and in
particular Article 37* thereof,

Amendment

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

Amendment 3

Proposal for a regulation Citation 3

Text proposed by the Commission

*Having regard to the opinion of the
European Parliament,*

Amendment

deleted

Amendment 4

Proposal for a regulation Citation 3 a (new)

Text proposed by the Commission

Amendment

*Having regard to the opinion of the
European Economic and Social
Committee,*

Amendment 5

Proposal for a regulation Citation 3 b (new)

Text proposed by the Commission

Amendment

Acting in accordance with the procedure laid down in Article 294 of the Treaty on the Functioning of the European Union.

Amendment 6

Proposal for a regulation Recital 4

Text proposed by the Commission

Amendment

(4) As part of the measures to regulate stocks of bluefin tuna, improve the quality and reliability of statistical data and in order to prevent, deter and eliminate illegal fishing, the ICCAT has adopted at its annual meeting in ***Marrakesh (Morocco), on 24 November 2008, the Recommendation 08-12*** amending Recommendation ***07-10*** on an ICCAT bluefin tuna catch documentation programme. Since this Recommendation will enter into force on ***17 June 2009***, it needs to be implemented by the Community.

(4) As part of the measures to regulate stocks of bluefin tuna, improve the quality and reliability of statistical data and in order to prevent, deter and eliminate illegal fishing, the ICCAT has adopted at its annual meeting in ***Recife (Brazil), on 15 November 2009, Recommendation 09-11*** amending Recommendation ***08-12*** on an ICCAT bluefin tuna catch documentation programme. Since this Recommendation will enter into force on ***1 June 2010***, it needs to be implemented by the Community.

Amendment 7

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of the transposition of new conservation measures adopted by

ICCAT, thus updating and supplementing the annexes to this Regulation.

Amendment 8

Proposal for a regulation Article 1

Text proposed by the Commission

This Regulation establishes a Community bluefin tuna catch documentation programme in order to support the implementation of conservation and management measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Amendment

This Regulation establishes a Community bluefin tuna catch documentation programme in order to support the implementation of conservation and management measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT), ***incorporating the provisions of the ICCAT bluefin tuna catch documentation programme with a view to identifying the origin of all bluefin tuna.***

Amendment 9

Proposal for a regulation Article 2 – point b i

Text proposed by the Commission

(i) trade of bluefin tuna caught in the ICCAT Convention area by a Community catching vessel or trap, which is landed in the territory of the ***Member State where the catching vessel is flagged or where the trap is established***, and

Amendment

(i) trade, ***in one Member State or between two or more Member States***, in bluefin tuna caught in the ICCAT Convention area by a Community catching vessel or trap, which is landed in the territory of the ***Community***, and

Amendment 10

Proposal for a regulation Article 2 – point b ii

Text proposed by the Commission

(ii) trade of farmed bluefin tuna ***originating from bluefin tuna*** caught in

Amendment

(ii) trade, ***in one Member State or between two or more Member States***, in farmed

the ICCAT Convention area by a Community catching vessel which is *flagged to the same Member State where the farm is established, where the bluefin tuna is then supplied to any entity in that Member State, and*

bluefin tuna caught in the ICCAT Convention area by a Community catching vessel, which is *caged in a farm established in the territory of the Community.*

Amendment 11

Proposal for a regulation Article 2 – point b iii

Text proposed by the Commission

(iii) trade between Member States of bluefin tuna caught in the ICCAT Convention area by Community catching vessels flagged in one Member State or by a trap established in one Member State.

Amendment

deleted

Amendment 12

Proposal for a regulation Article 2 - point c

Text proposed by the Commission

(c) "Export": means any movement to a third country of bluefin tuna caught in the ICCAT Convention area by a Community catching vessel or trap, including from the territory of the **Community**, from third countries or from fishing grounds;

Amendment

(c) "Export": means any movement to a third country of bluefin tuna caught **or processed (including farmed)** in the ICCAT Convention area by a Community catching vessel or trap, including from the territory of the **Union**, from third countries or from fishing grounds;

Amendment 13

Proposal for a regulation Article 2 - point d

Text proposed by the Commission

(d) "Import": means the introduction into the territory of the Community, including for caging, fattening, farming or

Amendment

(d) "Import": means the introduction into the territory of the Community, including for caging, fattening, farming or

transhipment purposes, of bluefin tuna caught in the ICCAT Convention area by a third country catching vessel or trap;

transhipment purposes, of bluefin tuna caught ***or processed (including farmed)*** in the ICCAT Convention area by a third country catching vessel or trap;

Amendment 14

Proposal for a regulation Article 2 - point e

Text proposed by the Commission

(e) "Re-export": means any movement from the territory of the Community of bluefin tuna which had been previously imported into the territory of the Community;

Amendment

(e) "Re-export": means any movement from the territory of the Community of bluefin tuna ***in caught or processed form (including farmed)*** which had been previously imported into the territory of the Community;

Amendment 15

Proposal for a regulation Article 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) "Lot" means a quantity of bluefin tuna products of the same presentation and originating in the same relevant geographical area and the same fishing vessel, or group of fishing vessels, or the same trap.

Amendment 16

Proposal for a regulation Article 3 - paragraph 1

Text proposed by the Commission

1. Member States shall require a completed bluefin tuna catch document (hereinafter referred to as "catch document") for each bluefin tuna landed at its ports, delivered to, and harvested from its farms.

Amendment

1. Member States shall require a completed bluefin tuna catch document (hereinafter referred to as "catch document") for each bluefin tuna landed ***or transhipped*** at its ports, delivered to, and harvested from its

farms.

Amendment 17

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Each **consignment** of bluefin tuna domestically traded, imported into or exported or re-exported from the territory of the Community shall be accompanied by a validated catch document, except in cases where Article 4 paragraph 3 applies and, as applicable, an ICCAT transfer declaration or a validated bluefin tuna re-export certificate (referred to as "re-export certificate").

Amendment

2. Each **lot** of bluefin tuna domestically traded, imported into or exported or re-exported from the territory of the Community shall be accompanied by a validated catch document, except in cases where Article 4 paragraph 3 applies and, as applicable, an ICCAT transfer declaration or a validated bluefin tuna re-export certificate (referred to as "re-export certificate").

Amendment 18

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Any such landing, transfer, delivery, harvest, domestic trade, import, export or re-export of bluefin tuna without a completed and validated catch document **or** a re-export certificate shall be prohibited.

Amendment

Any such landing, transfer, delivery, harvest, domestic trade, import, export or re-export of bluefin tuna without a completed and validated catch document **and, where applicable, also** a re-export certificate shall be prohibited.

Justification

The use of the disjunctive conjunction 'or' could be misleading, since it could be mistakenly understood as meaning that the BCD could be omitted, although it is indispensable in any domestic or export trade.

Amendment 19

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall not place bluefin tuna:

(a) into a farm not authorised by the Member State or contracting parties, cooperating non-contracting Parties, entities and fishing entities (CPCs) or not listed in the ICCAT record of farming facilities authorised to operate for farming of bluefin tuna caught in the ICCAT Convention area,

(b) from different years or Member States or CPCs in the same cages unless effective measures are in place to determine the Member State or CPC of origin and catch year.

3. Member States shall not place bluefin tuna into a farm not authorised by the Member State or contracting parties, cooperating non-contracting Parties, entities and fishing entities (CPCs) or not listed in the ICCAT record of farming facilities authorised to operate for farming of bluefin tuna caught in the ICCAT Convention area.

Amendment 20

Proposal for a regulation Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Farm Member States shall ensure that bluefin tuna catches are placed in separate cages or series of cages and partitioned on the basis of the Member State or CPC of origin.

Amendment 21

Proposal for a regulation Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. By way of derogation from Article 3a,

farm Member States shall ensure that bluefin tuna caught in the context of a joint fishing operation are placed in separate cages or series of cages and partitioned on the basis of joint fishing operations.

Amendment 22

Proposal for a regulation Article 3 - paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Farm Member States shall ensure that bluefin tuna are harvested from farms in the year in which they were caught, or before the beginning of the purse seiners fishing season if harvested in the following year. Where harvesting operations are not completed within that period, farm Member States shall complete and transmit an annual carry-over declaration to the Commission within 10 days of the end of that period. Such declaration shall include:

- quantities (expressed in kg) and number of fish intended to be carried over,*
- year of catch,*
- size composition,*
- flag Member State or CPC, ICCAT number and name of the catching vessel,*
- references of the catch document corresponding to the catches carried over,*
- name and ICCAT number of the fattening facility,*
- cage number, and*
- information on harvested quantities (expressed in kg), when completed.*

The Commission shall forward the declarations to the ICCAT Secretariat within 5 days.

Amendment 23

Proposal for a regulation

Article 3 – paragraph 3 d (new)

Text proposed by the Commission

Amendment

3d. Quantities carried over in accordance with paragraph 3c shall be placed in separate cages or series of cages in the farm on the basis of the catch year.

Amendment 24

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall provide catch document forms only to their catching vessels and traps authorised to fish bluefin tuna in the Convention area, including as by-catch. **Such forms shall not be transferable.**

4. **Flag or trap** Member States shall provide catch document forms only to their catching vessels and traps authorised to fish bluefin tuna in the Convention area, including as by-catch.

Amendment 25

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. Each catch document form shall have a unique document identification number. Document numbers shall be specific to the flag or trap Member State and assigned to each catching vessel or trap.

5. Each catch document form shall have a unique document identification number. Document numbers shall be specific to the flag or trap Member State and assigned to each catching vessel or trap. **Such forms shall not be transferable to another catching vessel or trap.**

Amendment 26

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

6. Copies of catch documents shall follow each part of split **shipments** or processed product, using the unique document number of the original catch document in order to track them.

Amendment

6. Copies of catch documents shall follow each part of split **lots** or processed product, using the unique document number of the original catch document in order to track them.

Amendment 27

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Catching vessel masters, trap operators, farm operators, sellers, exporters, or their authorised representatives, shall complete a catch document by providing the required information in appropriate sections and request its validation in accordance with paragraph 2 on each occasion that they land, transfer, harvest, tranship, domestically trade or export bluefin tuna.

Amendment

1. Catching vessel masters, trap operators, farm operators, sellers, exporters, or their authorised representatives, shall complete a catch document, **if possible electronically**, by providing the required information in appropriate sections and request its validation in accordance with paragraph 2 on each occasion that they land, transfer, **cage**, harvest, tranship, domestically trade or export bluefin tuna.

Amendment 28

Proposal for a regulation Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) a catching vessel flies the flag of the Member State or a trap or farm is established in the Member State that harvested the bluefin tuna, **or when the catching vessel is operating under a charter arrangement, by a competent authority or institution of the chartering Member State or CPC,**

Amendment

(a) a catching vessel flies the flag of the Member State or a trap or farm is established in the Member State that harvested the bluefin tuna,

Amendment 29

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) all the information contained in the catch document has been established to be accurate as a result of the verification of the **consignment**,

Amendment

(b) all the information contained in the catch document has been established to be accurate as a result of the verification of the **lot**,

Amendment 30

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Validation under **paragraph 2(a)** shall not be required in the event that all bluefin tuna available for sale are tagged, as referred to in Article 5, by the flag or trap Member State that fished the bluefin tuna.

Amendment

3. Validation under **paragraph 2** shall not be required in the event that all bluefin tuna available for sale are tagged, as referred to in Article 5, by the flag or trap Member State that fished the bluefin tuna.

Amendment 31

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

4. Where the bluefin tuna quantities caught and landed are less than 1 ton or three fish, the logbook or the sales note may be used as a temporary catch document, pending the validation of the catch document within seven days and prior to domestic trade or export.

Amendment

4. Where the bluefin tuna quantities caught and landed are less than 1 ton or three fish, the **fishing** logbook or the sales note may be used as a temporary catch document, pending the validation of the catch document within seven days and prior to domestic trade or export.

Amendment 32

Proposal for a regulation

Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Instructions for the issuing, numbering, completion and validation of the catch document are set out in Annex IV.

Amendment 33

Proposal for a regulation

Article 5 - paragraph 2

Text proposed by the Commission

Amendment

2. A summary of implementation of the tagging programme shall be submitted to the Commission by the concerned Member States.

2. A summary of implementation of the tagging programme shall be submitted to the Commission by the concerned Member States. ***The Commission shall forward the summaries to the ICCAT Secretariat without delay.***

Amendment 34

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that each bluefin tuna ***consignment*** which is re-exported from their territory be accompanied by a validated re-export certificate.

1. Member States shall ensure that each bluefin tuna ***lot*** which is re-exported from their territory be accompanied by a validated re-export certificate.

Amendment 35

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. The operator who is responsible for the re-export shall complete the re-export certificate by providing the required information in its appropriate sections and request its validation for the bluefin tuna **consignment** to be re-exported. The completed re-export certificate shall be accompanied by a copy of the validated catch document(s) relating to the bluefin tuna previously imported.

Amendment

2. The operator who is responsible for the re-export shall complete the re-export certificate by providing the required information in its appropriate sections and request its validation for the bluefin tuna **lot** to be re-exported. The completed re-export certificate shall be accompanied by a copy of the validated catch document(s) relating to the bluefin tuna previously imported.

Amendment 36

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that their competent authorities identify each **consignment** of bluefin tuna landed in, domestically traded in, imported into or exported or re-exported from its territory. The competent authorities shall request and examine the validated catch document(s) and related documentation of each **consignment** of bluefin tuna. The examination shall include the consultation of the database on validation held by the ICCAT Secretariat.

Amendment

1. Member States shall ensure that their competent authorities identify each **lot** of bluefin tuna landed in, **transhipped in**, domestically traded in, imported into or exported or re-exported from its territory. The competent authorities shall request and examine the validated catch document(s) and related documentation of each **lot** of bluefin tuna. The examination shall include the consultation of the database on validation held by the ICCAT Secretariat.

Amendment 37

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. The competent authorities may also

Amendment

2. The competent authorities may also

examine the content of the **consignment** to verify the information contained in the catch document and in related documents and, where necessary, shall carry out verifications with the operators concerned.

examine the content of the **lot** to verify the information contained in the catch document and in related documents and, where necessary, shall carry out verifications with the operators concerned.

Amendment 38

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. If a Member State identifies a **consignment** with no catch document, it shall notify the findings to the delivering Member State, or the exporting CPC and, where known, the flag Member State or the flag CPC.

Amendment

4. If a Member State identifies a **lot** with no catch document, it shall notify the findings to the delivering Member State, or the exporting CPC and, where known, the flag Member State or the flag CPC.

Amendment 39

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall notify to the Commission ***their authorities responsible for validating and verifying catch documents or re-export certificates, in particular name and full address and, where appropriate, name and title of the validating officials who are individually empowered, sample form of document, sample impression of stamp or seal, and, as appropriate, tag samples.***

Amendment

1. Member States shall notify to the Commission:

(a) the name and full address of their authorities responsible for validating and verifying catch documents or re-export certificates,

(b) the name, title and sample impression of stamp or seal of the validating officials who are individually empowered, and

(c) as appropriate, tag samples.

Amendment 40

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The notification shall indicate the date at which this entitlement comes into force. Updated details on validating authorities shall be communicated to the Commission in a timely fashion.

Amendment

2. The notification shall indicate the date at which this entitlement comes into force. Updated details on validating authorities **and officials** shall be communicated to the Commission in a timely fashion.

Amendment 41

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall provide to the Commission by electronic means a programme report, each year by 15 September, covering the period from July 1 of the preceding year to June 30 of the current year including the information set out in *Annex V*.

Amendment

1. Member States shall provide to the Commission by electronic means a programme report, each year by 15 September, covering the period from July 1 of the preceding year to June 30 of the current year including the information set out in *Annex VI*.

Amendment 42

Proposal for a regulation

Article 12 - paragraph 1

Text proposed by the Commission

The Annexes may be amended by the Commission in accordance with the procedure laid down in Article 13.

Amendment

In order to apply the conservation measures adopted by ICCAT, to which the Union is a contracting party, the Commission may amend, by means of delegated acts in accordance with Article 12a and subject to the conditions set out in Articles 12b and 12c, the annexes to

this Regulation.

Amendment 43

Proposal for a regulation Article 12 - paragraph 2

Text proposed by the Commission

The amendments shall concern the conservation measures adopted by ICCAT in which the Community is a contracting party.

Amendment

When adopting such delegated acts, the Commission shall act in accordance with the provisions of this Regulation.

Amendment 44

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Exercise of the delegation

1. The powers to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a period of 5 years following the entry into force of this Regulation. The Commission shall make a report in respect of the delegated powers at the latest 6 months before the end of the 5 year period. The delegation of powers shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 12b.

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

3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 12b and 12c.

Amendment 45

Proposal for a regulation Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12b

Revocation of the delegation

1. The delegation of powers referred to in Article 12 may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken.

3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Amendment 46

Proposal for a regulation Article 12 c (new)

Text proposed by the Commission

Amendment

Article 12c

Objections to delegated acts

1. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.

At the initiative of the European Parliament or the Council that period shall be extended by two months.

2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

3. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Amendment 47

Proposal for a regulation Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Committee procedure

1. The Commission shall be assisted by the Committee set up under Article 30 of Regulation (EC) No 2371/2002.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

Amendment 48

Proposal for a regulation Article 14 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) Annexes I, IVa, IX and XV are *deleted*.

(k) Annexes I, IVa, IX and XV are *hereby repealed*.

Amendment 49

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. References to the ***deleted*** provisions of Regulation (EC) No 1984/2003 shall be construed as references to this Regulation.

Amendment

2. References to the ***repealed*** provisions of Regulation (EC) No 1984/2003 shall be construed as references to this Regulation.

Amendment 50

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Review of this Regulation

The Commission shall review this Regulation following the recommendations adopted by ICCAT, taking into account the updated scientific opinions on stocks size which will be submitted at its meetings and shall put forward any amendments that may be necessary.

Justification

CITES is a convention which protects the biodiversity of animal and plant species, while the ICCAT is the body responsible for management and conservation of bluefin tuna stocks.

Amendment 51

Proposal for a regulation Annex I – table

Text proposed by the Commission

Amendment

PRODUCTS
REFERRED TO IN
ARTICLE

Code of the
Combined
Nomenclature

PRODUCTS
REFERRED TO
IN ARTICLE

Code of the
Combined
Nomenclature

PE438.291v02-00

24/54

RR\438291EN.doc

2(a)Goods Description Live Bluefin tunas (Thunnus thynnus)	0301 94 00	2(a)Goods Description Live Bluefin tunas (Thunnus thynnus)	0301 94 00
Bluefin Tunas (Thunnus thynnus), fresh or chilled excluding fillets and other meat	0302 35 10	Bluefin Tunas (Thunnus thynnus), fresh or chilled excluding fillets and other meat	0302 35 10
Bluefin Tunas (Thunnus thynnus), fresh or chilled excluding fillets and other meat other than for the industrial manufacture of prepared or preserved fish	0302 35 90	Bluefin Tunas (Thunnus thynnus), fresh or chilled excluding fillets and other meat other than for the industrial manufacture of prepared or preserved fish	0302 35 90
Whole Bluefin tunas (Thunnus thynnus), frozen, excluding fillets and other meat for the industrial manufacture of prepared or preserved fish	0303 45 11	Whole Bluefin tunas (Thunnus thynnus), frozen, excluding fillets and other meat for the industrial manufacture of prepared or preserved fish	0303 45 11
Bluefin tunas (Thunnus thynnus), frozen, gilled and gutted excluding fillets and other meat for the industrial manufacture of prepared or preserved fish	0303 45 13	Bluefin tunas (Thunnus thynnus), frozen, gilled and gutted excluding fillets and other meat for the industrial manufacture of prepared or preserved fish	0303 45 13
Bluefin tunas (Thunnus thynnus), frozen, other than whole or gilled and gutted excluding fillets and other meat for the industrial manufacture of	0303 45 19	Bluefin tunas (Thunnus thynnus), frozen, other than whole or gilled and gutted excluding fillets and other meat for the	0303 45 19

prepared or
preserved fish

Bluefin tunas
(Thunnus thynnus),
frozen, excluding
fillets and other meat
other than for the
industrial
manufacture of
prepared or
preserved fish

0303 45 90

Fillets of Bluefin
tunas (Thunnus
thynnus) fresh or
chilled

ex 0304 19 39

Meat other than
fillets of Bluefin
tunas (Thunnus
thynnus) fresh or
chilled

ex 0304 19 39

Fillets and other
meat of Bluefin
tunas (Thunnus
thynnus) frozen

ex 0304 29 45

Other meat of
Bluefin tunas
(Thunnus thynnus)

ex 0304 99 99

***Flours, meals and
pellets of Bluefin
tunas (Thunnus
thynnus)***

ex 0305 10 00

***Livers and roes of
Bluefin tunas
(Thunnus thynnus),
dried, smoked, salted
or in brine***

ex 0305 20 00

Fillets of Bluefin
tunas (Thunnus
thynnus), dried,
salted or in brine but
not smoked

ex 0305 30 90

Smoked Bluefin
tunas (Thunnus
thynnus) including

ex 0305 49 80

industrial
manufacture of
prepared or
preserved fish

Bluefin tunas
(Thunnus
thynnus), frozen,
excluding fillets
and other meat
other than for the
industrial
manufacture of
prepared or
preserved fish

0303 45 90

Fillets of Bluefin
tunas (Thunnus
thynnus) fresh or
chilled

ex 0304 19 39

Meat other than
fillets of Bluefin
tunas (Thunnus
thynnus) fresh or
chilled

ex 0304 19 39

Fillets and other
meat of Bluefin
tunas (Thunnus
thynnus) frozen

ex 0304 29 45

Other meat of
Bluefin tunas
(Thunnus
thynnus)

ex 0304 99 99

Fillets of Bluefin
tunas (Thunnus
thynnus), dried,
salted or in brine
but not smoked
Smoked Bluefin
tunas (Thunnus
thynnus)

ex 0305 30 90

ex 0305 49 80

fillets		including fillets	
Dried Bluefin tunas (Thunnus thynnus) whether or not salted but not smoked	ex 0305 59 80	Dried Bluefin tunas (Thunnus thynnus) whether or not salted but not smoked	ex 0305 59 80
Bluefin tunas (Thunnus thynnus) salted but not dried or smoked and in brine	ex 0305 69 80	Bluefin tunas (Thunnus thynnus) salted but not dried or smoked and in brine	ex 0305 69 80
Bluefin tunas (Thunnus thynnus) whole or in pieces but not minced, prepared or preserved in vegetable oil	ex 1604 14 11	Bluefin tunas (Thunnus thynnus) whole or in pieces but not minced, prepared or preserved in vegetable oil	ex 1604 14 11
Bluefin tunas (Thunnus thynnus) whole or in pieces but not minced, prepared or preserved other than in vegetable oil fillets known as loins	ex 1604 14 16	Bluefin tunas (Thunnus thynnus) whole or in pieces but not minced, prepared or preserved other than in vegetable oil fillets known as loins	ex 1604 14 16
Bluefin tunas (Thunnus thynnus) whole or in pieces but not minced, prepared or preserved other than in vegetable oil and other than fillets known as loins	ex 1604 14 18	Bluefin tunas (Thunnus thynnus) whole or in pieces but not minced, prepared or preserved other than in vegetable oil and other than fillets known as loins	ex 1604 14 18
Bluefin tunas (Thunnus thynnus) other than whole or in pieces but not minced, prepared or preserved	ex 1604 20 70	Bluefin tunas (Thunnus thynnus) other than whole or in pieces but not minced, prepared or preserved	ex 1604 20 70

Amendment 52

Proposal for a regulation Annex II – paragraph 2 – line 7

Text proposed by the Commission

Number of fish, total round weight, and average weight

Amendment

Number of fish, total round weight, and average weight¹

¹ Weight must be reported by round weight where available. If round weight is not used, specify the type of product (e.g., GG) in the "Total Weight" and "Average Weight" section of the form.

Amendment 53

Proposal for a regulation Annex II – paragraph 2 – line 11

Text proposed by the Commission

Name of authority and signatory, title, **address**, signature, seal and date

Amendment

Name of authority and signatory, title, signature, seal and date

Amendment 54

Proposal for a regulation Annex II – paragraph 3 – title

Text proposed by the Commission

3. Trade Information for live fish

Amendment

3. Trade Information for live fish **trade**

Amendment 55

Proposal for a regulation Annex II – paragraph 3 – line 4

Text proposed by the Commission

Point of export or departure (***if offshore, specify the fishery zone where bluefin tuna were caught***)

Amendment

Point of export or departure

Amendment 56

Proposal for a regulation Annex II – paragraph 3 – line 12

Text proposed by the Commission

Name of authority and signatory, title,
address, signature, seal and date

Amendment

Name of authority and signatory, title,
signature, seal and date

Amendment 57

Proposal for a regulation Annex II – paragraph 5 – line 11

Text proposed by the Commission

Name of authority and signatory, title,
address, signature, seal and date

Amendment

Name of authority and signatory, title,
signature, seal and date

Amendment 58

Proposal for a regulation Annex II – paragraph 6

Text proposed by the Commission

6. Farming information
Farming facility description
Name, Farm Member State
ICCAT FFB No. and location of farm
Participation in national sampling program
(yes or no)
Cage description
Date of caging, cage number
Fish description
Estimates of number of fish, total weight,
and average weight
Observer information

Amendment

6. Farming information
Farming facility description
Name, Farm Member State
ICCAT FFB No. and location of farm
Participation in national sampling program
(yes or no)
Cage description
Date of caging, cage number
Fish description
Estimates of number of fish, total weight,
and average weight ¹
ICCAT Regional Observer information

Name, ***title***, signature

Government validation

Name of authority and signatory, title,
address, signature, seal and date

Name, ***ICCAT number***, signature

Government validation

Name of authority and signatory, title,
signature, seal and date

¹ Weight must be reported by round weight where available. If round weight is not used, specify the type of product (e.g., GG) in the "Total Weight" and "Average Weight" section of the form.

Amendment 59

Proposal for a regulation Annex II – paragraph 7

Text proposed by the Commission

7. Harvest from farms information
Harvesting description
Date of harvest
Number of fish, total (round) weight, and average weight
Tag numbers (if applicable)
Estimated size composition (<8 kg, 8-30 kg, >30 kg)
Government validation
Name of authority and signatory, title,
address, signature, seal and date

Amendment

7. Harvest from farms information
Harvesting description
Date of harvest
Number of fish, total (round) weight, and average weight
Tag numbers (if applicable)
ICCAT Regional Observer information

Name, ICCAT number, signature
Estimated size composition (<8 kg, 8-30 kg, >30 kg)
Government validation
Name of authority and signatory, title,
signature, seal and date

Amendment 60

Proposal for a regulation Annex II – paragraph 8 – line 10

Text proposed by the Commission

Name of authority and signatory, title,

Amendment

Name of authority and signatory, title,

address, signature, seal and date

signature, seal and date

Amendment 61

Proposal for a regulation

Annex III – form

Text proposed by the Commission

1. ICCAT BLUE FIN TUNA CATCH DOCUMENT (BCD)		N°CC-YY-XXXXXX		1/2	
2. CATCH INFORMATION					
VESSEL/TRAP					
NAME :		FLAG		ICCAT RECORD N°	
		ATEC			
CATCH DESCRIPTION					
DATE (ddmmyy)		AREA		GEAR	
N° of FISH		TOTAL WEIGHT (kg)		AVERAGE WEIGHT (kg)	
TAGS No. (if applicable)		ICCAT RECORD N° of Joint Fishing Operation (if applicable)			
GOVERNEMENT VALIDATION					
NAME OF AUTHORITY				SEAL	
TITLE					
SIGNATURE					
DATE					
3. TRADE INFORMATION FOR LIVE FISH TRADE					
PRODUCT DESCRIPTION					
LIVE WEIGHT (kg)		No. of FISH		ZONE	
EXPORTER/SELLER					
PT EXPORT/DEPARTURE		COMPANY		ADDRESS	
FARM OF DESTINATION		STATE		ICCAT FFB N°	
SIGNATURE					
DATE					
TRANSPORTATION DESCRIPTION (Relevant documentation to be attached)					
GOVERNEMENT VALIDATION					
NAME OF AUTHORITY				SEAL	
TITLE					
SIGNATURE					
DATE					
IMPORTER/BUYER					
COMPANY				PT IMPORTATION / DESTINATION (city, country, State)	
ADDRESS					
DATE OF SIGNATURE		SIGNATURE			
ANNEX(ES): YES / NO (circle one)					
4. TRANSFER INFORMATION					
TOWING VESSEL DESCRIPTION					
ICCAT TRANSFER DECLARATION N°					
NAME		FLAG		ICCAT RECORD N°	
N° of FISHES DEAD DURING TRANSFER		TOTAL WEIGHT OF DEAD FISH (kg)			
TOJ VWG CAGE DESCRIPTION		CAGE N°			
ANNEX(ES): YES / NO (circle one)					
5. TRANSHIPMENT INFORMATION					
CARRIER VESSEL DESCRIPTION					

NAME		FLAG		ICCAT RECORD N°								
DATE (ddmmyy)		PORT NAME				PORT STATE						
POSITION (LAT/LONG)												
PRODUCT DESCRIPTION (Indicate net weight in kg for each type of product)												
F	RD(kg)		GG(kg)		DR(kg)		FL(kg)		OT(kg)		TOTAL WT	
FR	RD(kg)		GG(kg)		DR(kg)		FL(kg)		OT(kg)		TOTAL WT	
GOVERNEM		ENT		M								
NAME OF AUTHORITY												SEAL
TITLE												
SIGNATURE												
DATE												
ANNEX(ES): YES / NO (circle one)												
ICCAT BLUE FIN TUNA CATCH DOCUMENT (BCD)				N° CC YY XXXXXX				2/2				
6. FARMING INFORMATION												
FARMING FACILITY DESCRIPTION		NAME		STATE		ICCAT FFB N<						
		SAMPLING NATIONAL PROGRAM ? Yes or No (circle one)		LOCATION								
CAGE DESCRIPTION		DATE(ddmmyy)				CAGE N"						
FISH DESCRIPTION		N* OF FISH				TOTAL WEIGHT (kg)				AVERAGE WEIGHT [kg]		
OBSERVER INFORMATION		NAME		TITLE						SIGNATURE		
		SIZE COMPOSITION		<8Kg		8-30 Kg				>30Kg		
GOVERNEMENT VALIDATION												
NAME OF AUTHORITY												SEAL
TITLE												
SIGNATURE												
DATE												
ANNEX (ES) YES / NO (circle one)												
7. HARVESTING INFORMATION												
HARVESTING DESCRIPTION												
DATE (ddmmyy)				FISH N°				TOTAL ROUND WEIGHT (kg)				
AVERAGE WEIGHT (kg)				TAGS N° (if applicable)								
ICCAT REGIONAL OBSERVER INFO		NAME				ICCAT No.				SIGNATURE		
GOVERNEMENT VALIDATION N												
NAME OF AUTHORITY												SEAL
TITLE												
SIGNATURE												
DATE												
8 TRADE INFORMATION												
PRODUCT DESCRIPTION (Indicate net weight in kg for each type of product)												
F	RD(kg)		GG<kg)		DR(kg)		FL(kg)		OT(kg)		TOTAL WT	
FR	RD(kg)		GG<kg)		DR(kg)		FL(kg)		OT(kg)		TOTAL WT	
EXPORTER/SELLER		PT EXPORT / DEPARTURE		COMPANY		ADDRESS						
STATE OF DESTINATION												
SIGNATURE												
DATE												
TRANSPORTATION DESCRIPTION						(relevant documentation to be attached)						
GOVERNEMENT VALIDATION												
NAME OF AUTHORITY												SEAL

	TITLE		
	SIGNATURE		
	DATE		
IMPORTER/BUYER			
	COMPANY		PT- IMPORT /DESTINATION (city. country, State)
	ADDRESS		
	DATE		SIGNATURE
	ANNEX (ES) YES	/ NO (CIRCLE ONE)	

Amendment by Parliament

1. ICCAT BLUE FIN TUNA CATCH DOCUMENT (BCD)				N°CC-YY-XXXXXX				1/2				
2. CATCH INFORMATION												
VESSEL/TRAP												
NAME :				FLAG		ICCAT RECORD N°						
						<i>deleted</i>						
CATCH DESCRIPTION												
DATE (ddmmyy)				AREA		GEAR						
N° of FISHES				TOTAL WEIGHT (kg)				AVERAGE WEIGHT (kg) 1				
TAGS No.(if applicable)								ICCAT RECORD N° of Joint Fishing Operation (if applicable)				
GOVERNEMENT VALIDATION												
NAME OF AUTHORITY						SEAL						
TITLE												
SIGNATURE												
DATE												
3. TRADE INFORMATION FOR LIVE FISH TRADE												
PRODUCT DESCRIPTION												
LIVE WEIGHT (kg)				No. of FISHES				ZONE				
EXPORTEP/SELLER												
PT EXPORTATION / DEPARTURE				COMPANY				.ADDRESS				
FARM OF DESTINATION				STATE				ICCAT FFB N°				
SIGNATURE												
DATE												
TRANSPORTATION DESCRIPTION (Relevant documentation to be attached)												
GOVERNEMENT VALIDATION												
NAME OF AUTHORITY						SEAL						
TITLE												
SIGNATURE												
DATE												
IMPORTER/BUYER												
COMPANY						PT IMPORTATION / DESTINATION (city, country, State)						
ADDRESS												
DATE OF SIGNATURE				SIGNATURE								
ANNEX(ES): YES ' / NO (circle one)												
4. TRANSFER INFORMATION												
TOWING VESSEL DESCRIPTION												
ICCAT TRANSFER DECLARATION N°												
NAME				FLAG				ICCAT RECORD N°				
N° of FISHES DEAD DURING TRANSFER								TOTAL WEIGHT OF DEAD FISH (kg)				
TOJ VWG CAGE DESCRIPTION				CAGE N=								
ANNEX(ES): YES / NO (circle one)												
5. TRANSHIPMENT INFORMATION												
CARRIER VESSEL DESCRIPTION												
NAME				FLAG				ICCAT RECORD N°				
DATE (ddmmyy)				PORT NAME				PORT STATE				
POSITION (LAT/LONG)												
PRODUCT DESCRIPTION (Indicate net weight in kg for each type of product)												
F	RD (kg)		GG (kg)		DR (kg)		FL (kg)		OT(kg)		TOTAL WT	
FR	RD(kg)		GG (kg)		DR (kg)		FL (kg)		OT(kg)		TOTAL WT	
GOVERNEM ENT				M								
NAME OF AUTHORITY						SEAL						

TITLE													
SIGNATURE													
DATE													
ANNEX(ES): YES / NO (circle one)													
ICCAT BLUE FIN TUNA CATCH DOCUMENT (BCD) N° CC YY XXXXXX 2/2													
6. FARMING INFORMATION													
FARMING FACILITY DESCRIPTION	NAME		STATE		ICCAT FFB N<								
	SAMPLING NATIONAL PROGRAM ? Yes or No (circle one)			LOCATION									
CAGE DESCRIPTION	DATE(ddmmyy)		CAGE N"										
FISH DESCRIPTION	N* OF FISH		TOTAL WEIGHT (kg)		AVERAGE WEIGHT (kg)								
ICCAT REGIONAL OBSERVER INFO.	NAME	ICCAT No.			SIGNATURE								
	SIZE COMPOSITION	<8Kg		8-30 Kg	>30Kg								
GOVERNEMENT VALIDATION													
	NAME OF AUTHORITY				SEAL								
	TITLE												
	SIGNATURE												
	DATE												
ANNEX (ES) YES / NO (circle one)													
7. HARVESTING INFORMATION													
HARVESTING DESCRIPTION													
	DATE (ddmmyy)		FISH N°		TOTAL ROUND WEIGHT (kg)								
	AVERAGE WEIGHT (kg)		TAGS N° (if applicable)										
ICCAT REGIONAL OBSERVER INFO.	NAME		ICCAT No.		SIGNATURE								
GOVERNEMENT VALIDATION N													
	NAME OF AUTHORITY				SEAL								
	TITLE												
	SIGNATURE												
	DATE												
8 TRADE INFORMATION													
PRODUCT DESCRIPTION (Indicate net weight in kg for each type of product)													
F	RD(kg)		GG <kg		DR (kg)		FL(kg)		OT(kg)		TOTAL WT F (kg):		
FR	RD(kg)		GG <kg		DR (kg)		FL(kg)		OT(kg)		TOTAL WT FR (kg):		
EXPORTER/SELLER													
	PT EXPORTATION/ DEPARTURE		COMPANY				ADDRESS						
	STATE OF DESTINATION												
	SIGNATURE												
DATE													
TRANSPORTATION DESCRIPTION							(relevant documentation to be attached)						
GOVERNEMENT VALIDATION													
	NAME OF AUTHORITY						SEAL						
	TITLE												
	SIGNATURE												
	DATE												
IMPORTER/BUYER													
	COMPANY						PT IMPORTATION /DESTINATION (city, country, State)						
	ADDRESS												
	DATE						SIGNATURE						
	ANNEX (ES) YES / NO (CIRCLE ONE)												

Amendment 62

Proposal for a regulation Annex III a (new)

Text proposed by the Commission

Amendment

ANNEX IIIa

Instructions for the issuing, numbering, completion and validation of the catch document

1. GENERAL PRINCIPLES

1) Language

If a language other than an official ICCAT language (English, French and Spanish) is used in completing the catch document, the English translation must be attached to it.

2) Numbering

Member States must develop unique numbering systems for catch documents using their ISO 2-alpha country code in combination with a number consisting of at least eight digits, of which at least two digits should indicate the year of catch.

Example: FR-09-123456 (where FR stands for France)

In the case of split lots or processed products, copies of the original catch document must be numbered by supplementing the number of the original catch documents with a 2-digit number.

Example: FR-09-123456-01, FR-09-123456-02, FR-09-123456-03, etc.

The numbering must be sequential and preferably printed. The serial numbers of blank catch documents issued shall be recorded according to the name of the recipient.

3) Validation

The bluefin tuna catch document model shall not be a substitute for the prior transfer authorisation nor the caging authorisation.

2. CATCH INFORMATION

1) Completion

a) General principles

This section is applicable to all catches of bluefin tunas.

The master of the catching vessel or the trap operator or their authorised representative or the authorised representative of the flag or trap Member State is responsible for the completion and the request for validation of the CATCH INFORMATION section.

The CATCH INFORMATION section must be completed at the latest by the end of the first transfer into towed cages, transshipment or landing operation.

NB: in the case of joint fishing operations as defined by Article 2(g) of Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 1, the master of each catching vessel involved in the joint fishing operation must complete a catch document for each catch.

b) Specific instructions

"FLAG": indicate the flag or trap Member State.

"ICCAT Record No": indicate the ICCAT number of the catching vessel or trap authorised to fish bluefin tuna in the ICCAT Convention area. This information is not applicable to catching vessels which fish bluefin tuna as by-catch.

"GEAR": indicate the fishing gear using

the following codes

BB	<i>Baitboat</i>
GILL	<i>Gillnet</i>
HAND	<i>Handline</i>
HARP	<i>Harpoon</i>
LL	<i>Longline</i>
MWT	<i>Mid-water trawl</i>
PS	<i>Purse seine</i>
RR	<i>Rod and reel</i>
SURF	<i>Surface fisheries unclassified</i>
TL	<i>Tended line</i>
TRAP	<i>Trap</i>
TRO	<i>Troll</i>
UNCL	<i>Unspecified methods</i>
OT	<i>Other</i>

OJ L 96, 15.4.2009, p. 1.

"TOTAL WEIGHT": indicate the round weight in kilograms. If round weight is not used at the time of catch, indicate the type of product (e.g. GG). In the case of joint fishing operations, the quantity reported must correspond to the allocation key defined for each catching vessel.

"ZONE": indicate Mediterranean, western Atlantic or eastern Atlantic.

"TAGS No (if applicable)": additional lines may be added to allow the listing of each tag number by individual fish.

2) Validation

The flag or trap Member State is responsible for the validation of the CATCH INFORMATION section unless bluefin tuna are tagged in accordance with Article 5 of this Regulation.

For landed or transhipped fish, validation must take place at the latest by the end of

the transshipment or landing operation.

For live transferred fish, validation may take place at the time of the first transfer into towed cages, but must take place in any event at the latest by the end of the caging operation.

3. TRADE INFORMATION FOR LIVE FISH TRADE

1) Completion

a) General principles:

This section is only applicable to domestic trade in or the export of live bluefin tunas.

The master of the catching vessel or his authorised representative or the authorised representative of the flag Member State is responsible for the completion and the request for validation of the TRADE INFORMATION FOR LIVE FISH TRADE section.

The TRADE INFORMATION FOR LIVE FISH TRADE section must be completed at the latest by the end of the first transfer into towed cages.

NB: where a quantity of fish die during the transfer operation and are domestically traded or exported, the original catch document (CATCH INFORMATION section completed and, where applicable, validated) must be copied, and the TRADE INFORMATION section of the copied catch document must be completed by the master of the catching vessel or his authorised representative or the authorised representative of the flag Member State and transmitted to the domestic buyer/importer. Validation of the copy guarantees that it is a true copy and has been recorded by authorities of the Member State concerned. Without such validation, any catch document copy will be null and void.

b) Specific instructions:

"ZONE": indicate the area of transfer, Mediterranean, western Atlantic or eastern Atlantic.

"POINT OF EXPORT/DEPARTURE": indicate the Member State or CPC name of the fishery zone where the bluefin tuna were transferred or indicate "high seas" otherwise.

"TRANSPORTATION DESCRIPTION": attach any relevant document certifying the trade.

2) Validation

The flag Member State must not validate catch documents where the CATCH INFORMATION section has not been completed and, where applicable, validated.

Validation may take place at the time of the first transfer into towed cages, but must in any event take place at the latest by the end of the caging operation.

4. TRANSFER INFORMATION

1) Completion

a) General principles:

This section is only applicable to live bluefin tunas.

The master of the catching vessel or his authorised representative or the authorised representative of the flag Member State is responsible for the completion of the TRANSFER INFORMATION section.

The TRANSFER INFORMATION section must be completed at the latest by the end of the first transfer operation.

At the end of the first transfer operation, the master of the catching vessel must provide the catch document (CATCH INFORMATION, TRADE INFORMATION FOR LIVE FISH TRADE and TRANSFER INFORMATION sections completed and, where applicable, validated) to the master

of the tug vessel.

The completed and, where applicable, validated catch document must accompany the transfer of fish during transport to farm, including transfer of live bluefin tuna from the transport cage to another transport cage or transfer of dead bluefin tuna from the transport cage to an auxiliary vessel.

NB: where some fish die during the transfer operation, the original catch document (CATCH INFORMATION, TRADE INFORMATION FOR LIVE FISH TRADE and TRANSFER INFORMATION sections completed and, where applicable, validated) must be copied, and the TRADE INFORMATION section of the copied catch document must be completed by the domestic seller/exporter or his authorised representative or the authorised representative of the flag Member State and transmitted to the domestic buyer/importer. Validation of the copy guarantees that it is a true copy and has been recorded by authorities of the Member State concerned. Without such validation, any catch document copy will be null and void.

b) Specific instructions:

OF FISH DEAD DURING TRANSFER" and "TOTAL WEIGHT OF DEAD FISH": information completed (if applicable) by the master of the tug vessel.

"CAGE No": indicate each number of cages in the case of a tug vessel having more than one cage.

2) Validation

Validation of this section is not required.

5. TRANSHIPMENT INFORMATION

1) Completion

a) General principles:

This section is only applicable to dead

bluefin tunas.

The master of the transshipping fishing vessel or his authorised representative or the authorised representative of the flag State is responsible for the completion and the request for validation of the TRANSHIPMENT INFORMATION section.

The TRANSHIPMENT INFORMATION section must be completed at the latest by the end of the transshipment operation.

b) Specific instructions:

"DATE": indicate the date of the transshipment.

"PORT NAME": indicate the designated port of transshipment.

"PORT STATE": indicate the Member State or CPC of the designated port of transshipment.

2) Validation

The flag Member State must not validate catch documents where the CATCH INFORMATION section has not been completed and, where applicable, validated.

Validation must take place at the latest by the end of the transshipment operation.

6. FARMING INFORMATION

1) Completion

a) General principles:

This section is only applicable to live caged tunas.

The master of the tug vessel must provide the catch document (CATCH INFORMATION, TRADE INFORMATION FOR LIVE FISH TRADE and TRANSFER INFORMATION sections completed and, where applicable, validated) to the farm operator at the time of caging.

The farm operator or his authorised representative or an authorized representative of the farm Member State is responsible for the completion and the request for validation of the FARM INFORMATION section.

The FARM INFORMATION section must be completed at the latest by the end of the caging operation.

b) Specific instructions:

"CAGE No": indicate each number of cage.

"ICCAT Regional Observer Information": indicate name, ICCAT number and signature.

2) Validation

The farm Member State is responsible for the validation of the FARM INFORMATION section.

The farm Member State must not validate catch documents where the CATCH INFORMATION, TRADE INFORMATION FOR LIVE FISH TRADE and TRANSFER INFORMATION sections have not been completed and, where applicable, validated.

Validation must take place at the latest by the end of the caging operation.

7. HARVESTING INFORMATION

1) Completion

a) General principles:

This section is only applicable to dead farmed tunas.

The farm operator or his authorised representative or an authorized representative of the farm Member State is responsible for the completion and the request for validation of the HARVEST FROM FARM INFORMATION section.

*The **HARVESTING INFORMATION** section must be completed at the latest by the end of the harvesting operation.*

b) Specific instructions:

"TAGS No (if applicable)": additional lines may be added to allow the listing of each tag number by individual fish.

"ICCAT Regional Observer Information": indicate name, ICCAT number and signature.

2) Validation

*The farm Member State is responsible for the validation of the **HARVESTING INFORMATION** section.*

*The farm Member State must not validate catch documents where the **CATCH INFORMATION, TRADE INFORMATION FOR LIVE FISH TRADE, TRANSFER INFORMATION** and **FARMING INFORMATION** sections have not been completed and, where applicable, validated.*

Validation must take place at the latest by the end of the harvesting operation.

8. TRADE INFORMATION

1) Completion

a) General principles:

This section is applicable to domestic trade or export of dead bluefin tunas.

*The domestic seller or exporter or their authorised representative or an authorized representative of the Member State of the seller/exporter is responsible for the completion and the request for validation of the **TRADE INFORMATION** section, except the **IMPORTER/BUYER** subsection.*

*The **TRADE INFORMATION** section, except the **IMPORTER/BUYER** subsection, must be completed prior to the fish being domestically traded or*

exported.

In the case of domestic trade, the IMPORTER/BUYER subsection must be completed by the domestic buyer after the fish have been domestically traded.

In the case of international trade, the IMPORTER/BUYER subsection must be completed by the importer.

b) Specific instructions:

"TRANSPORTATION DESCRIPTION": attach any relevant document certifying the trade.

2) Validation

The Member State of the seller/exporter is responsible for the validation of the TRADE INFORMATION (except the IMPORTER/BUYER subsection) section unless bluefin tuna are tagged in accordance with Article 5 of this Regulation.

NB: in cases where more than one domestic trade or export results from a single catch document, a copy of the original catch document must be validated by the Member State of the domestic seller or exporter and must be used and accepted as an original catch document. Validation of the copy guarantees that it is a true copy and has been recorded by authorities of the Member State concerned. Without such validation, any catch document copy will be null and void.

NB: In cases of re-export, the RE-EXPORT CERTIFICATE must be used to track further movements, which must relate to the catch information of the original catch document via the original catch document number.

When bluefin tuna is caught by a catching vessel or trap flagged or established in a Member State or CPC using the tagging system, then exported dead and re-exported, the catch document

accompanying the RE-EXPORT CERTIFICATE does not have to be validated. However, the RE-EXPORT CERTIFICATE must be validated.

After import, a bluefin tuna may be divided into several pieces, which then may be subsequently exported. In such a case, the re-exporting Member State or CPC must confirm that the re-exported piece is part of the original fish accompanied by the catch document.

Justification

The numbering system for the catch document is the ISO (and not NUTS) 2-alpha country code. The BCD is complementary to the prior transfer authorisation and caging authorisation. This is a third verification of the legality of catches.

Amendment 63

Proposal for a regulation Annex IV – paragraph 3

Text proposed by the Commission

3. Description of imported bluefin tuna

Product type F/FR RD/GG/DR/FL/OT

Net weight (kg)

Catch document number(s) and date(s) of importation

Flag(s) of fishing vessel(s) or state of establishment of the trap, where appropriate

Amendment

3. Description of imported bluefin tuna

Product type F/FR RD/GG/DR/FL/OT
(when different type of products are recorded in this section, the weight must be recorded by each product type)

Net weight (kg)

Catch document number(s) and date(s) of importation

Flag(s) of fishing vessel(s) or state of establishment of the trap, where appropriate

Amendment 64

Proposal for a regulation Annex IV – paragraph 4

Text proposed by the Commission

4. Description of bluefin tuna to be re-exported

Product type F/FR RD/GG/DR/FL/OT

Net weight (kg)

Corresponding catch document number(s)
from section 3

Amendment

4. Description of bluefin tuna to be re-exported

Product type F/FR RD/GG/DR/FL/OT
(when different type of products are recorded in this section, the weight must be recorded by each product type)

Net weight (kg)

Corresponding catch document number(s)
from section 3

State of destination

Amendment 65

Proposal for a regulation Annex IV – paragraph 7 – line 1

Text proposed by the Commission

Statement by the importer in the Member State or CPC of import of the bluefin tuna
consignment

Amendment

Statement by the importer in the Member State or CPC of import of the bluefin tuna
lot

Amendment 66

Proposal for a regulation Annex IV – form

Text proposed by the Commission

DOCUMENT NUMBER	ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE			
<i>RE-EXPORT SECTION:</i>				
<i>1. RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY</i>				
<i>2. POINT OF RE-EXPORT</i>				
<i>3. DESCRIPTION OF IMPORTED BLUEFIN TUNA</i>				
Product Type	Net Weight	Flag CPC	Date of import	BCD

F/FR RD/GG/DR/FL/OT	(kg)	No.
4. DESCRIPTION OF BLUEFIN TUNA FOR RE-EXPORT		
Product Type F/FR RD/GG/DR/FL/OT	Net Weight (kg)	Corresponding BCD number
F=Fresh. FR=Frozen. RD=Round, GG=Gilled & Gutted, DR=Dressed. FL=Fillet. OT=Others (Describe the type of product:)		
5. RE EXPORTER STATEMENT: I certify that the above information is complete, true and correct to the best of my knowledge and belief		
Name	Address	Signature Date
6. GOVERNMENT VALIDATION: I validate that the above information is complete, true and correct to the best of my knowledge and belief.		
Total weight of the shipment:		kg
Name & Title	Signature	Date Government Seal
7. IMPORT SECTION IMPORTER STATEMENT		
I certify that the above information is complete, true and correct to the best of my knowledge and belief.		
Importer Certification Name	Address	Signature Date
Final Point of Import: City State/Province CPC		

BFTSD Re-Export Certificate: 2007

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

* Valid transport document and copies of the BCDs shall be attached.

Amendment by Parliament

1. DOCUMENT NUMBER	ICCAT BLUEFIN TUNA RE-EXPORT CERTIFICATE				
2. RE-EXPORT SECTION:					
RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY					
POINT OF RE-EXPORT					
3. DESCRIPTION OF IMPORTED BLUEFIN TUNA					
Product Type F/FR RD/GG/DR/FL/OT	Net Weight (kg)	Flag CPC	Date of import	BCD No.	

4. DESCRIPTION OF BLUEFIN TUNA FOR RE-EXPORT				
Product Type F/FR RD/GG/DR/FL/OT	Net Weight (kg)	Corresponding BCD number		
F=Fresh. FR=Frozen. RD=Round; GG=Gilled & Gutted, DR=Dressed. FL=Fillet. OT=Others (Describe the type of product:)				
STATE OF DESTINATION:				
5. RE EXPORTER STATEMENT: I certify that the above information is. complete, true and correct to the best of my knowledge and belief				
Name	Address	Signature	Date	
6. GOVERNMENT VALIDATION: I validate that the above information is complete, true and correct to the best of my knowledge and belief.				
Name & Title	Signature	Date	Government Seal	
7. IMPORT SECTION IMPORTER STATEMENT				
I certify that the above information is complete, true and correct to the best of my knowledge and belief.				
Importer Certification Name	Address	Signature	Date	
Final Point of Import: City State/Province CPC				

deleted

NOTE: IF A LANGUAGE OTHER THAN ENGLISH IS USED IN COMPLETING THIS FORM, PLEASE ADD THE ENGLISH TRANSLATION ON THIS DOCUMENT.

Note: Valid transport document and copies of the BCDs shall be attached.

Amendment 67

Proposal for a regulation Annex V – paragraph 1 – indent 2

Text proposed by the Commission

– number of validated catch documents received,

Amendment

– number of validated catch documents received **from other Member States or CPCs**,

Amendment 68

Proposal for a regulation Annex V – paragraph 1 – indent 7

Text proposed by the Commission

– total amount of bluefin tuna **consignments** subject to a prohibition decision with breakdown by products, nature of operation (domestic trade, import, export, re-export, transfer to farms), reasons for prohibition and Member States, CPCs and/or non-Contracting Parties of origin or destination.

Amendment

– total amount of bluefin tuna **lots** subject to a prohibition decision with breakdown by products, nature of operation (domestic trade, import, export, re-export, transfer to farms), reasons for prohibition and Member States, CPCs and/or non-Contracting Parties of origin or destination.

Amendment 69

Proposal for a regulation Annex V – paragraph 2

Text proposed by the Commission

2. Information on **consignments** under Article 9(1)

- number of **consignments**,
- total amount of bluefin tuna with breakdown by products, nature of operation (domestic trade, import, export, re-export, transfer to farms), Member States, CPCs or other countries referred to in Article 9(1).

Amendment

2. Information on **lots** under Article 9(1) **of this Regulation**

- number of **lots**,
- total amount of bluefin tuna with breakdown by products, nature of operation (domestic trade, import, export, re-export, transfer to farms), Member States, CPCs or other countries referred to in Article 9(1) **of this Regulation**.

EXPLANATORY STATEMENT

Managing the bluefin tuna fishery in the Atlantic Ocean is the responsibility of ICCAT - the International Commission for the Conservation of Atlantic Tunas. The present report concerns the transposition of an ICCAT catch document programme into Community law.

This is the latest in a series of ICCAT management measures for the bluefin fishery that date back to 1974, when a minimum size of 6.4 kg per fish was agreed. During the intervening years, ICCAT has adopted a total of 59 recommendations and resolutions concerning bluefin tuna, of which twelve are still in effect today. A further twelve recommendations concern the documentation of bluefin catches. Clearly, the bluefin fishery has problematic in ICCAT for a very long time.

Past and Current EU Regulations on Bluefin Statistical Documents

The first specific attempt to improve documentation of bluefin catches dates to 1992 when ICCAT created the Bluefin Tuna Statistical Document programme. The document was required when bluefin entered the EU or any other Contracting Party of ICCAT (direct landing or import). It included data on the origin of the tuna (country or origin, gear used, area of harvest, name of exporter) and had to be validated by an official of the flag State of the fishing vessel. The scheme originally applied to frozen bluefin (ICCAT Recommendation 92-1) but fresh bluefin was soon added (ICCAT Recommendation 93-3). It was implemented in the EU by Council Regulation 858/94.

By the late 1990s, the trade in bluefin tuna was becoming more sophisticated and difficult to track. ICCAT responded by expanding the Statistical Document to include not only imports but also exports and re-exports (Recommendation 2000-22). Other species were added as well (swordfish, bigeye tuna). Council Regulation 1984/2003 was adopted to implement the new provisions.

International traffic in bluefin was soon, once again, several steps ahead of the capacity of the Statistical Document to follow. The next step was the Bluefin Tuna Catch Documentation (BCD) Programme, adopted by ICCAT in 2007 (Recommendation 07-10) and amended in 2008 (Recommendation 08-12), a considerably more complex scheme, which provides for strict tracking of the tuna from the point of capture throughout the whole operation to its final market.

However, before this BCD Programme could be implemented in Community legislation (the Commission's proposal was COM (2009) 406) it was amended at the 2009 meeting of ICCAT at Recife, Brazil. The present report thus incorporates the latest developments at the Recife meeting. Council is doing the same, so both institutions are following a similar approach.

The Proposal

Given the complexity of the history outlined above, it seems the most straightforward to simply describe the BCD as it stands after the Recife meeting. Changes resulting from the

Recife meeting are the focus of the amendments to the present report, with a couple of exceptions that are detailed below.

The BCD is probably the most complex programme in existence for a fish species. A completed BCD must accompany a lot of tuna at virtually every stage of the chain of custody from the time it is caught, including landing, transshipping, caging, harvesting, importing, exporting and re-exporting. It must be validated at each stage by the authorities of the flag, trap or cage State and includes a wide range of information:

- catch data (the name of the catching vessel or trap, the flag State, where and how it was caught, the number and size of the fish included);
- information on the exporter or seller (company name and address, date, signature, point of export or import);
- transshipment information (vessel names, date, port, product description, weight);
- farm details (name, date of caging, estimated number and weight of fish);
- harvest information (date, number of fish, weight, tag numbers, signature)
- trade information (product description, point and date of export, name and details of exporting company, destination, description of transportation).

The programme also specifies how the BCD is to be completed and validated and to whom and in what time frame it is to be sent. Copies must be kept by the Member States for two years.

The major innovations of the Recife meeting, and hence the subject of the amendments in the present report, relate to:

- the general requirement to harvest caged fish the year of capture or prior to the beginning of the following year's purse seine season (exceptions are allowed);
- chartered fishing vessels can no longer be used;
- the addition of a new Annex with detailed instructions on the issuing, completion and validation of the BCD;

In its discussions with Council, the Commission is proposing one provision not adopted in Recife – that validation of the BCD shall be completed no later than the end of the operation in question (transshipping, landing, caging, harvesting). The ICCAT Recommendation does not include a deadline for completion of the validation, and the Commission's addition is a commendable one as it ensures the validation occurs promptly.

Bluefin Tuna, ICCAT and the EU IUU Regulation

These programmes for documenting catches and trade in bluefin tuna began in 1992, when there were significant problems with catches of bluefin by vessels flying flags of convenience. ICCAT was an innovative and courageous organisation in those days, and explored other measures to combat what has since come to be known as IUU fishing. Beginning in 1996, ICCAT adopted a series of trade measures to ban the importation of bluefin from a number of countries whose vessels had been seen fishing for bluefin while not respecting the ICCAT rules. Unfortunately, the usefulness of this approach was eroded since the offending vessels simply reflagged to other flags and the countries subject to the import bans joined ICCAT, though it is not clear that they fished any more responsibly as Contracting Parties.

These two measures to combat illegal fishing - import bans and catch certificates - can be considered to be the genesis of the IUU regulation that was adopted by Council in 2008. That regulation includes the requirement of a certificate concerning the provenance of the fish before it can be imported into the EU, as well as the possibility to impose import bans from countries that have been found to fish in unacceptable ways. The implementing measures for the IUU regulation specifically list the BCD programme as a valid certificate for importation into the EU.

Concluding Remarks

Bluefin tuna of good quality are worth so much money that operators have gone to extraordinary lengths to evade controls – to cheat. This is evidenced by the rapidly evolving complexity of the Bluefin Catch Documentation Programme, not to mention the difficulty that flag, coastal, port and market States have in controlling activities concerning the fish in their jurisdictions.

Have all these efforts worked? Each year, ICCAT adopts ever more restrictive and complicated management measures – recovery plans, documentation schemes, vessel and farm capacity restrictions, etc. Each year, the Commission claims success at ICCAT, that finally the organisation has taken the necessary steps to reduce IUU fishing of bluefin (nobody even dreams of eliminating it) and that the situation is now under control. Each year, those claims turn out to have been overly optimistic.

The depleted status of both stocks of bluefin is well known – the spawning biomass of both stocks has been reduced to less than 15% of the unfished biomass. For the past year, there has been much debate about the placing of bluefin tuna on Appendix I of CITES, which would have the effect of terminating international trade, at least among those countries that do not lodge an objection to the listing. The Commission announced provisional support for co-sponsoring such a listing in September 2009.

It is clear that the combination of the depleted status of bluefin tuna, the very high prices paid for the fish (whether caught legally or not) and the obvious difficulties in controlling fishing activities and trade mean that the best efforts of ICCAT for the past 20 years have not been sufficient to guarantee a sustainable fishery. The Commission's initial provisional support for CITES Appendix I should become official Community policy.

If the meeting of CITES in March 2010 does decide to put bluefin tuna on Appendix I, much of the subject of this proposed regulation would become obsolete, for the duration of the listing.

Your rapporteur has included a pair of amendments to specify that, if CITES does place bluefin on Appendix I, then the present regulation should be immediately updated to reflect that change.

This would be consistent with the EU's widely touted commitment to eliminate IUU fishing.

PROCEDURE

Title	A catch documentation programme for bluefin tuna (thunnus thynnus)	
References	COM(2009)0406 – C7-0124/2009 – 2009/0116(COD)	
Date submitted to Parliament	3.8.2009	
Committee responsible Date announced in plenary	PECH 14.9.2009	
Rapporteur(s) Date appointed	Raül Romeva i Rueda 1.9.2009	
Discussed in committee	2.9.2009	1.12.2009
Date adopted	7.4.2010	
Result of final vote	+: 19 -: 0 0: 1	
Members present for the final vote	Josefa Andrés Barea, Kriton Arsenis, Alain Cadec, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Marek Józef Gróbarczyk, Carl Haglund, Iliana Malinova Iotova, Werner Kuhn, Jean-Marie Le Pen, Isabella Lövin, Guido Milana, Maria do Céu Patrão Neves, Britta Reimers, Crescenzo Rivellini, Ulrike Rodust, Catherine Trautmann, Jarosław Leszek Wałęsa	
Substitute(s) present for the final vote	Izaskun Bilbao Barandica, Julie Girling, Raül Romeva i Rueda, Antolín Sánchez Presedo	