



2022/0111(COD)

28.8.2023

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) .../2022 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean
(COM(2022)0171 – C9-0151/2022 – 2022/0111(COD))

Committee on Fisheries

Rapporteur: Clara Aguilera

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 by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) .../2022 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean
(COM(2022)0171 – C9-0151/2022 – 2022/0111(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0171),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0151/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 365, 23.9.2022, p. 55.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Since the adoption of Regulation (EU) 2017/2107 of the European Parliament and of the Council², the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted at its 2017, 2018, 2019 **and 2021** annual meetings a number of legally binding measures for the conservation of fishery resources under its purview. **Moreover, the EU has not yet implemented legally binding measures adopted at the ICCAT's 2006 annual meeting concerning the farming activities of the Bluefin tuna.**

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

Amendment

(1) Since the adoption of Regulation (EU) 2017/2107 of the European Parliament and of the Council², the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted at its 2017, 2018, 2019, **2021 and 2022** annual meetings a number of legally binding measures for the conservation of fishery resources under its purview.

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

Or. en

Justification

This draft report includes also a proposal for transposition of ICCAT recommendations from the annual meetings of 2021 and 2022

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Regulation (EU) 2017/2107 should therefore be amended in order to implement into Union law ICCAT measures for tropical tunas, North and Southern albacore, sailfish, blue and white marlin, billfish data reporting, shortfin mako shark, as well as observer programme, responsibilities for scientific observers, and an updated list of ICCAT species.

Amendment

(2) Regulation (EU) 2017/2107 should therefore be amended in order to implement into Union law ICCAT measures for tropical tunas, ***Mediterranean albacore***, North and Southern ***Atlantic albacore***, sailfish, blue and white marlin, billfish data reporting, ***North and South Atlantic*** shortfin mako shark, ***by-catch of turtles, and provisions relating to illegal, unreported and unregulated (IUU) fishing***, as well as ***an*** observer programme ***which includes*** responsibilities for scientific observers, and an updated list of ICCAT species.

Or. en

Justification

New provisions on the ICCAT regulation have been included in this draft report in order to update the transposition with the most recent recommendations agreed in ICCAT

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Regulation (EU) XX/2022³ should be amended to implement into Union law ***concerning Farm Member State annual carryover declaration and certain caging obligations***.

Amendment

(3) Regulation (EU) XX/2022³ should be amended to implement into Union law ***bluefin tuna management provisions relating to definitions, quota transfers, retention prohibition, sport and recreational fisheries, farms record, reporting, transfer authorisations, caging identifiers, caging authorisations, caging operations and their video monitoring, control of caging, and harvesting control activities in the farms after caging***.

³ ***Proposal not yet adopted by co-legislators – COM (2019) 619 Final of***

³ ***OJ C [...], [...], p. [...].***

28.11.2019.

Or. en

Justification

New provisions on the multiannual management plan of bluefin tuna have been included in this draft report in order to update the regulation with the most recent recommendations agreed in ICCAT

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Certain provisions of ICCAT Recommendations are likely to be amended at forthcoming ICCAT annual meetings due to the introduction of new technical and management measures for fisheries governed under the ICCAT Convention. Therefore, in order to swiftly implement into Union law future amendments to ICCAT Recommendations before the start of the fishing season, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the ***following aspects: tropical tuna capacity limitations and its annual capacity fishing plan reporting; annual carryover for bigeye tuna, North and Southern Atlantic Albacore tuna and North and South Atlantic swordfish; management plans in respect of fish-aggregating devices (FADs); number of instrumental buoys; FAD's requirements; information to be submitted for FADs by vessels; prohibition of FAD periods; restrictions on the number of vessels fishing for North Atlantic Albacore; North Atlantic swordfish management plan; conditions to authorise catch and retain shortfin mako sharks; requirements***

Amendment

(4) Certain provisions of ICCAT Recommendations are likely to be amended at forthcoming ICCAT annual meetings due to the introduction of new technical and management measures for fisheries governed under the ICCAT Convention. Therefore, in order to swiftly implement into Union law future amendments to ICCAT Recommendations before the start of the fishing season, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the conditions to authorise catch and retain shortfin mako sharks, ***as well as for bluefin tuna management, reporting time limits, time periods for fishing seasons, content of carry-over declarations, and provisions for caring, derogations for designation of fishing areas, fishing vessels and gear, and derogation for fishing bluefin tuna for farming purposes, conditions for assigning Regional Observer for farms and Member States' duties and content of the annual caging reporting .***

*to maximise the sea turtle survival;
minimum percentage of observer coverage
and percentage coverage measurement;
and amending the list of ICCAT species.*

Or. en

Justification

Update with new provisions

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EU) 2017/2107

Article 4 – paragraph 1 – point 24

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Linguistic change

Amendment 6

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EU)2017/2107

Article 4 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘Floating object’ (FOB) means any natural or artificial floating (i.e. surface or

Amendment

(31) ‘Floating object’ (FOB) means any natural or artificial floating (i.e. surface or

subsurface) object with no capability of moving on its own;

subsurface) object with no capability of moving on its own. ***FADs are FOBs that are human-made and intentionally deployed and/or tracked. Logs are FOBs that are accidentally lost from anthropic and natural sources;***

Or. en

Justification

ICCAT recommendation 21-01 includes the above text added in the definition of FOB

Amendment 7

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point f a (new)

Regulation (EU)2017/2107

Article 4 – paragraph 1 – point 34 (new)

Text proposed by the Commission

Amendment

***(fa) the following point is added:
“(34) ‘Shallow-set longlines’ means longlines in which, when deployed, the majority of hooks are at a depth of less than 100 metres.”***

Or. en

Justification

Recommendation 22-12

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point f b (new)

Regulation (EU)2017/2107

Article 4 – paragraph 1 – point 35 (new)

Text proposed by the Commission

Amendment

(fb) the following point is added:

“(35) ‘Circle hook’ means a hook with the point turned perpendicularly back to the shank to form a generally circular or oval shape and used with an offset of no more than 10 degrees.”

Or. en

Justification

Recommendation 22-12

Amendment 9

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2017/2107

Article 5 a – paragraph 1

Text proposed by the Commission

1. By 31 January each year, Member States shall ***produce an*** annual capacity/fishing ***plan***.

Amendment

1. By 31 January each year, Member States shall ***establish*** annual capacity/fishing ***plans***.

Or. en

Justification

Linguistic clarification.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EU) 2017/2107

Article 5 a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall report every three months to the Commission the amount of tropical tunas by species caught by vessels flying their flag within 15 calendar days of the end of the period

during which the catches were made, namely by 15 April, 15 July and 15 October of each year and by 15 January of the following year, unless such information is sent on a monthly basis to the Commission. Those quarterly reports shall be sent using the aggregated catch data report format. The Commission shall send that information to the ICCAT Secretariat by 30 April, 30 July and 30 October of each year and by 30 January of the following year.

Or. en

Justification

ICCAT recommendation n° 22-01

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 2 a (new)

Regulation (EU) 2017/2107

Article 5 b (new)

Text proposed by the Commission

Amendment

(2a) The following Article is inserted:

“Article 5b

Recreational fishery for Mediterranean albacore

- 1. Natural or legal persons engaged in recreational fisheries shall not catch, retain on board, tranship or land more than three Mediterranean albacore specimens per vessel per day;***
- 2. It shall be prohibited to market or sale Mediterranean albacore caught in recreational fishery;***
- 3. Member States shall provide to the Commission and to the ICCAT Secretariat the list of all recreational fishery vessels authorised to catch Mediterranean albacore, at least 15 days before the***

exercise of the activities. Vessels not included on that list shall not be authorised to catch Mediterranean albacore.”

Or. en

Justification

ICCAT recommendation 22-05 in accordance with Article 55(3) of Regulation (EU)1224/2009

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2017/2107

Article 6a – paragraph 2

Text proposed by the Commission

2. *No* tropical tuna caught by a Union purse seiner *may* be discarded during the set once the net is completely closed and when more than half of the net has been retrieved. *If there is* a technical problem with the closing or retrieval *procedure* of the net *such that this rule cannot be applied*, the crew shall make every effort to release the tunas into the water as quickly as possible.

Amendment

2. Tropical tuna caught by a Union purse seiner *shall not* be discarded during the set once the net is completely closed and when more than half of the net has been retrieved. *In the event of* a technical problem with the closing or retrieval of the net, *masters, or* the crew *on their behalf*, shall make every effort to release the tunas into the water as quickly as possible.

Or. en

Justification

Linguistic changes proposed to clarify this provision In addition, the crew cannot be responsible for complying with this provision, it should be the Master.

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EU) 2017/2107

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Linguistic clarification

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2017/2107

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

ICCAT recommendation 21-01 text is transposed in a more accurate way

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2017/2107

Article 10 – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

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

Justification

ICCAT recommendation 21-01 text is transposed in a more accurate way

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) 2017/2107

Article 10 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Justification

ICCAT recommendation 21-01 text is transposed in a more accurate way

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) 2017/2107

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

Linguistic clarification

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) 2017/2107

Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States **whose** vessels **target** tropical tuna **shall**:

Amendment

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

Or. en

Justification

Linguistic clarification

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 20

Regulation (EU) 2017/2107

Article 27 – title

Text proposed by the Commission

Article **27a**

Amendment

Article **27**

Or. en

Justification

Linguistic clarification

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 20

Regulation (EU) 2017/2107

Article 27 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, when **80% of** their quota is **exhausted**, Member States shall ensure that vessels flying their flag release all blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), and roundscale spearfish (*Tetrapturus georgei*) that are alive by the time of boarding.

Amendment

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, when their quota is **approaching exhaustion**, Member States shall **take the appropriate measures to** ensure that vessels flying their flag release all blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), and roundscale spearfish (*Tetrapturus georgei*) that are alive by the time of boarding.

Or. en

Justification

ICCAT recommendation 18-04 is transposed in a more accurate manner

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 20

Regulation (EU) 2017/2107

Article 27 – paragraph 3

Text proposed by the Commission

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

Amendment

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

*Justification**Linguistic clarification***Amendment 22****Proposal for a regulation****Article 1 – paragraph 1 – point 20**

Regulation (EU) 2017/2107

Article 27 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The guidelines on minimum standards for safe handling procedures are already mentioned in paragraph 3

Amendment 23**Proposal for a regulation****Article 1 – paragraph 1 – point 20**

Regulation (EU) 2017/2107

Article 27 – paragraph 6

Text proposed by the Commission

6. Member States may authorise ***their*** pelagic longline and purse seiners to fish and retain on board, tranship, or land blue

Amendment

6. Member States may authorise pelagic longline and purse seiners ***flying their flag*** to fish and retain on board,

marlin and white marlin/roundscale spearfish that are dead, within their landing limit.

tranship, or land blue marlin and white marlin/roundscale spearfish that are dead, within their landing limit.

Or. en

Justification

Linguistic clarification

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 21

Regulation (EU) 2017/2107

Article 29 – paragraph 5

Text proposed by the Commission

5. In recreational fisheries any released fish shall be released in a manner that causes the least harm.

Amendment

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

Or. en

Justification

Recommendation 19-05 specifies that CPCs shall take appropriate measures to ensure this provision.

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Regulation (EU) 2017/2107

Article 33

Text proposed by the Commission

Article 33

Amendment

Article 33

Shortfin mako sharks (*Isurus oxyrinchus*)

- 1. Union fishing vessels shall promptly release North Atlantic shortfin mako sharks in a manner that causes the least harm, while giving due consideration to the safety of crew members.**
- 2. Notwithstanding paragraph 1, Member States may authorise their vessels to fish and retain on board, transship or land North Atlantic shortfin mako, provided that:**
 - (i) the shortfin mako is dead when brought along side for taking on board the vessel;**
 - (ii) the retention of shortfin mako does not exceed the fishing vessel's average shortfin mako landings while an observer is on board and this is verified by mandatory logbooks and landing inspection conducted on the basis of risk assessment.**
- 3. Moreover, for vessels whose length is greater than 12 m, Member States may only authorise their vessels to fish and retain on board, transship or land North Atlantic shortfin mako, if, in addition to the conditions provided in paragraph 2:**
 - a) the vessel has either an observer or a functioning electronic monitoring system on board which can identify whether the fish is dead or alive;**
 - b) the observer collects data on the number of individuals hooked, body length, sex, condition, maturity (whether the individual is pregnant and its litter size) and weight of products for each shortfin mako caught as well as fishing effort; and**
 - c) when shortfin mako is not retained, the number of dead discards and live releases shall be recorded by the observer or estimated from the records of the electronic monitoring system.**

North Atlantic Shortfin mako sharks
(*Isurus oxyrinchus*)

- 1. North Atlantic shortfin mako sharks caught in Union fishing vessels shall not be harmed and shall be promptly released into the sea, while giving due consideration to the safety of crew members.**
- 2. Member States shall make sure that their vessels apply the minimum standards for safe handling and release procedures of North Atlantic shortfin mako shark as set out in Annex IX.**
- 3. Starting in 2023 and annually thereafter, the Commission shall validate the amount of permissible retention in the subsequent year, based on the best available scientific advice.**

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

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

Or. en

Justification

ICCAT Recommendation 21-09 has modified article 33. ICCAT Recommendation 21-09 establishes that there is no permissible retention for north Atlantic shortfin mako. Possible future retention will be determined inline with paragraph 5 of the recommendation

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 24 a (new)

Regulation (EU) 2017/2107

Article 33a (new)

(24a) The following Article is inserted:

“Article 33a

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

- 1. Member States shall make sure that their vessels apply the minimum standards for safe handling and release procedures of South Atlantic shortfin mako shark as set out in Annex IX.**
- 2. Member States shall report on a monthly basis to the Commission all permissible landings of vessels flying their flag, which are authorised to catch South Atlantic shortfin mako. That report shall be sent to the Commission within 15 days of the end of the calendar month in which the catches were made. In addition, Member States shall report to the Commission every year the dead discards, live releases and total catches of vessels flying their flag.**
- 3. By 30 June every year, Member States whose vessels have caught (landings and dead discards) South Atlantic shortfin mako sharks shall communicate to the Commission the statistical methodology used to estimate dead discards and live releases. Member States with artisanal and small-scale fisheries shall also provide information about their data collection programs.**
- 4. As part of their annual Task 1 and 2 data submissions, Member States shall provide to the Commission all relevant data for South Atlantic shortfin mako, including estimates of dead discards and live releases using the methods approved by the SCRS.”**

Or. en

Justification

ICCAT recommendation 22-11

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 25 a (new) Regulation (EU) 2017/2107

Article 41

Present text

Amendment

“4. Member States shall *train fishermen on pelagic longline vessels in safe handling and release techniques.*”

(25a) Article 41 is amended as follows:

(a) the following paragraph is inserted:

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

- use only large circle hooks;

- use only finfish bait; or

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

(b) paragraph 4 is replaced by the following:

“4. Member States shall:

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

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

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

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

(iv) modifications in fishing behaviour and strategy (for example reduced soaking time).

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

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

(i) the purse seine and longline vessels flying their flag, and other types of vessels flying their flag that use gear that may entangle sea turtles, carry on board de-hookers, line-cutters and basket lifts or dip nets, as appropriate for each gear type and consistent with the "Best practices for sea turtle handling and release" of the FAO Guidelines to reduce sea turtle mortality in fishing operations (2009)^{1a} ('the FAO guidelines');

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

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

XI before returning it to the water;

(e) ensure that fishers are aware of and use proper mitigation and handling techniques, as set out in Annex XI.”;

(c) the following paragraph is added:

“5. Notwithstanding paragraphs 2a and 4, in the Mediterranean Sea:

(a) paragraph 2a shall not apply.

(b) paragraphs 2 and 3 shall not apply until 31 December 2025.

1a

<http://www.fao.org/docrep/012/i0725e/i0725e.pdf>”

Or. en

Justification

Recommendation 22-12

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 26 – introductory part

Regulation (EU) 2017/2107

Article 44a

Text proposed by the Commission

Amendment

(26) *New Article 44bis* is added:

(26) *The following* Article is added:

Or. en

Justification

Linguistic clarification

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2017/2107
Article 44a – title

Text proposed by the Commission

Amendment

Article **44bis**

Article **44a**

Or. en

Justification

Linguistic clarification

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2017/2107

Article 44a – paragraph 1

Text proposed by the Commission

Amendment

In addition to provisions of Article 9 of the Council Regulation (EC) No 1224/2009 of 20 November 2009⁵, **each Member State** ensure that **the satellite** tracking devices of fishing vessels flying **its flag**, are permanently and continuously operational and that **the information** is collected and transmitted at least once every hour for purse seine.

In addition to provisions of Article 9 of the Council Regulation (EC) No 1224/2009 of 20 November 2009⁵, Member **States shall** ensure that tracking devices of fishing vessels flying **their flag** are permanently and continuously operational and that **vessel position data** is collected and transmitted **to the competent authorities of the Member State** at least once every hour for purse seine **and at least once every two hours for all other vessels**.

⁵ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93,

⁵ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93,

(EC) No 1627/94 and (EC) No 1966/2006
(OJ L 343, 22.12.2009, p.1).

(EC) No 1627/94 and (EC) No 1966/2006
(OJ L 343, 22.12.2009, p.1).

Or. en

Justification

Recommendation 18-10 contains additional rules that should also be transposed to this Regulation

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 26

Regulation (EU) 2017/2107

Article 44a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

Recommendation 18-10 contains additional rules that should also be transposed to this Regulation

Amendment 32

Proposal for a regulation

Article 1 – paragraph 1 – point 31

Regulation (EU)2017/2107

Article 66 – paragraph 5

Text proposed by the Commission

5. Flag Member States shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with *their domestic laws*.

Amendment

5. Flag Member States shall consider and act on reports of infringements from inspectors of a port State on a similar basis as the reports from their own inspectors, in accordance with **Regulation (EU) 2017/2403 of the European Parliament and of the Council^{1a}**.

^{1a} Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L347, 28.12.2017, p. 81))

Or. en

Justification

The reference to the SMEFF Regulation was missing

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 32 a (new)

Regulation (EU)2017/2107

Article 69 a (new)

Text proposed by the Commission

Amendment

(32a) The following Article is inserted:

“Article 69a

IUU vessels

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

Or. en

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35a) The text set out in the Annex to this Regulation is added as Annexes VIIIa, VIIIb and VIIIc to Regulation (EU) 2017/2107.

Or. en

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point -1 (new)

Regulation (EU) XX/2023

Article 5

Present text

Amendment

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

“Article 5

Definitions

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

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

(2) ‘The Convention’ means the International Convention for the Conservation of Atlantic Tunas;

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

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

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

(6) 'Operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;

(7) 'Responsible Member State' means the flag Member State or the Member State under whose jurisdiction the relevant farm or trap is located;

(8) 'Farm CPC' means the Member State under whose jurisdiction the bluefin tuna farm is located;

(9) 'Flag CPC' means the Member State where the fishing vessel is flagged;

(10) 'Trap CPC' means the Member States under whose jurisdiction the trap is located;

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

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

(13) 'Towing vessel' means any vessel used for towing live bluefin tuna cages;

(14) '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;

(15) 'Auxiliary vessel' means any

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

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

(a) Length overall less than 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;

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

(18) ‘Support vessel’ means any other vessel authorised to operate in the bluefin tuna fishery to perform support tasks, which does not fall into any of the other categories referred to in this Article;

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

(20) ‘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;

(21) ‘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;

(22) 'Gear group' means a group of fishing vessels using the same gear for which a group quota has been allocated;

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

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

(28) '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;

(29) 'Harvesting' means the killing of bluefin tuna in farms or traps;

(30) '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;

(31) 'Caging' means the relocation of live bluefin tuna in farms and subsequent feeding aiming to fatten and increase

their total biomass;

(32) 'Control caging' means a repetition of the caging operation being implemented at the request of the control authorities, for the purpose of verifying the number and or the average weight of fish being caged;

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

(34) '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 may 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;

(35) 'Input farming capacity' means the maximum amount of wild bluefin tuna in tons that a farm is allowed to cage during a fishing season;

(36) 'Transfer' means any transfer of:

(a) live bluefin tuna from the catching vessel's net to the transport cage;

(b) live bluefin tuna from the trap to the transport cage, independent of the presence of a towing vessel;

(c) live bluefin tuna from the transport cage to another transport cage;

(d) a cage containing live bluefin tuna from a towing vessel to another towing vessel;

(e) live bluefin tuna between different cages in the same farm (intra-farm transfer);

(f) live bluefin tuna from a farm cage to a transport cage;

(37) 'Control transfer' means the repetition of any transfer being implemented at the request of control

authorities;

(38) 'Inter farm transfer' means the relocation of live bluefin tuna from one farm to another farm composed of two phases, a transfer from the donor farm cage to a transport cage and a caging from the transport cage to the receiving farm cage;

(39) 'First transfer' means a transfer of live bluefin tuna from a purse seine net or a trap to a transport cage;

(40) 'Further transfer' means any transfer operation that is conducted after the first transfer and before caging at the destination farm, such as splitting or merging of the contents of two transport cages, with the exception of voluntary or control transfers;

(41) 'Voluntary transfer' means the repetition of any transfer being voluntarily implemented by the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates;

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

(43) '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."

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 36

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EU) XX/2023

Article 7

Text proposed by the Commission

Amendment

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

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

Such declaration shall include:

- **quantities (expressed in kg) and number of fish intended to be carried over,**
- **year of catch,**
- **average weight,**
- **flag CPC,**
- **references of the BCD corresponding to the catches carried over,**
- **name and ICCAT number of the farm,**
- **cage number, and**
- **information on harvested quantities (expressed in kg), when completed.**

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

Or. en

Justification

Provisions already included in Regulation (EU) XX/2022 of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Regulation (EU) XX/2023

Article 8

Present text

Amendment

(1a) Article 8 is replaced by the following:

“Article 8

Carry-over of unused quotas

1. Any unused portion of a Member State annual quota/catch limit may be added to the respective quota/catch limit from one year to the following year when transmitting its annual fishing plan.

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 1 b (new)

Regulation (EU) XX/2023

Article 14 – introductory part

Present text

Amendment

(1b) In Article 14, the introductory part is replaced by the following:

“Member States with a bluefin tuna quota

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point 1 c (new)

Regulation (EU) XX/2023

Article 15 – paragraphs 6 and 7

Present text

Amendment

(1c) *Article 15 is amended as follows :*

(a) *paragraph 6 is replaced by the following:*

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

(b) *paragraph 7 is replaced by the following:*

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point 1 d (new)

Regulation (EU) XX/2023

Article 17 – paragraph 5

Present text

Amendment

(1d) In Article 17, paragraph 5 is replaced by the following:

“5. Bluefin tuna fishing shall be permitted in the eastern Atlantic and the Mediterranean Sea by large scale pelagic longlines catching vessels over 24 m overall length during the period from 1 January to 31 May with the exception of the area delimited by West of 10°W and North of 42°N.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point 1 e (new)

Regulation (EU) XX/2023

Article 21 a (new)

Present text

Amendment

(1e) The following Article is inserted:

“Article 21a

Prohibition of retention of bluefin tuna onboard support vessels

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 42

Proposal for a regulation

Article 2 – paragraph 1 – point 1 f (new)

Regulation (EU) XX/2023

Article 24

Present text

Amendment

(1f) Article 24 is amended as follows:

(a) paragraph 3 is replaced by the following:

“3. The marketing or sale of bluefin tuna caught in recreational fisheries shall be prohibited.”;

(b) paragraph 4 is replaced by the following:

“4. Member States shall record catch data including the weight of each bluefin tuna caught in recreational fisheries 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 without delay.”;

(c) paragraph 5 is replaced by the following:

“5. Member States shall take the necessary measures to ensure, to the greatest extent possible, the release of bluefin tuna, especially juveniles, caught alive in recreational fisheries. Any bluefin

tuna landed shall be whole, gilled and/or gutted.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 43

Proposal for a regulation

Article 2 – paragraph 1 – point 1 g (new)

Regulation (EU) XX/2023

Article 26 – paragraph 1

Present text

Amendment

(1g) in Article 26, paragraph 1 is replaced by the following:

“1. Each year, one month before the start of the period of authorisation, Member States shall submit the information set out in Annex XVI for the following vessel lists:

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

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

The Commission shall forward that 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, into the ICCAT record of vessels 20 metres in length overall or greater authorised to operate in the Convention Area.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1 – point 1 h (new)

Regulation (EU) XX/2023

Article 27 – paragraph 2

Present text

Amendment

(1h) In Article 27, paragraph 2 is replaced by the following:

“2. Without prejudice to Article 20(6), Union fishing vessels not entered into the ICCAT records referred to in Article 26 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.”

Or. en

Justification

The references to the articles have been updated

Amendment 45

Proposal for a regulation

Article 2 – paragraph 1 – point 1 i (new)

Regulation (EU) XX/2023

Article 28

Present text

Amendment

(1i) Article 28 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. Member States shall submit to the Commission electronically, as part of

their fishing plans, a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean including the information set out in Annex XVII. The Commission shall forward that information to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for bluefin tuna.”;

(b) the following paragraph is inserted:

”5. Member States shall notify the Commission, after the establishment of the ICCAT record of traps, any addition to, any deletion from and/or any modification of the ICCAT record of traps at any time such changes occur. The Commission will notify such changes to the ICCAT Secretariat without delay.”

Or. en

Justification

Paragraph 1 has been updated with the word "electronically" and a reference to Annex XVII (annex 14 of recommendation 22-08). Paragraph 5 is transposed from page 12 of recommendation 22-08

Amendment 46

Proposal for a regulation

Article 2 – paragraph 1 – point 1 j (new)

Regulation (EU) XX/2023

Article 28 a (new)

Present text

Amendment

(1j) The following Article is inserted:

“Article 28a

Record of farms

1. Member States shall submit to the Commission electronically, as part of their fishing plans, a list of farms authorised to operate for bluefin tuna in the eastern Atlantic and the

Mediterranean including the information set out in Annex XVIII. The Commission shall forward that information to the ICCAT Secretariat so that those farms can be entered into the ICCAT record of farms authorised to operate for bluefin tuna.

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

3. Farming activities shall not be authorised, including feeding for fattening purposes or harvesting of bluefin tuna, outside the geographical coordinates approved for farming activities.

4. Member States shall immediately notify the Commission of any addition to, any deletion from and/or any modification of the ICCAT record of farms at any time such changes occur. The Commission shall forward that information to the ICCAT Secretariat without delay.

5. Member States shall take the necessary measures to ensure that bluefin tuna is not placed into a farm not listed in the ICCAT record of farms and that the farms do not receive bluefin tuna from vessels that are not included in the ICCAT Record of vessels. Member States shall take the necessary measures to prohibit any operation on farms not registered in the ICCAT record of farms. ”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 47

Proposal for a regulation

Article 2 – paragraph 1 – point 1 k (new)

Regulation (EU) XX/2023

Article 33 – paragraph 4

Present text

Amendment

(1k) In Article 33, the following paragraph is added :

“4. This Article shall not affect the entry of a CPC fishing vessel to port, in accordance with international law, for reasons of force majeure or distress.”

Or. en

Justification

ICCAT recommendation 22-08, page 15

Amendment 48

Proposal for a regulation

Article 2 – paragraph 1 – point 1 l (new)

Regulation (EU) XX/2023

Article 34 – paragraph 2

Present text

Amendment

(1l) In Article 34, paragraph 2 is replaced by the following:

“2. Prior to entry into port, masters or their representatives of Union fishing vessels as well as processing vessels and auxiliary vessels included in the list of vessels referred to in Article 26 shall, at least four hours before the estimated time of arrival at the port, notify the competent authority of their flag Member State or the CPC whose ports or landing facility they wish to use of at least the following information:

(a) estimated date and time of arrival;

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

(c) information on the geographical area where the catches were taken.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 49

Proposal for a regulation

Article 2 – paragraph 1 – point 1 m (new)

Regulation (EU) XX/2023

Article 35 – paragraph 5

Present text

Amendment

(1m) In Article 35, paragraph 5 is replaced by the following:

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

Or. en

Justification

ICCAT recommendation 22-08, page 16

Amendment 50

Proposal for a regulation

Article 2 – paragraph 1 – point 1 n (new)

Regulation (EU) XX/2023

Article 36

Present text

Amendment

(1n) Article 36 is replaced by the following:

“Article 36

Reports on quantities

Member States shall send catch reports to the Commission every two weeks. Those reports shall include the data required under Article 31 as regards traps, purse seiners and other catching vessels. The information shall be structured by gear type. The Commission shall forward that information to the ICCAT Secretariat without delay.”

Or. en

Justification

ICCAT recommendation 22-08, page 16

Amendment 51

Proposal for a regulation

Article 2 – paragraph 1 – point 1 o (new)

Regulation (EU) XX/2023

Article 38

Present text

Amendment

(1o) Article 38 is amended as follows:

(1) paragraph 2 is replaced by the following:

“2. By way of derogation from paragraph 1, for releases of tuna from farms, only regional observers as referred to in Article 39, and not national

observers, shall be present on towing vessels.”

(2) paragraph 3 is replaced by the following:

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

(3) paragraph 5 is replaced by the following:

“5. For the purposes of this Article, Member States 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 the characteristics of the fleets and fisheries;

(b) robust data collection protocols;

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

(d) that observers are provided, before the start of their deployment, with a list of contacts within the Member State’s competent authority where to report observations;

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

(f) that the master of the fishing vessel or the trap operator allows the observer access to the electronic means of communication on board the fishing vessel or on the trap.”

Or. en

Justification

ICCAT recommendation 22-08, pages 17 and 18

Amendment 52

Proposal for a regulation

Article 2 – paragraph 1 – point 1 p (new)

Regulation (EU) XX/2023

Article 39

Present text

Amendment

(1p) Article 39 is amended as follows:

(1) in paragraph 2, point (c) is replaced by the following:

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

(2) paragraph 4 is replaced by the following:

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

(3) the following paragraph is inserted:

“4a. By way of derogation from paragraph 4, in the event of transfer between two different farms under the competence of the same Member State, a single regional observer can be assigned to cover the entire process including the transfer of fish to a towing transport cage, the towing of the fish from the donor farm to the recipient farm and the caging of

fish on the recipient farm. In that case, a regional observer should be deployed by the donor farm and the cost shall be shared by both the donor and receiving farms, unless otherwise determined by the farming companies.”

(4) the following paragraph is inserted:

“5a. By way of derogation from paragraph 5, harvesting from farms up to 1000 kg per day and up to a maximum of 50 tons per farm per year to supply the fresh bluefin tuna market may be authorized by the relevant CPC provided that an authorized inspector from the farm CPC is onsite for 100 % of such harvests, and controls the entire operation. The authorised inspector shall also validate the harvested quantities in the eBCD system. In this case, the regional observer’s signature shall not be required in the harvest section of the eBCD. That derogation shall be reviewed, as appropriate, by the PWG, possibly through its IMM Working Group.”

(5) The following paragraph is inserted :

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point 1 q (new)

Regulation (EU) XX/2023

Article 40

(1q) Article 40 is amended as follows:

(1) paragraph 1 is replaced by the following:

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

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

(b) the name of the catching vessel, towing vessel(s), farm or trap, with their respective ICCAT record number;

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

(d) the date and estimated time of transfer;

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

(f) farm of destination;

(g) the name and ICCAT number; of the donor farm, in the case of a transfer from the farm cage to a transport cage;

(h) the numbers of the two farm cages and any transport cages involved, in the case of intra-farm transfers.”;

(2) paragraph 2 is deleted;

(3) paragraph 3 is replaced by the following:

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

(4) paragraph 5 is replaced by the following:

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

(5) The following paragraphs are inserted:

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

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

(6) The following paragraph is added :

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point 1 r (new)

Regulation (EU) XX/2023

Article 41

Present text

Amendment

(1r) Article 41 is amended as follows:

(1) The title is replaced by the following:

“Article 41

Refusal of the transfer authorisation and consequent release of bluefin tuna”;

(2) in paragraph 1, points (b) and (c) are replaced by the following:

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

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

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

“(e) the farm of destination is not reported as active in the ICCAT Record of farms.”

(4) paragraph 3 is replaced by the following:

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

communicated to the Commission, which shall inform the ICCAT Secretariat. Masters or their representatives shall, from the time the technical failure was detected until it is remedied, communicate every hour to the control authorities of the flag Member State the updated geographical coordinates of the fishing vessel by appropriate telecommunication means.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – point 1 s (new)

Regulation (EU) XX/2023

Article 42

Present text

Amendment

(1s) Article 42 is amended as follows:

(a) Article 42 shall become Article 43;

(b) paragraph 1 is replaced by the following:

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

(c) paragraph 3 is replaced by the following:

“3. The original ITD shall accompany the transfer of fish until the destination farm where it will be caged:

(a) at first transfer, the original of the transfer declaration shall be duplicated by the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates when a single catch is transferred from the purse seine net or the trap to more than one transport cage;

(b) in the case of a further transfer, the master of the donor towing vessel shall update the transfer declaration by completing part 3 (further transfers), and provide the updated transfer declaration to the receiving towing vessel.”

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

(d) paragraph 5 is replaced by the following:

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – point 1 t (new)

Regulation (EU) XX/2023

Article 43

(1t) Article 43 is amended as follows:

(a) Article 43 shall become Article 42;

(b) paragraph 1 is replaced by the following:

“1. The master of the catching or towing vessel or the operator of the farm or trap from which the transfer originates shall ensure that the transfer is monitored by video camera in the water, to determine the number of individuals of bluefin tuna being transferred, except for transfers of cages between two towing vessels which do not involve the movement of live tuna between those cages. The video recording shall be carried out in accordance with the minimum standards and procedures set out in Annex X. Each donor operator Member State competent authority shall take the necessary measures to ensure that identical copies of the relevant video records are provided without delay by the donor operator:

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

(b) for further transfers, to the national observer on board the donor towing vessel, to the master of the receiving towing vessel and, at the end of the towing trip, to the flag Member State competent authority of the donor towing vessel;

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

(d) if a national or ICCAT inspection authority is present during the transfer

operation, the inspector(s) shall also receive a copy of the relevant video record.”;

(c) the following paragraph is inserted:

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

(d) the following paragraph is added:

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point 1 u (new)

Regulation (EU) XX/2023

Article 43a (new)

Present text

Amendment

(1u) The following Article is inserted:

“Article 43a

Voluntary and control transfers

1. When the video footage referred to in Article 42 does not meet the minimum

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

2. In case voluntary transfer(s) have not been carried out, or if the voluntary transfer(s) still does not permit a determination of the number of fish being transferred, the Member State competent authority of the vessel, trap or farm from which a transfer operation originates shall order a control transfer, which shall be repeated until the quality of the video record allows the estimation of the number of bluefin tuna being transferred.

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

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

5. In case the quality of the video of the voluntary transfer(s) still does not allow the determination of the number of individuals being transferred, the Member State competent authority of the master of the catching or the towing vessel or its representative, or the representative of the farm or a trap, may allow the separation of the purse seine vessel, trap or farm from the transport cage(s). In such a case, the Member State competent authority the master of the catching or the towing vessel or its representative, or the

representative of the farm or a trap shall order the door(s) of the transport cage(s) concerned, to be sealed in accordance with the procedure set out in Annex XIX, and require a control transfer(s) to be carried out at a determined time and place, in the presence of the flag, trap or farm competent authority.

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – point 1 v (new)

Regulation (EU) XX/2023

Article 44

Present text

Amendment

(1v) Article 44 is amended as follows:

(a) the title shall be replaced by the following:

“Investigation by the Member State competent authority”.

(b) paragraph 1 is deleted;

(c) paragraph 2 is replaced by the following:

“2. The responsible Member State shall investigate all cases where:

(a) there is more than a 10 % difference between the number of fish reported in the ITD by the master of the catching or towing vessel or operator of the trap or the farm and the number of fish estimated by the ICCAT regional observer, or by the CPC national observer, as appropriate;

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

The margin of error of 10 % referred to in point (a) shall be expressed as a percentage of the master of the catching or towing vessel or operator of the trap or the farm figures;

At the initiation of an investigation, the Member State competent authority shall inform the flag Member State or CPC competent authority of the towing vessel(s) concerned about the investigation, and ensure that, until the investigation is concluded, no transfer is permitted from or to the transport cage in question;

Where applicable, the investigation shall include the analysis of all the relevant video footages. Such investigation shall be concluded prior to the time of caging at the farm and in any case within 96 hours of the investigation being initiated, except on in cases of force majeure. Pending the results of the investigation, caging shall not be authorised and the relevant section of the BCD shall not be validated.”;

(d) paragraphs 3, 4 and 5 are deleted.;

(e) the following paragraph is inserted:

“3a. For all transfer operations where a video is required, a difference greater than 10 %, between the number of bluefin tuna reported by the master of the fishing vessel or its representative, or the representative of the farm of trap in the

ITD and the number determined by the CPC competent authority of the master of the fishing vessel or its representative, or the representative of the farm of trap following an investigation, shall constitute a Potential Non-Compliance (PNC) of the fishing vessel, trap or farm concerned.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 59

Proposal for a regulation

Article 2 – paragraph 1 – point 1 w (new)

Regulation (EU) XX/2023

Article 45 a (new)

Present text

Amendment

(1w) the following Article is inserted:

“Article 45a

*Amendments to ITDs and eBCDs
following inspections at sea or
investigations*

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 60

Proposal for a regulation

Article 2 – paragraph 1 – point 1 x (new)

Regulation (EU) XX/2023

Article 45 b (new)

Present text

Amendment

(1x) The following Article is inserted:

“Article 45b

General provisions

1. Each farm Member State shall nominate a single competent authority responsible for coordinating the collection and verification of information on Member States’ caging activities, for the control of farm activities conducted under its jurisdiction, and for reporting to and cooperating with the Member States and CPC competent authorities whose flag vessels or trap caught the caged tuna.

2. All bluefin tuna fishery and farm activities shall be subject to the control described in the monitoring, control and inspection plan submitted under Article 15.

3. Member States involved in caging related activities shall exchange information and cooperate to ensure that the number and weight of bluefin tuna intended for caging are accurate, consistent with the catch amounts reported by the purse seine vessel or trap, and declared in the relevant sections of the eBCD.

4. Farm Member States shall ensure that farm operators maintain at all times an accurate schematic plan of their farms, indicating the unique number of all cages and their individual position on the farm. The updated plan shall be made available at all times to the farm Member State competent authority for control purposes and to the ICCAT regional observer deployed on the farm. Any modification to

the schematic plan is subject to prior notification to the farm Member State competent authority. The schematic farming plan shall be adapted any time the number and/or distribution of farm cages is modified.

5. The farm Member State competent authority and the farm operator shall retain all the information, documentation and material related to caging activities conducted in farms under its jurisdiction for at least 3 years, and keep the information as long as necessary for enforcement purposes.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 61

Proposal for a regulation

Article 2 – paragraph 1 – point 1 y (new)

Regulation (EU) XX/2023

Article 45 c (new)

Present text

Amendment

(1y) The following Article is inserted:

“Article 45c

Unique identifying number

1. Before the start of the bluefin tuna fishing campaign, the farm CPC competent authority shall assign a unique and identifiable number to each cage associated to farms under its jurisdiction, including those cages used to transport the fish to the farm.

2. Cage numbers shall be issued with a unique numbering system that includes at least the alpha-3 code corresponding to the farming Member State followed by

three numbers. Unique cage numbers shall be permanent and not transferable from one cage to another.

3. The unique cage numbers shall be stamped or painted on two opposite sides of the ring of the cage and above the water line, in a color contrasting with the background on which they are painted or stamped, and must be visible and legible at any time for control purposes. The height of the letters and numbers shall be at least 20 centimetres with a line thickness of at least 4 centimetres.

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 62

Proposal for a regulation

Article 2 – paragraph 1 – point 1 z (new)

Regulation (EU) XX/2023

Article 45 d (new)

Present text

Amendment

(1z) The following Article is inserted:

“Article 45d

Caging authorisation

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

2. The farms operator shall request a caging authorisation issued by the farm Member State competent authority including the following information:

(a) the number and weight of fish to

be caged as referred to in the transfer declaration (ITD);

(b) the relevant transfer declarations (ITD);

(c) the eBCD(s) reference concerned, as confirmed and validated by the catching flag or trap Member State or CPC competent authority;

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

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

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

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

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

7. Pending the results of the investigation referred to in Article 43

conducted by the catching flag or trap Member State or CPC competent authority, the caging operation shall not be authorised and the relevant catch and live trade sections of the eBCD shall not be validated.

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 63

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EU) XX/2023

Article 46

Text proposed by the Commission

Amendment

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

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

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

Or. en

Justification

Provision already included in Regulation (EU)XX/2022

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Regulation (EU) XX/2023

Article 46

Present text

Amendment

(2a) Article 46 is replaced by the following:

“Article 46

Refusal of an authorisation

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

(a) the catching vessel or trap which caught the fish had not a sufficient quota to cover the bluefin tuna to be caged;

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

(c) the catching vessel or trap declared to have caught the fish does not have a valid authorisation to fish for

bluefin tuna, issued in accordance with Article 26.

In the event that 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.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 65

Proposal for a regulation

Article 2 – paragraph 1 – point 2 b (new)

Regulation (EU) XX/2023

Article 46 b (new)

Present text

Amendment

(2b) The following Article is inserted:

“Article 46b

Caging operations

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

2. Member States competent authorities shall not authorise the start of

the caging operation without the presence of the farm Member State competent authority and the ICCAT regional observer and before the catch and live trade sections of the eBCD have been completed and validated by the catching flag or trap Member States or CPC competent authority(ies).

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

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

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

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

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 66

Proposal for a regulation

Article 2 – paragraph 1 – point 2 c (new)

Regulation (EU) XX/2023

Article 47

Present text

Amendment

(2c) In Article 47, paragraphs 2 and 3 are deleted.

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 67

Proposal for a regulation

Article 2 – paragraph 1 – point 2 d (new) Regulation (EU) XX/2023

Article 48

Present text

Amendment

(2d) Article 48, is deleted.

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 68

Proposal for a regulation

Article 2 – paragraph 1 – point 2 e (new)

Regulation (EU) XX/2023

Article 49

Present text

Amendment

(2e) Article 49 is replaced by the following:

“Article 49

Recording of the caging operation by control cameras and caging declaration

- 1. Member States responsible for farms shall ensure that caging operations shall be monitored by their control authorities using both conventional and stereoscopic camera’s. Video footages records shall be produced for each caging operation in accordance with the procedures set out in Annex X.***
- 2. If the quality of the control camera video footage used to determine the number and/or weight of the bluefin tuna caged does not comply with the minimum standards of Annex X, the farm Member State competent authority shall order a control caging until the determination of the number and/or weight is possible. The repetition of the caging operation shall not be subject to a new caging authorization.***
- 3. In the case of control caging, the farm Member State competent authority shall ensure that the donor farm cage is sealed and that the cage cannot be manipulated prior to the new caging operation. The receiving farm cage(s) used in the control caging shall be empty.***
- 4. At the completion of the caging operation, the farm Member State competent authority shall ensure that the ICCAT regional observer has immediate access to all stereoscopic and conventional camera video footage(s), and***

is allowed to make a copy if it intends to complete its task of analysing the footage at another time or place.

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 69

Proposal for a regulation

Article 2 – paragraph 1 – point 2 f (new)

Regulation (EU) XX/2023

Article 50

Present text

Amendment

(2f) Article 50 is replaced by the following:

“Article 50

Launching and conduct of investigations

1. When, for a single catching operation, the number of bluefin tuna being caged as communicated by the farm Member State competent authority in accordance with Article 50(2), differs by more than 10 % from those reported in the ITD or eBCD as caught and/or transferred, the catching flag or trap Member State competent authority shall initiate an investigation to determine the accurate catch weight that shall be deducted from the national bluefin tuna quota. In support of this investigation, the catching flag or trap Member State

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

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

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

4. However, for those cases where the investigation referred to in paragraph 1 concludes that bluefin tuna individuals were missing within the meaning of paragraph 2 of Annex XIII, the weight of

the missing fish shall be deducted from the national quota in accordance with Annex XIII, by applying the average individual weight at caging communicated by the farm Member State competent authority, to the number of bluefin tuna in the catch as determined by the flag or trap Member State competent authority resulting from its analysis of the first transfer video footage in the context of the investigation.

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 70

Proposal for a regulation

Article 2 – paragraph 1 – point 2 g (new)

Regulation (EU) XX/2023

Article 51

Present text

Amendment

(2g) Article 51 is amended as follows:

(a) the title is replaced by the following:

“Article 51

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

(b) paragraph 1 is replaced by the following:

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

(c) the following paragraphs are inserted:

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

3b. All bluefin tuna that die during a caging operation shall be reported by the farm operator, in accordance with the procedures set out in Annex XIII.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 71

Proposal for a regulation

Article 2 – paragraph 1 – point 2 h (new)

Regulation (EU) XX/2023

Article 52

Present text

Amendment

(2h) Article 52 is replaced by the following:

“Article 52

Releases associated to caging operations

The determination of the fish to be released shall be done in accordance with the provisions of Annex XI, paragraph 4. If the weight of bluefin tuna being caged is in excess of what had been declared as caught and/or transferred, the catching flag or trap CPC competent authority shall issue a release order and communicate it without delay to the farm CPC competent authority concerned. The release order shall follow the provisions of Annex IX, paragraph 4, taking into account the possible compensation at the JFO or trap level, in accordance with Annex IX, paragraph 5. The release operation shall be conducted in accordance with the protocol set out in Annex XII.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 72

Proposal for a regulation

Article 2 – paragraph 1 – point 2 i (new) Regulation (EU) XX/2023

Article 53

Present text

Amendment

(2i) *Article 53 is deleted.*

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 73

Proposal for a regulation

Article 2 – paragraph 1 – point 2 j (new) Regulation (EU) XX/2023

Article 54

Present text

Amendment

(2j) *Article 54 is deleted.*

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 74

Proposal for a regulation

Article 2 – paragraph 1 – point 2 k (new) Regulation (EU) XX/2023

Article 55

Present text

Amendment

(2k) Article 55 is deleted.

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 75

Proposal for a regulation

Article 2 – paragraph 1 – point 2 l (new)

Regulation (EU) XX/2023

Section 7a (new)

Present text

Amendment

(2l) The following Section is added:

“SECTION 7a

HARVESTING

Article 56a

Harvesting operations

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

2. Any harvesting operation in farms or traps shall be subject to an authorisation by the farm or trap Member State. To this end, the farm or trap operator intending to harvest bluefin tuna

shall submit to its Member State a request, which shall include at least the following information: - date or period of harvesting; - estimated quantities to be harvested in number of individuals and kg; - eBCD number associated with the bluefin tuna to be harvested; - details of auxiliary vessels involved in the operation; - destination of harvested tuna (processing vessel, export, local market, etc.).

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

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

5. Farm or trap Member States shall verify and cross-check the results of all harvesting operations taking place in farms and traps under their authority, using all relevant information in its possession. Farm or trap Member States shall inspect all harvesting operations of bluefin tuna destined for processing vessels and a percentage of the rest of harvesting operations based on risk analysis.

6. When the destination of the bluefin tuna is a processing vessel, the master or representative of the processing vessel shall complete a processing declaration. When the harvested bluefin tuna is to be landed directly into port, the farm or trap operator shall complete a harvesting declaration.

7. The processing and harvesting declarations shall be validated by the ICCAT regional or CPC observer present at the harvesting operation. The processing and harvesting declarations shall be sent by e-mail to the farm Member State competent authorities within 48 hours of the harvesting operation using the template set out in Annex XVb.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 76

Proposal for a regulation

Article 2 – paragraph 1 – point 2 m (new)

Regulation (EU) XX/2023

Section 7b (new)

Present text

Amendment

(2m) The following Section is added:

“SECTION 7b

CONTROL ACTIVITIES IN THE FARMS AFTER CAGING

Article 56b

Intra-farms transfers

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

eBCD system.

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

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

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

Article 56c

Carry-over

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

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

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

origin.

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

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

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

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

Article 56d

Carry-over declaration

- 1. Farm Member States shall complete and attach to the revised farming management plan an annual carry-over declaration to the Commission within 10 days after the end of the assessment operation following the format set out in Annex XXI. The Commission shall forward that information to the IATTC Secretariat within the 15 days after the end of the assessment operation**
- 2. The stereoscopic camera report, when applicable, shall be attached to the carry-over declaration.**

Article 56e

Random Controls

- 1. The farm Member State competent authority shall carry out random controls in farms under their jurisdiction. The minimum random controls referred to in paragraph 2 shall take place in farms between the time of completion of the caging operations and the first caging of the following year. Such controls shall involve the compulsory transfers of all fish from farm cage(s) to other farm cage(s) in order that the number of bluefin tuna individuals can be counted by way of control video record(s).**
- 2. Each farm Member State shall set a minimum number of random controls to be performed on each farm under its sovereignty. The number of random controls shall cover at least 10 % of the number of cages in each farm after completion of caging operations, always involving at least one control per farm and rounded up where needed. The selection of cages to be controlled shall be based on risk analysis. The planning for random controls to be carried out shall be reflected in the Member State control plan referred to under Article 10.**
- 3. Although not required, the farm(s) concerned may be informed by the farm Member State competent authority with a**

maximum prior notice of two calendar days that random control(s) shall take place. The selected cage(s) shall only be communicated by the farm Member State competent authority to the farm operator upon arrival at the farm concerned.

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

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

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

7. The farm Member State competent authority shall retain all video footage from random controls undertaken in

farms under their jurisdiction for a minimum of 3 years, and keep this information as long as necessary for enforcement purposes.

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

Article 56f

Inter-farm transfers

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

2. The transfer from the donor farm cage to the transport cage shall comply with the requirements of Section 6 of this Regulation including a video record to confirm the number of bluefin tuna individuals transferred, the completion of an ITD and the verification of the operation by an ICCAT Regional Observer. Notwithstanding the above, in cases where the entire farm cage is to be moved to the receiving farm, it shall not be necessary to video record the operation and the cage shall be transported sealed to the destination farm.

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

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 77**Proposal for a regulation****Article 2 – paragraph 1 – point 2n (new)**

Regulation (EU) XX/2023

Article 57

*Present text**Amendment*

(2n) Article 57 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. By way of derogation from Article 9 of Regulation (EC) No 1224/2009, flag Member States shall implement vessel monitoring systems (VMS) for all fishing vessels flying their flag with a length of 12 metres overall or more and for all towing vessels, irrespective of their length. All vessels referred to in the first subparagraph shall transmit vessel position data at least once every two hours, except for towing vessels and purse seine vessels who shall transmit at least every hour.”;

(b) paragraph 2 is replaced by the following:

“2. Fishing vessels referred to in point (b) of Article 26(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.”;

(c) in paragraph 5, point (a) is replaced by the following:

“(a) VMS data from the fishing vessels flying their flag shall be forwarded to the Commission as provided for in paragraph 1.”;

(d) In paragraph 5, the following point is added :

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

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 78

Proposal for a regulation

Article 2 – paragraph 1 – point 2 o (new)

Regulation (EU) XX/2023

Article 59 – title

Present text

Amendment

(2o) In Article 59, the title is replaced by the following:

“ Inspections in the event of suspected

infringements”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 79

Proposal for a regulation

Article 2 – paragraph 1 – point 2 p (new)

Regulation (EU) XX/2023

Article 61

Present text

Amendment

(2p) Article 61 is replaced by the following:

“Article 61

Enforcement

Without prejudice to Articles 89 to 91 of Regulation (EC) No 1224/2009, and in particular the duty of 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 national law, that this farm does not comply with the provisions of Articles 45 to 55. The measures may include, depending on the gravity of the offense and in accordance with the pertinent provisions of national law, suspension the authorization or withdrawal from the ICCAT Record of Bluefin Tuna Farming Facilities established in accordance with paragraph 61 of Recommendation 22-08 and/or fines.”

Or. en

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean

Amendment 80

Proposal for a regulation

Article 2 – paragraph 1 – point 2 q (new)

Regulation (EU) XX/2023

Article 66 – paragraph 1

Present text

Amendment

(2q) In Article 66, paragraph 1 is amended as follows:

(a) points (a), (b) and (c) are replaced by the following:

“(a) annual carryover under Article 8 for bluefin tuna;

(b) deadlines for reporting information as laid down in Article 15(7), Article 16(1), Article 24(4), Article 26(1), Article 29(1), Article 32(2) and (3), Article 35(5) and (6), Article 36, Article 41(3), Article 44(2), Article 51(7), Article 52(12), Article 55, Article 57(5), point (b), and Article 58(6);

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

(b) The following points are added:

“(ka) content of carry-over declaration of Article 7(1), point (a), and provisions for caging of Article 7(2), point (b)”;

(kb) the derogations of Article 17(2) to designate fishing areas, fishing vessels and gear, and of Article 17(3) for fishing bluefin tuna for farming purposes;

(kc) conditions for assigning Regional Observer to farms of Article 39(4);

(kd) the Member States’ duties and the content of the annual caging report referred to in Article 55.”

Justification

ICCAT recommendation 22-08 amends recommendation 21-08 establishing a multiannual management plan for bluefin tuna

Amendment 81

Proposal for a regulation

Article 2 – paragraph 1 – point 2 r (new)

Present text

Amendment

(2r) The text set out in the Annex to this Regulation is inserted as Annexes XVa, XVb and XVc to Regulation (EU) XX/2023.

Or. en

Amendment 82

Proposal for a regulation

Annex

Regulation (EU) 2017/2107

Annex VIII a (new)

Present text

Amendment

Annex VIIIa

Minimum standards for safe handling and live release procedures

The following provides minimum standards for safe handling practices of North and South Atlantic shortfin mako sharks and includes specific recommendations for both longline and purse seine fisheries. These minimum standards are appropriate for live shortfin mako sharks when released whether under no-retention policies, or when released voluntarily. These basic guidelines do not replace any stricter safety rules that may have been

established by the national authorities of individual Member States.

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

Training:

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

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

General recommendations for all fisheries

(1) If operationally safe to do so, the vessel shall be stopped or have its speed substantially reduced.

(2) When the shark is entangled (in netting, fishing line, etc.), if safe to do so, carefully cut the net/line free from the animal and release to the sea as quickly as possible with no entanglements attached.

(3) Where feasible, and while keeping the shark in the water, try to measure the length of the shark.

(4) To prevent bites, place an object, such as a fish or big stick/wooden pole, in

the jaw.

(5) If, for whatever reason, a shark must be brought on the deck then minimise the time it takes to return it to the water to increase survival and reduce risks to the crew.

Longline fisheries specific safe-handling practices

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

(2) Secure the far side of the longline mainline to the boat to avoid that any remaining gear in the water pulls on the line and the animal.

(3) If hooked, and the hook is visible in the body or mouth, use a dehooking device or long-handled bolt cutter to remove the hook barb, and then remove the hook.

(4) If it is not possible to remove the hook or the hook cannot be seen, cut the line of the trace (or snood, leader) as close to the hook as possible (ideally leaving as little line and/or leader material as possible and no weights attached to the animal).

Purse seine fisheries specific safe-handling practices

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

(2) If in brail or on deck: Use a purpose-built large-mesh cargo net or canvas sling or similar device. If the vessel layout allows, these sharks could also be released by emptying the brail

directly on a hopper and release ramp held up at an angle that connects to an opening on the top deck railing, without need to be lifted or handled by the crew.

Forbidden practices for all fisheries

- (1) To the greatest extent practicable, lift sharks from the water using the branchline, especially if hooked unless it is necessary to lift sharks for species identification.***
- (2) Sharks shall not be lifted using thin wires or cables, or by the tail alone.***
- (3) Sharks shall not be struck against any surface to remove the animal from the line.***
- (4) Attempt to dislodge a hook that is deeply ingested and not visible.***
- (5) Try to remove a hook by pulling sharply on the branchline.***
- (6) Cut the tail or any other body part.***
- (7) Cut or punch holes through the shark.***
- (8) Gaff or kick a shark, or insert hands into the gill slits.***
- (9) Expose the shark to the sun for extended periods.***
- (10) Wrap your fingers, hands or arms in the line when bringing a shark or ray to the boat (may result in serious injury).***

Useful tools for safe handling and release

- (1) Gloves (shark skin is rough; ensures safe handling of shark and protects crew's hands from bites)***
- (2) Towel or cloth (a towel or cloth soaked in seawater can be placed on the eyes of the shark; used to calm sharks down)***
- (3) Dehooking devices (e.g., pig tail dehooker, bolt or plier cutters)***
- (4) Shark harness or stretcher (if needed)***

(5) Tail rope (to secure a hooked shark if it needs to be removed from the water)

(6) Saltwater hose (If anticipated that it may require more than 5 minutes to release a shark, then place a hose into its mouth so seawater is moderately flowing into it. Make sure deck pump has been running several minutes before placing it in a sharks mouth)

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

(8) Data sheet for recording all catch

(9) Tagging gear (if applicable)

Or. en

Amendment 83

Proposal for a regulation

Annex

Regulation (EU) 2017/2107

Annex VIII b (new)

Present text

Amendment

Annex VIIIb

Guidelines for reducing the ecological impact of FADs in ICCAT fisheries

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

Or. en

Amendment 84

Proposal for a regulation

Annex

Regulation (EU) 2017/2107

Annex VIII c (new)

Present text

Amendment

Annex VIIIc

Safe Handling and Release Practices for Sea Turtles

Purse seine safe handling and release

(1) Whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the sea turtle before it becomes entangled in the net.

(2) No sea turtle shall be hauled from the water by a fishing line attached to, or entangled upon, the body of a sea turtle.

(3) If a sea turtle is entangled during net roll, the net roll shall be stopped as soon as the turtle comes out of the water; the turtle shall be disentangled without injuring it before resuming the net roll.

(4) If, in spite of the measures taken a sea turtle is accidentally brought on board the vessel and is alive and active, or dead, the sea turtle shall be released as quickly as practicable.

(5) If a sea turtle is brought aboard the vessel and is comatose or inactive, resuscitation shall be attempted

Longline safe handling and release

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

(2) Upon sighting a sea turtle, the vessel and line reel speed shall be slowed and the vessel direction adjusted to move toward the sea turtle, minimizing tension

on the line.

(3) No sea turtle shall be hauled from the water by a fishing line attached to or entangled upon the body of a sea turtle.

(4) If a sea turtle is too large or hooked in such a manner as to preclude safe boarding without causing further damage/injury to the sea turtle, line clippers shall be used to clip the line and remove as much line as possible prior to releasing the sea turtle.

(5) If a sea turtle is observed to be hooked or entangled by longline gear during hauling operations, the vessel operator shall immediately cease hauling operations until the sea turtle has been removed from the longline gear or brought on board the vessel.

(6) If hooked externally or hook is fully visible, hooks shall be removed from sea turtles as quickly and carefully as possible. If a hook cannot be removed from a sea turtle (e.g., ingested or in roof of mouth), the line shall be cut as close to the hook as possible.

(7) Live sea turtles be returned to the sea after handling in the following manner:

(a) putting the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped, and releasing the sea turtle away from deployed gear; and

(b) observing that the sea turtle is safely away from the vessel before engaging the propeller and continuing operations.

(8) If the sea turtle brought aboard the vessel is comatose or inactive, resuscitation shall be attempted (paragraph 3).

Resuscitation for a sea turtle on board

(1) When handling a sea turtle, attempts shall be made to hold the animal

by the shell, avoiding the head and neck region, and flippers.

(2) Strive to remove and/or disentangle any foreign items from the sea turtle, such as any plastic items, netting, or embedded hooks, etc.

(3) Placing the sea turtle on its bottom shell (plastron) so that the sea turtle is right side up, safely isolated and immobilized on a cushioned surface, such as an automobile tire without a rim, a boat cushion, or coil of rope. The primary purpose of the cushioned surface is to elevate the sea turtle from the deck to assist in restraining it. Elevate its hindquarters at least 6 inches (15 cm) for a period of 4 up to 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger sea turtles. Periodically, rock the sea turtle gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches (8 cm) then alternate to the other side. Gently touch the eye and pinch the tail (reflex test) periodically to see if there is a response.

(4) Sea turtles being resuscitated shall be shaded and kept damp or moist but under no circumstance be placed into a container holding water. A water-soaked towel placed over the head, carapace, and flippers is the most effective method in keeping a sea turtle moist.

(5) Sea turtles that revive and become active shall be released over the stern of the boat only when fishing gear is not in use (i.e., not actively being set or hauled), when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

(6) Sea turtles that fail to respond to the reflex test or fail to move within 4 hours (up to 24, if possible) shall be returned to the water in the same manner

as that for actively moving sea turtles.”

Or. en

Amendment 85

Proposal for a regulation
Annex
Regulation (EU) XX/2023
Annex XV a (new)

Present text

Amendment

Annex XVa

Procedure for sealing operations of transport cages

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

The master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates shall be responsible for sealing the cages. For this purpose, a minimum of three seals, placed in such a way that they prevent the opening of doors without breaking the seals, shall be put on each cage door.

The sealing operation shall be video recorded by the master of the catching or the towing vessel or its representative, or the representative of a farm or a trap, from which a transfer operation originates and shall allow the identification of the seals and verification that the seals have been properly placed. The video shall comply with paragraph (1) (a), (b) and (c) of Annex X. The video footage concerned shall accompany the fish up to the destination farm. A copy

shall be kept onboard the donor vessel(s) or the trap(s) and remain accessible for control purposes at any time during the fishing campaign. A copy of the video footage shall be made available to the ICCAT regional observer on board the purse seine or on the trap, or to the national observer on the receiving towing vessel, for transmission to the CPC competent authority or regional observer present at the subsequent control transfer.

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

Or. en

Amendment 86

Proposal for a regulation

Annex

Regulation (EU) XX/2023

Annex XV b (new)

Present text

Amendment

Annex XVb

Template for a processing declaration and harvesting declaration

Processing / Harvesting (please circle either)

Date of harvesting(d/m/y): //

Farm / Trap (please circle either)

Cage(s) number(s):

Number of individuals harvested:

Live weight in kg of the harvested bluefin tuna:

Processed weight in kg of the harvested bluefin tuna:

eBCD number(s) associated with the bluefin tuna harvested:

*Details of auxiliary vessels involved in the operation: Name: Flag: ICCAT
Registration No.:*

Destination of the harvested tuna (export, local market, or other) (please circle) In case of other, please specify:

*Validation by the ICCAT regional observer or CPC observer, as appropriate:
Observer*

Name:

ICCAT No.:

Signature:

Or. en

Amendment 87

Proposal for a regulation
Annex
Regulation (EU) XX/2023
Annex XV c (new)

Present text

Amendment

Annex XVc

Information to be provided for the annual carry-over declaration

- (a) Flag Member State;*
- (b) Name and ICCAT number of the farm;*
- (c) Year of catch;*
- (d) References of the eBCD corresponding to the catches carried over;*
- (e) Cage numbers;*
- (f) Quantities (expressed in kg) and number of fish carried over;*
- (g) Average weight;*
- (h) Information of each of the carry-*

over assessment operations: date and cage numbers;

(i) Information on previous intra-farm transfers, when applicable.

Or. en

EXPLANATORY STATEMENT

BACKGROUND

The ICCAT Convention provides a framework for 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 objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council is to ensure exploitation of marine biological resources that provides long-term environmental, economic and social sustainability. The European Union has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas ("the ICCAT Convention") since 14 November 1997.

The ICCAT has the authority to adopt binding recommendations for the conservation and management of the fisheries under its purview. These acts are essentially addressed to the ICCAT Contracting Parties, but also contain obligations for private operators (e.g. vessel masters). The ICCAT Recommendations enter into force six months following their adoption and in respect of the EU, they must be enacted into European Union law.

CONTENT OF THE PROPOSAL

The proposal contains a number of provisions covering ICCAT Recommendations that modify Regulation (EU) 2017/2107 including the following:

- definitions of support vessels and fish-aggregating devices, fish-aggregating device ('FAD')-set, floating object, and operational buoy following ICCAT Recommendation 19-02;
- for tropical tuna capacity limitations, and prohibition of discards by purse seiners that need to be implemented into Union law following ICCAT Recommendation 17-01;
- new provisions for FAD deployment and observer coverage following ICCAT Recommendation 19-02;
- Northern and Southern Atlantic Albacore provisions following ICCAT Recommendations 16-06 and 16-07, including carryover provisions, as well as carry-over for North and South Atlantic swordfish following ICCAT Recommendations 17-02 and 17-03;
- data collection provisions for the sailfish, billfish and marlins following ICCAT Recommendations 16-11, 18-05, 19-05;
- bigeye tuna carryover provisions following ICCAT Recommendation 21-01;
- for sharks, the proposal contains updated provisions concerning shortfin mako shark and shark data collection following ICCAT Recommendations 19-06, 19-07 and 19-08. In addition, following ICCAT Recommendations (16-14, 16-15, 18-10, 19-10) the proposal contains provisions concerning data transmission frequency for purse seine vessels, new provisions concerning ICCAT Record of carrier vessels as well as Member States duties concerning carrying under ICCAT regional observer programme, including minimum observer coverage;

- ICCAT Recommendation 19-02 concerning responsibilities for scientific observers requires an update to Regulation 2017/2107, including observer coverage;
- duties concerning sighting of vessels following ICCAT Recommendation 19-09, and names of new species covered by ICCAT to amend Annex I to the Regulation (EU) 2017/2107 following ICCAT Recommendation 19-01;

In addition, the proposal proposes to amend the Regulation (EU) XX/2022 on the Multi-annual plan for the Bluefin Tuna with the Member States declaration on annual carry-over and certain caging provisions, following ICCAT Recommendation 06-07, as well as annual carry-over of bigeye tuna following ICCAT Recommendation 21-01.

The proposal also proposes to amend the Commission's empowerment to amend the Regulation (EU) 2017/2107 following subsequent changes adopted by ICCAT regarding: (i) tropical tuna capacity limitations and its annual capacity fishing plan reporting; (ii) annual quota carryover for bigeye tuna, North and Southern Atlantic Albacore tuna and North and South Atlantic swordfish; (iii) management plans in respect of fish-aggregating devices; (iv) number of instrumental buoys; (v) FAD requirements; (vi) information to be submitted on FADs by vessels; (vii) prohibition of FAD periods; (viii) restrictions on the number of vessels fishing North Atlantic Albacore; (ix) the North Atlantic swordfish management plan; (x) conditions to authorise catch and retain shortfin mako sharks; (xi) requirements to maximise the sea turtle survival; (xii) minimum percent of observer coverage and percentage coverage measurement; and (xiii) the list of ICCAT species.

OPINION OF THE RAPPORTEUR

In order to have a balanced approach that ensures a sustainable exploitation of marine biological resources together with a level playing field in the ICCAT convention area, the transposition of the recommendations into EU law should be done in the most accurate possible manner. The EU fishing fleet should have the same conditions and measures as those applied by the fishing fleets of third countries operating in the area.

In addition to provisions included in proposal COM (2022) 171 final - 2022/0111 (COD), the rapporteur has included the most updated ICCAT recommendations and therefore, many other amendments were included in order to transpose recommendations adopted during 2019, 2020, 2021, and 2022 annual meetings that were not transposed yet.

Therefore, this draft report includes amendments to Regulation (EU) 2017/2107 in order to implement into Union law ICCAT measures for tropical tunas, Mediterranean albacore, North and Southern Atlantic albacore, sailfish, blue and white marlin, billfish data reporting, North and South Atlantic shortfin mako shark, by-catch of turtles, and provisions related to Illegal, Unreported and Unregulated (IUU) fishing, as well as an observer programme which includes responsibilities for scientific observers, and an updated list of ICCAT species.

In addition, the draft report amends Regulation (EU) XX/2022 establishing a multiannual management plan for the bluefin tuna in the eastern Atlantic and the Mediterranean (COM (2019) 619 final - 2019/0272 (COD) in order to implement into Union law bluefin tuna management provisions related to definitions, quota transfers, retention prohibition, sport and recreational fisheries, farms record, reporting, transfer authorisations, caging identifiers, caging

authorisations, caging operations and their video monitoring, control of caging, harvesting control activities in the farms after caging. The draft report deletes the initial proposals of articles 7 and 46 given that those provisions were included in the agreement reached by legislators in April 2023 on Regulation (EU) XX/2022 of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, that will be officially adopted possibly in September 2023 and published in the Official Journal of the EU afterwards.