

Commission Implementing Decision of 29 March 2011 establishing  
a specific control and inspection programme related to the recovery  
of bluefin tuna in the eastern Atlantic and the Mediterranean  
(notified under document C(2011) 1984) (2011/207/EU)

CHAPTER I

GENERAL PROVISIONS

*[<sup>F1</sup>Article 1*

This Decision establishes a specific control and inspection programme in order to ensure the harmonised implementation of the multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) in 2006 as transposed by Regulation (EC) No 302/2009, further transposed into Union Law by way of Regulation (EU) No 500/2012 of the European Parliament and of the Council<sup>(1)</sup> and last amended by ICCAT Recommendation 12-03 of 10 December 2012.]

**Textual Amendments**

- F1** Substituted by [Commission Implementing Decision of 13 August 2013 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean \(notified under document C\(2013\) 5224\) \(2013/432/EU\)](#).

*Article 2*

**Temporal and territorial scope**

The specific control and inspection programme shall apply until 15 March 2014 in the ICCAT Convention area.

*Article 3*

**Material scope**

The specific control and inspection programme shall cover the following activities:

1. all fishing activities, including by-catches, by fishing vessels and traps, including joint fishing operations;
2. [<sup>F1</sup>all catches, landings, transfers, transshipments and caging operations, including implemented pilot studies on how better estimate both the number and weight of bluefin tuna at the point of capture and caging, including through the use of stereoscopic systems and the programme using stereoscopic cameras systems or alternative techniques that provide the equivalent precision, which shall cover 100 % of all caging operations in order to refine the number and weight of the fish in each caging operation;]

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3. all related activities of farms and operators engaged in caging, fattening, farming, harvesting or processing of bluefin tuna and/or in trade of bluefin tuna products, including domestic trade, importation, exportation and re-exportation, transport and storage;
4. sport and recreational fisheries.

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## CHAPTER II

### OBJECTIVES, PRIORITIES, BENCHMARKS AND PROCEDURES

#### Article 4

#### Objectives

Control and inspection activities shall aim at ensuring compliance with the following provisions:

1. annual fishing plans, as provided for by Article 4 of Regulation (EC) No 302/2009;
2. the prohibition to use spotting aircrafts and helicopters, as provided for by Article 8 of Regulation (EC) No 302/2009;
3. measures on fishing and farming capacities, as provided for by Articles 5 and 6 of Regulation (EC) No 302/2009;
4. <sup>[F1]</sup>the implementation of any observer programme in the Union, including the Member States' observer programme, and the ICCAT Regional Observer Programme, as provided for by points 90, 91 and 92 and Annex 7 to ICCAT Recommendation 12-03;]
5. rules on recording of authorised catching vessels and other fishing vessels, as provided for by Articles 14 and 15 of Regulation (EC) No 302/2009;
6. <sup>[F1]</sup>specific technical measures and conditions for fishing for bluefin tuna as provided in ICCAT Recommendation 12-03, in particular minimum size rules and associated conditions;
7. quantitative restrictions on catches and any specific conditions associated therewith, including the monitoring of quota uptake, as provided for by ICCAT Recommendation 12-03;
8. documentation rules applicable to bluefin tuna, as provided for by ICCAT Recommendation 12-03;
9. the implementation of pilot studies on how to better estimate both the number and the weight of bluefin tuna at the point of capture and caging including through the use of stereoscopic systems;

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10. the implementation of a programme using stereoscopic cameras systems or alternative techniques that provide the equivalent precision, which shall cover 100 % of all caging operations in order to refine the number and weight of the fish in each caging operation.]

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#### Article 5

##### Priorities

Different gear categories shall be subject to different levels of prioritisation, according to the annual fishing plan. For that reason, each Member State shall set specific priorities.

#### Article 6

##### Benchmarks

The inspection benchmarks are set out in Annex I.

#### Article 7

##### Procedures

Control and inspection activities shall be carried out in accordance with the following procedural provisions:

1. [F1the ICCAT Scheme of Joint International Inspection, as provided for by points 99, 100 and 101 and Annex 8 to ICCAT Recommendation 12-03;
2. the methodology of inspection as provided for by ICCAT Recommendation 12-03, and in particular its Annex 8;]
3. the procedures to be followed by officials as laid down the Annex II to this Decision;
4. the procedures to be followed by Member States as laid down in Articles 8 to 13 of this Decision.

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## Article 8

### Joint procedures

Member States referred to in Article 12 shall ensure that officials from other Member States concerned are invited to participate in joint inspection and surveillance activities and establish joint operational procedures applicable to their surveillance crafts.

## Article 9

### Notification of surveillance and inspection activities

[<sup>F1</sup> Member State intending to conduct surveillance and inspect fishing vessels in the waters under the jurisdiction of another Member State in the framework of a Joint Deployment Plan shall notify its intentions to the contact point of the coastal Member State concerned, as referred to in Article 80, paragraph 5 of Regulation (EC) No 1224/2009 and to the EFCA.]

- 2 The notification referred to in paragraph 1 shall contain the following information:
- a type, name and call sign of the inspection vessels and inspection aircraft on the basis of the list referred to in Article 6 of Regulation (EC) No 1042/2006;
  - b the areas where the surveillance and inspection operations shall be carried out;
  - c the duration of the surveillance and inspection activities.

#### Textual Amendments

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## [<sup>F2</sup>Article 10

### Information of infringements

Member States whose officials detect any infringement while carrying out an inspection on the activities listed in Article 3 shall inform without delay the Commission of the date of inspection and the details of the infringement.]

#### Textual Amendments

- F2** Substituted by [Commission Implementing Decision of 2 May 2012 amending Decision 2011/207/EU establishing a specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean \(notified under document C\(2012\) 2800\) \(2012/246/EU\)](#).

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### Article 11

#### Immediate enforcement measures in case of serious infringements

1 If a serious infringement is discovered onboard a Union fishing vessel, the flag Member State shall ensure that, following the inspection, the fishing vessel flying its flag ceases all fishing activities and shall inform the Commission in a timely manner.

2 If the Union fishing vessel is not called to port, the flag Member State shall provide due justification to the Commission within 72 hours.

## CHAPTER III

### IMPLEMENTATION

#### Article 12

##### National control action programmes

[<sup>F1</sup> The specific control and inspection programme shall be implemented through the national control action programmes, as referred to in Article 46 of Regulation (EC) No 1224/2009, adopted by Greece, Spain, France, Italy, Cyprus, Malta and Portugal, and as from 1 July 2013 by the national control action programme as adopted by Croatia.]

2 National control action programmes shall be set up in accordance with the objectives, the priorities, the benchmarks and procedures laid down in this Decision and shall contain all data listed in Annex III.

3 National control action programmes shall be accompanied by annual implementation schedules which shall include details as regards the human and material resources allocated and the zones where those resources are to be deployed. The annual implementation schedules shall take into account the benchmarks set out in Annex I.

4 For the 2012 and 2013 fishing seasons, Member States shall submit their national control action programmes and annual implementation schedules respectively by 15 September 2011 and 2012. They shall make them available on the secure part of their website by the 1 January 2012 and 2013.

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#### Article 13

##### Cooperation between Member States

All Member States shall cooperate with the Member States referred to in Article 12(1) in the implementation of the specific control and inspection programme.

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## Article 14

### Joint inspection and surveillance activities

Part or the whole of the national control action programmes referred to in Article 12 may be implemented by way of a joint deployment plan adopted by [<sup>F2</sup>the EFCA], in accordance with Regulation (EC) No 768/2005.

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## Article 15

### Report on the implementation of national control action programmes

1 Member States referred to in Article 12(1) shall communicate to the Commission and to [<sup>F2</sup>the EFCA] a report indicating the implementation of their national control action programme referred to in Article 12.

[<sup>F12</sup> Interim reports shall be communicated on 15 July and 15 September every year for the period until end of the previous month and a final report shall be communicated on 15 January, covering the previous year.]

[<sup>F23</sup> This report shall contain the following information, in accordance with the table set out in Annex IV:]

- a the inspection and control activities carried out on a monthly basis;
- b all infringements detected, including for each infringement the identification of:
  - (i) [<sup>F1</sup>the fishing vessel (name, flag, gear and ICCAT number, Community fleet register number or external identification code), the trap, the farm or the enterprise engaged in the processing and/or trade of bluefin tuna products concerned;
  - (ii) the date and the location of the inspection and the amount of the bluefin tuna related to the infringement;]
  - (iii) the nature of the infringement, including information on serious infringements or violations referred to in Articles 10 and 11;
  - (iv) the current state of play concerning the follow-up of infringements detected (e.g. case pending, under appeal, still under investigation);
  - (v) the description, in specific terms, of any penalties imposed (e.g. level of fines, value of forfeited fish and/or gear, written warning given), together with the supportive documents;
  - (vi) an explanation if no action has been taken;
- c any relevant coordination and cooperation actions between Member States.

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4 An infringement shall continue to be listed on each subsequent report until the action is concluded under the law of the Member State concerned.

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#### *Article 16*

#### **Additional information**

Member States shall provide the Commission with any additional information that may be requested on the implementation of this Decision.

#### *Article 17*

#### **Union inspection plan and report**

1 Based on the current Decision and on national control action programmes, and after consultation with the Member States, the Commission shall submit the Union inspection plan to the ICCAT Commission one month before its annual meeting according to point 9 of ICCAT Recommendation 10-04.

2 The Commission shall convene once a year a meeting of the Committee for Fisheries and Aquaculture to evaluate the compliance with and the results of the specific control and inspection programme with a view to prepare the report the Union is required to provide to the ICCAT Secretariat on 15 October each year.

#### CHAPTER IV

#### **FINAL PROVISIONS**

#### *Article 18*

#### **Addressees**

This Decision is addressed to the Member States.

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(1) [<sup>F1</sup>OJ L 157, 16.6.2012, p. 1.]

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**Changes and effects yet to be applied to :**

- Decision revoked by [2023 c. 28 Sch. 1 Pt. 2](#)