

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)

[<sup>F1</sup>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)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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<sup>(1)</sup>, and in particular Article 95 thereof,

Whereas:

- (1) In 2006 the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean. That plan was transposed into Union law by Council Regulation (EC) No 1559/2007<sup>(2)</sup>.
- (2) ICCAT amended the recovery plan on 24 November 2008 by Recommendation 08-05. The plan thus amended was transposed into Union law by Council Regulation (EC) No 302/2009<sup>(3)</sup>.
- (3) To ensure the success full implementation of the amended multiannual recovery plan, Commission Decision 2009/296/EC<sup>(4)</sup> established a specific control and inspection programme covering a period of two years, from 15 March 2009 to 15 March 2011.
- (4) The specific control and inspection programme related to the recovery of bluefin tuna in the eastern Atlantic and the Mediterranean, as established by Decision 2009/296/EC, is to expire on the 15 March 2011. A new Commission Decision should be adopted with a view of ensuring the continuity of that programme and implementing immediately certain provisions of ICCAT Recommendation 10-04, notably those on the early submission of required fishing and inspection plans.
- (5) The new specific control and inspection programme should be set up for the period from 15 March 2011 to 15 March 2014. The results obtained through its application should be periodically evaluated in cooperation with the Member States concerned.

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**Changes to legislation:** There are outstanding changes not yet made to 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). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (6) In order to harmonise the control and inspection of the bluefin tuna fishery at Union level, it is appropriate to draw up common rules for the control and inspection activities to be carried out by the competent authorities of the Member States concerned, and that Member States adopt national control action programmes in order to comply with such common rules. To that end, benchmarks for the intensity of control and inspection activities should be fixed, as well as control and inspection priorities and procedures.
- (7) To ensure the follow-up of infringements, this Decision should set up amongst others, the procedures under which the authorities concerned may exchange relevant information in accordance with Article 117 of Regulation (EC) No 1224/2009.
- (8) Joint inspection and surveillance activities should be carried out in accordance with joint deployment plans established by the Community Fisheries Control Agency (CFCA) set up by Council Regulation (EC) No 768/2005<sup>(6)</sup>.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

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**Textual Amendments**

- F1** 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\) \(2012/246/EU\)](#).

CHAPTER I

**GENERAL PROVISIONS**

*[<sup>F2</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>(6)</sup> and last amended by ICCAT Recommendation 12-03 of 10 December 2012.]

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**Textual Amendments**

- F2** 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\) \(2013/432/EU\)](#).

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## 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>F2</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;]
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.

#### Textual Amendments

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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;

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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>F2</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>F2</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;
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.]

#### Textual Amendments

- F2** 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 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.

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## Article 7

### Procedures

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

1. <sup>[F2]</sup>the 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.

#### Textual Amendments

- F2** 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 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>[F21]</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.

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### [<sup>F1</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

- F1** 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\) \(2012/246/EU\)](#).

### 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>F21</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.

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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.

### 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>F1</sup>the EFCA]. in accordance with Regulation (EC) No 768/2005.

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#### Textual Amendments

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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>F1</sup>the EFCA] a report indicating the implementation of their national control action programme referred to in Article 12.

[<sup>F2</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>F13</sup> This report shall contain the following information, in accordance with the table set out in Annex IV:]

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- 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>F2</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.
- 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.

#### Textual Amendments

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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.



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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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## [<sup>F2</sup>ANNEX I

### BENCHMARKS

The benchmarks set out in this Annex shall be implemented so as to ensure in particular:

- (a) the full monitoring of caging operations taking place in the EU waters;
- (b) the full monitoring of transfer operations;
- (c) the full monitoring of joint fishing operations;
- (d) the control of all documents required by the legislation applicable to bluefin tuna, in particular verifying the reliability of the information recorded.

Place of inspection	Benchmark
Caging activities (including harvest)	All caging operation into a farm must have been authorised by the flag Member State of the catching vessel within 48 hours following the submission of the information required for the caging operation; The CPC under whose jurisdiction the farm for bluefin tuna is located shall take the necessary measures to prohibit placing in cages for farming or fattening bluefin tuna that are not accompanied by the documents required by ICCAT as confirmed and validated by the catching vessel or trap Flag State authorities <sup>a</sup> (as provided for by point 86 of ICCAT Recommendation 12-03); All caging and harvesting operations shall be inspected, by the competent authorities of the farm Member State in accordance with the relevant control obligations laid down ICCAT Recommendation 06-07 and 12-03; Fish shall be caged before 15 August unless valid reason as per Recommendation. 12-03 (as provided for by paragraph 85).
Inspection at sea	Benchmark, to be set after a detailed analysis of the fishing activity in each area; Benchmarks at sea shall refer to the number of patrol days at sea in the bluefin tuna recovery specific area and shall refer as well to the number of patrol days identifying the fishing season and the type of fishing activity targeted.
Transfer operation	Any transfer operations must have been authorised previously by the flag States on the basis of a prior transfer notification (as provided for by point 77 of ICCAT Recommendation 12-03);

<sup>a</sup> Modification requested by Malta by mail 12 June 2013.

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	<p>An authorisation number shall be assigned to each transfer operation (as provided for by point 78 of ICCAT Recommendation 12-03); A transfer shall be authorised within 48 hours following the submission of the prior transfer notification (as provided for by point 78 of ICCAT Recommendation 12-03); An ICCAT transfer declaration shall be sent to the flag State at the end of the transfer operation (as provided for by point 79 of ICCAT Recommendation 12-03); All transfer operations must be monitored by video camera in the water (as provided for by point 81 and Annex 9 to ICCAT Recommendation 12-03).</p>
Transhipments	<p>All concerned vessels shall be inspected on arrival before the transhipment operations start, as well as before departure after the transhipment operations. Random checks shall be made in non-designated ports; A transhipment declaration shall be transmitted to the Flag States no later than 48 hours after the date of transhipment in port (as provided for by point 66 of ICCAT Recommendation 12-03).</p>
Joint fishing operation	<p>All joint fishing operations must have been authorised previously by the flag States; Member States shall then establish and maintain a record of all joint fishing operations authorised by them.</p>
Aerial surveillance	<p>Flexible benchmark, to be set after a detailed analysis of the fishing activity conducted in each area and taking into consideration the available resources at the Member State's disposal.</p>
Landings	<p>All vessels entering a designated port for the purpose of landing bluefin tuna shall be controlled and a percentage shall be inspected based on a risk assessment system, involving quota, fleet size and fishing effort; Random checks shall be made in non-designated ports; The relevant authority shall send a record of the landings to the flag State authority of the fishing vessel within 48 hours after the landing has ended (as provided for by point 70 of ICCAT Recommendation 12-03).</p>
Marketing	<p>Flexible benchmark, to be set after a detailed analysis of the marketing activity conducted.</p>

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Sport and Recreational Fisheries	Flexible benchmark, to be set after a detailed analysis of the sport and recreational fisheries activities conducted.
Traps	100 % of harvesting and transfer operations shall be inspected.
a Modification requested by Malta by mail 12 June 2013.	

## ANNEX II

### PROCEDURES TO BE FOLLOWED BY OFFICIALS

#### 1. Inspection tasks

##### 1.1. General inspection tasks

An inspection report shall be drawn up for each control and inspection, in the appropriate format as established in point 2 of this Annex. Officials shall in any case verify and note in their report the following information:

- (1) the details of the identity of the responsible persons, as well as those of the vessel, farm, trap, personnel etc. involved in the activities inspected;
- (2) the authorisations, licences and fishing authorisation;
- (3) relevant vessel documentation such as the logbooks, transfer and transshipment declarations, ICCAT bluefin tuna catch documents, re-export certificates and other documentation examined for the purpose of the control and inspection as provided for by ICCAT Recommendation 12-03;
- (4) detailed observation of the sizes of bluefin tuna caught, trapped, transferred, transhipped, landed, transported, farmed, processed or traded in the context of compliance with the provisions of the recovery plan;
- (5) the by-catch percentage of bluefin tuna retained on board vessels not fishing actively for bluefin tuna.

The information referred to all relevant findings from the inspection done at sea, by aerial surveillance, in ports, traps, farms or in any other enterprise concerned shall be noted in the inspection reports. In case of an inspection in the framework of the ICCAT Scheme of Joint International Inspection, the inspection party should register the inspections undertaken and any infringements detected in the vessel log.

Those findings shall be compared with the information made available to the officials by other competent authorities, including Vessel Monitoring System (VMS) information, lists of authorised vessels, observer's reports, video records and all documents related to fishing activities.

##### 1.2. Inspection tasks for aerial surveillance

Officials shall report on surveillance data for cross-checking purposes, and in particular verify sightings of fishing vessels against VMS and authorised lists.

Officials shall sight and report on Illegal Unidentified and Unreported (IUU) fishing activities, and on the use of spotting aircrafts or helicopters.

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Particular attention shall be devoted to closure areas, fishing season's periods as defined in point 21 to 26 of ICCAT Recommendation 12-03, and to the activities of fleets for which derogations apply.

### 1.3. *Inspection tasks at sea*

#### 1.3.1. *General inspection tasks*

Where dead fish are onboard a catching vessel or present onboard any other vessel, officials shall always verify if the fish is legally retained on board. Officials shall verify the quantities of all fish species retained on board in order to ensure compliance with ICCAT by-catch and minimum size rules.

Where live fish are being transferred, officials shall seek to identify the means used by the parties involved to estimate the quantities, expressed in numbers<sup>(7)</sup> of live bluefin tuna transferred. Where video footage is available, officials shall gain access to, verify the quantities transferred as observed by the video footage and verify that the video footage respects the minimum standards for video recording procedures as defined in Annex 9 to ICCAT Recommendation 12-03.

Officials shall systematically verify during all inspections:

- (1) that the fishing vessels are authorised to operate (markings, identity, licence, fishing authorisation and ICCAT lists);
- (2) compliance with the vessel documentation requirements;
- (3) that the fishing vessels are equipped with an operational VMS and that requirements on VMS transmission are respected;
- (4) fishing vessels are not operating inside close areas and are respecting the closure of fishing seasons;
- (5) respect of quotas and by-catch limitations;
- (6) the size composition of catches on board;
- (7) the physical quantities of catches on board, and their presentation;
- (8) the fishing gear on board;
- (9) the presence of an observer where it is relevant.

Officials shall sight and report on IUU fishing activities, and on the use of spotting aircrafts or helicopters.

#### 1.3.2. *Inspection tasks at transfer operations*

Officials shall systematically verify:

- (1) compliance with the requirements regarding the prior transfer notification (where possible);
- (2) that the flag State has assigned and communicated to the master of the fishing vessel, or trap or farm as appropriate, an authorisation number for each transfer operation within 48 hours following the submission of the prior transfer notification;
- (3) compliance with the ICCAT transfer declaration requirements;

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- (4) if the transfer declaration has been signed by the ICCAT regional observer on board and transmitted to the master of the towing vessel;
- (5) Compliance with the video recording requirements as defined in Annex 9 to ICCAT Recommendation 12-03.

### 1.3.3. *Inspection tasks at joint fishing operations*

Officials shall systematically verify:

- (1) compliance with the joint fishing operations' requirements regarding the information to be reported in the fishing logbook including allocation key;
- (2) that a joint fishing operation authorisation has been delivered to the fishing vessels by their flag States authorities using the model set out in Annex V to Regulation (EC) No 302/2009;
- (3) the presence of an ICCAT regional observer during the joint fishing operation.

### 1.4. *Inspection tasks at landing*

Officials shall systematically verify for those landings inspected in accordance with the provisions laid down in Recommendation 12-03:

- (1) that fishing vessels are authorised to operate (markings, identity, licence, fishing authorisation and ICCAT lists, if relevant);
- (2) that the pre-notification of arrival for landing was received in due time by the competent authorities;
- (3) that a record of the landing is sent to the flag State authority of the fishing vessel, within 48 hours after the landing has ended;
- (4) that an accurate landing declaration is sent by the master of the catching vessel within 48 hours after the landing has ended to his/her flag state authorities and port state authorities where applicable;
- (5) that the fishing vessels are equipped with an operational VMS and that requirements on VMS transmission are respected;
- (6) compliance with the vessel documentation requirements;
- (7) the physical quantities of bluefin tuna on board, and presentation;
- (8) the total catch composition on board in order to verify the respect of by-catch rules and, in the case of longliners, the implementation of relevant management measures;
- (9) the size composition of catches of bluefin tuna on board in order to verify the minimum size rules);
- (10) the fishing gears on board;
- (11) in the case of landing of processed products, the use of the ICCAT conversion factors to calculate the equivalent round weight of the processed bluefin tuna;
- (12) that the bluefin tuna offered for retail sale to the final consumer, from fishing vessels and/or traps in the eastern Atlantic and the Mediterranean, is correctly marked or labelled;

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- (13) that the bluefin tuna landed by the bait boats, long liners, hand liners or trolling boats in the eastern Atlantic and the Mediterranean is correctly tail tagged where applicable.

1.5. *Inspection tasks during transshipment*

Officials shall systematically verify:

- (1) that the fishing vessels are authorised to operate (markings, identity, licence, fishing authorisation and ICCAT lists);
- (2) that the pre-notification of arrival in port was sent and contained the correct information concerning the transshipment;
- (3) that transshipping fishing vessels wishing to tranship have received prior authorisation from their flag State;
- (4) that the quantities pre-notified to be transhipped are verified;
- (5) that a transshipment declaration has been transmitted to the Port State States no later than 48 hours after the date of transshipment in port;
- (6) that the relevant documentation is on board is present and duly completed, including the transshipment declaration, the relevant and ICCAT bluefin tuna catch document and re-export certificate;
- (7) in the case of processed products, the use of the ICCAT conversion factors to calculate the equivalent round weight of the processed bluefin tuna.

1.6. *Inspection tasks on farm installations*

Officials shall systematically verify:

- (1) that the relevant documentation is present and duly completed and reported (bluefin tuna catch document and re-export certificate, transfer and caging declarations, transshipment declaration);
- (2) that the caging operation has been previously authorised by the catching vessel flag State authorities;
- (3) that an ICCAT regional observer was present during all transfer, caging and harvesting of bluefin tuna, and has validated the caging declarations;
- (4) that all the transfer and caging activities in the farm have been monitored by video camera in the water, and that the video record is made available for the inspectors and complies with the video recording requirements as defined in Annex 9 to ICCAT Recommendation 12-03.
- (5) that all caging activities have been subject to a programme using stereoscopic cameras or techniques that provide the equivalent precision in order to refine the number and weight of fish being caged;
- (6) that the farming State will not accept caging of bluefin tuna where the quantity by number and/or weight above that authorised to be caged by the flag State.

1.7. *Inspection tasks concerning transports and marketing*

Officials shall systematically verify:

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- (1) as regards transport, in particular the relevant accompanying documents and check them against the physical quantities transported;
- (2) as regards marketing, that the relevant documentation is present and duly completed, including the relevant bluefin tuna catch document and re-export certificate.

2. **Inspection reports**

- (1) For the inspections undertaken in the framework of the ICCAT Scheme of Joint International Inspection, officials shall use the template of the Appendix to this Annex.
- (2) For the other inspections, officials shall use the inspection reports as per Article 76 of Regulation (EC) No 1224/2009. Inspection reports shall include the relevant information contained in the appropriate inspection module established in Annex XXVII as required in Article 115 of Commission Implementing Regulation (EU) No 404/2011<sup>(8)</sup>.

Appendix

*ICCAT REPORT OF INSPECTION No ...*



**Changes to legislation:** *There are outstanding changes not yet made to 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). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

<p>1. Inspector(s)</p> <p>1.1. Name .....</p> <p>1.2. Nationality .....</p> <p>1.3. Contracting Parties .....</p> <p>1.4. ICCAT identity card number .....</p> <p>7. Vessel carrying the inspector</p> <p>7.1. Name and registration .....</p> <p>7.2. Flag .....</p> <p>8. Vessel inspected</p> <p>8.1. Name and registration .....</p> <p>8.2. Flag .....</p> <p>8.3. Captain (Name and address) .....</p> <p>8.4. Ship owner (Name and address) .....</p> <p>8.5. ICCAT Record number .....</p> <p>8.6. Type of vessel .....</p> <p>9. Position</p> <p>9.1. As determined by the inspector: ..... Lat. .... Long. ....</p> <p>9.2. As determined by the captain of the fishing vessel: ..... Lat. .... Long. ....</p> <p>9.3. Time (GMT) when position was recorded: .....</p> <p>10. Date (dd/mm/yyyy) .....</p> <p>11. Time</p> <p>11.1. On arrival on board .....</p> <p>11.2. Of departure from the vessel .....</p> <p>12. Fishing gear on board</p> <p>Purse seine <input type="checkbox"/></p> <p>Long line <input type="checkbox"/></p> <p>Other (specify) .....</p> <p>Towing cage(s)            Yes            No</p>	<p>2. Inspector's witness</p> <p>3. Name .....</p> <p>4. Nationality .....</p> <p>5. Contracting Parties .....</p> <p>6. ICCAT identity card number .....</p> <p>Trolling lines <input type="checkbox"/></p> <p>Pole &amp; Line (Baitboat) <input type="checkbox"/></p> <p>Number of cages .....</p>
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13. Statement of photographs taken with description of subjects:

.....

.....

.....

.....

14. List of documents inspected and comments:

14.1. Log book	Yes	No	Infringement	Yes	No
14.2. BCD	Yes	No	Infringement	Yes	No
14.3. Transfer/transhipment Declaration	Yes	No	Infringement	Yes	No
14.4. Other (specify) .....					

15. Results of the inspection of the fish on board:

15.1. Species observed on board

SPECIES				
TOTAL CATCH (kg)				
INFORMATION SOURCE				
PRODUCT TYPE				
SAMPLE INSPECTED				
% UNDER MIN SIZE				

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15.2. Species declared to be in the cage/s

Transfer document No ..... Date of first transfer .....  
Farm of Destination .....  
Catching vessel name .....  
ICCAT No .....  
Cage No ..... Specie ..... Individuals No ..... Weight (kg) .....

16. Infringements of ICCAT conservation and management measures observed (description of infringement with mention of legal reference, and if serious violation(s) have been detected, please complete the attached sheet)  
.....  
.....  
.....  
.....  
.....

17. Inspector's comments (if necessary use a complementary sheet specifying: "attachment to ICCAT report number xxx")  
.....  
.....  
.....  
.....  
.....

18. Inspector's signature ..... Witness' signature .....

19. Observer's name, comments and signature  
.....  
.....  
.....  
.....  
.....

20. Captain's comments and signature  
.....  
.....  
.....  
.....  
.....

**SERIOUS VIOLATIONS OBSERVED**

**Changes to legislation:** *There are outstanding changes not yet made to 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). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Vessel name: .....
Vessel flag: .....
ICCAT number: .....

- fishing without a license, permit or authorisation issued by the flag CPC;
- failure to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;
- fishing in a closed area;
- fishing during a closed season;
- intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by the ICCAT;
- significant violation of catch limits or quotas in force pursuant to the ICCAT rules;
- use of prohibited fishing gear;
- falsification or intentional concealment of the markings, identity or registration of a fishing vessel;
- concealment, tampering with or disposal of evidence relating to investigation of a violation;
- multiple violations which taken together constitute a serious disregard of measures in force pursuant to the ICCAT;
- such other violations as may be determined by the ICCAT, once these are included and circulated in a revised version of these procedures;
- assault, resistance, intimidation, sexual harassment, interference with, or undue obstruction or delay of an authorised inspector or observer;
- intentional tampering with or disabling the vessel monitoring system;
- fishing with assistance of spotter planes;
- interference with the satellite monitoring system and/or operates without VMS system;
- transfer activity without transfer declaration;
- transshipment at sea;

Inspector's signature ..... Witness' signature .....

Date .....

### ANNEX III

#### **CONTENTS OF NATIONAL CONTROL ACTION PROGRAMMES AS REFERRED TO IN ARTICLE 12**

National control action programmes shall specify the following:

1. **Means of control**

(a) Human means

The numbers of shore-based and seagoing officials, and the periods and zones where these are available to be deployed.

(b) Technical means

The numbers of patrol vessels and aircrafts, and the periods and zones where these are available to be deployed.

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(c) Financial means

The budgetary allocation for deployment of human resources, patrol vessels and aircrafts.

2. **Designation of ports**

The list of the designated ports and designated hours required under ICCAT Recommendation 12-03.

3. **Inspection protocols**

Detailed protocols explaining the methodology for all inspection activities.

Member States shall also ensure that the following points are included in their control action programmes.

1. *Catches:*

- (a) Quantity (biomass estimation) and precise number of specimens;
- (b) Verification that the quantities caught respect the quota allocation;
- (c) Verification of minimum size requirements, with a tolerance of % in numbers.

2. *Transfer:*

- (a) Prior authorisation for transfers into towing cage and farming cage;
- (b) Accurate quantity (in weight) and number of fish transferred into towing cage;
- (c) Mortality during towing operation and destination of dead fish.

3. *Farm:*

- (a) Confirmation of legitimacy of catch as well as pre-authorisation by flag Member State;
- (b) Accurate quantity (in weight) and number of fish transferred into fattening cages;
- (c) The use of Sampling/tagging programme to estimate weight gain.

4. *Harvest and export:*

- (a) Accurate quantity (in weight) and number of fish harvested;
- (b) Coverage by ICCAT Regional Observer Programme;
- (c) Accurate quantity by product type (clearly indicating the conversion factors).

4. **Guidelines**

Explanatory guidelines for officials, producers' organisations and fishermen.

5. **Communication protocols**

Protocols for communication with the competent authorities designated by other Member States as being responsible for the specific control and inspection programme for bluefin tuna.



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## SECTION A

**Number of inspections related to the national control action programme**

IN BLUEFIN TUNA FISHERY AND OTHER OPERATORS												
Fishing vessels (in the Community fleet register)												
Sport and recreational vessels												
Other vessels												
Trucks and transport inspections												
First sale inspections												
Retail inspections												
Restaurant inspections												
Other inspection (describe)												

## OBSERVATIONS

## SECTION B

**Detailed information of the infringements<sup>a</sup>**

ID	Date	Type of control	Area	Inspection report No	Flag	ICCAT No (or CFR)	Gear or type	Description	Infringement reference	Amount	Amount of bluefin tuna	Actions taken or justified	Next steps or of the investigation	Expected length of the investigation	Details closed?	Comments
----	------	-----------------	------	----------------------	------	-------------------	--------------	-------------	------------------------	--------	------------------------	----------------------------	------------------------------------	--------------------------------------	-----------------	----------

<sup>a</sup> Infringements against measures laid down in this decision and relevant to EU and ICCAT provisions related to bluefin tuna.

**Changes to legislation:** There are outstanding changes not yet made to 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). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**SECTION B**

**Detailed information of the infringements<sup>a</sup>**

							or external marking)						related to the infringement N kg		for no action		final judgement		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

<sup>a</sup> Infringements against measures laid down in this decision and relevant to EU and ICCAT provisions related to bluefin tuna.

**KEY (FOR SECTION B)**

No	FIELD	DESCRIPTION
1	ID	Unique ID number for each infringement
2	Date	Date inspection activity took place
3	Type of control	S-sea P-port F-farm T-trap O-other
4	Area	For 'S' indicate coordinates. For 'P,F,T or O' indicate area or port or municipality name.
5	Inspection report No	Number of ICCAT inspection report (or national)
6	Flag	Flag of inspected vessel/ operator
7	ICCAT No (or CFR or external marking)	ICCAT number or Union Fleet Register number or if neither exist, external marking of inspected vessel/ operator
8	Name	Name of the inspected vessel/ operator
9	Gear or type	Main gear used by vessel/ operator at time of inspection or 'farm', 'trap', 'first buyer', 'retail', 'restaurant', 'transport', 'sport/rec', 'other' (describe)
10	Description	Description of the infringement

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11	Legal references	Indicate legal reference(s) (EU legislation and/or ICCAT Recommendation)
12	Serious violation?	Indicate if a serious violation Y/N
13	N	Amount of bluefin tuna related to the infringement
14	kg	Amount of bluefin tuna related to the infringement
15	Actions taken	Description of all actions done after the inspection or 'none' if no action
16	Next action or justification for no action	Next planned action if any. Justification in case no action was taken.
17	Expected length of investigation	Expected length of investigation and/or process
18	Details of the final judgement	Fine, penalty, seize... (indicate also quantities)
19	Case closed?	Y if the case is closed, otherwise N
20	Comments	General comments]



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- (1) OJ L 343, 22.12.2009, p. 1.
- (2) OJ L 340, 22.12.2007, p. 8.
- (3) OJ L 96, 15.4.2009, p. 1.
- (4) OJ L 80, 26.3.2009, p. 18.
- (5) OJ L 128, 21.5.2005, p. 1.
- (6) [<sup>F2</sup>OJ L 157, 16.6.2012, p. 1.]
- (7) [<sup>F2</sup>Modification requested by Spain.]
- (8) [<sup>F2</sup>OJ L 112, 30.4.2011, p. 1.]

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#### **Textual Amendments**

- F2** 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).

**Changes to legislation:**

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[View outstanding changes](#)

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

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