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► **M1 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)

(OJ L 87, 2.4.2011, p. 9)

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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

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(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 ⁽¹⁾, 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 ⁽²⁾.
- (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 ⁽³⁾.
- (3) To ensure the success full implementation of the amended multi-annual recovery plan, Commission Decision 2009/296/EC ⁽⁴⁾ 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.

⁽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.

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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 ⁽¹⁾.
- (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:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

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 as last amended by ICCAT Recommendation 10-04 of 27 November 2010.

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;

⁽¹⁾ OJ L 128, 21.5.2005, p. 1.

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2. all catches, landings, transfers, transshipments and caging operations, including sampling programmes and pilot studies;

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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.

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. 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, 92 and Annex 7 of ICCAT Recommendation 10-04;
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. specific technical measures and conditions for fishing for bluefin tuna as provided in ICCAT Recommendation 10-04, 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 10-04;
8. documentation rules applicable to bluefin tuna, as provided for by ICCAT Recommendation 10-04;

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9. the implementation of pilot studies on how to better estimate both the number and weight of bluefin tuna at the point of capture;
10. the implementation of sampling programmes and/or alternative programmes at the time of caging in order to improve the counting and the weight estimations of the caged fish.

▼B*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. the ICCAT Scheme of Joint International Inspection, as provided for by points 99, 100, 101 and Annex 8 of ICCAT Recommendation 10-04;
2. the methodology of inspection as provided for by ICCAT Recommendation 10-04, 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.

*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****▼M1**

1. 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, point 5 of Regulation (EC) No 1224/2009, and to the European Fisheries Control Agency (EFCA).

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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;

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- (b) the areas where the surveillance and inspection operations shall be carried out;
- (c) the duration of the surveillance and inspection activities.

▼M1*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.

▼B*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**

1. The specific control and inspection programme shall be implemented through the national control action programmes, as referred to in Article 46 of Regulation (EC) No1224/2009, adopted by Greece, Spain, France, Italy, Cyprus, Malta and Portugal.
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.

▼B*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 ►**M1** the EFCA ◀, in accordance with Regulation (EC) No 768/2005.

*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 ►**M1** the EFCA ◀ a report indicating the implementation of their national control action programme referred to in Article 12.

2. Interim reports shall be communicated on 1 July and 15 September every year and a final report on the 15 December of the same year.

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3. 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) the fishing vessel (name, flag and 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, time and location of the inspection;
 - (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;

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(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.

*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.

▼ **M1***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 Union 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 operations	<p>All caging operation into a farm must have been authorised by the flag Member State(s) of the catching vessel(s) and/or the trap where appropriate within 48 hours following the submission of the information required for the caging operation;</p> <p>All caging of bluefin tuna shall be accompanied by accurate, complete and validated documentation as required by ICCAT (including as provided for by ICCAT Recommendation 10-04);</p> <p>Each caging operation shall be inspected by the competent authorities of the farm Member State. The inspection should cover the entire caging operation;</p> <p>Sampling programmes on how to better estimate both the number and weight of bluefin tuna shall be implemented at the point of caging;</p> <p>All caging operations shall be monitored by video camera in the water (as provided for by paragraph 86 of ICCAT Recommendation 10-04);</p> <p>Fish shall be caged before the 31 July unless the farm Member State receiving the fish provides valid reasons including <i>force majeure</i>, which shall accompany the caging report when submitted.</p>
Harvest operations	<p>All harvest operations shall be accompanied by accurate, complete and validated documentation (including as provided for in the provisions of ICCAT Recommendation 10-04);</p> <p>During each harvest operation from a cage, an ICCAT regional observer shall be present.</p>
Inspection at sea	<p>Benchmark, to be set after a detailed analysis of the fishing activity in each area;</p> <p>Benchmarks at sea shall refer to the number of patrol days at sea and shall refer as well to the number of patrol days identifying the fishing season and the type of fishing activity targeted.</p>
Transfer operations	<p>Any transfer operations must have been authorised previously by the flag States on the basis of a prior transfer notification (as provided for by ICCAT Recommendation 10-04);</p> <p>An authorisation number shall be assigned to each transfer operation (as provided for by paragraph 76 of ICCAT Recommendation 10-04);</p> <p>A transfer shall be authorised within 48 hours following the submission of the prior transfer notification (as provided for by paragraph 76 of ICCAT Recommendation 10-04);</p> <p>An ICCAT transfer declaration shall be sent to the flag State at the end of the transfer operation (as provided for by paragraph 77 of ICCAT Recommendation 10-04);</p> <p>All transfer operations must be monitored by video camera in the water (as provided for by paragraph 79 of ICCAT Recommendation 10-04);</p> <p>Pilot studies on how to better estimate both the number and weight of bluefin tuna shall be implemented at the point of capture including through the use of stereoscopic systems.</p>

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Place of inspection	Benchmark
Transhipments	<p>All 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;</p> <p>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 paragraph 69 of ICCAT Recommendation 10-04).</p>
Joint fishing operations	<p>All joint fishing operations (JFO) must have been authorised by the flag Member States and by the Commission who shall forward authorised JFOs to ICCAT. A list of the authorised JFO will be published on the ICCAT website.</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 inspected; random checks shall be made in non-designated ports;</p> <p>The competent authority shall send a record of the landings to the flag Member State authority of the fishing vessel within 48 hours after the landing has ended (as provided for by paragraph 68 of ICCAT Recommendation 10-04).</p>
Marketing	<p>Flexible benchmark, to be set after a detailed analysis of the marketing activity conducted.</p>
Sport and recreational fisheries	<p>Flexible benchmark, to be set after a detailed analysis of the sport and recreational fisheries activities conducted.</p>
Traps	<p>All trap operations, including transfers and harvesting, shall be inspected and be covered by national observers.</p>

▼ **M1***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 format set out in Part 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 personnel, etc. involved in the activities inspected;
- (2) the authorisations, licences and fishing authorisation;
- (3) relevant vessel documentation such as the logbooks, transfer and transhipment 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 10-04;
- (4) detailed observation of the sizes of bluefin tuna caught, trapped, transferred, transhipped, landed, transported, caged, farmed, processed or traded in the context of compliance with the provisions of the recovery plan. In case of caging, this includes the cross check between the caging declaration, video records and the results of sampling programmes and pilot studies;
- (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 official 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.

Particular attention shall be devoted to the closure areas, fishing season periods 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 taken onboard the catching vessel or are present onboard a processing or a transport vessel, officials shall always verify the quantities of fish retained on board and compare them with the quantities recorded in the relevant documentation.

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Where live fish are being transferred, officials shall seek to identify the means used by the parties involved to estimate the quantities of live bluefin tuna transferred with regard to the results of pilot studies. Officials shall gain access to, and verify the quantities transferred, as observed by the video footage.

A series of 'spot check' inspections inside the towing cages will be undertaken by Member State diving inspectors who will check that the number and estimated weight caught and transferred corresponds with that in the ICCAT transfer declaration on board of the tug boats. Officials shall systematically verify:

- (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 closed areas and are respecting the closure of fishing seasons;
- (5) compliance with the catch documentation requirements;
- (6) respect of quotas and/or by-catch limitations;
- (7) the size composition of catches on board for which minimum size is applied;
- (8) the physical quantities of all species on board and their presentation;
- (9) the fishing gear on board;
- (10) 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;
- (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;
- (4) that the transfer declaration has been signed by the ICCAT regional observer on board and transmitted to the master of the tug vessel;
- (5) Compliance with the video requirements;
- (6) how the number and weight of bluefin tuna has been estimated at the time of capture through pilot studies including through the use of stereoscopic cameras.

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;

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- (2) that a joint fishing operation authorisation has been delivered to the fishing vessels by their flag Member State authorities using the model set out in Annex V to Regulation (EC) No 302/2009;
- (3) the presence of an observer during the joint fishing operation.

1.4. *Inspection tasks at landing*

Officials shall systematically verify:

- (1) that the 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 by the competent authorities;
- (3) that the competent authority has sent a record of the landings to the flag State authority of the fishing vessel, within 48 hours after the landing has ended;
- (4) that the fishing vessels are equipped with an operational VMS and that requirements on VMS transmission are respected;
- (5) compliance with the vessel documentation requirements;
- (6) the physical quantities of caught fish on board, and presentation;
- (7) the total catches composition on board in order to verify by-catch rules;
- (8) the size composition on board in order to verify the minimum size rules;
- (9) the fishing gears on board;
- (10) 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;
- (11) that the bluefin tuna landed by the bait boats, longliners, handliners or trolling boats in the eastern Atlantic and the Mediterranean is correctly tail-tagged.

1.5. *Inspection tasks during transhipment*

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 transhipment;
- (3) that transhipping 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 transhipment declaration has been transmitted to the flag States no later than 48 hours after the date of transhipment in port;

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- (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 declaration, transshipment declaration);
- (2) that the caging operation has been authorised by the catching vessel and/or trap and the farm Member State authorities;
- (3) that an ICCAT regional observer was present during all caging and harvesting of bluefin tuna, and has validated the caging declarations;
- (4) that all the transfer activities from cages to the farm have been monitored by video camera in the water;
- (5) that the farming Member State will not accept caging of bluefin tuna where the quantity by number and/or weight is above that authorised to be caged by the flag Member State;
- (6) That each caging operation has been sampled including when fish are transferred from a trap chamber to a fattening cage.

A series of 'spot check' inspections in the farm cages will be undertaken by Member State diving inspectors to confirm the quantities of caged fish. This would be conducted by divers which in one Member State would also use a stereoscopic camera.

1.7. *Inspection tasks concerning transports and marketing*

Officials shall systematically verify:

- (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 in Appendix 1 to this Annex.
- (2) For the other inspections, officials shall use their national reports template completed in accordance with Article 100 and Annex XXVII to Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾.

⁽¹⁾ OJ L 112, 30.4.2011, p. 1.



Appendix 1

ICCAT REPORT OF INSPECTION No ...

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

19. Observer's name, comments and signature

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

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SERIOUS VIOLATIONS OBSERVED

Vessel name: Vessel flag: ICCAT number:

- fishing without a licence, 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 of 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's 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**1. Human means**

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

2. Technical means

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

3. 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 times required under ICCAT Recommendation 10-04.

3. ANNUAL FISHING PLANS

The details of any system in place for allocation of quotas, monitoring and control of the fishing plan.

4. INSPECTION PROTOCOLS

Detailed protocols explaining the methodology for all inspection activities.

The protocols shall take into account the requirements as set out in Article 12 of this Decision.

Member States shall also ensure that the following points are included in their inspections activities:

1. Catches:

- (a) Quantity (biomass estimation) and precise number of specimens;
- (b) Verification that the quantities catch respect the quota allocation;
- (c) Verification that the 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 and number of fish transferred into towing cage;
- (c) Mortality during towing operation and destination of fish dead.

3. Farm:

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

▼B

4. *Harvest and export:*

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

5. **GUIDELINES**

Explanatory guidelines for officials, producers' organisations and fishermen.

6. **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.

▼B

ANNEX IV

Monthly state of play of the bluefin tuna national control action programme

Reporting by:

Member State

Month

year

SECTION A

Summary of inspections

		Purse seiners	Longliners	Baitboats	Trawlers	Tugs/Towing	Other vessels	Trap	Farm	Other operators	
January	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
February	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
March	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
April	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										

▼B

		Purse seiners	Longliners	Baitboats	Trawlers	Tugs/Towing	Other vessels	Trap	Farm	Other operators	
May	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
June	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
July	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
August	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
September	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
October	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										

▼ **B**

		Purse seiners	Longliners	Baitboats	Trawlers	Tugs/Towing	Other vessels	Trap	Farm	Other operators	
November	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										
December	Inspections (total per gear)										
	at sea										
	ashore										
	infringements (totals per gear)										

OBSERVATIONS

SECTION B

Infringement description

Date	Type of control	Area	Inspection report NR	Flag	ICCAT No (or CFR)	Name	Gear	PNC and SV	Description	Action taken? Y/N	Action description	State of play	Expected length of investigation	Justification for no action	Comments
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

▼B

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)

▼B**KEY (for Section B)**

No	Field	Description
1	DATE	Date inspection activity took place
2	TYPE OF CONTROL	S-sea P-port F-farm T-trap O-other
3	AREA	For 'S' indicate coordinates. For 'P, F, T or O' indicate area or port name
4	INSPECTION REPORT No	Number of ICCAT inspection report (or national)
5	FLAG	Flag of inspected vessel/operator
6	ICCAT No (or CFR)	ICCAT number or Union Fleet Register number of inspected vessel/operator
7	NAME	Name of the inspected vessel/operator
8	GEAR	Main gear used by vessel/operator at time of inspection
9	PNC and SV	Possible non-compliance (PNC) and serious violations(SV) indicate legal reference (EU legislation and/or ICCAT recommendation)
10	DESCRIPTION	Description of possible non-compliance and/or serious violation
11	ACTION TAKEN? Y/N	If YES complete fields 12-17, if NO, then proceed to number 16
12	ACTION DESCRIPTION	(fine/penalty/seize/...)
13	STATE OF PLAY	Pending/closed/under investigation/etc.
14	EXPECTED LENGTH OF INVESTIGATION	Expected length of investigation and/or process
15	JUSTIFICATION FOR NO ACTION	Full justification in case no action was taken
16	COMMENTS	General comments