

Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish

CHAPTER I

CONTROL AND INSPECTION MEASURES APPLICABLE IN ZONE 1

Section 1

Control measures

Article 4

Catch sampling

1 Sampling of catches shall be carried out in accordance with the provisions laid down in Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy⁽¹⁾ and the requirements of the 'Field manual for statistics and sampling Atlantic tunas and tuna-like fishes' (Third edition, ICCAT, 1990).

2 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 24(2).

[^{F1}Article 4a

Activities of vessels participating in operations relating to bluefin tuna fattening

1 Each master of a Community vessel that transfers bluefin tuna for fattening to a transport vessel shall enter in his logbook:

- quantity of bluefin tuna transferred and the number of fish,
- catch zone,
- date and position of transfer of bluefin tuna,
- name of transport vessel, its flag, registration number and international radio call sign,
- name(s) of fattening farm(s) of destination of the quantity of bluefin tuna transferred.

2 Each master of a transport vessel to which bluefin tuna have been transferred shall enter:

- a quantity of bluefin tuna transferred per fishing vessel and the number of fish;
- b the name of the vessel that caught the quantities referred to in a), together with its flag, registration number and international radio call sign;
- c date and position of transfer of bluefin tuna;
- d name(s) of fattening farm(s) of destination of bluefin tuna.

3 The master shall be exempt from the obligation laid down in paragraph 2 if the entry is replaced with a copy of the transshipment declaration provided for in Article 11 of Regulation (EEC) No 2847/93 or a copy of document T2M referred to in Article 13 of Regulation (EEC) No 2847/93 indicating the information referred to in paragraph 2(c) of this Article.

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Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 1936/2001. 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)

4 Member States shall ensure that all bluefin tuna put into cages by vessels flying their flag are registered by their competent authority. They shall notify to the Commission, in line with Article 5, the quantities of bluefin tuna caught and caged by vessels flying their flag (task I as defined by ICCAT).

For exports and imports of bluefin tuna intended for fattening Member States shall send the Commission the numbers and dates of the statistical documents indicated in Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and bigeye tuna within the Community⁽²⁾ validated by them and state the third country of destination declared.

5 Member States shall electronically send the Commission a list of all vessels flying their flag and registered in the Community that catch bluefin tuna for fattening. Notification shall be made by 30 April each year, the following information being given:

- a the vessel's internal number as defined in Annex I to Commission Regulation (EC) No 2090/98⁽³⁾;
- b the name and address of its owner, operator or charterer.

6 Member States shall electronically send the Commission a list of all vessels authorised by them to provide or transfer bluefin tuna for fattening. Notification shall be made by 30 April each year, the following information being given:

- a name of vessel, its flag and its registration number;
- b any previous flags;
- c type (fish tanker, towed etc.) length and GT;
- d international radio call sign;
- e name and address of owner, operator or charterer.

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 4b

Activities of bluefin tuna fattening farms

1 Member States shall act to ensure that bluefin tuna fattening farms under their jurisdiction submit a caging declaration as referred to in Annex 1a to their competent authority 72 hours after the end of each caging operation by a fishing or transport vessel. Submission of such declarations, containing all the information required under this Article, shall be the responsibility of fattening farms approved by Member States.

2 Member States shall act to ensure that fattening farms as indicated in paragraph 1 submit to them by 1 July each year a marketing declaration for the bluefin tuna fattened.

3 The marketing declaration for bluefin tuna fattened indicated in paragraph 2 must give the following information:

- name of farm,
- address,
- owner,

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- quantity of bluefin tuna (in tonnes) marketed in previous year,
 - destination of tuna (name of purchaser, country, date of sale),
 - for exports and imports, numbers and dates of validation of statistical documents indicated in Regulation (EC) No 1984/2003,
 - duration of fattening of tuna marketed (in months), where possible,
 - average size of tuna marketed.
- 4 On the basis of the declaration submitted under paragraphs 1 and 3 Member States shall electronically notify to the Commission by 1 August each year:
- the quantities of bluefin tuna caged during the previous year,
 - the quantities of bluefin tuna marketed during the previous year.

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 4c

Register of bluefin tuna fattening farms

- 1 Before 30 April 2004 each Member State shall send the Commission electronically a list of the fattening farms under its jurisdiction which it authorises to conduct fattening operations on bluefin tuna caught in the Convention area.
- 2 The list referred to in paragraph 1 shall give the following information:
- name of farm, its national registration number,
 - location of farm,
 - capacity of farm (in tonnes).
- 3 The Commission shall forward this information to the ICCAT Executive Secretariat before 31 August 2004 so that the fattening farms concerned are entered in the ICCAT register of farms authorised to conduct fattening operations on bluefin tuna caught in the ICCAT Convention area.
- 4 Any change to be made to the list indicated in paragraph 1 shall be notified to the Commission for transmission to the ICCAT Executive Secretariat, the same provisions applying, at least 10 working days before the farms begin fattening activities on bluefin tuna in the ICCAT Convention area.
- 5 Fattening farms under the jurisdiction of a Member State that are not entered on the list indicated in paragraph 1 may not conduct fattening activities on bluefin tuna caught in the ICCAT Convention area.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

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Article 5

Catch notification

[^{F21} Member States shall send electronically to the Commission, which shall pass the information to the ICCAT Executive Secretariat, the annual nominal catch data (task I as defined by ICCAT) for the species listed in Annex II. No later than 30 June of the following year the Member States shall transmit to the Commission, for scientific purposes, the definite estimates for the entire year or, where this is not possible, preliminary estimates.]

[^{F22} Not later than 31 July each year, the Member States shall transmit the following data (task II as defined by ICCAT) in electronic form, to the ICCAT Executive Secretariat with electronic access for the Commission:]

- a catch and fishing effort data for the previous year, giving a detailed spatio-temporal breakdown;
- b any data they have on sport fishing catches of fish of the species listed in Annex I.

3 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 24(2).

Textual Amendments

- F2** Substituted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 6

Information on shark catches

1 Member States shall transmit any available data on catches of and trade in sharks to the ICCAT Executive Secretariat with electronic access for the Commission.

[^{F11a} Member States shall transmit to the ICCAT Executive Secretariat in electronic form, with electronic access for the Commission, for scientific purposes, data on catches and effort as defined by ICCAT, in particular estimates of discards of dead porbeagle, shortfin mako and blue sharks.]

2 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 24(2).

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

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[^{F1}Article 6a

Information on catches of white and blue marlin

1 Masters of Community vessels shall record each day in their logbook information on the release of white marlin and blue marlin, alive or dead, by sector not exceeding 5° of longitude by 5° of latitude, and shall indicate in their landing statements the number or weight of white marlin and blue marlin landed.

2 By 30 June each year Member States shall transmit in electronic form to the Commission, for scientific purposes, final estimates for the entire previous year, or if these cannot be sent, preliminary estimates, of the data on catches, including releases, and landings of white marlin and blue marlin.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 7

Undeclared catches

For imports of frozen bluefin tuna and bigeye tuna products fished by long liners greater than 24 metres overall in length, at the Commission's request Member States shall collect and examine as much import data as possible and all related information such as vessel names, their registration and owner, species fished and weight, fishing zone and place of export.

Article 8

Observation of vessels

1 For the purposes of this Article ‘observation’ means any observation, by a Member State's vessel, aircraft or competent authority responsible for inspection at sea, of:

- a stateless vessel likely to be fishing for species listed in Annex I,
- or a vessel flying the flag of another Contracting Party and likely to be fishing in breach of ICCAT conservation measures,
- or a vessel flying the flag of a non-Contracting Party, entity or fishing entity and likely to be fishing in breach of ICCAT conservation measures.

2 The observation shall be transcribed onto a standard observation form and shall if possible give all the information for which that form provides. It may be accompanied by photographs of the vessel.

3 Observation forms shall be sent without delay to the competent authority of the observer's Member State, which shall immediately transmit them to the Commission, which shall inform the flag country of the vessel observed. The Commission shall immediately transmit observation forms to the ICCAT Executive Secretariat.

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4 A Member State receiving observations on the activity of a vessel flying its flag from the competent authority of a Contracting Party shall immediately notify these and all relevant information to the Commission, which shall notify this information in due time to the Executive Secretariat for examination by the Compliance Committee.

5 Masters of Community fishing vessels shall transmit to their authority any information on vessels assumed to be fishing for bigeye tuna in the Convention area that are not on the list drawn up by the ICCAT Executive Secretariat. Member States shall notify these observations as soon as possible to the Commission, which shall inform the ICCAT Executive Secretariat.

6 Detailed rules for the application of this Article on the layout and the requirements of the observation form referred to in paragraph 2 shall be adopted in accordance with the procedure referred to in Article 24(2).

[^{F1} Article 8a

Register of vessels authorised to fish in the Convention area

1 Before 1 June 2003 each Member State shall send the Commission electronically a list of the vessels of more than 24 metres overall length flying its flag and registered in its territory that it authorises to fish for tunas and tuna-like fish in the ICCAT Convention area by issue of a special fishing licence.

2 The list indicated in paragraph 1 shall give the following information:

- a vessel's internal number as defined in Annex I to Regulation (EC) No 2090/98;
- b any previous flags;
- c any information on removal from other registers;
- d name and address of owner(s) and operator(s);
- e gear used;
- f period authorised for fishing and/or transshipment.

3 The Commission shall send this information to the ICCAT Executive Secretariat before 1 July 2003 so that these vessels can be entered on the ICCAT register of vessels more than 24 metres in overall length authorised to fish in the ICCAT Convention area (hereinafter referred to as the ICCAT register).

4 Any change to be made to the list indicated in paragraph 1 shall be notified to the Commission for transmission to the ICCAT Executive Secretariat, the same procedure applying, at least 10 working days before the vessel begins fishing activity in the Convention area.

5 Community fishing vessels more than 24 metres in overall length that are not entered on the list indicated in paragraph 1 may not fish, retain on board, tranship or land tunas or tuna-like fish within the ICCAT Convention area.

6 Member States shall take the necessary measures to ensure that:

- a only vessels flying their flag that are included in the list indicated in paragraph 1 and hold on board a special fishing licence issued by them are authorised, on the terms of the licence, to carry out fishing activities referred to Article 1 in the ICCAT Convention area;
- b no special fishing licence is issued to vessels that have carried out illegal, unregulated and unreported fishing in the ICCAT Convention area (IUU fishing), as indicated in Article 19b, unless the new owners provide adequate documentary evidence that the previous owners and operators neither any longer have any legal, beneficial or financial

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- interest in them nor exercise any control over them, or that their vessels neither take part in nor are associated with IUU fishing;
- c where possible, their national legislation prohibits owners and operators of vessels flying their flag that are included in the list indicated in paragraph 1 from taking part in or being associated with tuna-fishing activities in the ICCAT Convention area by vessels not on the ICCAT register;
 - d where possible, their national legislation requires owners of vessels flying their flag that are included in the list indicated in paragraph 1 to be nationals of a Member State.
- 7 Member States shall take the necessary measures to prohibit fishing, retention on board, transshipment and landing of tunas and tuna-like fish caught in the ICCAT Convention area by vessels more than 24 metres in overall length that are not on the ICCAT register.
- 8 Member States shall without delay pass on to the Commission any information showing that there are strong reasons for suspecting that vessels more than 24 metres in overall length that are not on the ICCAT register are fishing for or transshipping tunas or tuna-like fish in the ICCAT Convention area.

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 8b

Chartering of Community fishing vessels

- 1 Before 30 April each year Member States shall send the Commission a list of the vessels flying their flag chartered by contracting parties to the ICCAT Convention for the current year, together with any changes made at any time to this list.
- 2 Lists as indicated in paragraph 1 shall give the following information:
- a internal number of vessel as defined in Annex I to Regulation (EC) No 2090/98;
 - b name and address of vessel owners;
 - c species covered by the charter and quota allocated by the charter contract;
 - d length of the charter agreement;
 - e charterer's name;
 - f Member State's assent to the charter agreement;
 - g country where the vessel was chartered.
- 3 On the date of conclusion of a charter agreement, the flag Member State shall send the following information to the ICCAT Executive Secretariat and inform the Commission of:
- a its assent to the charter agreement;
 - b the action it has taken to ensure that chartered vessels flying its flag comply with ICCAT conservation and management provisions.
- 4 When the charter agreement ends, the flag Member State shall inform the ICCAT Executive Secretariat of the date of termination and inform the Commission.
- 5 The flag Member State shall act to ensure that:

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- a the vessel is not authorised to fish during the charter period against the quota or fishing possibilities allocated to itself;
- b it is not authorised to fish under more than one charter agreement during the same period;
- c its catches are separately registered from those of other vessels flying its flag;
- d it complies with the conservation and management measures adopted by ICCAT.

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 8c

Transhipment

Vessels flying the flag of a Member State that measure more than 24 metres in overall length, fish by longlining and appear on the ICCAT list indicated in Article 8a(1) may not tranship in the ICCAT Convention area except by prior authorisation of the flag Member State's competent authority.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

Article 9

Annual report

1 Before [^{F2}15 August] each year Member States shall send the Commission a national report, using the layout adopted by ICCAT and including (a) information on implementation of the satellite surveillance system and (b) an 'ICCAT declaration table' for each fishery accompanied by comments, *inter alia* on breaches of the tolerance margins set by ICCAT for the minimum sizes of certain species and the action taken or to be taken. Member States shall also say how sport fishing for fish of the species listed in Annex I is regulated and give details of any transhipment operations involving their vessels during the previous year.

2 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 24(2).

Textual Amendments

- F2** Substituted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

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[^{F1}Article 9a

**Annual statement on the application of the
ICCAT management standards by large longliners**

Before 1 September each year, Member States with longliners of a length overall of more than 24 metres authorised to fish in the Convention zone shall transmit to the Commission the Annual statement on the application of the ICCAT management standards by large longliners, using the specimen set out as in Annex IV.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 869/2004 of 26 April 2004 amending Regulation \(EC\) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.](#)

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- (1) OJ L 176, 15.7.2000, p. 1.
- (2) [^{F1}OJ L 295, 13.11.2003, p. 1.]
- (3) [^{F1}OJ L 266, 1.10.1998, p. 27.Regulation as last amended by Regulation (EC) No 26/2004 (OJ L 5, 9.1.2004, p. 25).]

Textual Amendments

- F1** Inserted by Council Regulation (EC) No 869/2004 of 26 April 2004 amending Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.

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