

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

COUNCIL REGULATION (EC) No 1936/2001

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas:

- (1) The Community has since 14 November 1997 been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas⁽³⁾ (hereinafter referred to as the ICCAT Convention).
- (2) The ICCAT Convention provides a framework for regional cooperation on the conservation and management of resources of tuna and tuna-like fish in the Atlantic ocean and adjacent seas through an International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as ICCAT), and the adoption of recommendations on conservation and management in the Convention area that become obligatory for Contracting Parties.
- (3) ICCAT has adopted a number of recommendations creating control and surveillance obligations, notably on the establishment and transmission of statistics, inspection in port, vessel surveillance by satellite, vessel observations and transshipments, and checks on non-contracting parties and on stateless vessels. These recommendations have become obligatory for the Community and should therefore be implemented.
- (4) Certain obligations have been transposed by Council Regulation (EC) No 1351/1999 of 21 June 1999 laying down certain control measures to ensure compliance with the measures adopted by ICCAT⁽⁴⁾ and into Article 22(1) of Council Regulation (EC) No 2742/1999 of 17 December 1999 fixing for 2000 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and, for Community vessels, in waters where limitations in catch are required and amending Regulation (EC) No 66/98⁽⁵⁾. For reasons of clarity these measures should be incorporated in a single Regulation, repealing and replacing former Regulations.

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) [View outstanding changes](#)

- (5) For scientific research purposes masters of Community fishing vessels should be required to comply with the instructions of the 'Operational manual for statistics and sampling of tuna and tuna-like fish in the Atlantic Ocean' published by ICCAT.
- (6) The Community has approved the Agreement for the establishment of the Indian Ocean Tuna Commission⁽⁶⁾, (hereinafter referred to as IOTC). The Agreement provides a useful framework for strengthening international cooperation for the purpose of conserving and rationally utilising Indian Ocean tuna and related species, through creation of the IOTC and the adoption of recommendations on conservation and management in its area of competence that become binding on Contracting Parties. The Community should apply the control measures adopted by the IOTC.
- (7) The IOTC has adopted a recommendation on the recording and exchange of information on tropical tuna. This is binding on the Community, which should therefore implement it.
- (8) The Community has fishing interests in the Eastern Pacific and has initiated the procedure for accession to the Inter-American Tropical Tuna Commission, (hereinafter referred to as IATTC). Pending accession and in line with its cooperation requirement arising under the United Nations Convention on the Law of the Sea, it should apply the control measures adopted by the IATTC.
- (9) The Community, which has signed the Agreement on the International Dolphin Conservation Programme⁽⁷⁾, has decided by Decision 1999/386/EC⁽⁸⁾ to apply it provisionally pending its approval, and should therefore apply its control measures.
- (10) In order to ensure the respect of the applicable control measures of the IOTC, IATTC and of the Agreement on the International Dolphin Conservation Programme, Member States should take the necessary action.
- (11) Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽⁹⁾ applies to all fishing activities and all associated activities carried out on the territory and in the maritime waters subject to the sovereignty or jurisdiction of Member States, including those of Community fishing vessels operating in the waters of third countries or on the high seas, without prejudice to fishery agreements concluded between the Community and third countries or international conventions to which the Community is a Party.
- (12) The measures necessary for implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for exercise of implementing powers conferred on the Commission⁽¹⁰⁾,

HAS ADOPTED THISREGULATION:

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- (1) [OJ C 62 E, 27.2.2001, p. 79.](#)
- (2) Opinion delivered on 28 February 2001 (not yet published in the Official Journal).
- (3) [OJ L 162, 18.6.1986, p. 34.](#)
- (4) [OJ L 162, 26.6.1999, p. 6.](#)
- (5) [OJ L 341, 31.12.1999, p. 1.](#) Regulation as last amended by Regulation (EC) No 2765/2000 ([OJ L 321, 19.12.2000, p. 5.](#))
- (6) [OJ L 236, 5.10.1995, p. 24.](#)
- (7) [OJ L 132, 27.5.1999, p. 1.](#)
- (8) [OJ L 147, 12.6.1999, p. 23.](#)
- (9) [OJ L 261, 20.10.1993, p. 1.](#) Regulation as last amended by Regulation (EC) No 2846/98 ([OJ L 358, 31.12.1998, p. 5.](#))
- (10) [OJ L 184, 17.7.1999, p. 23.](#)

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1a omitted by [S.I. 2024/439 reg. 2\(4\)](#)
- Art. 2(a) omitted by [S.I. 2024/439 reg. 2\(2\)](#)
- Art. 3(b) word substituted by [S.I. 2019/739 reg. 6\(3\)](#)