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COUNCIL REGULATION (EC) No 1936/2001

of 27 September 2001

laying down control measures applicable to fishing for certain stocks of highly migratory fish

(OJ L 263, 3.10.2001, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EC) No 869/2004 of 26 April 2004	L 162	8	30.4.2004
► <u>M2</u>	Council Regulation (EC) No 1005/2008 of 29 September 2008	L 286	1	29.10.2008
► <u>M3</u>	Council Regulation (EC) No 302/2009 of 6 April 2009	L 96	1	15.4.2009
► <u>M4</u>	Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017	L 315	1	30.11.2017

**COUNCIL REGULATION (EC) No 1936/2001****of 27 September 2001****laying down control measures applicable to fishing for certain stocks of highly migratory fish***Article 1***Purpose**

This Regulation lays down control and inspection measures relating to fishing for stocks of the highly migratory fish species listed in Annex I to this Regulation and shall apply to vessels flying the flag of Member States and registered in the Community, (hereinafter referred to as Community fishing vessels), operating in one of the zones specified in Article 2.

*Article 2***Zones**

For the purposes of this Regulation the following marine zones are specified:

(a) Zone 1:

All waters of the Atlantic Ocean and adjacent seas included in the ICCAT Convention area specified in Article I of that Convention.

(b) Zone 2:

All Indian Ocean waters included in the area of competence specified in Article II of the Agreement for the establishment of the IOTC.

(c) Zone 3:

All Eastern Pacific Ocean waters included in the area specified in Article III of the Agreement on the International Dolphin Conservation Programme.

*Article 3***Definitions**

For the purposes of this Regulation the following definitions shall apply:

- (a) 'boarding': the boarding of a fishing vessel within an organisation's area of competence by one or more authorised inspectors in order to make an inspection;
- (b) 'transhipment': unloading of any quantity of highly migratory fish and/or products from such fish from on board a fishing vessel to another vessel either at sea or in port, without the products having been recorded by a port State as landed;
- (c) 'landing': unloading of any quantity of highly migratory fish and/or products from such fish from on board a fishing vessel to port or to land;

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- (d) ‘infringement’: any presumed act committed or omitted by a fishing vessel that is recorded in an inspection report and gives serious reason for suspecting a breach of the provisions of this Regulation or any other Regulation transposing a recommendation adopted by a regional organisation for one of the zones indicated in Article 2;
- (e) ‘vessel of a non-Contracting Party’: vessel observed and identified as engaged in fishing activities in one of the zones specified in Article 2 that is flying the flag of a country that is not a Contracting Party to the relevant regional organisation;
- (f) ‘stateless vessel’: vessel for which there are reasonable grounds for suspecting it to be without nationality;

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- (g) ‘fattening’: raising of individuals in cages to increase their weight or fat content with a view to marketing;
- (h) ‘caging’: placing of wild individuals of any size in closed structures (cages) for fattening;
- (i) ‘fattening farm’: enterprise which raises wild individuals in cages for fattening;
- (j) ‘transport vessel’: vessel receiving wild individuals and transporting them live to fattening farms.

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CHAPTER I

CONTROL AND INSPECTION MEASURES APPLICABLE IN ZONE 1

Section 1

Control measures**▼ M4****▼ M1***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.

▼ M1

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.

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 ⁽¹⁾ validated by them and state the third country of destination declared.

▼ M3

▼ M1*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.

⁽¹⁾ OJ L 295, 13.11.2003, p. 1.

▼M1

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

- name of farm,
- address,
- owner,
- 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.

*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.

▼ M1

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.

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Section 2

Port inspection procedures▼ M4

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Section 3

Stateless and non-contracting parties' vessels▼ M4

▼ M2

▼ M1

CHAPTER II

**CONTROL AND SURVEILLANCE MEASURES APPLICABLE IN
ZONE 2**

SECTION 1

Control measures*Article 20***General principles**

Member States shall act to ensure that vessels flying their flag respect the provisions applicable in the zone.

*Article 20a***Register of vessels authorised to fish in the IOTC area**

Article 8a shall apply *mutatis mutandis*.

*Article 20b***Transhipment**

Article 8c shall apply *mutatis mutandis*.

▼ M1*Article 20c***Marking of fishing gear**

1. Gear used by Community vessels authorised to fish in the zone shall be marked as follows: the ends of nets, lines and other gear in the sea shall be fitted with flag or radar reflector buoys and by night with light buoys indicating their position and extent.
2. Marker buoys and similar floating objects indicating the position of fixed fishing gear shall at all times clearly indicate the letter(s) and/or number(s) of the vessel(s) to which they belong.
3. Fish aggregating devices shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel(s) to which they belong.

*Article 20 d***Statistical notification for scientific purposes**

1. Member States shall transmit the following statistical data in electronic form, with electronic access for the Commission, to the IOTC Secretariat, in accordance with the procedures for submission of statistics referred to in Annex V:
 - (a) fishing effort and catches of species referred to in Article 1 for the previous year;
 - (b) the sizes of the species referred to in Article 1 for the previous year;
 - (c) tuna fishing using floating objects, including fish aggregating devices.
2. Member States shall set up a computerised database containing the statistical data provided for in paragraph 1, with electronic access for the Commission.

SECTION 2

Port inspection procedures*Article 20e*

Articles 10, 12, 13, 14 and 15 shall apply *mutatis mutandis*.

SECTION 3

Stateless vessels and vessels of non-contracting parties▼ M2▼ M1*Article 21a***Control of fishing activities**

Article 18 shall apply *mutatis mutandis*.

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CHAPTER III

**CONTROL AND SURVEILLANCE MEASURES APPLICABLE IN
ZONE 3**

Article 22

General

Each Member State shall take the action necessary in order that vessels flying its flag respect the IATTC measures transposed into Community law and the International Dolphin Conservation Programme Agreement measures applicable.

CHAPTER IV

FINAL PROVISIONS

Article 23

The measures necessary for the implementation of Article 4(2), Article 5(3), Article 6(2), Article 8(6) and Article 9(2) shall be adopted in accordance with the management procedure referred to in Article 24(2).

Article 24

1. The Commission shall be assisted by the Committee established by Article 17 of Council Regulation (EEC) No 3760/92.
2. Where reference is made to this paragraph Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 25

1. Regulation (EC) No 1351/1999 is hereby repealed.
2. Article 22(1) of Regulation (EC) No 2742/1999 is hereby repealed.
3. References made to the repealed Regulation (EC) No 1351/1999 shall be construed as being made to this Regulation, and should be read in accordance with the correlation table in Annex III.

Article 26

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



ANNEX I

LIST OF SPECIES REFERRED TO IN THIS REGULATION

- Albacore: *Thunnus alalunga*
- Bluefin tuna: *Thunnus thynnus*
- Bigeye tuna: *Thunnus obesus*
- Skipjack: *Katsuwonus pelamis*
- Atlantic bonito: *Sarda sarda*
- Yellowfin tuna: *Thunnus albacares*
- Blackfin tuna: *Thunnus atlanticus*
- Little tuna: *Euthynnus* spp.
- Southern bluefin tuna: *Thunnus maccoyii*
- Frigate tuna: *Auxis* spp.
- Oceanic sea bream: *Bramidae*
- Marlin: *Tetrapturus* spp.; *Makaira* spp.
- Sailfish: *Istiophorus* spp.
- Swordfish: *Xiphias gladius*
- Sauries: *Scomberesox* spp.; *Cololabis* spp
- Dolphinfish; common dolphinfish: *Coryphaena hippurus*; *Coryphaena equiselis*.
- Shark: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Rhincodon typus*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*
- Cetaceans (whales and porpoises): *Physeteridae*; *Belaenopteridae*; *Balenidae*; *Eschrichtiidae*; *Monodontidae*; *Ziphiidae*; *Delphinidae*.

▼ M1

ANNEX Ia

ICCAT caging declaration

Name of vessel	Flag	Registration number	Date of catch	Place of catch	Date of caging	Quantity caged (kg)	Number of fish caged	Fattening farm*

* Fattening farm authorised to operate for the purposes of fattening bluefin tuna caught in the ICCAT Convention area.



ANNEX II

LIST OF SPECIES SUBJECT TO COMMUNICATION TO ICCAT

Latin name	English name
<i>Thunnus thynnus</i>	Bluefin tuna
<i>Thunnus maccoyii</i>	Southern bluefin tuna
<i>Thunnus albacares</i>	Yellowfin tuna
<i>Thunnus alalunga</i>	Albacore
<i>Thunnus obesus</i>	Bigeye tuna
<i>Thunnus atlanticus</i>	Blackfin tuna
<i>Euthynnus alletteratus</i>	Atlantic black skipjack
<i>Katsuwonus pelamis</i>	Skipjack
<i>Sarda sarda</i>	Atlantic bonito
<i>Auxis thazard</i>	Frigate tuna
<i>Orcynopsis unicolor</i>	Plain bonito
<i>Acanthocybium solandri</i>	Wahoo
<i>Scomberomorus maculatus</i>	Spotted Spanish mackerel
<i>Scomberomorus cavalla</i>	King mackerel
<i>Istiophorus albicans</i>	Atlantic sailfish
<i>Makaira indica</i>	Black marlin
<i>Makaira nigricans</i>	Atlantic blue marlin
<i>Tetrapturus albidus</i>	Atlantic white marlin
<i>Xiphias gladius</i>	Swordfish
<i>Tetrapturus pfluegeri</i>	Spearfish
<i>Scomberomorus tritor</i>	West African Spanish mackerel
<i>Scomberomorus regalis</i>	Cero
<i>Auxis rochei</i>	Bullettuna
<i>Scomberomorus brasiliensis</i>	Serra Spanish mackerel

▼B*ANNEX III***CORRELATION TABLE**

Regulation (EC) No 1351/1999	This Regulation
Articles 1, 2, 3	Article 8
Article 4	Article 18
Article 5	Article 17

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ANNEX IV

SPECIMEN FORM FOR

ANNUAL DECLARATION OF APPLICATION OF ICCAT MANAGEMENT STANDARDS BY LARGE LONGLINERS

a. Management at fishing grounds

	Boarding of scientific observers	Vessel satellite monitoring system	Daily or periodic reporting of catches	Meldung Einfahrt/Ausfahrt
YES/NO				
Note:	%	% or number of vessels	method	method

b. Management of transshipments (from fishing ground to port of landing)

	Transshipment reports	Port inspection	Statistical document programme
YES/NO			
Note:	Method	method	

c. Management in ports of landing

	Landing inspection	Landing report	Cooperation with other parties
YES/NO			
Note:	Method	method	

▼ M1*ANNEX V***Catch and effort data**

Surface fisheries: catch data in nominal catch weight and effort data in fishing days (purse seine, baitboat, troll, drift nets) should be provided to IOTC by 1° grid area and month strata. Purse seine fishery data should be stratified by type of school. Those data should preferably be extrapolated to the national monthly catches of each gear. The raising factors used, corresponding to the logbook coverage, should be given routinely to IOTC.

Longline fisheries: catch and effort data of the longline fisheries should be provided to the IOTC by 5° grid area and month strata, preferably in numbers and in weight. Fishing effort should be given in numbers of hooks. Those data should preferably be extrapolated to the national monthly catches. The raising factors used, corresponding to the logbook coverage, should be given routinely to IOTC.

The catches, efforts and sizes of the artisanal, small scale and sport fisheries should also be submitted on a monthly basis, but using the best geographical areas used to collect and process those data.

Size data

Considering that size data are of key importance for most tuna stock assessment, length data, including the total number of fish measured, should be routinely submitted to the IOTC on a 5° grid area and month basis, by gear and fishing mode (e.g. free/log schools for the purse seiners). Size data should be provided for all gears and for all species covered by IOTC. Size data sampling should preferably be run under strict and well described random sampling schemes which are necessary to provide unbiased figures for the sizes taken. The exact recommended level of sampling could vary between species (as a function of various parameters), but the specific level of recommended sampling needs to be established by the working party on statistics. More detailed size data, for instance size by individual samples, should also be made available to IOTC when requested by specific working groups, but under strict rules of confidentiality.

Fishing for tunas using floating objects, including fish aggregating devices (FADs)

For a better understanding by IOTC of changing patterns in effective fishing effort by fleets operating in its area of competence, more information has to be obtained. Since the activities of supply vessels and the use of fish aggregating devices (FAD) are an integral part of the fishing effort of the purse seine fleet, the following information should be routinely submitted to IOTC:

Number and characteristics of supply vessels: (i) operating under their flag, (ii) assisting purse seine vessels operating under their flag, or (iii) licensed to operate in their exclusive economic zones, and that have been present in the IOTC area of competence.

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Levels of activity of supply vessels: including number of days at sea, on 1° grid area and month basis.

In addition, contracting parties and cooperating non-contracting parties shall do their best to provide data on the total number and type of fish aggregating devices (FADs) operated by the fleet, on a 5° grid area and month basis.

Timeliness of data submission to IOTC

It is essential that all fishery data be available to the IOTC Secretariat in due time to allow monitoring of stocks and analysis of the data. Thus it is recommended that the following rules be applied as standard obligations:

Surface fleets and other fleets operating in coastal zones (including supply vessels) must provide their fishery data at the earliest possible date but no later than 30 June each year (previous year's data).

Longline fleets operating on the high seas must provide the provisional fishery data at the earliest date, but no later than 30 June (previous year's data). They must provide the final estimate of their fishery data before 30 December each year (previous year's data).

The time limits presently allowed for submitting statistics could be reduced in the future as communication and data processing technologies become ever more rapid, which should reduce the present data processing delays.