

Council Regulation(EC) No 41/2007 of 21 December 2006 fixing for 2007 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 catch limitations are required

[^{F1}CHAPTER Xa

**SPECIAL MEASURES FOR BLUEFIN TUNA IN THE
EASTERN ATLANTIC AND MEDITERRANEAN**

[^{F1}SECTION 3

Control measures

Article 80l

Register of vessels authorised to fish actively for bluefin tuna

- 1 By 14 June 2007, each Member State shall send the Commission electronically a list of all fishing vessels flying its flag authorised to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea by issue of a special fishing permit.
- 2 The Commission shall send this information to the ICCAT Executive Secretariat before 15 June 2007 so that those vessels can be entered on the ICCAT record of vessels authorised to fish for bluefin tuna.
- 3 Those Community fishing vessels concerned by this Article and not entered into the ICCAT record may not fish for, retain on board, tranship, transport, transfer or land bluefin tuna in the eastern Atlantic and Mediterranean Sea.
- 4 Article 8a(2), (4), (6), (7) and (8) of Regulation (EC) No 1936/2001 shall apply mutatis mutandis.

Article 80m

Register of tuna traps authorised to fish for bluefin tuna

- 1 By 14 June 2007, each Member State shall send the Commission electronically a list of its authorised tuna traps authorised to fish for bluefin tuna in the eastern Atlantic and Mediterranean Sea by issue of a special fishing licence. The list shall include the name of the traps and the register number.
- 2 The Commission shall send the list to the ICCAT Executive Secretariat before 15 June 2007 so that these tuna traps can be entered on the ICCAT record of tuna traps authorised to fish for bluefin tuna.
- 3 Community tuna traps not entered into the ICCAT record may not fish for, retain, tranship or land bluefin tuna in the eastern Atlantic and Mediterranean Sea.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EC) No 41/2007. 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

4 Article 8a(2), (4), (6), (7) and (8) of Regulation (EC) No 1936/2001 shall apply *mutatis mutandis*.

Article 80n

Designated ports

1 It shall be prohibited to land and or tranship from vessels referred to in Article 80l any quantity of bluefin tuna fished in east Atlantic and Mediterranean Sea at any place other than ports designated by CPCs and by Member States.

2 Member States shall designate a place to be used for landing or a place close to the shore (designated ports) where landing or transhipment operations of bluefin tuna are permitted.

3 Member States shall transmit to the Commission no later than 14 June 2007 a list of designated ports. The Commission shall send this information to the ICCAT Executive Secretariat before 15 June 2007. Any subsequent changes to the list shall be notified to the Commission for transmission to the ICCAT Executive Secretariat, at least 15 days before the change shall come into force.

Article 80o

Transhipment

1 By way of derogation from Article 11 of Regulation (EEC) No 2847/93 transhipment at sea of bluefin tuna in the east Atlantic and Mediterranean Sea shall be prohibited, except for large-scale tuna longline fishing vessels operating in accordance with ICCAT Recommendation 2005(06) establishing a programme for transhipment for large-scale tuna longline fishing vessels, as amended.

2 Prior to entry into any port, the master of the receiving vessel (catching vessel or processing vessel) or his representative, shall provide the competent authorities of the Member State whose port he wants to use at least 48 hours before the estimated time of arrival with the following:

- a estimated time of arrival;
- b estimated quantity of bluefin tuna retained on board;
- c information on the geographical areas where the catches of bluefin tuna to be transhipped were taken;
- d the name of the catching vessel which delivers the bluefin tuna and its number in the ICCAT record of authorised fishing vessels for bluefin tuna;
- e the name of the receiving vessel, its number in the ICCAT record of authorised fishing vessels for bluefin tuna;
- f the tonnage of bluefin tuna to be transhipped.

3 Catching fishing vessels shall not be allowed to tranship, unless they have obtained prior authorisation from their flag State.

4 The master of the catching vessel shall, before the transhipment starts, inform its flag State of the following:

- a the quantities of bluefin tuna to be transhipped;
- b the date and port of the transhipment;

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- c the name, registration number and flag of the receiving vessel and its number in the ICCAT record of authorised fishing vessels for bluefin tuna;
- d the geographical area of the tuna catches.

5 The competent authority of the Member State in which port the transshipment takes place shall inspect the receiving vessel on arrival and check the cargo and documentation related to the transshipment operation.

6 The competent authority of the Member State of which port the transshipment takes place shall send a record of the transshipment to the flag State authority of the catching vessel, within 48 hours after the transshipment has ended.

7 The masters of a Community vessel referred to in Article 80l shall complete and transmit the ICCAT transshipment declaration to the competent authorities of the Member State whose flag the vessels are flying. The declaration shall be transmitted no later than 15 days after the date of transshipment in port in accordance with the format set out in Part III of Annex XVIa.

Article 80p

Recording requirements

1 In addition to complying with Articles 6 and 8 of Regulation (EEC) No 2847/93, the master of a Community fishing vessels referred to in Article 80l shall enter in the logbook, if applicable, the information listed in Part II of Annex XVIa.

2 The master of a Community vessel referred to in Article 80l engaged in a joint fishing operation shall record the additional information in their logbook:

- a where the catch is taken on board or transferred into cages:
 - the date and the time of the catch taken in a joint fishing operation,
 - the location (longitude/latitude) of the catch taken in a joint fishing operation,
 - amount of catches of bluefin tuna taken on board, or transferred into cages,
 - the name and international radio call sign of the fishing vessel;
- b for those vessels, engaged in a joint fishing operation but not involved in the transfer of fish:
 - the date and the time of the joint fishing operation,
 - the location (longitude/latitude) of the joint fishing operation,
 - state that no catches have been taken on board or have been transferred into cages by that vessel,
 - the name and international radio call sign(s) of the catching fishing vessel(s).

3 Where a catching vessel engaged in a joint fishing operation declares the quantity of bluefin tuna captured by its fishing gear, the master shall indicate, for each catch, for which vessel(s) and flag State(s) against whose quota the catches shall be counted.

4 By way of derogation from the provision of Article 7 of Regulation (EEC) No 2847/93, the master of a Community vessel referred to in Article 80l of this Regulation or his representative shall notify the competent authority of the Member State (including the flag Member State) or the CPC whose ports or landing facility they wish to use at least four hours before the estimated time of arrival at the port, of the following:

- a estimated time of arrival;
- b estimate of quantity of bluefin tuna retain on board;
- c information on the zone where the catches were taken.

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5 In the case of landing in a designated port of a Member State other than the flag Member State, the relevant authority of that Member State shall send a record of the landing to the flag authority of the vessel, within 48 hours after the landing has ended.

Article 80q

Control in port or in farm

1 Member States shall take the necessary measures to ensure that all vessels referred to in ICCAT Record of vessel authorised to fish for bluefin tuna entering a designated port to land and/or tranship bluefin tuna caught in the eastern Atlantic and Mediterranean Sea are submitted to a control in port.

2 Member States shall take the necessary measures to control each caging operation in the fattening or farming farms falling under their jurisdiction.

3 When the fattening or farming farms are located in the High Seas, the provisions of paragraph 2 shall apply, *mutatis mutandis*, to Member States where the natural or legal persons responsible for the fattening or farming farm are established.

Article 80r

Catch reports

1 The master of a catching fishing vessel referred to in Article 80l shall send to the competent authorities of his flag Member State a catch report stating the quantities of bluefin tuna caught by his vessel, including zero catch returns.

2 The report shall for the first time be transmitted at the latest at the end of the 10 days after the entry into Eastern Atlantic and Mediterranean Sea or after the beginning of the fishing trip. In the case of joint fishing operations the master of the catching vessel shall indicate, for each catch, for which vessel or vessels the catches shall be counted against the quota of the Flag State(s).

3 From the date of entry into force of this Regulation, the master of a fishing vessel shall transmit the report on the quantity of bluefin tuna, including zero catch returns on a five days basis.

4 Each Member State shall, upon receipt, forward catch reports by electronic means or other means to the Commission. The Commission shall promptly forward that information to the ICCAT Secretariat.

5 Member States shall inform the Commission, by computer-readable form, before the fifteenth day of each month, of the quantities of bluefin tuna caught in the Eastern Atlantic and Mediterranean Sea which have been landed, transhipped, trapped or caged by the vessel flying their flag during the preceding month.

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Article 80s

Cross-check

1 Member States shall verify, including by using VMS (vessel monitoring system) data, the submission of logbooks and relevant information recorded in the logbooks of their vessels, in the transfer/transshipment document and in the catch documents.

2 The Member States shall carry out administrative cross-checks on all landings, all transshipment or caging between the quantities by species recorded in the vessels logbook or quantities by species recorded in the transshipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoice and/or sales notes.

Article 80t

Caging operations

1 The Member State under whose jurisdiction the fattening or farming farm for bluefin tuna is located shall submit within one week of the completion of the caging operation a caging report, validated by an observer, to the Member State or CPC whose flag vessels have fished the tuna and to the Commission. The Commission shall promptly forward that information to the ICCAT Secretariat. This report shall contain the information included in the caging declaration as referred to in Article 4 b of Regulation (EC) No 1936/2001.

2 When the fattening or farming farms are located in the High Seas, paragraph 1 shall apply, *mutatis mutandis*, to Member States where the natural or legal persons responsible for fattening or farming farms are established.

3 Before any transfer activity, the flag Member State or the flag CPC of the catching vessel shall be informed by the competent authority of the fattening or farming farm Member State of the transfer into cage of quantities caught by fishing vessels flying its flag.

The flag Member State of the catching vessel shall request the competent authority of the fattening or farming farm Member State to proceed to the seizure of the catches and the release of the fish into the sea if it considers on receipt of that information that:

- a the fishing vessel declared to have caught the fish had not sufficient individual quota for bluefin tuna put into the cage or,
- b the quantity of fish has not been duly reported and not taken into account for the calculation of any quota that may be applicable or,
- c the fishing vessel declared to have caught the fish is not authorised to fish for bluefin tuna.

4 The master of a Community fishing vessel shall complete and transmit to the flag Member State or to the flag CPC the ICCAT transfer declaration not later than 15 days after the date of transfer to tug vessels or to the cage, in accordance with the format set out in Part III of Annex XVIa. The transfer declaration shall accompany the transferred fish during transport to the cage.

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Article 80u

Trap activities

1 Catches by trap shall be recorded after the end of every fishing operation in tuna traps and shall be transmitted in a catch record by electronic means or other means within 48 hours after the end of every fishing operation to the competent authority of the Member State where the trap is located.

2 Each Member State shall, upon receipt, forward the catch record by electronic means to the Commission. The Commission shall promptly forward the information to the ICCAT Secretariat.

Article 80v

Observer programme

1 Each Member State shall ensure observer coverage on its fishing vessels over 15m in length for at least:

- a 20 % of its active purse seine vessels. In the case of joint fishing operations, an observer shall be present during the fishing operation;
- b 20 % of its active pelagic trawlers;
- c 20 % of its active longline vessels;
- d 20 % of its active bait boats;
- e 100 % during the harvesting process for tuna traps.

The observer tasks shall be, in particular, to:

- a monitor a vessel compliance with the present Chapter;
- b record and report upon the fishing activity;
- c observe and estimate catches and verify entries made in the logbook;
- d sight and record vessels which may be fishing contrary to ICCAT conservation measures.

In addition, the observer shall carry out scientific work, such as collecting Task II data as defined by ICCAT, when required by ICCAT, based on the instructions from the Standing Committee on Research and Statistics of ICCAT.

2 Each Member State under whose jurisdiction the fattening or farming farm for bluefin tuna is located shall ensure an observer presence during all transfer of bluefin tuna to the cages and all harvest of fish from the farm.

The observer tasks shall be, in particular, to:

- a observe and monitor farming operation compliance in accordance with Article 4a, 4b and 4c of Regulation (EC) No 1936/2001;
- b validate the caging report referred to in Article 80t;
- c carry out such scientific work, for example collecting samples, as required by the International Commission for the Conservation of the Atlantic Tunas based on the instructions from the Standing Committee on Research and Statistics of ICCAT.

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Article 80w

Financing

The special measures for bluefin tuna in the eastern Atlantic and Mediterranean, for the sole purpose of their financing, shall be deemed to be a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002 and shall be eligible under Article 21(a) (i) of Regulation (EC) No 1198/2006 of 27 July 2006 of the European Fisheries Fund⁽¹⁾.

Article 80x

Market measures

1 Community trade, landing, imports, exports, placing in cages for fattening or farming, re-exports and transshipments of eastern Atlantic and Mediterranean bluefin tuna species that are not accompanied by accurate, complete, and validated documentation required by this Chapter shall be prohibited.

2 Community trade, imports, landings, placing in cages for fattening or farming, fattening, processing, exports, re-exports and the transshipment of eastern Atlantic and Mediterranean bluefin tuna (*thunnus thynnus*) caught by fishing vessels whose flag State either does not have a quota, catch limit or allocation of fishing effort for eastern Atlantic and Mediterranean bluefin tuna, under the terms of ICCAT management and conservation measures, or when the flag State fishing possibilities are exhausted, shall be prohibited.

3 Community trade, imports, landings, processing, exports from fattening or farming farms that do not comply with ICCAT Recommendation 2006[07] on bluefin Tuna Farming shall be prohibited.

Article 80y

Conversion factors

The conversion factors adopted by the Standing Committee on Research and Statistics of ICCAT shall apply to calculate the equivalent round weight of the processed bluefin tuna.

Article 80z

ICCAT Scheme of Joint International Inspection

1 The ICCAT Scheme of Joint International Inspection adopted by ICCAT at its Fourth Regular Meeting (Madrid, November 1975) shall apply in the Community. The text of the scheme is reproduced in Part IV of Annex XVIa.

2 Member States whose fishing vessels are authorised to fish bluefin tuna in the eastern Atlantic and Mediterranean Sea shall assign inspectors to carry out inspections at sea.

3 The Commission or a body designated by it may assign Community inspectors to the Scheme.

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4 The Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Community. It may draw up, in concert with the Member States concerned, joint inspection programmes for that purpose which will enable the Community to fulfil its obligation under the Scheme. The Member States whose vessels are engaged in fishery on bluefin tuna shall adopt the necessary measures to facilitate the implementation of these programmes particularly as regards the human and material resources required and the periods and zones when these are to be deployed.

5 Member States shall inform the Commission by 14 June 2007 of the names of the inspectors and the inspection vessels they are intending to assign to the Scheme during the following year. Using this information the Commission shall draw up, in collaboration with the Member States, a forward plan for Community participation in the Scheme in 2007, which it shall send to the ICCAT Secretariat and the Member States.]

Textual Amendments

- F1** Inserted by [Council Regulation \(EC\) No 643/2007 of 11 June 2007 amending Regulation \(EC\) No 41/2007 as concerns the recovery plan for bluefin tuna recommended by the International Commission for the Conservation of Atlantic Tunas.](#)

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(1) [^{F1}[OJ L 223, 15.8.2006, p. 1.](#)]

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Changes and effects yet to be applied to :

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