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

COUNCIL REGULATION (EC) No 869/2004

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

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,

Having regard to the opinion of the European Parliament[(1)],

Whereas:

(1) The International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as ICCAT) has adopted a number of recommendations and the Indian Ocean Tuna Commission (hereinafter referred to as IOTC) has adopted a number of resolutions creating control and surveillance obligations, which have been transposed in Regulation (EC) No 1936/2001[(2)].

(2) ICCAT at its 17th meeting in 2001 and its 13th special meeting in 2002 and IOTC at its 6th and 7th regular meetings in 2001 and 2002 recommended new control measures for certain stocks of highly migratory species. These recommendations and resolutions are binding on the Community and should therefore be implemented.

(3) Regulation (EC) No 1936/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1936/2001 is hereby amended as follows:

1. in Article 3 the following points shall be added:

   (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.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 869/2004. (See end of Document for details)*

2. the following Articles shall be inserted:

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 transhipment 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[(3)] 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[(4)];

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.

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,

— 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.

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.

3. Article 5 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

1. 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.

(b) In paragraph 2, the introductory sentence shall be replaced by the following:

2. 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.

4. the following paragraph shall be inserted in Article 6:

1a) 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.

5. The following Article shall be inserted:

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.

6. the following Articles shall be inserted:

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 transhipment.

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 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;