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

COUNCIL REGULATION (EC) No 1984/2003

of 8 April 2003

introducing a system for the statistical monitoring of trade in [F1bluefin tuna] swordfish and bigeye tuna within the Community

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) Since 14 November 1997, and following the adoption of Council Decision 86/238/EEC(3), the Community has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas signed in Rio de Janeiro on 14 May 1966, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed at Paris on 10 July 1984 (hereinafter called the 'ICCAT Convention').

(2) The ICCAT Convention provides a framework for regional cooperation in the conservation and management of tuna stocks and tuna-like species in the Atlantic Ocean and adjacent seas through the establishment of an International Commission for the Conservation of Atlantic Tunas, hereinafter called the 'ICCAT', and the adoption by the latter of conservation measures which become binding on the contracting parties.

(3) As part of the measures to regulate stocks of bigeye tuna and swordfish, improve the quality and reliability of statistical data and control the spread of illegal fishing, the ICCAT has adopted recommendations on the introduction of statistical document programmes for bigeye tuna and Atlantic swordfish. Since these recommendations have become binding on the Community, they need to be put into effect.

(4) Council Decision 95/399/EC(4) approved the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission. This Agreement constitutes a framework for strengthening international cooperation for the purpose of conserving and making rational use of Indian Ocean tuna and related species through the establishment of the Indian Ocean Tuna Commission, hereinafter called the 'IOTC' and the adoption by the latter of resolutions on conservation and management in the area of competence of the IOTC which become binding on the contracting parties.

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 1984/2003. 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) The IOTC has adopted a resolution establishing a statistical document programme for bigeye tuna. As this resolution has become binding on the Community, it needs to be put into effect.

(6) The recommendations and resolution on a statistical document programme for bluefin tuna adopted previously by the ICCAT have been incorporated in Community law by Council Regulation (EC) No 858/94 of 12 April 1994 introducing a system for the statistical monitoring of trade in bluefin tuna (*Thunnus thynnus*) within the Community[(5)]. In order to ensure that the provisions on statistical documents are more easily readable and applied uniformly, Regulation (EC) No 858/94 should be repealed and all the relevant provisions brought together in this Regulation.

(7) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(6)],

HAS ADOPTED THIS REGULATION:

Textual Amendments

F1 Deleted by Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna Thunnus thynnus and amending Council Regulation (EC) No 1984/2003.

CHAPTER 1

GENERAL PROVISIONS

Article 1

Object

This Regulation lays down general rules and conditions for the application by the Community of:

(a) the statistical document programmes for **[**[F1]bluefin tuna (*Thunnus thynnus*)**]**, swordfish (*Xiphias gladius*) and bigeye tuna (*Thunnus obesus*) adopted by the 'ICCAT';

(b) the statistical document programme for bigeye tuna (*Thunnus obesus*) adopted by the 'IOTC'.

Textual Amendments

F1 Deleted by Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna Thunnus thynnus and amending Council Regulation (EC) No 1984/2003.

***Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 1984/2003. 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*

Article 2

Scope

This Regulation shall apply to **[**[F1]bluefin tuna**]**, swordfish and bigeye tuna as referred to in Article 1:

(a) caught by a Community vessel or producer, or

(b) imported into the Community, or

(c) exported or re-exported from the Community to a third country.

This Regulation shall not apply to bigeye tuna taken by seiners or baitboats and intended mainly for the canning industry in the areas of application of the Agreement for the establishment of the Indian Ocean Tuna Commission (hereinafter called 'the IOTC Agreement') and the ICCAT Convention.

Textual Amendments

F1 Deleted by Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna Thunnus thynnus and amending Council Regulation (EC) No 1984/2003.

Article 3

Definitions

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

(a) **[**[F1]. . . . .**]**

(b) swordfish: fish of the species *Xiphias gladius* falling within the TARIC codes listed in Annex II;

(c) bigeye tuna: fish of the species *Thunnus obesus* falling within the TARIC codes listed in Annex III;

(d) fishing: capture by a vessel with a view to landing, transhipment or placing in a cage or by a producer using a tuna trap net, of any fish belonging to one of the species listed in Article 1;

(e) Community producer: natural persons or legal entities using the means of production for obtaining fishery products with a view to first-stage marketing;

(f) importation: the customs procedures referred to in Article 4, points 16(a) to 16(f), of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code[(7)]**[**[F2];**]**

(g) **[**[F3]large-scale fishing vessel: fishing vessel 20 metres in length overall or greater;

(h) large-scale pelagic longline vessel: pelagic longline vessel 24 metres in length overall or greater.**]**

Changes to legislation: *There are outstanding changes not yet made to Council Regulation (EC) No 1984/2003. 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*

Textual Amendments

F1 Deleted by Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna Thunnus thynnus and amending Council Regulation (EC) No 1984/2003.

F2 Substituted by Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

F3 Inserted by Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

CHAPTER 2

STATISTICAL MONITORING

Section 1

Requirements on Member States in respect of imports

Article 4

Statistical document for importation

1 All quantities of fish belonging to one of the species referred to in Article 1 imported from a third country into the territory of the Community shall be accompanied by a statistical document drawn up in accordance with the specimen shown at:

— **[**[F1]. . . . .**]**

— Annex V in the case of swordfish,

— Annex VI or Annex VII in the case of bigeye tuna.

2 A statistical document shall:

a contain all the information specified in the relevant Annexes referred to in paragraph 1 and all the signatures required by the appropriate operators, who shall be answerable for the declarations made therein;

b be validated:

(i) where the fishing has been carried out by a vessel: by a civil servant duly approved by the flag State of the vessel which carries out the fishing or by any other person or institution duly approved by that State. In the case of the third countries listed in Annex IVb, validation may be undertaken by an institution recognised for that purpose by that country;

(ii) where the fishing has been carried out using a trap net: by a civil servant duly approved by the State in whose territorial waters the catch has been taken;

***Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EC) No 1984/2003. 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*

(iii) in the case of swordfish, **[**F1bluefin tuna**]** and bigeye tuna caught by a vessel operating under a charter agreement: by a civil servant or any other person or institution duly approved by the exporting State;

(iv) in the case of bigeye tuna caught by one of the vessels listed in Annexes VIIIa and VIIIb: by a Japanese or Taiwanese government official or by any other person duly approved for that purpose by the Governments of those countries**[**F2;**]**

[F3c if the fishing has been carried out by a large-scale fishing vessel, be accepted only when that vessel is on the ICCAT record of vessels.**]**

3 The statistical document shall be delivered to the competent authorities of the Member State in which the product is imported.

4 The Member States shall ensure that their customs authorities or other competent official agents request and examine all documents, including the statistical document, for imports of fish belonging to one of the species referred to in Article 1.

Those authorities may also examine the content of any cargo in order to verify the accuracy of the information contained in those documents.

5 The importation of fish belonging to one of the species referred to in Article 1 shall be prohibited where the cargo concerned is not accompanied by the statistical document for the relevant importation, validated and completed in accordance with paragraphs 1 and 2.

Textual Amendments

F1 Deleted by Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna Thunnus thynnus and amending Council Regulation (EC) No 1984/2003.

F2 Substituted by Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

F3 Inserted by Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

Section 2

Requirements on Member States in respect of exports

Article 5

Statistical document for exportation

1 All quantities of fish belonging to one of the species referred to in Article 1 caught by a Community vessel or taken by a Community producer and exported to a third country shall be accompanied by a statistical document drawn up in accordance with the specimen shown at:

— **[**F1. . . . .**]**