

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

(2002/C 291 E/12)

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(Submitted by the Commission on 24 July 2002)

EXPLANATORY MEMORANDUM

The European Community participates in a number of regional fisheries organisations (RFOs) which provide a framework for regional cooperation on the conservation and management of fishery resources.

Since 14 November 1997 the Community has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas (hereinafter called the ICCAT Convention).

The Community has also approved the Agreement for the establishment of the Indian Ocean Tuna Commission (hereinafter called IOTC).

The control measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the IOTC were transposed by Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish ⁽¹⁾.

New control measures have been adopted by the ICCAT for certain stocks of highly migratory species in the Atlantic and the Mediterranean, and by the IOTC for such species in the Indian Ocean.

The purpose of this proposal is thus to transpose these new measures into Community law by amending Regulation (EC) No 1936/2001.

The Commission proposes that the Council adopt this proposal.

⁽¹⁾ OJ L 263, 3.10.2001, p. 1.

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,

Whereas:

- (1) The International Commission for the Conservation of Atlantic Tunas (hereinafter called the ICCAT) has adopted a number of recommendations and the Indian Ocean Tuna Commission (hereinafter called the IOTC) has adopted a number of resolutions creating control and surveillance obligations, which have been transposed in Regulation (EC) No 1936/2001 ⁽¹⁾.
- (2) In 2001, the ICCAT at its 17th meeting and the IOTC at its sixth ordinary meeting 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 amended as follows:

1. Article 5 is amended as follows:

- (a) Paragraph 1 is replaced by the following:

'1. Member States shall transmit to the Commission, which in turn will transmit to the ICCAT Executive Secretariat in electronic form the annual nominal catch data (task I as defined by the ICCAT) for the species indicated in Annex II. No later than 30 June of the following year, the Member States shall transmit to the Commission, for scientific purposes, the definitive estimates for the entire year or, where this is not possible, preliminary estimates.'

⁽¹⁾ OJ L 263, 3.10.2001, p. 1.

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

'2. Before 31 July each year, the Member States shall transmit the following data (task II as defined by the ICCAT) in electronic form, with electronic access for the Commission, to the ICCAT Executive Secretariat.'

2. The following paragraph is inserted after Article 6(1):

'1a. The Member States shall transmit to the ICCAT Executive Secretariat in electronic form, for scientific purposes, data on catches and effort as defined by the ICCAT, in particular estimates of discards of dead porbeagle, shortfin mako and blue sharks.'

3. The following Article is inserted after Article 6:

'Article 6a

Information on catches of white marlin and blue marlin

1. Masters of Community vessels shall record each day in their logbook information on the release of white and blue marlin, whether alive or dead, by sector not exceeding 5° longitude by 5° latitude, and shall indicate in their landing statements the number or weight of white marlin and blue marlin landed.

2. The Member States shall transmit in electronic form to the Commission, for scientific purposes, the data on catches, including release, and landings of white and blue marlin. No later than 30 June of the following year, the Member States shall transmit the definitive estimates for the entire year or, where this is not possible, preliminary estimates.'

4. In Article 9(1), '15 June' shall be replaced by '15 August'.

5. The following Article is inserted after Article 9:

'Article 9a

Annual statement on the application of the ICCAT management standards by large longliners

Before 15 August each year, Member States with longliners of a length overall of more than 24 metres authorised to fish in the Convention area shall transmit to the Commission the Annual statement on the application of the ICCAT management standards by large longliners, using the specimen set out in Annex III.'

6. The following Article is inserted after Article 19:

'Article 19a

Measures to combat illegal, unregulated and undeclared fishing

Each Member State shall ensure, in accordance with its national legislation, that importers, transporters and other operators refrain from participating in the trade in and transshipment of tuna and tuna-like fish caught by vessels whose fishing activities are illegal, unregulated or undeclared, in particular all fishing that does not comply with the relevant management and conservation measures adopted by the ICCAT.'

7. The following Articles are inserted after Article 20:

'Article 20a

Transmission of statistics for scientific purposes

1. The Member States shall transmit the following data in electronic form, with electronic access for the Commission, to the Secretariat of the IOTC, in accordance with the procedures for submission of statistics referred to in Annex IV:

- (a) data on fishing effort and catches of the species referred to in Article 1 for the previous year,
- (b) data on the sizes of the species referred to in Article 1 for the previous year,
- (c) data on tuna fishing using floating objects, including devices for aggregating the fish.

2. The Member States shall set up a computerised database containing the statistical data provided for in paragraph 1, to which the Commission shall have electronic access.

Article 20b

Community participation

1. Only Community fishing vessels holding a special fishing licence issued by their flag Member State shall be authorised to fish in the IOTC area, on the terms set out in the licence.

2. The Member States shall transmit to the Commission in electronic form a list of all the vessels flying their flag and registered in the Community with a length overall of more than 24 metres, or more than 20 metres between perpendiculars, authorised to fish in the IOTC area, indicating the target species of each vessel, and any amendments to that list.

This list shall be transmitted no later than 1 January each year and, in the case of amendments, at least five days before the vessel enters the area. The Commission shall forward this information to the Secretariat of the IOTC as soon as possible.

3. The list referred to in paragraph 2 shall contain the following information:

- (a) the internal number allocated to each vessel in the fishing vessel register, in accordance with Article 5 of Commission Regulation (EC) No 2090/98 (*),
- (b) previous flag(s), if any,
- (c) the name and address of the owner(s), operator(s) and/or charterer(s).

(*) OJ L 266, 1.10.1998, p. 27.

Article 20c

Marking of fishing gear

1. The Member States shall ensure that gear used by the fishing vessels flying their flags and authorised to fish in the IOTC area is marked as follows: the ends of nets, lines and gear in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent.

2. Marker buoys and similar floating objects intended to indicate the location of fixed fishing gear shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel(s) to which they belong.

3. Fish aggregating devices must be clearly marked at all times with the letter(s) and/or number(s) of the vessel(s) to which they belong.'

8. The following Article is inserted after Article 21:

'Article 21a

Monitoring fishing activity

Article 18 shall apply *mutatis mutandis*.'

9. The Annex to this Regulation is added as Annexes III and IV.

Article 2

This Regulation shall enter into force on the seventh day following 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

'ANNEX III

Attachment II

SPECIMEN FORM FOR THE

**ANNUAL DECLARATION OF APPLICATION OF THE ICCAT MANAGEMENT STANDARDS BY LARGE
LONGLINERS****(a) Management at the fishing grounds**

	Boarding of scientific observers	Vessel satellite monitoring system	Daily or periodic reporting of catches	Reporting of entry/ departure
YES/NO				
Note	%	% or number of vessels	Method	Method

(b) Management of transshipments (from the fishing ground to the 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	

ANNEX IV

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 the 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 the 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 the 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 the IOTC. Size data sampling should preferably be run under strict and well described random sampling schemes which are necessary to provide unbiased figures of 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 the IOTC when requested by specific working groups, but under strict rules of confidentiality.

Fishing for tunas in association with floating objects including Fish Aggregating Devices (FADs)

For IOTC to understand better changing patterns in effective fishing effort in respect of 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 exerted by the purse seine fleet, the following information should be routinely submitted to the 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.

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

In addition, Contracting Parties and Cooperating Non-Contracting Parties shall make their best endeavours to provide data on the *total number and type of Fish Aggregating Devices (FADs)* operated by the fleet by 5° grid area and month basis.

Timeliness of data submission to the IOTC

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

Surface fleets and other fleets operating in coastal zone (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 delays presently required to submit statistics could be reduced in the future because of the development of communication and data processing technologies, which should reduce the present data processing delays.'
